



City Commission Regular Meeting Minutes

August 12, 2020 at 3:30 p.m.

Virtual Meeting

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 3:45 p.m.

2. Invocation and Pledge of Allegiance

Reverend F. Stuart Shelby, All Saints Episcopal Church, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

4. Citizen Budget Comments

5. Mayor's Report

6. City Manager's Report

a. 90-day Report

b. CIP Report

c. Budget Update and Commission Work Sheet

Mr. Knight asked that Commission members complete and return the work sheet listing their changes to the budget for discussion in the next commission meeting. He reviewed state revenue projections and options to offset the reduced revenue and responded to questions.

d. Presentation - Winter Park Economic Study

Betsy Gardner Eckbert, President of Winter Park Chamber of Commerce, introduced Valerie Seidel, President and Principal Economist for Balmoral Group, who was retained to conduct an economic analysis of COVID19 on the economy.

Valerie Seidel gave a presentation on the background and results of a survey showing impacts to different services, employment, tax revenue and potential future impacts. She summarized the city's mitigation efforts and future mitigation options.

Commissioner Weaver spoke in favor of increased mask wearing, on-street dining with changes to Park Avenue and support for non-profits. Members of the commission expressed their appreciation for this study.

Ms. Eckbert reviewed the efforts of THRIVE, an organization formed to address needs due to the COVID pandemic and asked for support to create an economic recovery task force to identify and build mitigation strategies.

Commissioner Sullivan asked for timely and continual updates on strategies and for a liaison to keep the Commission informed. Mr. Knight stated that Ms. Neuner has been leading the team of city staff and has been in discussions with the Chamber.

In-depth discussion ensued on the committee and the need for a strategic plan with city expenditures to be approved by/through proper channels. Ms. Eckbert stated she will provide updates to the Commission as requested.

7. City Attorney's Report

Attorney Ardaman advised that the Executive Order to allow virtual meetings was extended through October 1st. He stated that the OAO litigation is still in the discovery phase and that the city's Motion to Dismiss is pending.

8. Non-Action Items

9. Citizen Comments (heard after Item 10)

10. Consent Agenda

- a. Approve the minutes of Work Session, July 20, 2020
- b. Approve the minutes of Regular Meeting, July 22, 2020
- c. Approve the minutes of Work Session, July 23, 2020
- d. Approve the following piggyback contract:
 1. Airgas USA, Inc. - City of Melbourne Contract #03-016-0-2020-AV - Liquid Oxygen; \$180,000
- e. Approve the following purchase:
 1. Felix Associates of Florida - After the fact Change for additional costs to mill and overlay side streets along Fairbanks Avenue; \$123,110.33
- f. Approve the following contract item:
 1. Fishback Dominick - RFP-16-2015 - Attorney Services; Increase authorized funding for the remainder of FY 2020 services; \$250,000
- g. Approve the following:
 1. Scope of Work for Progress Point Conceptual Design & Greenway Connection Plan and authorize the City Manager to execute a contract with ACi Architects; not to exceed \$160,000 **(Pulled by Mayor Leary)**

In response to Mayor Leary, Attorney Ardaman advised him that although he was not present at the work sessions, he must vote on the minutes of those meetings.

Motion made by Mayor Leary to approve the Consent Agenda Items (a-f); seconded by Commissioner Cooper.

Mayor Leary commented on Item (g) stating he feels it is inappropriate to spend up to \$160,000 at this time.

Motion made by Commissioner Weaver to approve Consent Agenda Item (g); seconded by Commissioner DeCiccio.

There were no public comments.

Upon a roll call vote to approve Consent Agenda Item (g), Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Upon a roll call vote to approve Consent Agenda Items (a-f), Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

9. Citizen Comments

Tracy Klinger, 119 E. Morse Blvd., thanked the City and the Chamber for their efforts to support area businesses.

Frank Hamner, 1011 Wymore Road, said he feels individual commissioner reports should be at the beginning of the meeting.

Lawanda Thompson, 664 W. Lyman Avenue, agreed with Mr. Hamner. She asked for an audit of customers who received financial assistance for utility bills. She spoke in favor of single-member districts to provide neighborhood representation and for bringing it to a vote.

Hannah Dela, 712 Teal Lane, spoke in favor of single-member districts. She commented on the difficulty she experienced when trying to provide input in this meeting.

Chelsea Baker, 1336 Herndon Drive, Orlando, supported single member districts for better minority representation and for bringing it to a vote. She said she had difficulty in participating in this meeting.

11. Action Items Requiring Discussion

a. Purchase of 2410 Winter Park Road for Stormwater purposes

Troy Attaway, Director of Public Works, provided information on stormwater issues in the South Winter Park Road area. The City negotiated a contract to purchase the property at 2410 Winter Park road for \$600,000 to create a detention facility that would help to resolve drainage issues in the area. The purchase will be funded from the Stormwater Fund.

Motion made by Commissioner Weaver to approve the purchase as presented; seconded by Commissioner Sullivan. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

12. Public Hearings

- a. ORDINANCE 3178-20: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE IV OF CHAPTER 62 OF THE CITY'S CODE OF ORDINANCES, PROVIDING FOR REGULATIONS REGARDING CONSTRUCTION AND RELATED NOISE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the resolution by title.

George Wiggins, Director of Building and Permitting, explained that the ordinance was revised from first reading to simplify the waiver of construction hours in certain circumstances

Motion made by Commissioner Sullivan to adopt the ordinance on second reading, seconded by Commissioner DeCiccio. 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 3179-20: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, 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 READOPTION OF THE CITY OF WINTER PARK ORDINANCE 3170-20 (RESCISSION ORDINANCE); PROVIDING FOR NON-CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the resolution by title.

Motion made by Commissioner Weaver to adopt the ordinance on second reading, seconded by Commissioner DeCiccio.

The following spoke in opposition to this ordinance:

- Frank Hamner, 1011 N. Wymore Road
- Michelle Heatherly, 940 Canton Avenue, Demetree Global

Commissioner Cooper pointed out that this moratorium does not prohibit development under existing city codes. She questioned the process followed to adopt this and prior moratoriums and suggested a policy to address future moratoriums. Mr. Ardaman advised that this should not be discussed at this time due to pending litigation.

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

c. Request of City of Winter Park for:

An Ordinance to adopt the Orange County Fertilizer Regulations, by reference. (First Reading)

Attorney Ardaman read the ordinance by title.

Jeff Briggs, Planning Manager, provided the background of this ordinance to adopt Orange County's regulations by reference.

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

Motion made by Commissioner Cooper to amend the motion to include the adoption of Orange County's fines; seconded by Commissioner Sullivan.

Commissioner Sullivan asked that staff develop a plan to educate the public on the requirements of this ordinance. Approved by consensus.

There were no public comments.

Upon a roll call vote of the motion to include Orange County's fines, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote of the motion to approve the ordinance on first reading as amended, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

d. Request for Voluntary Annexation of:

Seven (7) properties on Kentucky Avenue, cumulatively measuring approximately 1.1 acres. These properties are being voluntarily annexed into the City by the property owner. (First Reading)

Attorney Ardaman read the ordinance by title.

Mr. Briggs reviewed this request for voluntary annexation which will allow the property owner to ultimately combine these properties and the property fronting on Fairbanks Avenue to create one site for redevelopment. He pointed out that there is a street lighting district for Kentucky Avenue and that the ordinance will be revised for second reading to contain a provision for the owner to continue making payment to Orange County. He responded to questions on current zoning, land use and density and the owner's development plans.

Commissioner Cooper stated there are very specific rules and policies for annexations. She suggested tabling this and scheduling a work session to discuss annexation policies. Commissioner Weaver agreed.

Discussion ensued on intent to create a viable development site and potential uses and impact of annexing these properties at this time.

There were no public comments.

Motion made by Commissioner Cooper to table this ordinance for one month; seconded by Commissioner Weaver.

Motion made by Commissioner Weaver to schedule a work session to discuss annexations to meet 30-day timeline to reschedule public hearing seconded by Commissioner Cooper. (No vote was taken - approved by consensus).

Upon a roll call vote on the motion to table this item for one month, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

13. City Commission Reports:

Commissioner Sullivan

No report

Commissioner DeCiccio

- Received comments from board members to hold live meetings and said she feels it should be the decision of each board. After discussion, consensus was to continue virtual meetings for all boards.
- Asked for a work session to discuss the budget prior to public hearings. Approved by consensus.

Commissioner Cooper

- Advised that the deadline to apply for utility bill assistance is Friday, August 14th.
- Commented on CARES Act funding, direct funding to and appropriate use of funds.
- Encouraged the Commission to do a self-guided tour of the OAO district and asked for the format of the OAO worksession on August 13th. Mr. Stephenson reviewed the agenda and format.

Commissioner Weaver

- Presented a request from the Womens' Club for residents to contribute a recycled brick as part of its 100th anniversary and expressed support for their funding request from the CRA.
- Explained the process for voting parameters for neighborhood streetscape improvements/assessments which he feels are unrealistic and asked that this be placed on a future agenda for discussion. Approved by consensus.
- Recommended that a member of the Commission be designated to participate in negotiations of the purchase of the post office property and suggested Commissioner Cooper. After discussion, approved by consensus.
- Addressed single-member districts stating he feels it is unfair to ask residents to obtain petitions during the pandemic and urged the Commission to take the steps to place on a ballot. Consensus was to place on a future agenda.

Mayor Leary

No report.

14. Summary of Meeting Actions

- Keep Commission apprised of THRIVE strategies to help businesses with staff bringing bring forward policy and major funding issues to the Commission.
- Approved the purchase of 2410 Winter Park Road.
- Adopted ordinance on construction noise.
- Adopted ordinance for temporary moratorium in the OAO.
- Approved the ordinance on first reading adopting Orange County's fertilizer regulations by reference with an amendment to include and match its fine structure. Directed staff to educate the public on the regulations.
- Tabled voluntary annexation request for one month and asked for a work session to discuss annexations.
- Directed city boards to continue to hold virtual meetings.
- Asked to schedule a work session on the budget.
- Directed staff to prepare a policy on street bricking and other neighborhood assessment programs and place on a future agenda.
- Designated Commissioner Cooper to work with staff on the negotiations for the purchase of the post office.
- Asked that single-member districts be placed on a future agenda.

The meeting adjourned at 6:53 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis