



City Commission Regular Meeting Minutes

September 23, 2020

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 Dan Langley
City Clerk Rene Cranis

1) Meeting Called to Order

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

2) Invocation and Pledge of Allegiance

Randy Robertson, Gladdening Light, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Mr. Knight advised that the Chamber of Commerce asked to make a presentation relating to Consent Agenda Item f. Consensus was to move Item f to Action Items Requiring Discussion Item a.

Mr. Knight advised that no action is needed on Public Hearing Item c. since the extension of the conditional use is automatically granted pursuant to State law.

Motion made by Commissioner DeCiccio to approve the agenda as revised; seconded by Commissioner Sullivan. Motion carried with a 4-1 vote. Commissioner Cooper voted no.

4) Mayor's Report

5) City Manager's Report

Parking Code Modifications

Mr. Stephenson gave a presentation on the CBD parking code which currently requires businesses to provide owned parking as opposed to leased parking which is permitted elsewhere and said that allowing shared/leased parking would require a modification

to the code. He asked for consideration to defer or allow long-term payment of impact fees paid by restaurants for additional seating to reduce the financial burden.

Staff responded to questions on shared/leased parking and discussion followed on the impact of modifications. Consensus was to have staff review and provide information and options to the Commission to determine next steps.

a. 90-Day Report

Annexation Work Session - Commissioner Cooper recommended that staff determine the appropriate time to complete a cost benefit analysis on the annexation reserve area.

Florida Building Code - Commissioner Cooper asked staff to look at local amendments relating to underground parking garages.

Mr. Knight stated that two work sessions are needed, one for single member districts and the second on annexations. After discussion, consensus was to schedule the work session on single member districts for October 8th and a separate work session on annexations.

6) **City Attorney's Report**

7) **Non-Action Items**

8) **Citizen Comments | 5 p.m. or soon thereafter (heard after Item 10)**

9) **Consent Agenda**

- a. Approve cancellation of regular meetings of November 25th and December 23rd due to their close proximity to Thanksgiving and Christmas respectfully.
- b. Approve the minutes of the regular meeting, September 9, 2020
- c. Approve the minutes of the work session, September 10, 2020
- d. Approve the following HIDTA Pass-through Purchases - Purchase orders for specialized, confidential investigative services and facility expenses; \$80,000, \$85,000, \$185,000 and an additional purchase order for \$195,000 for facility expenses of HIDTA.
- e. Approve Interlocal Agreement for Lake Killarney Aquatic Plant Management
- f. Business Assistance Funding (**moved to Action Items Requiring Discussion**)

Motion made by Commissioner Cooper to approve Consent Agenda Items a-e; seconded by Commissioner Weaver. Motion carried with a 5-0 vote.

10) **Action Items Requiring Discussion**

- a. Business Assistance Funding (Moved from Consent Agenda, Item f)

Betsy Gardner Eckbert, Winter Park Chamber of Commerce gave an update on the efforts of the Economic Recovery Task Force.

Drew Madsen, Task Force and Economic Development Advisory Board member, gave a presentation on economic impact of the pandemic and reviewed the Task Force's role and guiding principles. He presented questions for consideration and next steps including a direct mailing of upcoming events and mask-wearing campaign.

Commissioner Sullivan expressed support for the promotion and enforcement of healthy actions to reduce the potential impact of a second wave and urged the Task Force to look beyond strictly economic activities.

Commissioner Weaver agreed with Commissioner Sullivan. He expressed concern that accommodating curbside pickup will restrict the location of tables for outdoor dining and opposed street closures.

Commissioner Cooper suggested a establishing a portal or e-mail for the public to submit ideas and comments. She spoke in favor of allowing expanded outdoor dining with agreement by adjacent business owners.

Commissioner DeCiccio asked for clarification on the City Manager's spending authority of the approved \$500,000 CRA funds. Mayor Leary stated the City Manager has up to \$75,000 purchasing authority and suggested establishing a single purchase limit for these funds. Discussion followed on funding and spending limitations.

Commissioner Cooper questioned the need for the CRA Agency to approve expenditures and encouraged distribution of monthly reports which include upcoming events which can be approved in advance by the Commission.

Mr. Langley advised that \$500,000 has been allocated by the CRA Agency and any modifications must go back to the Agency for approval. Agency approval is also required if the allocation was contingent upon approval of funding.

Consensus was to schedule a CRA Agency meeting to determine City Manager's spending limit, move forward with an initial/pilot street closure in October with details to be finalized and pending financial approval, and move forward with the mask-wearing campaign using city funds if CRA funds are not approved in the CRA Agency meeting.

12) Millage Rate and Budget Public Hearings (held after 5:00 p.m.)

ORDINANCE 3183-20 - 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 0.1263 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 0.3025 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 & 2020. (Second Reading)

ORDINANCE 3184-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 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, 2020; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. (Second Reading)

A simultaneous public hearing was held on these ordinances

Mayor Leary stated the millage rate needed for FY21 to generate the same property tax revenue as in FY20 is 3.9509 mills. The proposed budget with amendments generally agreed to by the City Commission requires a millage rate of 4.0923 which has been the rate levied by the city for the last 12 years. The proposed millage of 4.0923 mills would represent 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 Langley read the ordinances by title.

Motion made by Commissioner Sullivan to adopt the millage ordinance as presented; seconded by Commissioner Cooper.

Motion made by Commissioner Sullivan to approve the budget ordinance as presented; seconded by Commissioner Cooper.

Motion made by Mayor Leary to amend the millage rate ordinance to adopt the roll back rate of 3.9509. Motion failed for lack of second.

Motion made by Mayor Leary to amend the millage rate ordinance to adopt a millage rate of 3.9937 and include the employee pay increase approved on first reading. Motion failed for lack of second.

Mayor Leary stated the City is going to adopt an operating millage of 4.0923 which represents a property tax levy that is 3.58% higher than the rolled-back rate of 3.9509 mills due to increases in assessed property values.

William Sullivan, 1362 Richmond Road, thanked the Commission for listening to the public and maintaining the millage rate although he would have preferred a lower rate due to the financial difficulties of residents during the pandemic.

Upon a roll call vote on the motion to adopt the millage rate ordinance as presented, 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 on the motion to adopt the budget ordinance as presented, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

8) Citizen Comments | 5 p.m. or soon thereafter

No citizen comments.

Mayor Leary declared a recess at 5:37 and reconvened the meeting at 5:52 p.m.

10) Action Items Requiring Discussion

b. Bennett Road/Executive Drive Realignment

Mr. Stephenson reviewed the history of the Ravaudage development and development orders and modifications as they relate to the realignment of Bennett Avenue and Executive Drive.

Sarah Walter, Transportation Manager, gave a presentation on the current conditions of the area street network and presented two alternatives. Alternative 1 is in the current development order and aligns Bennett Avenue with Executive Drive creating a “plus” intersection. Alternative 2 creates a “T” intersection at Bennett Avenue and Lee Road with no change to the movement at Executive Drive. She reviewed the advantages and disadvantages of each alternative and stated that staff is recommending Alternative 2, which is FDOT’s preference.

Mr. Stephenson provided additional input on the impact of each alternative on local streets and stated a decision is needed in order to update the development order for future commission approval and to allow the developer to proceed.

Dan Bellows, Sydgan Corp., said he needs direction in order to move forward and will comply with the city's decision. He provided the history of previous traffic studies and commented on the issues with electric utility undergrounding.

Commissioner Weaver provided accident information at Bennett and Lee and Executive at Lee and suggested a right-turn only to Lee Road from Bennett and Executive with realignment of that intersection but without signalization.

Commissioner Cooper expressed her concern regarding traffic impact on area roads and Mrs. Walter provided additional information on traffic impact and safety.

Mayor Leary expressed his concern that Alternative 1 will negatively impact the Gay Road area which is contrary to the city’s efforts to minimize local traffic impact. He supported Alternative 2 as recommended by staff. Discussion followed on the alternatives and potential impact.

Motion made by Commissioner Cooper to require the developer to provide a connection between Bennett and Executive; seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend the motion that the developer execute the agreement to align Bennett with Executive Drive (Alternative 1) with the option for the developer to purchase the bank (1500 Lee Road) or reach an agreement through that property; seconded by Commissioner Weaver.

Motion made by Mayor Leary to approve Alternative 2 as recommended; seconded by Commissioner DeCiccio.

Attorney Langley advised that the either alternative will require Commission approval of an amendment to the development order.

Commissioner Sullivan spoke in favor of realignment but feels the city needs to protect Gay Road from cut-through traffic.

Commissioner DeCiccio asked for FDOT's involvement and position. Troy Attaway, Director of Public Works, provided the background of FDOTs involvement and its regulations.

There were no public comments.

Mr. Bellows asked that the City provide specific direction on its intent for the existing Bennett Drive if it were realigned, who is handling the relocation of the transmission pole at the corner of Executive Drive and Lee Road which may interfere with the realignment and on undergrounding.

Discussion followed on Mr. Bellows' requests and the need for additional information before making decisions.

Motion made by Commissioner DeCiccio to table this matter; seconded by Mayor Leary. Upon a roll call vote, Commissioner Sullivan, Commissioner DeCiccio, Mayor Leary voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

In response to questions by Commissioner Cooper, Mr. Stephenson advised that the deadline for having an agreement in place lapsed due to COVID-19. The developer can only build what has been permitted and needs an agreement in place to move forward.

Mr. Bellows requested that the scheduled Development Review Committee meeting be held on his application for a medical building at Lewis Drive. Consensus was to allow staff to move forward with review of this application.

11) Public Hearings

- a. Request of the City of Winter Park for: An Ordinance to adopt regulations to regulate the amount of fill added to residential lots. (First Reading)

Attorney Langley read the ordinance by title.

George Wiggins, Director of Building and Permitting, reviewed the ordinance which prohibits excessive fill and retaining walls that create an unnatural grade transition between properties.

Motion made by Mayor Leary to approve the ordinance on first reading; seconded by Commissioner Sullivan. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

- b. Request of the City of Winter Park for: An Ordinance amending Article IV “Subdivision and Lot Consolidation Regulations” to provide regulations for the permitted floor area ratio related to lot splits of four lots or less and to update the process and procedures for approvals of final plats. (First Reading)

Attorney Langley read the ordinance by title.

Mr. Briggs reviewed the changes to the city code and responded to questions.

Commissioner Cooper submitted revisions to the ordinance to remove superlative language:

- 1st Whereas paragraph: change to “...recognizes that there are requests...”
- 2nd Whereas paragraph: change to “...there are occasions where such lot splits are granted including variances...”.
- 3rd Whereas paragraph: change to “...recognizes that the expected result of two homes where one was previously permitted may result in the cumulative home sizes...”
- 4th Whereas paragraph: change to “...recognizes limitations are necessary...”

She suggested that the city consider additional provisions to prohibit lot splits in certain conditions. Consensus was to place on a future agenda.

Motion made by Mayor Leary to approve the ordinance on first reading; seconded by Commissioner Cooper.

Motion made by Commissioner Cooper to amend the motion to remove superlatives (noted above); seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried with a 5-0 vote.

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

- c. Request of Interlachen North Partners, LLC: Extension of the Conditional Use approval at 503 North Interlachen Avenue.

Due to multiple Governor Executive Orders and pursuant to Section 252.363(1)(a), Florida Statutes, the conditional use is automatically extended under general law.

13) City Commission Reports

Commissioner Sullivan

- Suggested that staff look at the positioning of produce vendors at the Farmer's Market to provide better social distancing.
- Advised that he has been speaking with community members regarding single member districts and encouraged residents to submit comments to the commission and staff. He said he is developing an educational forum and thanked Mr. Knight for gathering information and data.

Commissioner DeCiccio

- Asked that ideas on single member districts be vetted before the work session. Commissioner Cooper suggested that each member of the Commission provide a summary of comments received to the rest of the Commission.
- Asked when live meetings will resume. Mrs. Neuner advised that unless the executive order is extended, city boards will begin live meetings on October 1st. Consensus was to continue virtual meetings if the Executive Order is extended.

Commissioner Cooper

- Complimented IT and Parks on the online survey regarding Phelps Park playground equipment and suggested using this model for future surveys.
- Asked for consensus to determine which ordinances have not been codified in the City Code. Approved by consensus.

Commissioner Weaver

- Thanked staff for coordinating the demonstration of battery-operated landscape equipment in October.
- Apologized to Michael Perelman who was unable to provide comments in this meeting. Mrs. Neuner stated she e-mailed apologies to him.

Mayor Leary

- Stated he has received many compliments on Fairbanks Avenue improvements.
- Expressed sympathy to the family of Tom Savino, Sr. who passed away.

14) Summary of Meeting Actions

- Staff to provide data on CBD parking, impact fees and schedule for future meeting.
- Scheduled work session on single member districts for October 8th.
- Agreed to schedule a work session on annexation.
- Agreed to schedule a CRA Agency meeting to establish spending limits for the City Manager.

- Approve closure of Park Avenue for the October event and mask wearing campaign.
- Adopted millage rate and budget.
- Tabled action on Bennett Avenue for further discussion with FDOT, sketch designs and evaluate impact, and determine cost of moving electric.
- Approved ordinance on lot fill and grading regulations
- Approved ordinance on lot splits with amendments and directed staff to review the code for additional changes.
- Asked staff to look at repositioning Farmers Market produce vendors to allow better social distancing.
- Agreed to accept feedback for single member districts.
- Agreed to continue virtual meetings if the Executive Order is extended.
- Directed staff to research ordinances that may not be codified.

The meeting adjourned at 7:20 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis