



city commission agenda

July 22, 2020
3:30 PM
Commission Chamber

mayor & commissioners				
seat 1 Marty Sullivan	seat 2 Sheila DeCiccio	Mayor Steve Leary	seat 3 Carolyn Cooper	seat 4 Todd Weaver

Regular Commission Meeting - Virtual

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofwinterpark.org.

Virtual City Commission public comment procedures:

- Please see the link below for instructions on providing public comment:
<https://cityofwinterpark.org/cclive>.
- If you would like to provide comments prior to the meeting, please send them to MayorAndCommissioners@cityofwinterpark.org. These comments will be received by the City Commissioners and staff, however, will not be read publicly into the record during the meeting. This is consistent with our normal procedures for emails received prior to a City Commission meeting.

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

- a. Mark Freid, President of Think Creative 1 minute

Pledge of Allegiance

3. Approval of Agenda

- a. Test item for email generation 5

4. Mayor's Report

5. City Manager's Report

- a. City Manager's Report 5

6. City Attorney's Report

7. Non-Action Items

8. Citizen Comments - 5 p.m. or soon thereafter

(if the meeting ends earlier than 5:00 p.m, citizen comments will be at the end of the meeting)

(Three minutes are allowed for each speaker)

9. Consent Agenda

- a. Approve the minutes of July 8, 2020 1 minute
- b. 1 minute
 - 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 2 minutes

10. Action Items Requiring Discussion

- a. Budget Discussion & Set Tentative Millage Rate 20 minutes

11. Public Hearings

- a. Request of the City of Winter Park for: 30 minutes
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); providing for non-codification, conflicts, severability, and an effective date. (First Reading)

- | | | |
|----|--|------------|
| b. | Request of City of Winter Park for:
An ordinance amending Chapter 62 of the City Code providing for regulations regarding construction and related noise. (First Reading) | 25 Minutes |
| c. | Resolution governing Commission Meetings | 15 Minutes |

12. City Commission Reports

13. Summary of Meeting Actions

Appeals and Assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105)

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



City Commission **agenda item**

item type Invocation	meeting date July 22, 2020
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Mark Freid, President of Think Creative

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission agenda item

item type Approval of Agenda	meeting date July 22, 2020
prepared by Michael Kelly	approved by Michelle Neuner, Michael Kelly, Randy Knight
board approval In Progress	
strategic objective	

subject

Test item for email generation

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission agenda item

item type City Manager's Report	meeting date July 22, 2020
prepared by Jennifer Guittard	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

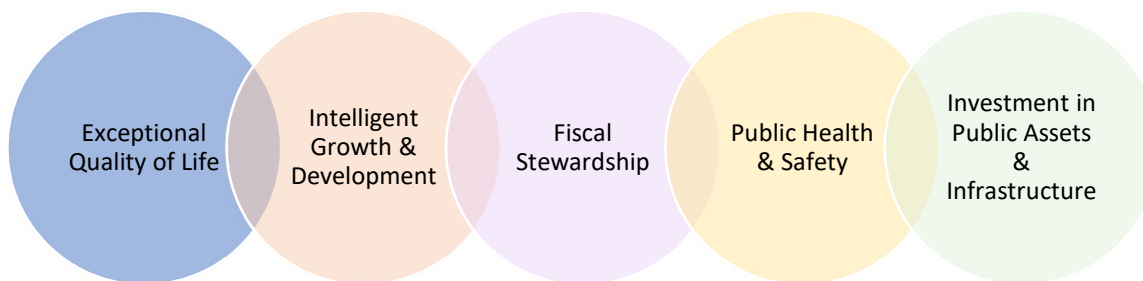
90 Day Report 7.22.20.pdf



90-Day Report

This outline provides a timetable for issues and items that are planned to come before the commission over the next three months as well as the status of initiatives that do not have any determined completion date. These are estimates and will be updated on a monthly basis.

City of Winter Park Strategic Objectives



Upcoming Commission Items

Title 1: Fiscal Stewardship

Item	Description	Item Department	Item Date
CRA Agency Budget	Review and approval of the CRA Budget by the Agency. Will include draft operating and capital plan. Final approval will be part of formal budget ordinances in September	Administration	Aug
Non-ad valorem assessments for Stormwater fees	Discuss the collection of stormwater fees via non- ad valorem assessments on the property tax bill vs. City utility bill	Finance	Aug
Budget and Millage Ordinance Adoption	At the City Commission meetings on September 9th & 23rd, the first and second readings of the ordinance adopting the budget and millage rate, will be approved in accordance with statute.	Administration	Sept

Title 2: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Chicken Ordinance	The backyard chicken proposed ordinance will be discussed at the July KWPB board meeting. Afterwards, it will be discussed at the August P&Z board meeting to then be brought to commission in September.	Building & Permitting	Sept

Title 3: Investment in Public Assets & Infrastructure

Item	Description	Item Department	Item Date
Wastewater Interlocal Capital Contribution Payment	Finalize approval with the City of Orlando for waste water plant upgrades.	Water & Sewer	Aug
Sewer Capacity	Purchase of additional sewer capacity at Altamonte Springs.	Water & Sewer	Aug
Wastewater Interlocal Contract	Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	Aug

Additional Items of City Interest

Title 4: Exceptional Quality of Life

Item	Description	Item Department
Agenda Management Program	In coordination with the Accessibility Requirements, the City is upgrading to an ADA compliant agenda management program. Staff is currently training on this software and hopes to go live with the Commission September 9th.	IT

Item	Description	Item Department
Library & Events Center	Library basement walls and ceiling are 100% complete along with first floor foundations. The Library bench walls, that creates both the interior and exterior surface with integrated bench is 50% complete. The site storm piping is 90% complete. At the Events Center, the foundations are complete. Completion of the casting of the Library Bench wall is the critical path moving forward.	Public Works
MLK Park Plan	City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature. CRA has ability to address some improvements at this site with potential funding as part of the CRA CIP.	Parks
Public Art for I-4	Design selection by the Public Art Advisory Board was approved by the City Commission and the winning company, RLF, will finalize construction costs and options to bring the project in at the \$150k budget. This public art project, paid for by FDOT, is planned to be installed at the NE corner of W. Fairbanks and I-4.	Administration

Title 5: Intelligent Growth & Development

Item	Description	Item Department
City Hall Audio Visual and Broadcast System	The City Hall AV system needs to upgrade and modernize to: accommodate remote Commissioner participation, provide closed captioning to comply with ADA requirements, allow for effective audience overflow, and improve user experience.	IT

Item	Description	Item Department
Permitting Software Upgrade	Energov went live to the public on Friday, July 10th. Customers can now apply for Building, Engineering, Fire, Urban Forestry, Water Waste Water Permits, new Business Certificates and apply for Board of Zoning Adjustment and Planning & Zoning Cases. Over the next two months we will be converting our legacy permits and certificates to the new software in order to close out our legacy system.	Building

Title 6: Public Health & Safety

Item	Description	Item Department
Review of Police Standard Operating Procedures	The Civil Service Board met on July 7th and discussed the review of Police Department's Standard Operating Procedures. They will use the Six Pillars taken from the President's Task Force on 21st Century Policing (2015) and the most recent Presidential Executive Order on Safe Policing (2020) as a Best Practices guide in reviewing SOPs. The Board prefers to begin this review with public comment during the next Civil Service Board Meeting on August 4th in an in person non-virtual setting either in the Commission Chamber or Community Center.	Police

Title 7: Investment in Public Assets & Infrastructure

Item	Description	Item Department
17/92 Corridor	Staff is currently working with FDOT Arterial Team to assess needs and scope for model development and funding needs. CRA has reserved funds for this project. The city will work with FDOT on design and other associated improvements such as coordinating of utility undergrounding, landscaping, and water & sewer improvements, over the next couple months. The corridor traffic modeling effort is underway with data collection.	CRA

Item	Description	Item Department
Electric Undergrounding	<p><u>Miles of Undergrounding performed</u> Project G: 4.1 miles 88% complete Project I: 6.9 miles 33% complete Project W: 0.26 miles 65% complete</p> <p>TOTAL so far for FY 2020: 5.02 miles</p>	Electric
Fairbanks Transmission	New underground transmission line is energized and active. Overhead electric wires and poles have been removed. The poles remaining are supporting Bright house cables. We are in consistent contact with Bright house in an effort to encourage them to complete their conversion. Paving of Fairbanks will begin July 19th.	Electric
Lakemont Avenue	Scope to be determined. Work to be tentatively performed by new transportation planner position in conjunction with the Public Works and Planning Departments.	Public Works
Lakes Health Analysis	The Natural resources division of Parks (where lakes management now resides) along with Public Works, are preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.	Parks
New York Avenue Streetscape	Signed plans and permits received. Currently assessing contract process for procurement of materials. Construction meetings will begin thereafter. Improvement highlights include pedestrian crosswalks, ADA compliant intersection improvements, and mast arms at Fairbanks and New York.	CRA
Parks and Recreation Bike Path and Green Spaces Plan	Will be part of the overall Transportation Master Plan being performed by the Planning and Public Works Departments.	Public Works



City Commission agenda item

item type Consent Agenda	meeting date July 22, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of July 8, 2020

motion / recommendation

Approve as submitted

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

070820.rs.pdf



City Commission Regular Meeting Minutes

July 8, 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 3:53 p.m.

2. Invocation and Pledge of Allegiance

Pastor Claude Cheatham, Bethel Baptist Church, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

Motion made by Commissioner Cooper to approve the agenda, seconded by Commissioner DeCiccio. Motion carried unanimously.

4. Mayor's Report

5. City Manager's Report

Select City Commission Member to Serve on City Attorney RFP Committee

Mr. Knight explained that the city attorney contract expires September 30th and the contract is required to be rebid every five years. The RFP has been issued and a member of the Commission needs to be appointed to the selection committee.

Commissioner Cooper questioned if this is in the city's best interest due to the pending lawsuits. After discussion, consensus was to cancel the RFP and bring a contract extension for the current attorney to September 30, 2021 to the commission for approval.

Mr. Knight stated that the work session for tomorrow was canceled. The next budget work session is July 20th at 3:30 for final department presentations and discussion.

Mr. Knight stated he will provide a financial update on the Library and Events Center Project tomorrow.

CIP Report

No discussion.

6. City Attorney's Report

Attorney Ardaman commented on the status of pending litigation regarding the OAO and stated an Executive Session may be needed in the future. The Planning and Zoning Board meeting to discuss the OAO moratorium was deferred to July 21st and first reading before the commission is July 22nd. He clarified that this is not a moratorium on all development and will not prevent anyone from moving forward under existing codes and regulations.

He advised stated that the City of Pensacola arbor litigation is at the appellate level.

7. Non-Action Items

a. Financial Report for May 2020

Finance Director Wes Hamil stated that a shortfall of approximately \$3 million is anticipated due to COVID19 and reviewed reductions made to offset the shortfall. He reviewed water and sewer usage, electric sales, bulk power savings since January and COVID19 relief measures.

Commissioner Cooper asked that estimates to complete be added to the monthly report.

Commissioner Weaver expressed concern regarding resuming electric cut-offs on July 13th and asked how many customers will be impacted by the cut-offs. Mr. Knight stated that all affected customers were notified of the ability to apply for an extension and establish a payment plan which will remove them from the cut-off list. Mr. Hamil stated that as of last week 66 customers have established a payment plan and staff continues to work with customers to avoid disconnection where possible.

In response to questions by Commissioner DeCiccio, Mr. Hamil stated there is a deficit in electric reserves and water and sewer reserves are at approximately \$10 million but will be spent down on future capital improvements. Mr. Knight explained that the city has six years to complete electric undergrounding and stated staff would not recommend acceleration with a bond issue.

8. Citizen Comments (heard after Item #10)

9. Consent Agenda

- a. Approve the minutes of June 22, 2020 (Pulled by Commissioner Cooper)
- b. Approve the following contract items:
 1. Allcrete: Amendment to renew RFP-13-2017 - Continuing Concrete Services; not to exceed \$300,000.
 2. Anixter; Electric Supply of Tampa; Gresco Utility Supply; Wesco Distribution: Amendment to renew IFB-16-2019 - Purchase and Delivery of Conduit/Pipe; not to exceed \$580,000.
 3. Anixter; Electric Supply of Tampa; Gresco Utility Supply; Irby Utilities: Amendment to renew IFB-20-2019 - Electric Utility Construction and Maintenance Materials; not to exceed \$350,000.
 4. Dix.Hite + Partners: Amendment to renew RFQ-14-2017 - Continuing Professional Landscape Architectural Services; as needed.

5. Kimley-Horn & Associates: Amendment to renew RFQ15-2017 - Continuing Professional Roadway Design Services; as needed.
6. Hanson Professional Services: Amendment to renew RFQ-16-2017 - Continuing Professional Services: Continuing Professional Green Planning and Engineering Services; as needed.
7. DRMP: Amendment to renew RFQ-20-2018 - Continuing Professional Survey Consulting Services; as needed.
- c. Approve the following solicitation:
 1. Howard Industries: IFB-8-2020 - Purchase and Stocking of Single-phase Transformers; \$508,970.
- d. Approve the following piggyback item:
 1. Cubix: Increase allowable spend under existing piggyback of Orange County contract #Y19-1018 - SaniGlaze Services; Not to exceed \$75,000.

Commissioner Cooper asked to pull Item 9a.

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

Commissioner Cooper asked that the minutes on the discussion of micromobility be clarified to state that micromobility devices will not be allowed anywhere with sidewalk dining. Approved by consensus.

There were no public comments.

Motion to approve the Consent Agenda with the clarification noted carried unanimously.

10. Action Items Requiring Discussion

a. Review Draft Resolution Governing City Commission Meetings

Mr. Knight reviewed the changes he had made to the resolution based on charter amendments and previous commission consensus. After commission input, the public hearing on the resolution will in the July 22nd meeting.

- Rule 1 - Changes regular meeting to Wednesday as recently approved
- Rule 2 and Rule 3 - Provides that requests for and scheduling of special or emergency meetings and work sessions be made in a public meeting if possible.
- Rule 4 - Allows for virtual meetings as allowed by the Governor or as authorized by law.
- Rule 5 - Provides that potential agenda items must be brought up during a commission meeting and requires concurrence of the majority of the commission to place on a future agenda. Also, prohibits action by the commission when the item is brought up unless a majority of the Commission agrees to vote on an item due to time constraints or on ministerial matters that additional information is needed to make a decision.
- Rule 5B - Allows newly elected commission members to request reconsideration of an item that was voted on prior to their election to office.
- Rule 8 - Removes language regarding board appointments under Mayor reports, adds language to provide for citizens comments to be heard at the end of the meeting if the meeting ends before 5:00, add Summary of Meeting Actions.

- Rule 9D - Clarifies language.
- Rule 10 - Allows for voting by voice or electronic device when participating through video-conferencing.
- Rule 11A - Clarifies that the resolution does not create additional legal requirements.
- Rule 11B2 - Removes language regarding the review process of ordinances.
- Rule 12(I) - Delete reference to prior policy
- Rule 14 - Allows for and guides participation by video conferencing.

In response to comments by Commissioner Weaver, Mr. Knight stated the charter amendment allowed for participation through videoconferencing but not by phone and said he would ensure the resolution is consistent with the charter amendment.

Commissioner Cooper provided the following revisions:

- Rule 1 - End meetings at 10:00 p.m., remaining hearings will be placed on the next agenda. **Majority opposed.**
- Rule 1 - Start meetings at 5:00. **Majority opposed.**
- Rule 2 and 3 - Revise language to state that both requests and scheduling of meetings should be made in a public meeting if possible. **Majority supported.**
- Rule 3 - Require one regularly scheduled work session per month. **Majority supported.**
- Rule 5 - Require that all Commission meeting minutes including work sessions and CRA Agency meetings be presented to the Commission within two weeks of meeting. **Majority supported.**
- Rule 5(A) - State that “no member of the city commission can direct a staff member or the city attorney to prepare an agenda item without the member first addressing it a public meeting...”.

Commissioner Weaver suggested adding language to allow the mayor or commissioner to request the city manager to place an item on an agenda item and ask other commissioners to determine consensus to place on an agenda.

Mr. Knight stated making that request is comparable to polling members of the commission outside a commission meeting which is a violation of the Sunshine Law.

Attorney Ardaman concurred with Mr. Knight and responded to questions. He advised the City Manager could decide to place an item on the agenda as is within his authority. He added that it is acceptable to ask a member of the commission about their availability for a meeting but it is not acceptable to question the subject matter. Any member of the commission may call for a special or emergency meeting at any time but the question to each commission member regarding the meeting would be about their ability to attend.

After discussion, **majority opposed** Commissioner Weaver’s revision.

Majority supported changing “ask” to “direct” and to require requests to add agenda items be in writing.

- Rule 5 - Add under the City Manager's Report that the City Manager shall advise the commission of items coming to the commission on future agenda to provide Commissioners time for thorough review. **Majority supported.**
- Rule 5(B) - Delete section. After discussion, **majority opposed.**
- Rule 5(C) - Require commission agenda packets to be distributed by Thursday before the Wednesday meeting. Mr. Knight pointed out that this rule applies to posting of the agenda on the website and at City Hall, not to distribution of the commission packets. **Majority supported changing Monday to Thursday prior.**
- Rule 5 - Add language requiring the concurrence of the majority of the commission to place an item on the agenda relating to the city attorney, lobbyists or auditor. **Withdrawn by Commissioner Cooper.**
- Rule 7 - Define "informal meeting" and require that all Commissioners be invited to attend any meeting between individual commissioners.
Mr. Knight said he feels an informal meeting is synonymous with work sessions where no action is taken. After discussion, **majority supported defining informal meetings as work sessions.**
- Rule 8, Delete "by the presiding officer or" and leave change of order of business as something the Commission must agree on. **Majority supported.**
- Rule 8, #4, Do not delete statement regarding "actions except boards"
Mr. Knight stated that it was removed from the Mayor's Report since appointments are no longer made solely by the Mayor and will be an action item. **Withdrawn by Commissioner Cooper.**
- Rule 9, Rewrite to clarify that public comments are not allowed at work sessions unless specifically requested. **Majority supported.**
- Rule 9(A) - Add requirement that e-mails regarding agenda items received after the time of public notice be included in agenda packet or sent to members of the Commission prior to meeting. After discussion, **majority supported allowing staff to forward e-mails addressed to staff.**
- Rule 9(D) - Delete in the 8th line "and the person having the floor". **Majority supported.**
- Rule 9(D) - Delete sentence that begins "Further, City Commissioners shall comply with this rule..." **Majority supported.**
- Rule 9 - Add language that residents receive first priority to speak if there is a large number of speakers. **Majority supported.**
- Rule 10 - Delete allowing electronic voting by Commissioners
Commissioner Weaver said this would delete allowing vote by video conferencing.
Mr. Knight explained that the new agenda management software allows for electronic vote where votes are displayed to the public and automatically recorded into the minutes. **Majority opposed.**
- Rule 11(B)2 - Leave as is, but require decisions impacting land use to be accompanied by a sign-off sheet by department heads addressing availability of public services (including water/sewer, transportation, parks, schools, tree preservation, fire and police). **Majority supported.**

Motion made by Commissioner Cooper to approve the resolution; seconded by Commissioner Weaver. (withdrawn)

Mr. Knight advised that this will be brought back to Commission on July 22nd as a Public Hearing with changes that were approved by a majority.

b. Discussion of Progress Point

Mr. Knight explained that this item is to discuss the next steps to move forward on the Progress Point property. In a previous meeting, consensus was reached to require a 1.5 park and maximum FAR and other items. Commissioner Sullivan prepared draft points for a resolution outlining the development parameters of Progress Point and was forwarded to members of the Commission.

Commissioner DeCiccio asked for support for a study of this property from a civil engineering and greenspace aspect with maximum funding of \$100,000 from the park acquisition grant fund. This would lay the groundwork for moving forward on Progress Point. Bob Bendick informed her of the potential of federal grant funds which can be used to develop greenspace.

Mr. Knight explained that this involves more than Progress Point and is a wholistic view of connecting Mead Garden to the Progress Point park to MLK and possibly down Morse Blvd to Central Park. This whole plan would then be presented as part of the grant application if the grant/funds become available.

Discussion ensued on grant availability and terms, and the design scope for Progress Point including parking garage, the queuing of the parking garage, alignment of Palmetto, and bike path, and cost and funding for the study.

Commissioner Weaver said that he understands these grants are rated and that an engineering concept is needed and that more detail in the grant application will increase the likelihood of getting a grant. He feels this would be worthwhile.

Commissioner Sullivan stated that a conceptual plan of an integrated park program will also increase the likelihood of receiving a grant.

Commissioner Cooper suggested that the City Manager speak with its consultant on the viability of receiving a grant.

Mayor Leary asked whether the intent is for the city to be owner and master developer of this park and remaining land. Commissioner DeCiccio replied yes. Mayor Leary spoke in favor of selling or leasing the land to a master developer with an RFP detailing the city's expectations for development and questioned why the city would take on the expenses of ownership rather than the use the revenue from the sale of the property for park improvements and other uses.

Discussion followed on the benefits of retaining the property versus selling or leasing the land.

Commissioner Cooper commented on Commissioner Sullivan's draft points on the development of Progress Point. She spoke in favor of developing a business case that includes an assessment of parking needs, stormwater treatment and retention.

Commissioner Weaver said he feels this will be a good investment if grant funding will lead to development of the park and economic development along Orange Avenue.

Commissioner DeCiccio said the study is two-fold; first integration of the parks to put the city in a better position to receive a grant and second, it provides a basic plan for Progress Point

showing buildings, roadways, drainage, and the basics of what needs to be done for the development for Progress Point. In addition, it would provide costs.

Mayor Leary interpreted Commissioner's DeCiccio's request to allocate \$100,000 from the parks acquisition fund to fund a greenway/parks comprehensive study to include preliminary conceptual designs for Progress Point.

Mr. Knight agreed with Mayor Leary's interpretation and said that if the Commission desires, staff could work with its consultant to develop more detailed scope and cost.

Mayor Leary suggested that the scope needs to be refined before authorizing money. Commissioner DeCiccio agreed and asked that it be placed on the July 22nd agenda.

Commissioner Sullivan suggested that the city aggressively pursue grant opportunities to develop an integrated park plan that goes beyond Progress Point. In response to Mayor Leary, Commissioner Sullivan stated that his draft points specifically address the development of Progress Point and is separate from this discussion on a grant which goes beyond Progress Point.

Commissioner DeCiccio suggested that Bob Bendick, who advised her of the grant opportunity, and ACi Architects be invited to the next meeting to provide additional information.

Commissioner Weaver suggested a work session rather than waiting for two weeks. After discussion, consensus was to schedule a work session next week to discuss the scope and the grant opportunity and to invite Bob Bendick, who provided initial information on the grant opportunity, and Steve Goldman and Larry Adams who were part of the park study thus far, and also the city's lobbyist.

Commissioner Sullivan stated that his draft points summarize his general understanding of the development parameters as a result of the May 4th work session including the city retaining ownership and control, a contiguous park, maximum building footprint, no residential units, realignment of Palmetto, survey of citizens on the development of the property, and consideration for non-profit use for arts and culture. Mr. Knight advised that this has not been developed into a formal resolution, but was provided as a list of parameters to be included in a draft resolution.

Commissioner Weaver summarized his understanding of the items of consensus including moving Palmetto south with a bike lane, a minimum 1.2-acre park, possibility of linear buildings to the west of the park, flat parking lot and possible underground water storage.

Commissioner Cooper recalled that decisions were preliminary and she is not fully supportive of the parameters and without additional information, she is not ready to adopt a resolution.

8. Citizen Comments (heard after 5:00)

Michael Perelman, 1010 Greentree Drive, commented on the statement issued by the City supporting diversity. He stated that diversity and inclusion is not evident in the city's selection of persons giving invocations in Commission meetings. He provided statistics on persons that gave the invocation and said he feels the city is failing and needs to publicly demonstrate diversity and inclusion in all areas.

11. Public Hearings

12. City Commission Reports:

Commissioner Sullivan

- Asked why the work session scheduled for July 9th was canceled and asked for the survey questions sent to business and property owners and responses.
Mr. Stephenson advised that the work session was canceled due to failure of positive responses by property owners and businesses and said he will send the list of persons invited to the work session. He said the survey related to parking needs and will send the information requested.
- Received positive feedback of the Farmers Market at the West Meadow and asked if there is any consideration for moving it there permanently.
Mr. Knight said it is being considered and will be to the commission for consideration.
- Commented on sustainability efforts and suggested that the city take steps for improving sustainability efforts.
- Asked that the city pledge to move toward 100% renewable energy. Consensus was to place on a future agenda for discussion.

Commissioner DeCiccio

- Asked for information on recent bicycle thefts.
Police Chief Michael Deal provided statistics on bicycle thefts since January which the department is actively investigating.

Commissioner Cooper

- Presented a draft schedule for moving forward with the OAO which will staff will send to the Commission and asked that comments/suggestions be sent to Mr. Stephenson.
- Thanked staff for the virtual 4th of July celebration.
- Asked staff to address drainage and equipment staging issues on Oneco Avenue and drainage issues in Arbor Point.
- Commented on the seepage issues from the lift station at Gaines Way and asked staff to address access issues and consider using a generator to resolve this issue.
- Stated that she will be sending her comments on the Library and Events Center Audit to staff tomorrow who will forward it to the Commission and asked that the Commission send comments/recommendations to city staff.
- Expressed her disappointment about not getting property owners and business owners within the OAO to a work session. She suggested getting e-mail addresses through the city's GIS system to increase participation in discussions.

Commissioner Weaver

- Complimented staff on continuing with infrastructure projects and their work efforts.
- Thanked staff for the solar awning and hopes that this can be expanded to other city buildings.
- Commented on the article from *Strong Towns* regarding mixed use development in relation to the OAO.

- Asked when the city renegotiates power source contracts.
Mr. Hamil provided the expiration of contracts with Covanta the first to expire in 2024 and FMPA and OUC to follow in several years.
Commissioner Weaver expressed his concern that parts of the city are paying 20% higher rates with Duke Energy and expressed his hope that the city will be able to reduce reliance on these power sources.
- Asked for list of open and frozen positions.
- Said that Fairbanks is the only major east/west roadway and suggested that with reduced traffic now may be the time to look at widening the sidewalk, which may involve reducing travel lane width, for a bike/ped path from Osceola/Brewer split running along Lake Mizell.
- Suggested that the city aggressively pursue the purchase of properties at the northwest corner Fairbanks/Denning for intersection and roadway improvements.
- Suggested that incentives should be considered for lawn maintenance companies that use battery-operated equipment. After discussion, consensus was to place on a future agenda for discussion with KWPB/Sustainable Board.

Mayor Leary

- Expressed sympathy for death of Michelle Cole, daughter of Eatonville Mayor Eddie Cole.
- Thanked the Bush and Nunziata families for the fireworks display on Lake Virginia, for hosting a dinner to honor emergency service personnel and Rollins College for allowing the use of the parking garage to view the fireworks.
- Asked for an update on boat house regulations which were to be reviewed by the Lakes Board. Mr. Knight will provide an update.
- Asked for an update on the city's progress in finding alternatives for high speed internet access and cable services. He suggested looking at use of CRA funds, grants or other funding options to create a network. Mr. Knight said it is proposed to be on the next agenda.
- Advised that Nancy Miles from the Women's Club may be looking for some financial assistance for maintenance as they plan for the Club's 100th anniversary and asked who Ms. Miles can contact regarding grants or funding sources. Mr. Knight suggested she contact Peter Moore, Division Director Office of Management and Budget.

13. Summary of Meeting Actions

- Provide commission with budget presentations from today's work session and those scheduled for the July 20th work session. July 20th work session schedule: first 30 minutes Q&A from July 8th presentations.
- Cancel City Attorney RFP, bring one-year contract extension to commission for approval
- Place revised resolution on governance on next agenda.
- Schedule work session to discuss park at Progress Point, greenway concept, scope of service, and potential grant. Invite Bob Bendick, Steve Goldman, Larry Adams, and Jim Huckaba to attend.

- Provide Orange Avenue parking survey questions to Commission.
- Provide list of invitees to the July 9th work session that was canceled.
- Place on future agenda moving the Farmers Market to West Meadow.
- Place on future agenda discussion of 100% renewal energy.
- Place on future agenda discussion on incentives/rebates to lawn maintenance companies for moving to battery-powered equipment.
- Receive final input from Commission Library and Events Center Audit and send to Commission.
- Obtain e-mails of property/business owners within the OAO from GIS consultant.
- Provide a list of open/frozen positions to Commission.
- Continue to pursue purchase of Fairbanks Avenue properties for roadway improvements.
- Provide an update on boat house regulations.
- Place update on fiber and high-speed internet on upcoming agenda.

The meeting adjourned at 7:37 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission agenda item

item type Consent Agenda	meeting date July 22, 2020
prepared by Jennifer Maier	approved by Jennifer Maier, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

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

motion / recommendation

1. Commission approve item as presented and authorize Mayor to execute Task Order.
2. Commission approve item as presented and authorize waiver of procurement process for an additional one year term to solicit services.

background

1-2. Formal solicitations were issued to award these contracts.

alternatives / other considerations

N/A

fiscal impact

1. Total expenditures included in approved budget.
2. Total expenditure included in proposed FY 21 budget.



City Commission agenda item

item type Consent Agenda	meeting date July 22, 2020
prepared by Peter Moore	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

FY 20 Budget Amendment

motion / recommendation

Approve the budget amendment as presented.

background

In accordance with state statute, amendments to the budget that raise or lower appropriations must be approved by the City Commission.

As discussed at the previous Commission meeting, the covid pandemic and economic shutdown are having adverse affects on the city's budget. Staff estimates almost \$3 million in lost revenues by the end of this current fiscal year. The most significant reductions will come from losses to intergovernmental revenues which include the half-cent sales tax and state revenue sharing. Sales tax figures for March were down 36% and down 57% in April. Charges for Services, which is mainly comprised of facility rentals, program fees, EMS transports, golf course, tennis, and other fees for services, is expected to drop \$835k. Licenses and Permits associated with building activity in the city will decline by \$329k and Fines and Forfeitures, largely due to red light traffic camera revenue, will decline by \$390k. Utility taxes are being adjusted upward as the budgeted reduction to these taxes due to the new bulk power deal, was overestimated.

To create a balanced amendment and not draw down on accumulated cash reserves, contingency funds, reductions to the equipment replacement fund for heavy vehicle and equipment purchases, and miscellaneous cuts to operating costs, will offset the revenue loss. The current city contingency of \$2.1 million is made up of the \$1 million that was set aside in the original budget plus reductions previously made by departments when this crisis started. These mostly included accounting for vacant position funds and reductions in costs associated with the

closure. Additionally the \$316k set aside for the future Commuter Rail payments and a contingency for general capital projects (\$50k), will make up the rest.

The city's Equipment Replacement Fund takes into account all the city's vehicle and major equipment assets and provides an annual budget smoothing amount to set aside each year for future purchases. All equipment needs for the current fiscal year have already been purchased and the funds marked for reduction will not impact immediate operating need, however reductions of this source could have longer term impacts on the timing of future equipment replacements. This will reduce total transfers by \$208k.

Lastly, approximately \$129k in general operating reductions, mostly consisting of additional items that will not be spent due to the crisis, such as estimates for police and fire special detail, leftover election funds, funding for the cancelled 4th of July event, and further reductions to travel budgets.

A full line item detail of the accounts affected has been included for audit purposes. Please note that revenue reductions are reflected as a positive number, and increases as a negative.

Amount	Category
-236,800	Utility Taxes
329,300	Licenses & Permits
12,600	Franchise Fees
1,519,000	Intergovernmental
835,400	Charges for Services
390,500	Fines & Forfeitures
-26,300	Other Revenues
2,823,700	Revenue Reductions
(2,486,643)	Contingencies
(207,800)	Reduced Equipment Fund Transfers
(129,257)	Misc. Operating Spending Reductions
(2,823,700)	Total Expenditure Reductions

[alternatives / other considerations](#)

[fiscal impact](#)

The total impact to the General Fund budget is estimated at \$2.8 million. A large

contingency and previous reductions performed by management will absorb the cuts. This will substantially tighten funding flexibility for the remainder of this fiscal year and constrain any new spending without dipping into accumulated cash reserves. Staff will continue to monitor and update the City Commission as additional data becomes available.

ATTACHMENTS:

Budget Amendment - July FY 20 Budget Adjust for Covid.pdf

Org	Object	Description	Input for Amendment (Rounded)
0010312	312410	LOCAL OPTION GAS TAX	126,500.00
0010314	314400	UTILITY SERVICE TAX - GAS	12,500.00
0010314	314300	UTILITY SERVICE TAX - WATER	(73,400)
0010314	314100	UTILITY SERVICE TAX - ELCTRCTY	(193,200)
0010315	315000	COMMUNICATION SERVICES TAX	17,300.00
0010322	322001	BLDG PMTS-BLDG CODE	72,800.00
0010322	322002	BLDG PMTS-LAND DEV CODE	72,800.00
0010322	322005	BLDG PMTS-OTHER	56,900.00
0010322	322003	BLDG PMTS-PL REV BDG CODE	41,400.00
0010322	322004	BLDG PMTS-PL REV LAND DEV CODE	41,400.00
0010322	322300	BLDG PMTS-ZONING APPLICATIONS	11,000.00
0010323	323910	FRANCHISE FEES - SCENIC BOAT T	12,600.00
0010329	329300	LIC&PERMIT-VARIANCES	39,000.00
0010329	329001	LIC&PERMIT-CODE TRAINING FEE	17,000.00
0010329	329003	LIC&PERMIT-ENGINEERING FEE	(23,000)
0010335	335180	ST REV SHAR-1/2 CENT SALES TAX	1,063,000.00
0010335	335123	ST REV SHAR-MUNPL REV SHARE-ST	284,200.00
0010335	335122	ST REV SHAR-MUNPL REV SHARE-MF	69,600.00
0010338	338600	COUNTY-911 PUBLIC SAFETY	(24,300)
0010341	341930	OTH GEN GOV-ROW PERMIT FEES	(51,600)
0010342	342601	AMBULANCE TRANSPORT FEES	167,900.00
0010342	342201	FIRE-SPECIAL DETAIL	9,300.00
0010347	347230	PARKS-GOLF GREEN FEES	160,000.00
0010347	347591	REC FAC-RENT COMM CENTER	130,600.00
0010347	347242	PARKS-POOL-COMMUNITY CENTER	65,000.00
0010347	347306	PARK-TENNIS CONTRACTED SVCS	63,200.00
0010347	347421	SP EVNTS-SIDEWALK ART FESTIVAL	49,000.00
0010347	347597	REC FAC-RENT FARMERS MARKET	41,300.00
0010347	347210	PARKS-PROGRAM ACTIVITY FEES	37,100.00
0010347	347237	PARKS-GOLF SPONSORSHIPS	28,200.00
0010347	347235	PARKS-GOLF PRO SHOP FOOD & BEV	24,000.00
0010347	347302	PARK-TENNIS MEMBERSHIPS	20,200.00
0010347	347595	REC FAC-RENT PICNIC PAVILLION	20,000.00
0010347	347511	REC FAC-RENT FIELD SB/SOCCER	18,000.00
0010347	347301	PARK-TENNIS COURT FEES	14,200.00
0010347	347232	PARKS-GOLF CART FEES	13,000.00
0010347	347593	REC FAC-RENT AZALEA LANE	13,000.00
0010347	347292	PARKS-FLAG FOOTBALL LEAGUE	10,000.00
0010347	347303	PARK-TENNIS FOOD & BEVERAGE	7,000.00
0010347	347216	PARKS-COMM. CENTER CONCESSIONS	6,000.00
0010347	347305	PARK-TENNIS MEMBER EVENTS	5,000.00
0010347	347594	REC FAC-RENT GOLF CLUB HOUSE	5,000.00
0010347	347515	REC FAC-RENT SHOWALTER FIELD	(20,000)
0010351	351102	FINES-RED LIGHT CAM CITATIONS	331,100.00

0010351	351101	FINES-TRAFFIC CITATIONS	20,000.00
0010354	354101	LCL ORD-PARKING TICKETS	39,400.00
0010361	361110	INT-CHECKING AND SAVINGS	14,000.00
0010362	362300	RENT-FARMERS MARKET	25,000.00
0010362	362112	RENT-BILLBOARD	8,500.00
0010369	369101	EMPLOYEE REIMBURSEMENT	(8,800)
0010369	369901	OTHER MISCELLANEOUS REVENUES	(65,000)
Revenue Reductions			2,823,700

Expenditure Reductions

Contingencies

0019200	599414	OTHER USES - COMMUTER RAIL	(316,000)
0019200	599410	OTHER USES - CONTINGENCY RES	(2,120,643)
0018502	591301	CAPITAL PROJECTS CONTINGENCY	(50,000)
Total Contingencies			(2,486,643)

Reduced Equipment Fund Transfers

0011701	544060	RENTALS - EQUIP REPLACEMENT FD	(600)
0012401	544060	RENTALS - EQUIP REPLACEMENT FD	(2,700)
0012402	544060	RENTALS - EQUIP REPLACEMENT FD	(2,100)
0013102	544060	RENTALS - EQUIP REPLACEMENT FD	(6,600)
0013103	544060	RENTALS - EQUIP REPLACEMENT FD	(2,300)
0013110	544060	RENTALS - EQUIP REPLACEMENT FD	(1,400)
0013112	544060	RENTALS - EQUIP REPLACEMENT FD	(2,300)
0014101	544060	RENTALS - EQUIP REPLACEMENT FD	(2,000)
0014103	544060	RENTALS - EQUIP REPLACEMENT FD	(2,500)
0014104	544060	RENTALS - EQUIP REPLACEMENT FD	(35,000)
0014105	544060	RENTALS - EQUIP REPLACEMENT FD	(10,100)
0014106	544060	RENTALS - EQUIP REPLACEMENT FD	(1,400)
0014107	544060	RENTALS - EQUIP REPLACEMENT FD	(7,500)
0014108	544060	RENTALS - EQUIP REPLACEMENT FD	(1,900)
0014110	544060	RENTALS - EQUIP REPLACEMENT FD	(6,700)
0015101	544060	RENTALS - EQUIP REPLACEMENT FD	(2,900)
0015102	544060	RENTALS - EQUIP REPLACEMENT FD	(1,700)
0015103	544060	RENTALS - EQUIP REPLACEMENT FD	(86,400)
0016102	544060	RENTALS - EQUIP REPLACEMENT FD	(15,800)
0016103	544060	RENTALS - EQUIP REPLACEMENT FD	(1,800)
0016104	544060	RENTALS - EQUIP REPLACEMENT FD	(2,400)
0016105	544060	RENTALS - EQUIP REPLACEMENT FD	(900)
0016201	544060	RENTALS - EQUIP REPLACEMENT FD	(300)
0016202	544060	RENTALS - EQUIP REPLACEMENT FD	(800)
0016205	544060	RENTALS - EQUIP REPLACEMENT FD	(2,000)
0016302	544060	RENTALS - EQUIP REPLACEMENT FD	(7,700)
Total Equipment Fund Transfers			(207,800)

Misc. Operating Spending Reductions

0011203	534046	OTHER SERVICES - ELECTION COST	(14,500)
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0011701	548008	PROMOTIONAL - 4TH OF JUL	(15,000)
0014104	515020	SPECIAL PAY - SPECIAL DETAIL	(50,000)
0015102	515020	SPECIAL PAY - SPECIAL DETAIL	(3,000)
0015102	554020	PUBLICATIONS AND MEMBERSHIPS	(2,000)
0015102	551020	OFFICE SUPPLIES	(257)
0015103	534090	CONTRACTUAL SERV - MOTOROLA	(3,000)
0015103	515020	SPECIAL PAY - SPECIAL DETAIL	(7,000)
0015105	534040	OTHER SERVICES - CONTRACTUAL	(5,000)
0015103	512020	TEMPORARY SUPERVISOR WAGES	(15,000)
0011101	540010	TRAVEL AND PER DIEM	(3,500)
0011301	540010	TRAVEL AND PER DIEM	(4,000)
0012401	540010	TRAVEL AND PER DIEM	(2,500)
0012402	540010	TRAVEL AND PER DIEM	(3,000)
0016302	540010	TRAVEL AND PER DIEM	(1,500)
Total Misc. Operating			(129,257)

Balanced Amendment	0.00
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City Commission agenda item

item type Action Items Requiring Discussion	meeting date July 22, 2020
prepared by Peter Moore	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Budget Discussion & Set Tentative Millage Rate

motion / recommendation

Adopt a tentative millage rate of 4.0923 mills. Adopt a voted debt service millage of 0.1263 mills required to service debt on the General Obligation Bonds, Series 2011 (Public Safety Complex Bonds) & 0.3025 mills required to service debt on the General Obligation Bonds, Series 2017 & 2020 (Library & Events Center Bonds).

background

The Commission must adopt and submit the tentative millage rate to the Property Appraiser by July 31st. This is the rate the Property Appraiser will use in preparing the "Notice of Proposed Property Taxes" to all property owners in August 2020. Once the tentative millage rate is set, it may not be exceeded unless an extensive notification to property owners is undertaken. The final millage can be lower than the tentative millage without additional notification requirements.

The proposed budget presented to the Commission on July 8th was based on keeping the current operating millage at 4.0923. This would mark the 13th year that the rate has remained unchanged. The combined operating and debt service millage represents a decrease (-0.21%) from the combined millage in FY20 as taxable values have risen which reduces the millage necessary to fund the debt payments.

Winter Park currently holds the lowest operating millage (including accounting for library millage) of any major jurisdiction in Orange County, and is the only municipality to not raise its millage rate since the recession.

alternatives / other considerations

If the Commission chooses, it can adjust the millage rate within certain voting approval requirements at various millage thresholds. Below are the simple majority, super majority, and unanimous voting millage thresholds.

**Rate Proposed in Budget*

Action	Vote	Rate	Revenue
Rolled-back millage rate	Simple majority	3.9509	\$26.3 M
Current millage rate*	Simple majority	4.0923	\$27.3 M
Adjusted rolled back rate - Maximum millage rate allowed with simple majority	Simple majority	5.9181	\$39.5 M
Up to 10% above adjusted rolled-back rate	Super majority (four votes)	6.5099	\$43.4 M
More than 10% above the adjusted rolled-back rate and up to 10 mills	Unanimous vote	6.5100 – 10.0	\$6.5 M for each mill added.

fiscal impact

Property tax revenue is the single largest contributor to General Fund revenues (44% of total revenues) and is the only major revenue source category expected to rise in FY 21. Small adjustments to the rate can have large impacts on total revenues. As a simple way of considering incremental changes, every ¼-mill increase or decrease in the rate would change annual revenue by \$1.6 million.



City Commission agenda item

item type Public Hearings	meeting date July 22, 2020
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park 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); providing for non-codification, conflicts, severability, and an effective date. (First Reading)

motion / recommendation

Approve the Ordinance as presented.

background

The City Commission asked staff to prepare a Moratorium on the Orange Avenue Overlay that was approved, but then rescinded by Ordinance prior to the effective date. The intent of the moratorium is to ensure that no development can occur based on the previously approved Orange Avenue Overlay if the lawsuits appealing the rescission of the Overlay are successful.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

OAO Moratorium Ordinance w Confirmation of Rescission Ordinance 05-22-2020.docx

ATTACHMENTS:

OA0 Rescind Ordinance - Exhibit A to Temporary Moratorium Ordinance.pdf

ORDINANCE NO. ____

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.

WHEREAS, the City of Winter Park ("City"), as provided in section 2(b), Article VIII of the Florida Constitution and chapters 163 and 166, Florida Statutes, enjoys all home rule authority, police power, land development and zoning authority, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City Commission, on March 9, 2020, approved an Orange Avenue Overlay District to be implemented through Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code Amendment), with an anticipated effective date of April 16, 2020 based on the Florida Department of Economic Opportunity's notification to the City of comprehensive plan amendment completeness; and

WHEREAS, before Ordinance 3166-20 and 3167-20 became effective, the City Commission rescinded and repealed Ordinance 3166-20 and 3167-20 by adoption of Ordinance 3172-20 (Rescission Ordinance) rescinding/repealing Ordinances 3166-20 (Comprehensive Plan Amendment) and 3167-20 (Land Development Code Amendment) on April 13, 2020; and

WHEREAS, a copy of Ordinance 3172-20 (Rescission Ordinance) is attached hereto as Exhibit "A"; and

WHEREAS, the City Commission adopted Ordinance 3172-20 (Rescission Ordinance) before Ordinances 3166-20 (Comprehensive Plan Amendment) and 3167-20 (Land Development Code Amendment) became effective, in part, to avoid anyone, including all of the property owners within and abutting the Orange Avenue Overlay District, from relying on those Ordinances for any purpose and to begin the process of considering an Orange Avenue Overlay District based on additional needed data, information, and analyses; and

WHEREAS, on April 14, 2020, the City notified the Department of Economic Opportunity ("Department") of the City's rescission/repeal of Ordinances 3166-20 (Comprehensive Plan Amendment) and 3167-20 (Land Development Code Amendment) and of the withdrawal of the Orange Avenue Overlay District Comprehensive Plan Amendment and the Department acknowledged the City's rescission/repeal and withdrawal of Ordinance 3166-20 and updated its records accordingly; and

WHEREAS, notwithstanding the foregoing, there are allegations in pending litigation that Ordinance 3172-20 (Rescission Ordinance) was not properly enacted, that Ordinances 3166-20 (Comprehensive Plan Amendment) and 3167-20 (Land Development Code Amendment) were not properly rescinded/repealed; and

WHEREAS, the City Commission finds that Ordinance 3172-20 (Rescission Ordinance) was in fact properly enacted in a manner consistent with law and the City Commission's own rules and procedures; and

WHEREAS, due to pending litigation challenging the adoption of Ordinance 3172-20 (Rescission Ordinance), the City finds it prudent and necessary to place 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 contained within the now rescinded and repealed Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code Amendment) in order to avoid prejudice to any of the landowners in the Overlay area and to avoid any assertion that any property owner or developer relied upon the provisions of Ordinance 3166-20 and Ordinance 3167-20; and

WHEREAS, the City desires this moratorium only apply to the extent of the policies, regulations, codes, and provisions of the now rescinded and repealed Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code Amendment) and that this moratorium not be construed as a limitation on acceptance, processing, and consideration of applications for development orders, conditional use applications, site plans, building permits and other development applications under any other applicable provisions of the Winter Park Comprehensive Plan and City Code; and

WHEREAS, this temporary moratorium shall only become effective in the event a court of competent jurisdiction determines Ordinance 3166-20 (Comprehensive Plan

Amendment) and/or Ordinance 3167-20 (Land Development Code Amendment) are valid or effective or that Ordinance 3172-20 (Rescission Ordinance) is defective, ineffective, void or otherwise invalid; and

WHEREAS, the City desires to place the property owners, tenants, businesses, residents and other members of public and all parties on notice that the City is creating 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 concerning properties located within the Orange Avenue Overlay District as such are contained in the now rescinded/repealed Ordinance 3166-20 (Comprehensive Plan Amendment) and/or Ordinance 3167-20 (Land Development Code Amendment); and

WHEREAS, the City planners, engineers, and other staff estimate they may need approximately six (6) months from the adoption of this Ordinance to obtain the additional needed data, information, studies, analyses, and community input from property owners, tenants, and citizens to determine what policies, provisions, rules, and regulations may be appropriate and necessary to create standards and requirements relating to development and redevelopment within the Orange Avenue Overlay District; and

WHEREAS, the recitals adopted by 3172-20 (Rescission Ordinance) as the legislative findings, purposes and legislative determinations are hereby incorporated into this Ordinance for the purposes of approving Section 3 of this Ordinance; and

WHEREAS, prior to its adoption, this Ordinance was publicly noticed and public hearings were conducted in accordance with Section 166.041(3)(c)2, Florida Statutes; and

WHEREAS, this Ordinance was prepared at the direction of the City Commission and in a manner consistent with the City Commission's own rules and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

SECTION 1. Intent. The above recitals are hereby adopted as the legislative findings and purposes of this Ordinance and as the City Commission's legislative determinations.

SECTION 2. Moratorium. In the event a court of competent jurisdiction determines Ordinance 3172-20 (Rescission Ordinance) is defective, ineffective, void, or otherwise invalid and/or Ordinance 3166-20 (Comprehensive Plan Amendment) and/or Ordinance 3167-20 (Land Development Code Amendment) is/are valid or effective, a temporary moratorium (suspension) on the acceptance, processing, and consideration of all development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District

policies, regulations and codes contained within Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment) for all properties proposing development within the Orange Avenue Overlay District identified on the map attached hereto as Exhibit "B" shall take effect immediately and last for a period of 270 days thereafter. Building permits and all other applications for development pursuant to the existing comprehensive plan policies, zoning, development and building codes and regulations in effect in the City prior to approval of Ordinance 3166-20 (Comprehensive Plan Amendment) and/or Ordinance 3167-20 (Land Development Code Amendment) are excepted from this temporary moratorium. Further, excepted from the temporary moratorium set forth in this Ordinance are building permits and development orders issued pursuant to any comprehensive plan amendments or land development regulation amendments adopted after the Effective Date of this Ordinance. For the purpose of this Ordinance, the terms "development order" and "development permit" mean the same as defined in section 163.3164, Florida Statutes. The temporary moratorium established by this Ordinance may be extended or terminated early by adoption of an ordinance or resolution of the City Commission.

SECTION 3. Confirmation and Readoption of Ordinance 3172-20. Ordinance 3172-20 (Rescission Ordinance), adopted April 14, 2020 rescinding and nullifying Ordinance 3166-20 (Comprehensive Plan Amendment) and/or Ordinance 3167-20 (Land Development Code Amendment) is hereby confirmed, validated, and readopted. A copy of Ordinance 3172-20 is attached hereto as Exhibit "A".

SECTION 4. Non-Codification. Given the temporary nature and effect of this Ordinance, it is the intent of the City Commission that this Ordinance shall not be codified.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance, resolution, or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 7. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

FIRST READING this _____ day of _____, 2020.

SECOND READING this _____ day of _____, 2020.

ADOPTED this ____ day of _____, 2020, by the City Commission of the City of Winter Park, Florida.

CITY COMMISSION
CITY OF WINTER PARK

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

EXHIBIT "B"
Orange Avenue Overlay District



EXHIBIT "A"

ORDINANCE 3172-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING ORDINANCE 3166-20 AND ORDINANCE 3167-20, WHICH RESPECTIVELY AMENDED THE COMPREHENSIVE PLAN AND ZONING CODE TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT AND GOVERNING POLICIES AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment) concerning the establishment of the Orange Avenue Overlay District and related policies and land development regulations on March 9, 2020; and

WHEREAS, the City Commission has reconsidered its votes on Ordinances 3166-20 and 3167-20 and now repeals those ordinances before they become effective to avoid causing prejudice to any of the landowners in the Overlay area; and to begin the process anew to consider adoption of an Orange Avenue Overlay District; and

WHEREAS, the City Commission directs City staff to provide necessary data and analysis, as delineated by the City Commission, within 30 days following the expiration of any state or federal Executive Orders (EO) allowing public meeting by communications media technology; and within 30 days following the presentation to and acceptance by the City Commission of such data and analysis, re-initiate the process and schedule public hearings to consider amendments to the Comprehensive Plan and the Zoning Code to create the Orange Avenue Overlay District in accordance with F.S. Chapter 163, pt. II and Land Development Code Section 58-6; and

WHEREAS, since Ordinance 3166-20 and Ordinance 3167-20 are not yet effective, they are not currently part of the Comprehensive Plan or Land Development Regulations of the City of Winter Park; and

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission has reconsidered its votes on Ordinance 3166-20, establishing the Orange Avenue Overlay, and Ordinance 3167-20, the associated land development code amendment, (referred to collectively as the Orange Avenue Overlay), and hereby repeals those ordinances before the ordinances become effective, to avoid causing prejudice to any of the landowners in the Overlay area; and

WHEREAS, the City Commission is repealing the Orange Avenue Overlay to allow more time for Staff to provide analysis and data, and to offer the public additional information and opportunity for public comment, and since many changes in substance were made at the second reading of the ordinances. Chapter 163.3181(1) of Florida Statute expresses the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. There were public hearings on prior versions of the Orange Avenue Overlay, however at the second reading of the ordinances many changes in substance were

made to the Overlay, preventing full opportunity for public understanding and informed comment on the final version; and

WHEREAS, it is the intention of the City Commission to further study and potentially amend proposed Orange Avenue Overlay policies and regulations; specifically, to examine the value to the City from the transfer of residential development rights; intensities of land use; the regulations pertaining to parking garages; the use of existing public right of ways; the economic value of incentives, and

WHEREAS, the City Commission now finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

WHEREAS, Ordinance 3166-20 was not to become effective until April 16, 2020. By repealing Ordinance 3166-20 and Ordinance 3167-20 before April 16, 2020, the City Commission is providing ample notice to the property owners in the Orange Avenue Overlay that they should make no investment backed decisions based on Ordinances 3166-20 or 3167-20. Further that a copy of this Ordinance shall be mailed to all property owners within the geographic area referred to as Orange Avenue Overlay to ensure all owners are aware of this repeal of the Orange Avenue Overlay.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION 1. Recitals. The above recitals are hereby adopted as the legislative findings of the City Commission.

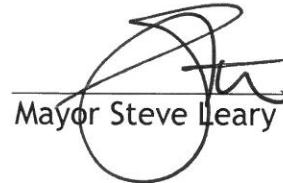
SECTION 2. Rescind. That Ordinances 3166-20 and 3167-20 adopted on March 9, 2020 are hereby rescinded (repealed) and are null and void.

SECTION 3. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 4. Conflicts. To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control.

SECTION 5. Effective Date. This Ordinance shall become effective immediately following approval of the 2nd Reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 13th day of April 2020.



Mayor Steve Leary

Attest:



Rene Cranis, City Clerk



City Commission agenda item

item type Public Hearings	meeting date July 22, 2020
prepared by George Wiggins	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Public health and safety.	

subject

Request of City of Winter Park for:

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

motion / recommendation

Approve modifications to Ordinance

background

"After hearing from residents and at the direction of the Commission, staff, with the assistance of the City Attorney's office, has prepared revisions to the existing Noise Ordinance addressing the hours during which construction noise creating a disturbance across residential property lines may occur as set forth in § 62-97(9) & (11) of the City's Code of Ordinances. Currently such construction noise is prohibited between the hours of 9PM to 7AM daily, on Sundays, and on 6 specified holidays (i.e., New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

The proposed ordinance expands the hours during which construction noise creating a disturbance across residential property lines is prohibited to 8PM to 7AM daily, except for on the weekend, when such noise would now be prohibited from 8:00 pm on Friday until 8:00 AM Saturday and from 6PM Saturday evening until 7AM on the following Monday (which effectively continues to prohibit such noise on Sunday).

In addition, a provision has been added to codify a common practice, which allowed relief (i.e., a waiver) from the construction noise prohibitions under certain conditions. Those conditions include circumstances in which (i) the construction activities, if conducted within permitted hours, would be of a nature or type that would unduly impede, disturb, or interfere with transportation networks, vehicular or pedestrian traffic, or parking, or other logistical operations

ordinarily occurring during permitted hours; (ii) the work is emergency work or repairs, including, but not limited to, work that must be completed as quickly as possible to avoid injury or damage to persons or property, including, but not limited to, emergency utility work to restore electricity, water, sewer, or other service; or (iii) the work, if not completed, commenced, or finished outside of permitted hours, will be damaged or otherwise destroyed by expected inclement weather conditions.”

alternatives / other considerations

Make no changes to current Noise Ordinance.

fiscal impact

Minor permitting cost for waiver application and updating notifications of changes to contractors and permit applicants.

ATTACHMENTS:

NOISE ORDINANCE v. 3.2 - clean.docx

ORDINANCE NO. _____

**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.**

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the hours in which construction activity is permitted in residential areas of the City can affect the livability and peaceful enjoyment of those residential neighbors; and

WHEREAS, the City recognizes that providing for uniform hours for noise generated by construction activity in an equitable manner for all citizens is in the best interests of the public and residents in order to protect the public health, safety and general welfare.

NOW THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK:

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION 2: Amendment. Sections 62-97(9) & (11) contained within Division 2 of Article IV of Chapter 62 "Offenses and Miscellaneous Provisions" of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 62. Offenses and miscellaneous provisions.

DIVISION 2. - NOISE AND DISTURBANCE CONTROL

Sec. 62-97. - Specific prohibitions.

(a) The following acts, among others (this enumeration shall not be deemed to be exclusive), are declared to be noise disturbances in violation of this division:

(9) Construction activities, piledrivers, hammers, etc. The operation between the hours of ~~9:00~~ 8:00 p.m. and 7:00 a.m. on Monday through Friday, and from 8:00 p.m. on Friday to 8:00 a.m. on Saturday morning, of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, ~~or other~~ construction appliance or machine, or construction materials or equipment delivery such as to create a noise disturbance across a residential or commercial real property line.

(11) Construction activities on Sunday weekends and holidays. Operating or permitting the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, ~~or other~~ construction appliance or machine, or construction materials/equipment

delivery between ~~9:00~~ 6:00 p.m. on Saturday and 7:00 a.m. on the following Monday or at any time on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day or Christmas Day so as to create a noise disturbance across a residential or commercial real property line.

(b) *Waivers for Construction Activities.*

(1) To conduct construction activities likely to create a noise disturbance as identified in subsections (9) and (11) of this Section 62-97 during prohibited time periods or on prohibited days, a property owner or contractor of record may obtain a waiver by demonstrating the existence of one or more of the following special construction circumstances:

(a) the construction activities, if conducted within permitted hours, are of a nature or type that will unduly impede, disturb, or interfere with transportation networks, vehicular or pedestrian traffic, or parking, or other logistical operations ordinarily occurring during permitted hours;

(b) the work is emergency work or repairs, including, but not limited to, work that will endanger or unduly impact persons or property if not commenced or completed quickly;
or

(c) the work, if not completed, commenced, or finished outside of permitted hours, will be damaged or otherwise destroyed by expected inclement weather conditions.

(2) The property owner or contractor of record may apply for and obtain a waiver from the Building Director or City Manager to conduct such activity or activities. To obtain a waiver, the applicant must complete an application in a form prescribed by the City Manager and set forth in writing the special circumstances warranting a waiver pursuant to the criteria contained herein. Such waiver, if granted, may be conditioned on reasonable mitigation measures. In order to receive a waiver, the grantee must provide proof of providing notice of such waiver to impacted persons, who are defined as those individuals residing within 300 feet of the construction site or further if the Building Director determines that expansion of the impacted area is necessary due to the type or magnitude of the noise or other audible disruption that is expected to be caused by the proposed activity. In addition, the contact information of the owner or contractor must be provided to persons residing within the impacted area of the project. The owner or contractor must also provide such information to the City as part of the waiver application prior to proceeding with any such otherwise prohibited construction activity. Failure to follow through with the prescribed notice and mitigation measures may result in a revocation of the waiver.

(3) Generally, no waiver is required for construction activities located over 400 feet from the nearest residential dwelling unless the property owner or contractor of record engages in construction activities known to generate substantial noise or vibration, including, but not limited to, the use of pile drivers or jackhammers, or the dropping of heavy beams or other heavy construction material, in which case such owner or contractor must obtain a waiver pursuant to this section, except that notice of the waiver must be provided to anyone residing within 400 feet of the construction site. The City reserves the right to issue a stop work order to anyone operating outside 400 feet from a residential dwelling unit without a waiver during non-permitted if the noise created by such construction activities creates a noise disturbance across a residential property line.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance will be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right and authority to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance will become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk



City Commission agenda item

item type Public Hearings	meeting date July 22, 2020
prepared by Randy Knight	approved by
board approval Completed	
strategic objective	

subject

Resolution governing Commission Meetings

motion / recommendation

Approve Resolution 2233-20.

background

At the July 8, 2020 Commission meeting the Commission reviewed a draft Resolution on the policies governing the conduct of Commission meetings and made several changes. Attached is a redline of that Resolution incorporating the Commission changes and some additional changes recommended by the City Attorney. The changes in red are staff changes based upon the Commission input and the changes in blue are from the City Attorney.

Note: This Resolution restates and replaces all previous Resolutions and previous policies related to the conduct of Commission Meetings.

alternatives / other considerations

fiscal impact

None

ATTACHMENTS:

Resolution 2233-20 Redline.pdf

ATTACHMENTS:

Resolution 2233-20 Clean.docx

RESOLUTION NO. 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.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

SECTION 1: Resolution No. -2129-13 is hereby restated in its entirety with certain changes to take into account ~~other policies~~ adopted by the Commission that were never formally approved by resolution and to make other changes for clarification and consistency purposes. The rules set forth in this Resolution ~~shall~~ supersede and replace all other prior adopted policies, rules, and resolutions governing the City Commission concerning the matters set forth herein. The City Commission ~~shall~~ will be the judge, interpreter, and enforcer of the rules set forth herein. Nothing herein grants or is intended to ~~nor shall~~ grant any rights to or vest any rights in third parties, ~~including, without limitation, for enforcement to enforce or be beneficiaries~~ of the rules set forth herein.-

SECTION 2: RULES. It is the duty of the City Commission to make such rules for its own guidance and government as it may deem expedient. The following ~~shall beserve as~~ the internal rules for the government of the City Commission:

RULE 1. REGULAR MEETINGS: The City Commission shall hold regular meetings on the second and fourth Wednesday of each month in the City Commission Chambers at the City Hall commencing at 3:30 p.m. or at such time of day and location as the Commission may decide, provided, however, that the City Commission may dispense with any one meeting each month that conflicts with a holiday or when it is anticipated that the business of the Commission ~~be is~~ not urgent.

RULE 2. SPECIAL AND EMERGENCY MEETINGS: Any member of the City Commission may call a special or emergency meeting of the Commission either by written or verbal request to the City Manager. In order to provide for the most open and public notice as possible and to provide all members of the Commission an equal opportunity to participate and to increase efficiency in scheduling, all such meetings should, if possible, be requested and ~~if possible~~ possible scheduled ~~in during~~ a public City Commission meeting. Whenever a special or emergency meeting is called, the Commission ~~shall must~~ be notified either in person, via e-mail, and/or by telephone at least twenty-four (24) hours before any special meeting and, when practicable, at least twelve (12) hours before any emergency meeting. A copy of such notice shall likewise be posted at City Hall and on the City's website.

RULE 3. WORK SESSION MEETINGS: The City Commission may meet informally for study and discussion of the affairs of the City, but no formal or binding action ~~shall may~~ be taken at a ~~workshop or~~ work session meeting. In order to provide for the most open and public notice

as possible and to provide all members of the Commission an equal opportunity to participate and to increase efficiency in scheduling, all such meetings should, if possible, be requested and if possible scheduled in-during a public City Commission meeting. Whenever a work session is called, the Commission shall-must be notified either in person, via e-mail, and/or by telephone at least twenty-four (24) hours before the scheduled time. A copy of such notice mustshall likewise be posted at City Hall and on the City's website.

For planning and scheduling purposes and to reduce the need for specially called work sessions, there shall be one regularly scheduled work session each month. The topics for these work sessions shall-must be determined in advance by the City Commission with input from city staff. The Commission may, by simple majority vote, set the day and time of the regularly scheduled monthly work sessions.

RULE 4. MEETINGS OPEN TO THE PUBLIC: All meetings of the City Commission for the purpose of transacting city business, whether action is taken or not, shall-must be held in the City Commission Chambers (unless the Commission indicates-notices another advertised location, -) and shall-must be open to the public. Rule 4 does not prohibit meetings from taking place via a virtual or electronic format at such times allowed by the Governor under a state of emergency or if otherwise authorized by law. Virtual meetings must be open to the public.

RULE 5. AGENDA: The City Manager shall prepare an agenda for all meetings, except emergency meetings when time does not permit.

(A) AGENDA ITEMS - Any potential agenda item may be brought up by the Mayor or a Commissioner at any time during the regular Commission meeting, special meeting, or work session to determine the interest of the other Commission members. If the-a majority of the Commissioners present, either in person or virtually, concur, the item will be placed on a future agenda with appropriate back-upsupporting documentation provided by staff. No member of the Commission shall-may ask-direct a staff member or the City Attorney to prepare an agenda item without that member first addressing it at a public meeting and gaining consensus to consider the issue at a future meeting. If a member of the Commission believes an item is of such a pressing nature that waiting until the next public meeting to ask for it to be added to an agenda will cause some type of harm to the City, then said member shall make the request to add the item in writing to the City Manager, and the City Manager shall contact the other members of the Commission in writing to see if there is consensusdetermine whether the item should be added-to add the item to the agenda. In order to give adequate and proper notice to the public of the item, any such request should occur prior to the first publishing of the agenda packet.

No action shall-may be taken at the meeting when-in which the new item is brought-upintroduced unless a majority of the Commission decides that time constraints do not permit scheduling the item for a future meeting or the matter is of such a nature as to not require any supporting backup-information or documentation for the Commission to make an informed decision. Staff should be given-provided enough time to prepare the appropriate supporting materials for either the next meeting or a future meeting if the next meeting does not allow enough time to prepare the information and appropriately

address the item. There must be a consensus of at least three Commission Members to move forward.

Any non-agenda item brought up by a member of the public will follow the same procedures as outlined above if there is interest ~~by the Commission~~ in pursuing the item.

(B) RECONSIDERATION OF ITEM – No item/issue may be ~~brought up~~introduced for reconsideration by a ~~commissioner~~Commissioner that was on the minority side of the previous vote until at least six months have passed since ~~the action on the item~~ was taken. However, a ~~commission~~Commission member on the majority side of a vote may request that the item be reconsidered at any time by following the procedure outlined in subsection (A) above. A newly elected ~~commission~~Commission member ~~that who~~ did not hold office at the time of the vote on an item may request that such item be reconsidered any time, and with the concurrence of at least two other ~~commission~~Commission members, may have such item placed on a future agenda for consideration.

(~~BC~~) Distribution – The agenda ~~shall~~must be provided to the public via the City's website no later than the ~~Friday~~Thursday prior to the ~~Monday~~Wednesday meeting and ~~shall~~must be posted at City Hall.

(D) Minutes – Minutes shall must be prepared for all Commission meetings, regardless of whether the meeting is a regular, special, emergency, informal, or a work session meeting. The City Clerk will attempt endeavor to prepare all minutes within five days of following the each meeting. Once prepared by the City Clerk the minutes shall must be presented to the Commission for review/approval as part of the next agenda packet sent to the Commission.

RULE 6. PRESIDING OFFICER: The Mayor shall preside at all meetings, if present, and in his/her absence, the Vice-Mayor, and in the absence of both the Mayor and the Vice-Mayor, a Mayor pro tem ~~shall~~must be elected to preside.

RULE 7. DECORUM: The presiding officer, and in the absence of a presiding officer, the City Manager or the City Manager's designee, is empowered to and shall preserve decorum. Members of the public attending ~~commission~~Commission meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Commission. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the ~~commission~~Commission or while attending the ~~commission~~Commission meeting ~~shall~~must be removed from the building and may not return to the meeting from which he or she was removed, or to the building, prior to close or adjournment of the meeting without leave of the presiding officer or the permission of the ~~commission~~Commission. If the person removed is an applicant for city action or otherwise is the named proponent of a matter ~~which that~~ is scheduled to come before the ~~commission~~Commission, but which has not been decided by the ~~commission~~Commission at the time of the person's removal, the ~~commission~~Commission may, but is not required to, postpone consideration of said action or matter until the next regularly scheduled meeting. If consideration of ~~said such~~ action or matter is postponed, any fees required to be paid in connection with bringing said action or matter before the ~~commission~~Commission ~~shall~~will be required to be paid again prior to the subsequent consideration of said action or matter.

The provisions of this Rule 7 ~~shall~~ also apply to Commission work sessions and informal

meetings ~~(work sessions with less than a quorum of the Commission present)~~, to the meetings of City boards, and to meetings with City staff which are open to members of the public.

RULE 8. ORDER OF BUSINESS: All meetings (regular or special) of the Commission ~~shall~~ must be open to the public promptly at the hour set on the day of each meeting. The business of the Commission ~~shall~~ must be taken up for consideration and disposition in substantially the following order, ~~unless modified by the presiding officer or the City Commission.~~

1. Meeting Called to Order
2. Invocation and Pledge of Allegiance
3. Approval of Agenda
4. Mayor's Report (for non-action items such as proclamations, awards, check presentations, etc.)
5. City Manager's Report
6. City Attorney's Report (for updates on litigation or other legal matters).
7. Non-action items (for updates on issues, citizen board reports and general discussion items requiring Commission direction, but not official action).
8. Citizens' Comments (at 5:00 p.m. or as soon thereafter as possible or at the end of the meeting if it is ending prior to 5:00 p.m.)
9. Consent Agenda (allow Citizen input)
10. Action Items Requiring Discussion (allow Citizen input)
11. Public Hearings (for all resolutions and ordinances; allow Citizen input)
12. City Commission Reports
13. Summary of meeting actions

RULE 9. ADDRESSING THE COMMISSION: ~~Public input is not taken During during work sessions, persons may address the Commission only when requested to do so by a member of the unless this provision is waived by the Commission or the City Manager.~~ At formal meetings, any person desiring to address the Commission ~~shall~~ must first be recognized for that purpose by the presiding officer.

(A) Written Communications -- Members of the City Commission, taxpayers or residents of the City, and other interested parties, or their authorized representatives may address the Commission by written communications in regard to matters then under discussion. A copy shall be provided to the City Clerk. ~~Emails related to agenda items received by City staff (but not addressed to the Commission)~~ ~~shall~~ must be forwarded to the City Commission.

(B) Oral Communications -- Taxpayers or residents of the City and other interested parties, or their authorized legal representatives, may address the Commission by oral communication on any matter concerning the City's business or any matter over which the Commission has jurisdiction or control under New Business (Public).

(C) Anonymous Communications -- Unsigned communications ~~shall~~ may not be introduced to the Commission.

(D) Manner of Addressing Commission; Time Limited -- Each person recognized for the purpose of addressing the Commission shall step forward to the podium with the microphone thereon, and ~~shall~~ give his/her name and address in an audible tone for the record, and unless further time is granted by the presiding officer or the Commission, ~~shall~~ must limit his/her address to three (3) minutes for individuals and fifteen (15) minutes for team

presentations, or such additional time as may be deemed appropriate by the Commission. All remarks ~~shall~~must be addressed to the Commission as a body and not to any member thereof nor to the audience. No person, other than the Commission ~~and the person having the floor shall may~~ be permitted to enter into any debate or discussion, either directly or through a member of the Commission, without the permission of the presiding officer. ~~Further, City Commissioners shall comply with this rule, except that they are permitted to address the Commission from their seat.~~ Copies of all overhead or ~~power~~Power pointPoint presentations or other information used as part of their discussion ~~shall~~must be provided to the City Clerk either in hard copy or electronically. When a large number of the public wish to address the Commission on any issue, priority will be given to Winter Park residents and taxpayers.

RULE 10. VOTING: Ordinances and resolutions require a roll call vote of the City Commission who are present at the meeting either in person or through the use of video-conferencing. All other votes may be done by voice vote. Any time the results of a voice vote is unclear, the City Clerk, presiding officer, or a Commissioner may request a roll call vote. Whenever a roll call vote is ordered, the City Clerk shall call the roll of Commissioners and record the vote of each member. For purposes herein, a roll call vote ~~can~~may be by voice or by electronic recording device that specifically identifies the vote of each Commission Member.

RULE 11. PROCEDURE FOR ADOPTION OF ORDINANCES AND RESOLUTIONS:

(A) Adoption Procedures -- The procedure for adoption of ordinances and resolutions ~~shall be~~is as set forth in Section 166.041, Florida Statutes, and Section 2.11 and 2.12 of the City Charter. ~~The~~This Resolution does not and is not intended to create additional legal requirements for the Commission's adoption of ordinances and resolutions. An ordinance or resolution adopted by the Commission in the past or in the future ~~shall~~will be presumed to have been adopted in compliance with this Resolution and prior iterations of the Commission's resolutions, rules, and policies.

(B) Preparation and Review of Ordinances, Resolutions, Contracts, ~~Etc~~etc.

1. Preparation of Ordinances. No ordinance ~~shall~~may be prepared for presentation to the Commission unless ordered by a majority vote of the Commission, or requested by the City Manager, or prepared by the City Attorney on his/her own initiative.
2. All ordinances, resolutions, and contract documents ~~shall~~must, before presentation to the Commission, be approved as to form and legality by the City Attorney or his/her authorized representative, and ~~shall~~will have been examined and approved for administration by the City Manager or his/her authorized representative, where there are substantive matters of administration involved. All ordinances impacting land use shall require a review and sign-off certification by department heads addressing the availability of public services to support the project and any improvements required. Such review shall must address capacity of water, sewer, transportation, parks, schools, and any other impacted governmental services including, but not limited to police, fire protection, and tree preservation.

RULE 12. RULES CONFIRMING COMPLIANCE WITH CHAPTER 2013-227, LAWS OF

FLORIDA:

(A) The agendas for meetings of the Commission should briefly identify all propositions coming before the Commission for discussion or action, so that the public is sufficiently notified of the subject of the proposition.

(B) “Citizens’ Public Comments” will be included on every regular City Commission agenda (including, by amendment to Section 2-48 of the Municipal Code, the public agendas for subsidiary boards or commissions). The Commission will allow comments by from members of the audience regarding all propositions and proposed actions. With respect to those matters that are identified as exempt from these requirements by Statute 286.0114, which include emergencies, ministerial acts (such as the approval of minutes), ceremonial proclamations, a meeting exempt from Sunshine (Section 286.011), and matters in which the City Commission or a subsidiary board acts in a quasi-quasi-judicial capacity, the Commission reserves the right to allow public comment to the extent such is reasonably possible, as determined by the Commission in its discretion, and specifically will allow public comment in such matters where the City has traditionally allowed for such, including quasi quasi-judicial proceedings..

(C) If a proposition comes before the Commission for action or for a formal vote that was not on the agenda, the Mayor or Presiding Officer will allow public comment on that proposition before it is voted on.

(D) If the Commission determines that public comment is not reasonably possible or needed, then public comment may not be heard on:

1. Emergency items, meaning an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with Florida Statutes 286.0114 would cause an unreasonable delay in the ability of the Commission to act.
2. Ministerial items, meaning an official act involving no more than a ministerial act, including but not limited to, approval of minutes and ceremonial proclamations. Additionally, any parliamentary vote such as a motion to table, motion to adjourn, motion to extend debate or other similar procedural votes which do not implicate any substantive right but are merely designed to facilitate the conduct of the meeting shall be deemed ministerial and public comment may not be allowed.

(E) Public comment is allowed for quasi-quasi-judicial matters but in no event will public comments be considered evidence at a quasi-quasi-judicial proceeding unless a party properly makes such comment evidence that is admissible under the law.

(F) Citizens’ Public Comments will not as a matter of normal order be part of a workshop work session agenda. However, Citizens’ Comments will be allowed on any proposition regarding a workshop-work session topic at the first regular or special meeting of the Commission following the workshopwork session, and before a vote on the item is taken by the Commission.

(G) It is the intent of the Commission that all City boards and subsidiary boards will allow public comment at their meetings except for emergency or ministerial items, and may allow

such as quasi-judicial hearings so long as the comment is not used as evidence.

(H) To the extent there is any conflict between the provisions of this Rule, 12, and any other rule of the City Commission, this Rule 12 shall take precedence and shall control.

RULE 13. PROVISION FOR SAFE AND ORDERLY MEETINGS: The City Manager has the authority to provide for and identify areas to remain free of persons and objects during meetings except for those persons invited to address the Commission. This will promote safety, and ~~insure~~ensure an orderly meeting, free of interruption, and is in the interest of allowing citizens in attendance at the meeting while seated in the area reserved for the audience to observe the dais and Commission activity without having their view obstructed or their attention distracted by persons, objects, or activity within such designated areas, including that area between the dais and the citizens' seating area. This Rule is subject to the exception that persons and their exhibits or other objects may cross into such area(s) when those persons are recognized by the Commission, or by the Mayor at a meeting as presiding officer.

RULE 14. PROVISION FOR COMMISSIONER PARTICIPATION AT MEETINGS THROUGH THE USE OF VIDEO-CONFERENCING:

- (A) The use of video-conferencing by an individual member of the City Commission ~~shall will~~ be limited to not more than three times per calendar year, unless otherwise required due to emergency or other safety considerations (e.g., a pandemic).
- (B) A Commission Member participating by video-conference may vote on matters before the Commission as long as a quorum is physically present at the meeting (unless the physical quorum requirement is suspended by executive order or other proclamation of the Governor due to a state of emergency or other exigent circumstances).
- (C) It shall be the responsibility of the Commission ~~Member-member~~ desiring to participate by video-conferencing to notify the City Manager of such at least 24 hours prior to the scheduled meeting in order to allow staff time to be prepared to accommodate virtual participation.
- (D) It ~~shall is be~~ the responsibility of the Commission ~~Member-member~~ participating by video-conferencing to assure ensure that they have the appropriate equipment and adequate internet bandwidth to ~~adequately~~ accommodate video-conferencing on their-his/her end of the connection.
- (E) It ~~shall be is~~ the responsibility of the city and city staff to ensure that the city has the appropriate equipment and technology on the city's end to accommodate video-conferencing that at a minimum:
 - a. Allows the public to see and hear the Commission ~~Member-member~~ participating virtually while ~~said-such~~ Commission ~~Member-member~~ is speaking.
 - b. Allows the Commission ~~Member-member~~ participating virtually to see and hear the person speaking in-person at the meeting.
 - c. Allows the Commission ~~Member-member~~ participating virtually to see any presentation materials that are displayed for those participating in person.
- (F) In situations where the technology is failing accommodation of the above fails to facilitate the foregoing, regardless of the cause, the Commissioner's ability to vote remotely shall be suspended until such time that the problem has been rectified. Any vote taken by the rest of the Commission during such time ~~shall will~~ stand and not be revisited unless the majority rules to allow a re-vote.
- (G) If the failure of the technology becomes an on-going disruption to the meeting, the Mayor

~~can may~~ ask that the connection be terminated until such time the technological ~~difficulty~~ ~~or~~ failure ~~can be is~~ remedied. The Mayor's determination ~~can may~~ be overturned by a simple majority vote of the Commission ~~Members members~~ present in person at the meeting. In the event of a tie vote, the Mayor's determination stands.

(H) A Commission ~~Member member~~ participating by video-conferencing ~~shall may~~ not ~~have be accompanied by~~ members of the public ~~present with them that whom~~ cannot be seen ~~and or~~ heard by others participating in the meeting.

SECTION 3. This Resolution ~~shall become becomes~~ effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida on this ____ day of _____, 2020.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis

RESOLUTION NO. 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.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

SECTION 1: Resolution No. 2129-13 is hereby restated in its entirety with certain changes to take into account other policies adopted by the Commission that were never formally approved by resolution and to make other changes for clarification and consistency purposes. The rules set forth in this Resolution supersede and replace all other prior adopted policies, rules, and resolutions governing the City Commission concerning the matters set forth herein. The City Commission will be the judge, interpreter, and enforcer of the rules set forth herein. Nothing herein grants or is intended to grant any rights to or vest any rights in third parties to enforce or be beneficiaries of the rules set forth herein.

SECTION 2: RULES. It is the duty of the City Commission to make such rules for its own guidance and government as it may deem expedient. The following serve as the internal rules for the government of the City Commission:

RULE 1. REGULAR MEETINGS: The City Commission shall hold regular meetings on the second and fourth Wednesday of each month in the City Commission Chambers at the City Hall commencing at 3:30 p.m. or at such time of day and location as the Commission may decide, provided, however, that the City Commission may dispense with any one meeting each month that conflicts with a holiday or when it is anticipated that the business of the Commission is not urgent.

RULE 2. SPECIAL AND EMERGENCY MEETINGS: Any member of the City Commission may call a special or emergency meeting of the Commission either by written or verbal request to the City Manager. In order to provide for the most open and public notice as possible and to provide all members of the Commission an equal opportunity to participate and to increase efficiency in scheduling, all such meetings should, if possible, be requested and scheduled during a public City Commission meeting. Whenever a special or emergency meeting is called, the Commission must be notified either in person, via e-mail, and/or by telephone at least twenty-four (24) hours before any special meeting and, when practicable, at least twelve (12) hours before any emergency meeting. A copy of such notice shall likewise be posted at City Hall and on the City's website.

RULE 3. WORK SESSION MEETINGS: The City Commission may meet informally for study and discussion of the affairs of the City, but no formal or binding action may be taken at a work session meeting. In order to provide for the most open and public notice as possible and to provide all members of the Commission an equal opportunity to participate and to increase

efficiency in scheduling, all such meetings should, if possible, be requested and scheduled during a public City Commission meeting. Whenever a work session is called, the Commission must be notified either in person, via e-mail, and/or by telephone at least twenty-four (24) hours before the scheduled time. A copy of such notice must likewise be posted at City Hall and on the City's website.

For planning and scheduling purposes and to reduce the need for specially called work sessions, there shall be one regularly scheduled work session each month. The topics for these work sessions must be determined in advance by the City Commission with input from city staff. The Commission may, by simple majority vote, set the day and time of the regularly scheduled monthly work sessions.

RULE 4. MEETINGS OPEN TO THE PUBLIC: All meetings of the City Commission for the purpose of transacting city business, whether action is taken or not, must be held in the City Commission Chambers (unless the Commission notices another advertised location) and must be open to the public. Rule 4 does not prohibit meetings from taking place via a virtual or electronic format at such times allowed by the Governor under a state of emergency or if otherwise authorized by law. Virtual meetings must be open to the public.

RULE 5. AGENDA: The City Manager shall prepare an agenda for all meetings, except emergency meetings when time does not permit.

(A) **AGENDA ITEMS** - Any potential agenda item may be brought up by the Mayor or a Commissioner at any time during the regular Commission meeting, special meeting, or work session to determine the interest of the other Commission members. If a majority of the Commissioners present, either in person or virtually, concur, the item will be placed on a future agenda with appropriate supporting documentation provided by staff. No member of the Commission may direct a staff member or the City Attorney to prepare an agenda item without that member first addressing it at a public meeting and gaining consensus to consider the issue at a future meeting. If a member of the Commission would like to add an agenda item of a pressing nature that can potentially be harmful to the city if the normal request process is followed, this request to add the item to the agenda must be made in writing to the City Manager. The City Manager shall determine whether the item should be added to the agenda. To ensure adequate and proper notice is given to the public, any such request should occur prior to the publishing of the agenda packet.

No action may be taken at the meeting in which the new item is introduced unless a majority of the Commission decides that time constraints do not permit scheduling the item for a future meeting or the matter is of such a nature as to not require any supporting information or documentation for the Commission to make an informed decision. Staff should be provided enough time to prepare appropriate supporting materials for either the next meeting or a future meeting if the next meeting does not allow enough time to prepare the information and appropriately address the item. There must be a consensus of at least three Commission Members to move forward.

Any non-agenda item brought up by a member of the public will follow the same procedures as outlined above if there is interest in pursuing the item.

(B) **RECONSIDERATION OF ITEM** – No item/issue may be introduced for

reconsideration by a Commissioner that was on the minority side of the previous vote until at least six months have passed since action on the item was taken. However, a Commission member on the majority side of a vote may request that the item be reconsidered at any time by following the procedure outlined in subsection (A) above. A newly elected Commission member who did not hold office at the time of the vote on an item may request that such item be reconsidered any time, and with the concurrence of at least two other Commission members, may have such item placed on a future agenda for consideration.

(C) Distribution – The agenda must be provided to the public via the City’s website no later than the Thursday prior to the Wednesday meeting and must be posted at City Hall.

(D) Minutes – Minutes must be prepared for all Commission meetings, regardless of whether the meeting is a regular, special, emergency, informal, or a work session meeting. The City Clerk will endeavor to prepare all minutes within five days following each meeting. Once prepared by the City Clerk the minutes must be presented to the Commission for review/approval as part of the next agenda packet sent to the Commission.

RULE 6. PRESIDING OFFICER: The Mayor shall preside at all meetings, if present, and in his/her absence, the Vice-Mayor, and in the absence of both the Mayor and the Vice-Mayor, a Mayor pro tem must be elected to preside.

RULE 7. DECORUM: The presiding officer, and in the absence of a presiding officer, the City Manager or the City Manager’s designee, is empowered to and shall preserve decorum. Members of the public attending Commission meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Commission. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Commission or while attending the Commission meeting must be removed from the building and may not return to the meeting from which he or she was removed, or to the building, prior to close or adjournment of the meeting without leave of the presiding officer or the permission of the Commission. If the person removed is an applicant for city action or otherwise is the named proponent of a matter that is scheduled to come before the Commission, but which has not been decided by the Commission at the time of the person’s removal, the Commission may, but is not required to, postpone consideration of said action or matter until the next regularly scheduled meeting. If consideration of such action or matter is postponed, any fees required to be paid in connection with bringing said action or matter before the Commission will be required to be paid again prior to the subsequent consideration of said action or matter.

The provisions of this Rule 7 also apply to Commission work sessions and informal meetings (work sessions with less than a quorum of the Commission present), to the meetings of City boards, and to meetings with City staff which are open to members of the public.

RULE 8. ORDER OF BUSINESS: All meetings (regular or special) of the Commission must be open to the public promptly at the hour set on the day of each meeting. The business of the Commission must be taken up for consideration and disposition in substantially the following order, unless modified by the presiding officer or the City Commission.

1. Meeting Called to Order
2. Invocation and Pledge of Allegiance
3. Approval of Agenda

4. Mayor's Report (for non-action items such as proclamations, awards, check presentations, etc.)
5. City Manager's Report
6. City Attorney's Report (for updates on litigation or other legal matters).
7. Non-action items (for updates on issues, citizen board reports and general discussion items requiring Commission direction, but not official action).
8. Citizens' Comments (at 5:00 p.m. or as soon thereafter as possible or at the end of the meeting if it is ending prior to 5:00 p.m.)
9. Consent Agenda (allow Citizen input)
10. Action Items Requiring Discussion (allow Citizen input)
11. Public Hearings (for all resolutions and ordinances; allow Citizen input)
12. City Commission Reports
13. Summary of meeting actions

RULE 9. ADDRESSING THE COMMISSION: Public input is not taken during work sessions unless this provision is waived by the Commission. At formal meetings, any person desiring to address the Commission must first be recognized for that purpose by the presiding officer.

(A) Written Communications -- Members of the City Commission, taxpayers or residents of the City, and other interested parties or their authorized representatives may address the Commission by written communications in regard to matters then under discussion. A copy shall be provided to the City Clerk. Emails related to agenda items received by City staff (but not addressed to the Commission) must be forwarded to the City Commission.

(B) Oral Communications -- Taxpayers or residents of the City and other interested parties, or their authorized legal representatives, may address the Commission by oral communication on any matter concerning the City's business or any matter over which the Commission has jurisdiction or control under New Business (Public).

(C) Anonymous Communications -- Unsigned communications may not be introduced to the Commission.

(D) Manner of Addressing Commission; Time Limited -- Each person recognized for the purpose of addressing the Commission shall step forward to the podium with the microphone thereon and give his/her name and address in an audible tone for the record, and unless further time is granted by the presiding officer or the Commission, must limit his/her address to three (3) minutes for individuals and fifteen (15) minutes for team presentations, or such additional time as may be deemed appropriate by the Commission. All remarks must be addressed to the Commission as a body and not to any member thereof nor to the audience. No person, other than the Commission may be permitted to enter into any debate or discussion, either directly or through a member of the Commission, without the permission of the presiding officer. Copies of all overhead or Power Point presentations or other information used as part of their discussion must be provided to the City Clerk either in hard copy or electronically. When a large number of the public wish to address the Commission on any issue, priority will be given to Winter Park residents and taxpayers.

RULE 10. VOTING: Ordinances and resolutions require a roll call vote of the City Commission who are present at the meeting either in person or through the use of video-conferencing. All other votes may be done by voice vote. Any time the result of a voice vote is

unclear, the City Clerk, presiding officer, or a Commissioner may request a roll call vote. Whenever a roll call vote is ordered, the City Clerk shall call the roll of Commissioners and record the vote of each member. For purposes herein, a roll call vote may be by voice or by electronic recording device that specifically identifies the vote of each Commission Member.

RULE 11. PROCEDURE FOR ADOPTION OF ORDINANCES AND RESOLUTIONS:

(A) Adoption Procedures -- The procedure for adoption of ordinances and resolutions is as set forth in Section 166.041, Florida Statutes, and Section 2.11 and 2.12 of the City Charter. This Resolution does not and is not intended to create additional legal requirements for the Commission's adoption of ordinances and resolutions. An ordinance or resolution adopted by the Commission in the past or in the future will be presumed to have been adopted in compliance with this Resolution and prior iterations of the Commission's resolutions, rules, and policies.

(B) Preparation and Review of Ordinances, Resolutions, Contracts, etc.

1. Preparation of Ordinances. No ordinance may be prepared for presentation to the Commission unless ordered by a majority vote of the Commission, or requested by the City Manager, or prepared by the City Attorney on his/her own initiative.
2. All ordinances, resolutions, and contract documents must, before presentation to the Commission, be approved as to form and legality by the City Attorney or his/her authorized representative and will have been examined and approved for administration by the City Manager or his/her authorized representative where there are substantive matters of administration involved. All ordinances impacting land use shall require review and certification by department heads addressing the availability of public services to support the project and any improvements required. Such review must address capacity of water, sewer, transportation, parks, schools, and any other impacted governmental services including, but not limited to police, fire protection, and tree preservation.

RULE 12. RULES CONFIRMING COMPLIANCE WITH CHAPTER 2013-227, LAWS OF FLORIDA:

(A) The agendas for meetings of the Commission should briefly identify all propositions coming before the Commission for discussion or action so that the public is sufficiently notified of the subject of the proposition.

(B) "Public Comments" will be included on every regular City Commission agenda (including, by amendment to Section 2-48 of the Municipal Code, the public agendas for subsidiary boards or commissions). The Commission will allow comments from members of the audience regarding all propositions and proposed actions. With respect to those matters that are identified as exempt from these requirements by Statute 286.0114, which include emergencies, ministerial acts (such as the approval of minutes), ceremonial proclamations, a meeting exempt from Sunshine (Section 286.011), and matters in which the City Commission or a subsidiary board acts in a quasi-judicial capacity, the Commission reserves the right to allow public comment to the extent such is reasonably possible, as determined by the Commission in its discretion, and specifically will allow public comment in such matters where the City has traditionally allowed for such, including quasi-judicial

proceedings..

(C) If a proposition comes before the Commission for action or for a formal vote that was not on the agenda, the Mayor or Presiding Officer will allow public comment on that proposition before it is voted on.

(D) If the Commission determines that public comment is not reasonably possible or needed, then public comment may not be heard on:

1. Emergency items, meaning an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with Florida Statutes 286.0114 would cause an unreasonable delay in the ability of the Commission to act.
2. Ministerial items, meaning an official act involving no more than a ministerial act, including but not limited to, approval of minutes and ceremonial proclamations. Additionally, any parliamentary vote such as a motion to table, motion to adjourn, motion to extend debate or other similar procedural votes which do not implicate any substantive right but are merely designed to facilitate the conduct of the meeting shall be deemed ministerial and public comment may not be allowed.

(E) Public comment is allowed for quasi-judicial matters but in no event will public comments be considered evidence at a quasi-judicial proceeding unless a party properly makes such comment evidence that is admissible under the law.

(F) Public Comments will not as a matter of normal order be part of a work session agenda. However, Citizens' Comments will be allowed on any proposition regarding a work session topic at the first regular or special meeting of the Commission following the work session, and before a vote on the item is taken by the Commission.

(G) It is the intent of the Commission that all City boards and subsidiary boards will allow public comment at their meetings except for emergency or ministerial items, and may allow such as quasi-judicial hearings so long as the comment is not used as evidence.

(H) To the extent there is any conflict between the provisions of this Rule, 12, and any other rule of the City Commission, this Rule 12 shall take precedence and shall control.

RULE 13. PROVISION FOR SAFE AND ORDERLY MEETINGS: The City Manager has the authority to provide for and identify areas to remain free of persons and objects during meetings except for those persons invited to address the Commission. This will promote safety, and ensure an orderly meeting, free of interruption, and is in the interest of allowing citizens in attendance at the meeting while seated in the area reserved for the audience to observe the dais and Commission activity without having their view obstructed or their attention distracted by persons, objects, or activity within such designated areas, including that area between the dais and the citizens' seating area. This Rule is subject to the exception that persons and their exhibits or other objects may cross into such area(s) when those persons are recognized by the Commission or by the Mayor at a meeting as presiding officer.

RULE 14. PROVISION FOR COMMISSIONER PARTICIPATION AT MEETINGS

THROUGH THE USE OF VIDEO-CONFERENCING:

- (A) The use of video-conferencing by an individual member of the City Commission will be limited to not more than three times per calendar year, unless otherwise required due to emergency or other safety considerations (e.g., a pandemic).
- (B) A Commission Member participating by video-conference may vote on matters before the Commission as long as a quorum is physically present at the meeting (unless the physical quorum requirement is suspended by executive order or other proclamation of the Governor due to a state of emergency or other exigent circumstances).
- (C) It shall be the responsibility of the Commission member desiring to participate by video-conferencing to notify the City Manager of such at least 24 hours prior to the scheduled meeting in order to allow staff time to be prepared to accommodate virtual participation.
- (D) It is the responsibility of the Commission member participating by video-conferencing to ensure that they have the appropriate equipment and adequate internet bandwidth to accommodate video-conferencing on his/her end of the connection.
- (E) It is the responsibility of the city and city staff to ensure that the city has the appropriate equipment and technology on the city's end to accommodate video-conferencing that at a minimum:
 - a. Allows the public to see and hear the Commission member participating virtually while such Commission member is speaking.
 - b. Allows the Commission member participating virtually to see and hear the person speaking in-person at the meeting.
 - c. Allows the Commission member participating virtually to see any presentation materials that are displayed for those participating in person.
- (F) In situations where the technology fails to facilitate the foregoing, regardless of the cause, the Commissioner's ability to vote remotely shall be suspended until such time that the problem has been rectified. Any vote taken by the rest of the Commission during such time will stand and not be revisited unless the majority rules to allow a re-vote.
- (G) If the failure of the technology becomes an on-going disruption to the meeting, the Mayor may ask that the connection be terminated until such time the technological difficulty or failure is remedied. The Mayor's determination may be overturned by a simple majority vote of the Commission members present in person at the meeting. In the event of a tie vote, the Mayor's determination stands.
- (H) A Commission member participating by video-conferencing may not be accompanied by members of the public whom cannot be seen or heard by others participating in the meeting.

SECTION 3. This Resolution becomes effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida on this ____ day of _____, 2020.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis