



City Commission Regular Meeting

Agenda

January 12, 2022 @ 3:30 pm

City Hall - Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

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

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed 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).

please note

Times are projected and subject to change.

1. Meeting Called to Order**2. Invocation**

- a. [Mark Freid, Think Creative Inc.](#) 1 minute

Pledge of Allegiance**3. Approval of Agenda****4. Mayor Report****5. City Manager Report**

- a. [Meet Your Department: Information Technology](#) 10 minutes
- b. [COVID Update](#) 15 minutes
- c. [Selkirk Update](#) 5 minutes
- d. [City Manager's Report](#) 5 minutes
- e. [Grant Writer Update](#) 5 minutes

6. City Attorney Report**7. Non-Action Items****8. Public Comments | 5 p.m. or soon thereafter**

(if the meeting ends earlier than 5:00 p.m., the 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 the regular meeting, December 8, 2021, 9:30 a.m.](#) 1 minute
- b. [Approve the minutes of the regular meeting, December 8, 2021, 2:30 p.m.](#) 1 minute
- c. [Approve the minutes of the work session, December 9, 2021](#) 1 minute
- d. [Approve the following piggyback contracts:](#) 1 minute
 - 1. Verizon Wireless - State of Florida Contract # DMS-19/20-006C - Mobile Communications Services for services on an as-needed basis during the remainder of the term of the Agreement, contract term through August 24, 2026; Amount: \$230,000 per annual year for the duration of the agreement.

2. Cubix, Inc. - Orlando Utilities Commission Contract #5050-OQ - Floor Covering/Carpet Cleaning for services on an as-needed basis during the remainder of the term of the Agreement, contract term through December 14, 2024; Amount: \$120,000
3. Iteris Inc. - Broward County Contract #OPN2119234Q1 - Video Vehicle Detection Equipment & Repairs for services on an as-needed basis during the term of the Agreement; Amount: \$150,000
4. Core and Main, LP - City of St. Petersburg Blanket Purchase Agreement - Water & Wastewater Supplies for goods on an as needed basis for the remainder of the term of the Agreement; Amount \$500,000
5. Duval Ford - Florida Sheriffs Association Contract #FSA20-VEL28.0 - Pursuit, Administrative, and Other Vehicles for goods on an as needed basis during the term of the Agreement; Amount \$400,000

e. [Approve the following contracts:](#)

1 minute

1. Audio Visual Innovations, Inc. - RFP18-19 - Design, Install, Configure & Maintain A/V Systems for services on an as needed basis during the term of the Agreement; Amount: \$250,000
2. Infinity Corporation of Central Florida - RFP18-19 - Design, Install, Configure & Maintain A/V Systems for services on an as needed basis for the during the term of the Agreement; Amount: \$250,000
3. Matheson Tri-Gas Inc. - IFB16-21 - Purchase and Delivery of Liquid Oxygen for goods on an as needed basis during the term of the Agreement; Amount: \$175,000
4. Paramount Power, Inc. - IFB3-20 - Auxiliary Generator Maintenance for services on an as needed basis during the term of the Agreement; Amount: \$100,000
5. CJ's Sales and Service of Ocala, Inc. - IFB3-20 - Auxiliary Generator Maintenance for services on an as needed basis during the term of the Agreement; Amount: \$100,000
6. Hylant - RFP5-16 - Employee Benefit Agent of Record for services on an as needed basis during the term of the Agreement; Amount: \$80,000
7. Howard Industries, Inc. - IFB8-20 - Single Phase Transformers for goods on an as needed basis for the remainder of the current term of the Agreement; Amount: \$750,000

- | | | |
|----|--|-----------|
| f. | Approval of ARPA Funding Allocation - Neighborhood Traffic Calming | 5 minutes |
|----|--|-----------|

10. Action Items Requiring Discussion

- | | | |
|----|--|------------|
| a. | March 8th General Election and April 12th Run-off Election, if necessary | 10 minutes |
|----|--|------------|
1. Approve polling places.
 2. Appoint three members to the Canvassing Board.
 3. Approve canvassing criteria established by the state and used by Orange County.
 4. Allow Orange County Supervisor of Elections to open and run all Vote by Mail ballots through the tabulator on March 8 after 9:00 a.m. and on April 12 if a run-off is necessary that are not questionable without obtaining the results until 7:00 p.m.
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|----|--|------------|
| b. | Undergrounding residential service lines | 30 minutes |
| c. | Schedule of Work Sessions | 20 minutes |

11. Public Hearings

- | | | |
|----|---|------------|
| a. | Requests of Winter Park Christian Church and of Creative Neighbors LLC. | 45 minutes |
|----|---|------------|
- a. Winter Park Christian Church: Conditional Use approval to build a new replacement church facility on the 1.25 acres of the Lakemont frontage at 740/760 N. Lakemont Avenue, zoned R-1A;
 - b. Creative Neighbors LLC:
 - o Ordinance amending Comprehensive Plan Future Land Use Element text and Future Land Use Map; from Institutional to Single Family Residential on the rear 5.25 acres. (First Reading)
 - o Ordinance amending the Zoning Map to change from single-family (R-1A) zoning to Planned Unit Residential District (PURD) zoning. (First Reading)
 - o Approval of Preliminary Concept Plan and Comprehensive Development Plan of the Planned Unit Residential District zoning and to provide subdivision plat approval to divide the east/rear 5.25 acres of 740/760 N. Lakemont Avenue to provide for 13 single-family home lots and 12 townhouses lots, common area park and retention tracts.
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|----|--|------------|
| b. | Ordinance: Amending Chapter 114, modifying shoreline | 15 minutes |
|----|--|------------|

revetment slope requirement from 3:1 to 2:1

- | | | |
|----|--|-----------|
| c. | Ordinance: Amending Section 66-52, Park closing hours (2nd reading) | 5 minutes |
| d. | Ordinance: Amending Chapter 62, regulating hours for use of domestic power tools and phasing out of gas powered leaf blowers (2nd Reading) | 5 minutes |

12. City Commission Reports

13. Summary of Meeting Actions

14. Adjournment



City Commission **agenda item**

item type Invocation	meeting date January 12, 2022
prepared by Kim Breland	approved by
board approval	
strategic objective	

subject

Mark Freid, Think Creative Inc.

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager Report	meeting date January 12, 2022
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Meet Your Department: Information Technology

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission

agenda item

item type City Manager Report	meeting date January 12, 2022
prepared by Rene Cranis	approved by
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strategic objective	

subject

COVID Update

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission

agenda item

item type City Manager Report	meeting date January 12, 2022
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Selkirk Update

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager Report	meeting date January 12, 2022
prepared by Jennifer Guittard	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

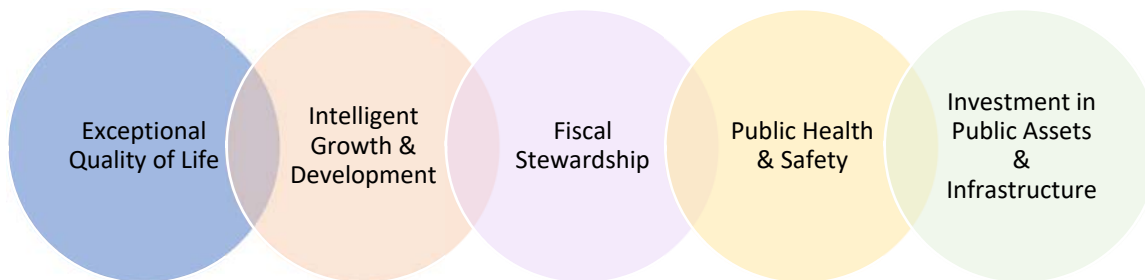
[City Managers Report 1.12.22.pdf](#)



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: Exceptional Quality of Life

Item	Description	Item Department	Item Date
Shady Park and MLK Proposed Improvements	Discuss the proposed MLK Unity Memorial and proposed Shady Park Improvements.	Parks & Recreation	Jan
Historic Designation	Request by the City Commission to approve a voluntary designation of the property and City Hall building at 401 S. Park Avenue as an individual historic landmark.	Planning & Transportation	Jan

Title 2: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Meet your Department Presentation	The Administration Department will present to increase awareness of the various city services their department provides.	Administration	Feb

Item	Description	Item Department	Item Date
Meet your Department Presentation	The Water & Wastewater Utility will present to increase awareness of the various city services their department provides.	Water & Sewer	Mar

Additional Items of City Interest

Title 3: Intelligent Growth & Development

Item	Description	Item Department
Multi-Modal Transportation Impact Fee	The MMTIF was adopted at the December 2021 City Commission Meeting and is effective starting January 1, 2022. A meeting with members of the Builder Community is scheduled for Thursday, January 13, 2022 at the request of the City Commission.	Planning & Transportation
Sustainability Plan	A work session was held October 28 to discuss the updated Sustainability Action Plan (SAP). Based on City Commission feedback, staff will make further revisions and to be presented at a future Commission meeting.	Sustainability & Planning

Title 4: Investment in Public Assets & Infrastructure

Item	Description	Item Department
Electric Undergrounding	Miles of Undergrounding performed Project J: 2.72 miles 1% complete Project L: 9.57 miles 34% complete Reliability project Q: 5.78 miles 92% complete Project R: 4.31 miles (24% complete) Commission approved advancement TOTAL so far for FY 2022: 1.9 miles	Electric

Upcoming Advisory Board Meetings

This report provides a summary of upcoming board meetings currently scheduled on the calendar for the next month.

Additional information relating to all of the City's boards such as meeting schedules, agendas, minutes, and board membership can be located on the City website at: <https://cityofwinterpark.org/government/boards/>

January Board Meetings

Advisory Board	Meeting Date	Meeting Time
Civil Service Board	1/4/22	4 p.m.
Planning & Zoning Board	1/4/22	6 p.m.
Code Compliance Board	1/6/22	3 p.m.
Lake Killarney Advisory Board	1/7/22	10 a.m.
Economic Development	1/11/22	8:15 a.m.
Lakes & Waterways Advisory Board	1/11/22	Noon
Public Art Advisory Board	1/17/22	Noon
Keep Winter Park Beautiful & Sustainable	1/18/22	11:45 a.m.
Historic Preservation Board	1/19/22	9 a.m.
Board of Adjustments	1/18/22	5 p.m.
Parks & Recreation Advisory Board	1/19/22	5:30 p.m.
Transportation Advisory Board	1/24/22	4 p.m.
Community Redevelopment Advisory Board	1/27/22	5:30 p.m.

Upcoming Work Sessions

This report provides a summary of upcoming work sessions currently scheduled on the calendar for the next three months.

Work Sessions	Meeting Date	Meeting Time
City Commission Work Session	1/6/22	10 a.m.
City Commission Joint Work Session with Broadband & Smart City	1/13/22	1 p.m.
Planning & Zoning Board Work Session	1/25/22	Noon



This report is updated monthly to monitor capital projects occurring throughout the city and to provide information about recently completed projects. The project status options have been adjusted to (Planning, Active, Pending). To define; all projects in design, research, or review are in the Planning status. All projects with purchases, construction, and implementation are in the Active status. The remaining projects have a Pending status that have stopped the planning or active work of a project such as pending review and approval, additional funding, and scheduling.

Count by Status

Project Status	Planning Status	Active Status	Pending Status
Count Total 59	25	19	15

Title 1: Planning Status

Project	Project Update	Strategic Objective	Division
1792 Streetscape Imp.	MOU amendment approved at CRA meeting 1/27/20. Design review underway by FDOT and staff including lighting and landscaping. The latest FDOT public meeting was held on April 29th. FDOT in process of due diligence and potential ROW acquisition.	Intelligent Growth & Development	CRA
Central Park Stage	Construction documents underway nearing completion. RFP solicitation planned for after the new year.	Exceptional Quality of Life	CRA
CRA MLK Park Improvements	Joint meeting between PRAB and CRAAB this past June to review concept. Partial funding included in CRA budget for FY 21-22. Additional input provided to PRAB and CRAAB regarding a memorial corner at Denning and Morse. Both boards approved in concept with next steps including an updated cost estimate for the corner and the site as a whole. Consultant contemplated to draft design and assist with stakeholder input. Next step includes a review by the CRA Agency in January or February.	Exceptional Quality of Life	CRA
Dinky Dock Renovations	Parking lot re-design underway. Pending project to potentially be funded through ARPA.	Exceptional Quality of Life	Parks

Project	Project Update	Strategic Objective	Division
Downtown Enhancements	Small scale improvements complete including repainting of light poles and replacement of trash and recycling cans. Assessing further needs for downtown enhancements.	Exceptional Quality of Life	CRA
EL Meter Replacement	Bulk purchase of Electric meters that will no longer be supported by the current software.	Investment in Public Assets & Infrastructure	Electric
EL Substation upgrades	An agreement has been reached with OUC to maintain City substations. Inspections and equipment evaluation to begin in January. There will be a 6 month trial period to determine effectiveness. No major upgrades planned at this time.	Investment in Public Assets & Infrastructure	Electric
FDOT 17-92 UT Line Relocate	Planning scope of work with consultant. Preliminary design by consultant is anticipated for June 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
Field & Tennis Lighting	Light upgrades at Ward park baseball field 1 and WP Tennis Center soft courts are being scheduled with MUSCO lighting. Baseball is scheduled for June 2022 and waiting on date from contractor for tennis center.	Exceptional Quality of Life	Parks
Fire Safety Equipment	The Alerting system is in finalizing interfaces with IT with expectations of going to bid. The upgrading of the Emergency Dispatch CAD system will commence after the Alerting system.	Public Health & Safety	Fire
Golf Course Enhancements	First Tee and Hardscape design have been completed by KCR and Dix Hite as approved by Golf Advisory Board. New patio furniture, tv's, and other such items are in the process of being purchased. Due to timing and supply chain issues major hardscape work and tee work will hold until Spring at recommendation of KCR.	Exceptional Quality of Life	Parks
Kennedy Rd Wide Force Mn	Received roadway documents from County and reviewing for existing force main conflicts. Construction estimated for May 2023.	Investment in Public Assets & Infrastructure	Water & Sewer
Lift Station R&R	Designing upgrades for Lift Station #47 (Ranger) and #23 (Solana). Reviewing lift station conditions for future rehabilitations next fiscal year.	Intelligent Growth & Development	Water & Sewer

Project	Project Update	Strategic Objective	Division
MLK Regional Stormwater	Lake Mendsen (Lake Island) was included as part of CRA Stormwater plan and staff is working to coordinate improvements with MLK Park enhancements to better leverage funding. The plan includes the more passive areas of MLK Park to the north which is currently slated for funding in the CRA's CIP through FY24.	CRA	MLK Regional Stormwater
N Lakemont Seminole Ditch	Preapplication meeting and a field investigation have been completed with the SJRWMD. Agreement approved by the City Commission at the October 13, 2021 meeting and is being scheduled for Seminole County Commission approval in November.	Investment in Public Assets & Infrastructure	Stormwater
Park Pavilions	Working with Mead Gardens on design and needs of new pavilion with tentative start in Summer 2022.	Investment in Public Assets & Infrastructure	Parks
Progress Pointe Redevelopment	Seven (7) 20"+ caliper live oaks have been secured and are being prepared for transport and planting beginning week of 1/17. Two trees per week will be delivered and installed over the course of 3 weeks with final tree installed on week 4. Grading plan for site that will allow for tree planting will be expedited to ensure project stays on track for time sensitive tree planting. Design for Palmetto realignment is nearing completion and will allow for construction to begin in early to mid 2022. Updated conceptional park plan was brought to PRB for feedback at Dec PRAB meeting and notes from meeting have been provided to Commission. Follow up question from PRAB are being address and will be brought back to PRAB at Jan meeting.	Investment in Public Assets & Infrastructure	Parks
Ravadauge Lift Station	Preliminary design underway for design and modeling of pump station and force main. Draft results reviewed and additional modeling is being performed to address City comments.	Investment in Public Assets & Infrastructure	Water & Sewer
Richard Crotty Pkw	Roadway project pushed back by Orange County to begin construction Spring 2025. Water and wastewater utilities design 95% complete.	Investment in Public Assets & Infrastructure	Water & Sewer
Sewer Main Extensions	Extension of sewer mains to support new development or redevelopment. Harold	Investment in Public Assets	Water & Sewer

As of 1/12/22, pg3

Project	Project Update	Strategic Objective	Division
	Avenue sewer main extension FDEP and Orange County permit obtained. Materials being procured for installation. Anticipated field construction work to begin Spring 2022.	& Infrastructure	
Shady Park Area Improvements	Splash pad area demolition complete. Public feedback on improvements received through multiple mediums. Enhancements include an open grass area, better landscape, update benches and seating areas, bollard lighting for elevated safety, and emphasis on history and heritage through a public art piece. Conclusions reviewed by the Parks board in October and CRA Advisory Board in November were made with favorable recommendations. Next step is review by the CRA Agency in January or February.	Exceptional Quality of Life	CRA
Solar Awning Construction	Advanced roofing was selected for the contractual services. Construction will begin in January	Intelligent Growth & Development	Electric
SunRail Safety Mitigation	City staff resubmitted the project to FDOT, and the Department has approved the project. City staff is re-evaluating the project costs and coordinating with contractors to develop a schedule.	Investment in Public Assets & Infrastructure	Transportation
UT Lines 434 Road Widening	Design is 90% complete. FDOT has delayed roadway project bid until December 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
Ward Park Improvements	Planning new baseball field fencing for Summer 2022 installation.	Exceptional Quality of Life	Parks

Title 2: Active Status

Project	Project Update	Strategic Objective	Division
Bicycle & Pedestrian Improvement	Construction of sidewalk on Dundee is 90% completed. Camellia Avenue sidewalk project will commence in FY22.	Exceptional Quality of Life	Transportation
Cemetery Improvements	Monument Warehouse was awarded the contract for fabrication/installation of Pineywood Columbarium in late March. Design approved by PRAB approval at June PRAB meeting. Structures are currently being fabricated and should be delivered and installed in early Spring	Investment in Public Assets & Infrastructure	Parks

As of 1/12/22, pg4

Project	Project Update	Strategic Objective	Division
	2022. Site preparations and landscape/greenscreen install is underway.		
CRA Small Projects	Canton & Garfield pedestrian connection project is now on hold due to unforeseen added cost. Process moving forward is to evaluate in conjunction with other sidewalk improvement opportunities within the downtown for maximum benefit. Installation of rapid rectangular flashing beacons on Denning Drive underway.	Intelligent Growth & Development	CRA
Denning/ Fairbanks Traffic & SW	Purchase of both 901 and 919 W. Fairbanks has been completed and Public Works is setting up the date to demolish the existing structures. Staff is working with a third party consultant on the development of construction plans for improvement to the intersection. Plan development is underway. Physical improvements would be pending cost consideration by the CRA/City Commission.	Investment in Public Assets & Infrastructure	CRA
Electric Undergrounding Project	Miles of Undergrounding performed Project J: 2.72 miles 1% complete Project L: 9.57 miles 34% complete Reliability project Q: 5.78 miles 92% complete Project R: 4.31 miles (24% complete) Commission approved advancement TOTAL so far for FY 2022: 1.9 miles		Electric
ERP Software Project	Utility Billing Go Live is now tentatively scheduled for February 2022. Next step is to ensure the City can run a full bill cycle in the new software. After that, there will be staff training and parallel testing. Code Enforcement has been delayed.	Fiscal Stewardship	IT
Facility Capital Improvements	Scheduling HVAC replacements for the other water plants with installs to be completed over the next couple of months. Lake Island Hall, Country Club, Chamber of Commerce and Building 10 are scheduled to be painted over the next couple of months. MLK Maintenance painting is complete.	Investment in Public Assets & Infrastructure	Public Works

Project	Project Update	Strategic Objective	Division
Improve Howell Branch Preserve Property	The initial treatment of invasive species at the Howell Branch Preserve Trail Grant project properties has taken place and a contract for the quarterly maintenance of the invasive signed. Dix Hite has begun work to develop a master plan for the trails which will include engaging the public and the city commission.	Investment in Public Assets & Infrastructure	Public Works
Improve Mead Garden	City and Mead are coordinating major CIP projects related to ADA restrooms, parking lot improvements, and ADA pathways. Parking lot renovations have begun with overflow lot completed. ADA restrooms construction is underway. ADA trail work will begin later this fall (after wet season).	Exceptional Quality of Life	Parks
IT Infrastructure Upgrade	Funding being utilized for modernization of access controls and video management systems throughout the City.	Fiscal Stewardship	IT
New York Streetscape	Phase I construction underway (Intersection of Fairbanks and New York Avenue) to improve turning lanes, ADA improved pedestrian crosswalks, and mast arm construction.	Intelligent Growth & Development	CRA
Park Surface and Feature Restorations	Phelps Park Playground additional structure has been ordered with estimated installation of Spring 2022. Tennis Court rebuild and pickleball court addition will be completed late January 2022.	Exceptional Quality of Life	Parks
Post Office Acquisition	The request for Letters of Interest were discussed at December 8th Commission meeting.	Investment in Public Assets & Infrastructure	CRA
Showalter Improvements	Pad has been installed, new commercial grill received. Installation of structure delayed from Dec to January 2022.	Exceptional Quality of Life	Parks
Signalization Upgrade	New Traffic controllers have been installed at the four intersections. The software for the wireless signal system has been installed. Training for the software is underway. The wireless infrastructure will be installed by the end January 2022.	Investment in Public Assets & Infrastructure	Transportation
Upgrade Water Mains	Upgrading water mains in Dubsdread Heights subdivision.	Investment in Public Assets & Infrastructure	Water & Sewer

Project	Project Update	Strategic Objective	Division
Water Treatment Plants R&R	Replacement sodium hypochlorite tanks at Magnolia, Aloma and Swoope WTPs have been purchased and delivered. Scheduling in house installation and configuration January-April 2022 per staff availability.	Investment in Public Assets & Infrastructure	Water & Sewer
Winter Park Sports Complex	Nidy completing selection options, permitting, and design with City expected to receive proposal in late Jan/Feb with work tentatively scheduled to begin Spring 2022. Parking lot improvements are underway at Ward baseball fields. The City is working with the City Attorney to add addendum to OCPS Showalter contract. Baseball field improvements at Field 6,7,and 8 are scheduled for summer 2022.	Investment in Public Assets & Infrastructure	Parks
WP Estates WW Plant	Replacement generator under fabrication. Estimated delivery in February 2022.	Investment in Public Assets & Infrastructure	Water & Sewer

Title 3: Pending Status

Project	Project Update	Strategic Objective	Division
Cady Way Pool Improvements	Replacement of filtration system is being scheduled for Winter 2022.	Exceptional Quality of Life	Parks
Decorative Lights and Trees in CRA	140 total decorative lights have been installed. Coordination with Electric Utility on assessment of light replacements/additions as needed.	Intelligent Growth & Development	CRA
Denning Dr. Intersection	Approved project complete. Extension to railroad north under consideration. Early extension estimated at \$400k, but requires further review. Staff anticipates bringing forward for discussion in this fiscal year.	Investment in Public Assets & Infrastructure	CRA
East OC Service Improvement	Pending in house availability to planning redirection of flow to East plant. Anticipated priority for fall 2021.	Investment in Public Assets & Infrastructure	Water & Sewer
Lake Bell Weir Improvements	Pending monitoring assessment.	Investment in Public Assets & Infrastructure	Stormwater
Meter Data Management Upgrade	Implementation of new cloud based software and integration with Tyler. This is dependent upon Tyler's schedule for the Utility Billing module. There is some coordination involved between Harris	Investment in Public Assets & Infrastructure	Water & Sewer

As of 1/12/22, pg7

Project	Project Update	Strategic Objective	Division
	SmartWorks MDM software and Tyler Munis. Harris is waiting for information from Tyler and are on hold until Tyler provides it.		
Sewer Capacity	Purchase of additional wastewater treatment capacity with City of Altamonte Springs in contract negotiations. Provided draft agreement language to City of Altamonte for review. Scheduling follow up negotiations for January/February 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
St. Andrews Trail	Design completed for which the City has been reimbursed by the FDOT. Construction is on hold until FDOT funding is released in 2023.	Investment in Public Assets & Infrastructure	Transportation
Stirling Bridge Replace	Pending permits determination and labor availability.	Investment in Public Assets & Infrastructure	Stormwater
Storage Building Cemetery/Golf	Pending property determination.	Exceptional Quality of Life	Parks
Stormwater Rehab	Construction of the Morse Blvd drainage improvements is complete. Pending other projects being scheduled for construction are: fleet maintenance wash down area, ponds construction at Ward Park, Greentree Drive, Lakefront Blvd drainage improvements, and Via Almalfi drainage improvements.	Investment in Public Assets & Infrastructure	Stormwater
Substation Transformers	Pending monitoring assessment of transformer.	Fiscal Stewardship	Electric
Tennis Center Upgrades	Pending project scope for replacement of pickleball space with block hitting wall and installation of well for clay court maintenance/irrigation.	Investment in Public Assets & Infrastructure	Parks
West Comstock Parking	Pending construction coordination with LEC estimated early April 2022.	Investment in Public Assets & Infrastructure	Public Works
Winter Park Rd SW Pond	The pond excavation is complete. A permit exemption has been approved for the stormwater conveyance system and pond outfall. Construction to resume the first of 2022.	Investment in Public Assets & Infrastructure	Stormwater

Recently Completed Projects

Transportation Division

The Transportation Division completed the construction of a parklet at the Killarney Estates as part of the City's Investment in Exceptional Quality of Life strategic objective.

Transportation Division

The Transportation Division completed the construction of a pedestrian crossing on Morse as part of their Bicycle and Pedestrian Improvement project as the City's Investment in Exceptional Quality of Life strategic objective.

CRA

The Community Redevelopment Agency completed the review of the Stormwater Master Plan as part of the Investment in Public Assets & Infrastructure strategic objective. The master plan will be implemented in its respective projects to effectively utilize timing and resources.

Water and Wastewater

The Water Utility completed the upgrades of water mains at Lake Knowles Terrace, Winter Park Heights, Flora Park, and Cornwell Estates subdivision as part of the Investment in Public Assets & Infrastructure strategic objective.

Major Non-City ROW Work

TECO Gas

The utility completed their work to locate, repair, and replace gas mains along Palmer Ave. and side streets in a multi phased improvement project.



City Commission **agenda item**

item type City Manager Report	meeting date January 12, 2022
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Grant Writer Update

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Consent Agenda	meeting date January 12, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, December 8, 2021, 9:30 a.m.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CCmin2021120821 morning.pdf](#)



City Commission Regular Meeting Minutes

December 8, 2021 at 9:30 a.m.

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

Present

Mayor Phillip Anderson; Commissioners Marty Sullivan, Sheila DeCiccio, Carolyn Cooper and Todd Weaver; City Manager Randy Knight; City Attorney Kurt Ardaman; City Clerk Rene Cranis.

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 9:36 a.m. Mayor Anderson noted that this morning meeting will cover administrative items and the afternoon meeting will convene at 2:30 for other items and public hearings.

2) Approval of Agenda

Motion made by Commissioner Cooper to approve the agenda. (No second was audible). Motion carried unanimously with a 5-0 vote.

3) Mayor Report

Mayor Anderson spoke about commission priorities and how they impact decisions.

4) City Manager Report

a. Meet Your Department: Police Department

Police Chief Michael Deal spoke about the Police Department's organization and responsibilities and showed a video created by his staff which will also serve as the department's new recruitment video.

b. Confirmation of Gloria Eby as the City's Natural Resources Director

Mr. Knight introduced Gloria Eby and recommended her confirmation as the new Director of Natural Resources. He outlined his plan to delay moving the Urban Forestry under this new department to build the Sustainability team.

Motion made by Commissioner Weaver confirm Gloria Eby as the City's Natural Resources Director; seconded by Commissioner DeCiccio.

Commissioner Weaver welcomed Ms. Eby and asked about the budget for Urban Forestry and Sustainability. Mr. Knight explained that the lakes division is fully funded

from the stormwater fund and that Sustainability and Urban Forestry divisions are funded from general fund regardless of the department.

Commissioner DeCiccio said she feels Urban Forestry works well in Parks and Recreation and should remain, at the very least for one year. Discussion followed on the feasibility and timing for moving the Urban Forestry and Sustainability divisions under this new Department of Natural Resources and staff expertise needed in these areas.

Mr. Knight recommended evaluating the program at six months due to the workload and to give Ms. Eby time to become acclimated.

Motion to confirm Ms. Eby's appointment carried unanimously with a 5-0 vote.

Consensus was to revisit the reassignment of Urban Forestry and Sustainability in six months.

c. City Manager's Report

Commissioner Sullivan spoke about testing wastewater for detection of existence of COVID by Altamonte Springs and asked that staff explore testing of other city wastewater outflows to other plants.

Mr. Knight explained the flow to other plants and to city plants. He said he receives a weekly report from Altamonte Springs but the question is what do we do with the data and noted that the medical community is also getting the data. Discussion followed on testing and how and at what point the data would be used.

David Zusi, Director of Water and Wastewater Utility, stated that the City of Orlando used an outside lab to test and that the Winter Park would have to do the same and assume the cost for testing. He noted that approximately 2/3 of the city's service area is in unincorporated Orange County and that the city's outflow is a small fraction of wastewater treated by other plants.

Commissioner Sullivan noted that the advantage to testing is that it will capture asymptomatic cases and that a threshold is needed to determine need for action. He asked for testing costs. Mr. Knight advised that the city could implement testing and he could approve within his purchasing authority.

After discussion consensus was for staff to explore testing and develop a threshold for action. Mr. Knight said he will begin forwarding reports released by Altamonte Springs.

5) City Attorney Report

Mr. Ardaman reported on the status of creating a deed restriction to restrict the use of the West Meadow to park land.

6) Non-Action Items

7) Public Comments (items not on the agenda)

There were no public comments.

8) Consent Agenda

- a. Approve the minutes of the regular meeting, November 10, 2021
- b. Approve the minutes of the joint work session with Planning and Zoning Board, November 17, 2021
- c. Approve the minutes of the special meeting, November 23, 2021
- d. Approval of the formal solicitations:
 1. Advanced Roofing, Inc. dba Advanced Green Technologies -RFP14-21 - Solar Panel & Awning Fabrication, Installation, and Financing; Amount: \$930,000
 2. Tri-State Utility Products, Inc. - IFB28-21 - Purchase of 15kV Pad Mounted Switches and 3-Phase Padmount Transformers; Amount: \$150,000
 3. Stuart C. Irby Utilities - IFB28-21 - Purchase of 15kV Pad Mounted Switches and 3-Phase Padmount Transformers; Amount: \$125,000
 4. Wesco-Anixter - IFB28-21 - Purchase of 15kV Pad Mounted Switches and 3-Phase Padmount Transformers; Amount: \$300,000
 5. Zabatt Engine Systems, Inc. - IFB9-21 - Generator for Community Center; Amount: \$181,000
 6. Canin Associates, Inc. - RFQ27-21 - Continuing Urban Design Services **(Removed by Mayor Anderson)**
 7. Toole Design Group, LLC - RFQ27-21 - Continuing Urban Design Services **(Removed by Mayor Anderson)**
- e. Approve the following piggyback contract:
 1. Musco Lighting, Inc. - Clay County Contract #RFP18/19-2 -Equipment & Amenities for Parks & Playgrounds; Amount: \$155,000 for goods and services on an as-needed basis during the remainder of the term of the Agreement, contract term through May 28, 2022
- f. Approve the following contracts:
 1. Paymentus Corp. - FY20-75 - Professional Survey Consulting Services; Amount: \$350,000 for services on an as needed basis during the term of the Agreement. **(Correction FY20-75 is for Payment Management and Processing Services)**
 2. Trane Company - FY17-46 - Chiller/HVAC Maintenance; Amount: \$116,000 for services on an as needed basis for the remainder of the current term of the Agreement.

3. The Davey Tree Expert Co. - ITN23-18B - Vegetation Management Services; Amount: \$600,000 for services on an as needed basis during the term of the Agreement.
- g. Approve proceeding with projects allocated for ARPA Funding. **(removed by Commissioner Weaver)**

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

Motion made by Commissioner Cooper to approve Consent Agenda Items (d)1 -5; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

Items (d)6-7: Mayor asked for clarification on these agreements. Bronce Stephenson, Director of Planning and Transportation, provided information on selection of urban design services and intent for use under these contracts.

Mayor Anderson spoke on experience and services available under these contracts and discussion followed.

Motion made by Commissioner Weaver to approve Consent Agenda Items (d)6-7 and e and f; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.

Item g: Jason Seeley, Director of Parks and Recreation reviewed the proposed plans and cost for the Meadows recreation space that includes a play area for sports (\$4k), playground (\$48,750k), fence separating parking area from play areas (3k), amenities (\$3k), and ADA access (3k). Staff is recommending rebuilding the basketball court (\$40k), as opposed to resurfacing (\$15k), which would increase the total project cost from \$76,750 to \$101,750. He confirmed that the Housing Authority will be responsible for maintenance.

Commissioner Cooper noted that the Housing Authority (HA) owns a piece of land that runs along the side of its property that the city needs for access from Monroe. She would like for city to purchase the land (currently used for stormwater drainage). Mr. Knight said that the property runs down the west side of the property from Monroe to the city tree farm and that the city could purchase this area or negotiate a permanent easement across the property.

Mayor Anderson said he appreciates highlighting the long-term perspective from redevelopment but views that as separate from the ARPA funding allocation and the request for funds beyond the original allocation.

Mr. Seely stated that the original ARPA fund allocation was \$50k and the funding request for consideration is for a minimum of approximately \$75k or \$102k depending

on whether the basketball courts are resurfaced or rebuilt. Based on concerns expressed about protecting the city's investment, city staff could do periodic inspections, but would not be responsible for maintenance.

Motion made by Commissioner DeCiccio to allocate \$101,750 in ARPA funds and direct staff to commence negotiations for road access, but the playground is not contingent on the road access; seconded by Commissioner Sullivan.

Commissioner Weaver said he could support an easement but not road because he feels it would adversely impact the neighborhood.

Motion made by Commissioner Cooper to amend the motion changing the amount to \$50k allocation for this project or \$100k with the associated easement for access to the tree farm from Monroe. Motion failed for lack of second.

Motion made by Commissioner Cooper to amend the motion to reduce the ARPA allocation to \$50k for a maintenance renovation of the existing playground; seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend the motion to allocate \$100,000 in ARPA funds with the receipt of the associated land or easement to the city for access to Monroe; seconded by Mayor Anderson.

Commissioner Sullivan suggested that, in light of the this being adjacent to the affordable housing complex, its residents are Winter Park residents and should be treated equitably. **Motion made by Commissioner Sullivan to approve this area as a Winter Park park. (Withdrawn)**

Commissioner Sullivan clarified that is his motion is to fund at \$101,750 and make it a public park; seconded by Commissioner Weaver. (Withdrawn)

Commissioner Cooper asked for the impact on city staff and the budget. Mr. Seeley estimated the parks maintenance contract could increase by approximately \$3k/year and the basketball court would have to be resurfaced every five years at an approximately cost of \$10k. It would also require the addition of a park ranger. Discussion followed on how staff and the public would access the park.

Motion made by Commissioner Weaver to table the matter of making it a public park. (Withdrawn)

After comments, Commissioner Sullivan withdrew his motion and Commissioner Weaver withdrew his motion to table

There were no public comments.

Upon a roll call vote on the amendment to allocate \$100k of ARPA funds with the receipt of the associated land or easement to the city for access to Monroe, Commissioner Cooper voted yes. Commissioners Sullivan, DeCiccio and Weaver and Mayor Anderson voted no. Motion failed with a 1 – 4 vote.

Upon a roll call vote on the amendment reducing the funding to \$50, Commissioners Cooper and Weaver voted yes. Commissioners Sullivan and DeCiccio and Mayor Anderson voted no. Motion failed with a 2 – 3 vote.

Upon a roll call vote on the main motion to allocate \$101,750 and pursue an easement for access, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5 – 0 vote.

Motion made by Commissioner Weaver to approve Consent Agenda Item g; seconded by Commissioner Sullivan. There were no public comments. **Motion carried unanimously with a 5 – 0 vote.**

Mayor Anderson declared a recess at 11:08 and reconvened the meeting at 11:18.

9) Action Items Requiring Discussion

- a. Discussion of Mayor's State of the City Address

Motion made by Mayor Anderson to schedule a second event on Sunday, February 27th; seconded by Commissioner Cooper.

Mayor Anderson suggested an open forum for the future that includes comments from each member of the commission and the public.

It was suggested and agreed upon that that the event be held in the early afternoon at 2 or 3:00.

Upon a voice vote, motion carried unanimously with a 5 – 0 vote.

To accommodate the public present for Item c, it was addressed before Item b.

- c. Settlement of 654 Selkirk Drive setback issue

Mayor Anderson advised that the settlement proposal involves a net/net financial commitment between \$400k and \$600k.

Mr. Knight stated that under the agreement, the city would acquire the property and then either sell the property as is with the understanding that the buyer would have to remove anything encroaching into the setback or the city could remove the building and sell the property as a vacant lot.

Commissioner Cooper said other options include donating to Habitat for Humanity or Hannibal Square Land Trust.

Mr. Knight stated it is preferable that a decision is made today so the neighbors are aware of the resolution and because there are five weeks until the next commission meeting. He said he is not aware of the salvageable value of what is there right now but received an estimate of \$30k to remove the encroaching building.

Commissioner Cooper opposed settling and feels it should go to Board of Adjustments to consider the variance. She said she toured the neighborhood and sees no huge loss of enjoyment or use of anyone's property.

Discussion followed on the options, potential outcomes and cost.

Commissioner Weaver said he can support remediating the setback but not demolition of the house or this going before the BOA. Mr. Ardaman said the hearing would be held at the applicant's request.

Motion made by Mayor Anderson to approve the terms of the settlement offer and direct the process for Notice of Disposition (NOD) and to sell the house and lot as is; seconded by Commissioner Cooper.

Responding to questions, Mr. Knight explained the explained calculation of expenses incurred by the applicant due to delays with the project and in the purchase of another house or property. He said discussions were held with the applicant on potential redesign which the applicant did not want to pursue.

In response to Commissioner Sullivan, Mr. Ardaman opined that this settlement is the best deal for the city based on the applicant's higher initial request and on the commission's desire to resolve this issue for the benefit of the parties involved.

Mr. Knight noted that this is was a staff error, not builder error, and staff is developing process for calculation of setbacks, accountability and administrative approvals.

Responding to additional comments, Mr. Knight stated he and staff could look at he house to determine what would be necessary to weatherproof the house until disposition. He also noted that there were two neighborhood meetings and residents were divided on an acceptable solution.

Motion made by Commissioner Sullivan to amend the motion to weatherproof the structure (assuming the motion passes and the city owns the property) and staff would come back at a future date with options and recommendations on disposition of the property (including demolishing the home or donating it to Habitat for Humanity); seconded by Commissioner Weaver.

Paul Mandelkern, 653 Selkirk Drive, spoke on setbacks in the neighborhood. He feels there is no other solution to cure the encroachment and urged the city to accept settlement and move forward with NOD as soon as possible.

Upon a roll call vote on the amendment, Commissioners Sullivan, DeCiccio and Weaver voted yes. Commissioner Cooper and Mayor Anderson voted no. Motion carried with a 3 - 2 vote.

Upon a roll call vote on the main motion as amended (to pursue the settlement and come back with a disposition strategy), Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Mr. Knight noted that, for the record, the settlement agreement will be drafted based on the commission's actions. Mr. Ardaman said the City Manager's recommendation included granting the City Manager the authority to work with the City Attorney to prepare the settlement agreement. Commissioner DeCiccio asked that this be presented at the next meeting.

b. Consideration of the acquisition of the property at 1401 Howell Branch Road.

Mr. Knight summarized proposal for purchase at the appraised value of \$1.41M and with plans for the building to occupy more than 70% of the building, the purchase could be partially funded by permit fee revenues and the remaining funds (approximately \$470k) would come from reserves.

Motion made by Commissioner Weaver to approve the acquisition of the property the building department; seconded by Commissioner Sullivan.

Commissioner Cooper opposed relocating departments from City Hall, loss of property tax revenue that will result with this purchase, and using reserve funds.

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

d. State Legislative Priorities

Michelle del Valle, Assistant City Manager, spoke about the state priorities developed by staff and vetted by the city's lobbyist. She noted the projects where appropriation has been filed and responded to questions.

Suggestions were made on additions to the list and discussion held on the legislative process. There were no public comments.

Motion made by Mayor Anderson to adopt the list with the addition of Lake Rose improvements, adding "without loss of land use control" to Dedicated Funding Source for Commuter Rail, and to collaborate with the Chamber on arts and

historic funding; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.

- e. Creation of a guidebook or standards that exemplify and create development standards for upholding the character, charm, scale of the Winter Park Vision Statement adopted by the community.

This item was continued to the work session on December 9, 2021.

Summary of Meeting Actions

- Confirmed appointment of Gloria Eby as Director of Department of Natural Resources with a six-month evaluation for moving Urban Forestry to this department.
- Approved staff exploring wastewater testing for COVID and development of a threshold for action. Mr. Knight will send copy of Altamonte Springs testing report.
- Approved the Consent Agenda with modifications.
- Approved ARPA funding request of the Meadows playground for \$101,750.
- Approved the acquisition of the property on Howell Branch Road with 70% of the purchase funded from building permit fees and the remaining from reserves.
- Scheduled the second State of the City Address with public input for February 27 at 2 or 3 p.m.
- Approved the settlement agreement on the Selkirk property with disposition options to be presented at the January 12th meeting.
- Approved Legislative Priorities with the addition of Lake Rose, arts collaboration and retaining land use control for commuter rail.

10) Adjournment

The meeting adjourned at 12:20 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date January 12, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, December 8, 2021, 2:30 p.m.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[ccmin20211208 afternoon.pdf](#)



City Commission Regular Meeting Minutes

December 8, 2021 at 2:30 p.m.

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

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Carolyn Cooper and Todd Weaver; City Manager Randy Knight, City Attorney Kurt Ardaman, City Clerk Rene Cranis.

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 2:33 p.m.

2) Invocation

Pastor Katrina Jenkins, Dean of Religious Life, Rollins College, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Motion made by Commissioner Sullivan to approve the agenda; seconded by Commissioner DeCiccio. Motion carried with 4-0 vote. (Commissioner Cooper arrived at 2:36 p.m.)

Mayor Report

Mayor Anderson thanked city staff for their work on the Christmas decorations and creating holiday events, which he hopes will continue to showcase the city's hometown experience.

5) Action Items Requiring Discussion

- a. Discussion of USPS Letter of Interest responses.

Mr. Knight stated that the city requested letters of interest under certain parameters to negotiate with the city to relocate the post office. Two responses were received with one location adjacent to the Voc Tech property and other being the former Patmos Chapel property near Swoope and Webster.

Mayor Anderson outlined Post Office requirements for a joint distribution and retail facility to replace the building in a location acceptable to the PO.

Mr. Knight stated that the owner of the Patmos Chapel is eager to move forward quickly but the Voc Tech property will progress over time. He noted that the city has flexibility

in funding over the next five years of the CRA and explained the provisions for using CRA funds at the end of the CRA in 2027.

He summarized the Patmos Chapel's desire to sell the property as quickly as possible since they do not intend to redevelop the property. The property, surrounded by residential on three sides, is more than four acres and since only 2 acres is needed for the post office, there is an opportunity to create and sell residential lots at the rear of the site at Swoope and Capen.

Commissioner DeCiccio opposed locating the Post Office in a residential area and rezoning from residential to commercial.

Commissioner Cooper noted that this property is next to a major shopping area, a trade school and a bus route and will be an opportunity for the city to add single-family residential in the area.

Commissioner Weaver viewed this as a good opportunity to put back single-family housing back on the west side and is a good investment.

Commissioner Cooper said her preference is the Voc Tech site but this site offers options for single-family buffering and possible redevelopment along Webster. She supported presenting both options to post office.

Commissioner Sullivan said he is neither in favor of or against this but suggested rezoning to R-1 which would better fit with the rest of the neighborhood.

Mayor Anderson said he feels the Voc Tech site is a better location and more likely to be approved. He reviewed uses on surrounding properties and asked for development restrictions on the Patmos site at the current R-3 zoning.

Jeff Briggs, Principal Planner, advised that although it allows 17 units per acre, it would not be possible due to park, roadway and other requirements. However, it could be a two or three-story townhouse development which would be more economically viable than single-family homes.

Mr. Knight reviewed an aerial view of the Voc Tech property showing the property offered by the Orange County School Board. He explained the School Board's desire to put a magnet school on this property with athletic facilities. The School Board has suggested that if the city builds a gymnasium on the southern portion of its property at a cost between \$6 and 7M, the city would get northern piece of property zoned PQP.

Commissioner Sullivan noted the advantages and disadvantages of each site. He said either could be satisfactory depending on the net financial impact, but his preference is the School Board site.

Commissioner DeCiccio said she could not support the School Board site due to the cost nor the Patmos Chapel site due to the impact of the surrounding neighborhood.

Commissioner Weaver opposed the School Board site because of the cost and because construction of a gymnasium is problematic. He supported the Patmos Chapel site because he sees the post office as a low impact institutional use used during weekday hours.

Commissioner Cooper supported forwarding both proposals to the post office; however, she feels the Voc Tech location is the best option for the post office.

Mayor Anderson restated his support for the Voc Tech property.

Anjali Vaya, 521 N. Capen, spoke about the residential area around the Patmos property and said she feels that residents will oppose this location.

Motion made by Commissioner Cooper to forward the Patmos Chapel proposal as an option for consideration to the U.S. Post Office; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, Cooper and Weaver voted yes. Commissioner DeCiccio and Mayor Anderson voted no. Motion carried with a 3-2 vote.

Motion made by Commissioner Sullivan to forward the Voc Tech proposal to the Post Office; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan and Cooper and Mayor Anderson voted yes. Commissioners DeCiccio and Weaver voted no. Motion carried with a 3-2 vote.

Discussion was held on expanding the search area to Wymore Road, cost and proposals.

Mayor Anderson declared a recess at 3:51 and reconvened the meeting at 4:01 p.m.

b. Parking for the Library and Events Center Summary Update

Mr. Knight reviewed short and long-term solutions to address parking needs at the Library and Events Center and to replace lost parking at Heritage Park for overflow parking. A parking map was displayed showing anticipated parking needs. Discussion was held on current parking needs and use of nearby parking lots and garages.

Troy Attaway, Director of Public Works, referred to the vicinity map and reviewed current and potential parking areas and number of spaces. He spoke on options including adding an additional floor to the parking garage at Lakeside. Discussion was held on options and consideration of area needs.

Mr. Knight said the challenge is the popularity of business and restaurants in the area which creates demand not caused by the Library and Events Center. He noted there are 79 designated public spaces in the Lakeside Crossing parking garage.

Jeff Briggs, Principal Planner, spoke on peak usage which occurs at the same time for restaurants which creates a parking issue.

Commissioner Weaver suggested extending the hours/days for lease of Valencia parking. He asked about valet parking. Mr. Knight stated valet parking is required for events of a certain size.

Mr. Briggs spoke about the potential redevelopment of the SESCO Lighting property which will provide parking for First Watch restaurant and may provide an opportunity to negotiate a parking lease for evening events, but that is two years out. Owners of the Lakeside parking garage are aware of parking needs in the area and have expressed an interest in exploring an agreement to add one or two levels to their parking garage.

Ongoing discussion was held on short and long-term solutions and costs. Mr. Knight advised that Mr. Barnes has offered to provide parking on the north side of Seacoast Bank for valet parking on a short-term basis while a long-term solution is being explored. Costs have not been discussed but could be negotiated.

Mayor Anderson expressed concern about relying on leases of private parking spaces. He sees the need for 100-200 spaces but questioned how the city can attain that level of parking. He said would be more comfortable if there were good data on parking needs and availability before spending money on hard assets.

After additional discussion, consensus was to authorize the City Manager to negotiate lease with Mr. Barnes and to direct staff to begin collecting parking data this weekend. There were no public comments.

6) Public Hearings

- a. RESOLUTION 2255-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 2504 WINTER PARK ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title. Mr. Briggs reviewed the request which was recommended for approval by the Historic Preservation Board.

Motion made by Commissioner Weaver to approve the resolution; seconded by Commissioner Cooper. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- b. RESOLUTION 2256-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1621 FOREST AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title. Mr. Briggs reviewed this request which received a positive recommendation from the Historic Preservation Board.

Motion made by Commissioner Weaver to approve the resolution; seconded by Commissioner Cooper. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- c. RESOLUTION 2257-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1624 ROUNDELAY LANE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Mayor Anderson declared a Conflict of Interest and left the meeting. Form 1 is attached to these minutes. Vice-Mayor Cooper chaired the meeting.

Attorney Ardaman read the resolution by title. Mr. Briggs reviewed this request which received a positive recommendation from the Historic Preservation Board.

Motion made by Commissioner Weaver to approve the resolution; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio and Weaver and Vice-Mayor Cooper voted yes. Motion carried with a 4-0 vote. (Mayor Anderson declared a Conflict of Interest.)**

Mayor Anderson returned to the meeting.

- d. Ordinance: Amending Section 66-52, Park closing hours (1st reading)

Attorney Ardaman read the ordinance by title.

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

Jason Seeley, Director of Parks and Recreation, explained that that this ordinance makes minor changes to the hours when various parks are closed to the public and responded to questions regarding hours, late closing hours for events and procedures for locking gates.

Motion made by Commissioner Cooper to amend the ordinance that for all parks other than Central Park, the closed hours are sunrise to sunset unless otherwise specified by the City Manager and any event qualifies as being specified by the City Manager; seconded by Commissioner Weaver.

After discussion, **Commissioner Cooper revised the motion to exclude Central Park and MLK Park and establish closing hours for MLK Park and Events Center Campus to 2:00 a.m. to 6:00 a.m. unless authorized by the City Manager; accepted by Commissioner Weaver.**

Mayor Anderson summarized the closing hours as follows: Central Park (2-6am), MLK Park and Events Center (11pm -6am unless otherwise specified by the City Manager); all other parks (sunset to sunrise unless otherwise specified by the City Manager). Specific reference to Lake Baldwin Park, Mead Gardens Cady Way and Ward Park would be deleted.

There were no public comments.

Upon a roll call vote on the main motion with amendments, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5 - 0 vote.

4) Public Comments | 5 p.m. or soon thereafter

David Owen, Park Avenue, addressed the excessive speeding and tailgating on Park Avenue between Webster and Stovin and recommended speed bumps to reduce speed and no tailgating signs.

Chris King, Elevation Financial Group, 507 N. New York Avenue, spoke about the proposal they developed for the Swoope Avenue land swap and asked the commission vote on the NOD for the Swoope property in early January.

- e. Ordinance: Amending Chapter 62, regulating hours for use of domestic power tools and phasing out of gas-powered leaf blowers (1st Reading)

Attorney Ardaman read the ordinance by title.

Kris Stenger gave a presentation on the objectives of ordinance and proposed regulations limiting use of hours of operation of leaf blowers and prohibiting blowing material into right-of-way.

Commissioner Weaver said he is opposed to the ordinance due to the 36-month phase-out period. Mr. Stenger advised that a survey of landscape professionals show that the standard life of equipment is three years and that three years will allow them to plan for replacing equipment.

Mayor Anderson spoke about equivalency of performance and said he feels the fifth Whereas clause that states that the city finds that leaf blowers provide equivalent level of performance is inaccurate when a comparison of today's equipment does not support the statement. However, he believes that this will be true in three years with advances in equipment.

Motion made by Commissioner Sullivan to approve the ordinance with two modifications: amend the fifth Whereas clause to state "...electric leaf blowers can provide satisfactory level of performance..." and that the phase-out period be 30 months; seconded by Commissioner Weaver.

Discussion followed on efficiency and equivalency of equipment and length of phase-out period.

Stephen Pategas, 1425 Berkshire, KWPBS board member, said equivalency should not be a consideration since he feels blowers are more powerful than they need to be. He urged the Commission to adopt a 24-month phase-out period.

Mayor Anderson suggested using the word "similar" to describe level of performance. Mr. Ardaman opined that is acceptable or using "effective" which would avoid comparison. **Commissioner Sullivan revised his motion changing "satisfactory" to "effective." Accepted by Commissioner Weaver.**

Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Mayor Anderson declared a recess at 5:52 and reconvened the meeting at 6:12 p.m.

7) Public Hearings | 3:30 p.m. or thereafter

- a. Request of Park Avenue Concepts for approval of Conditional Use to waive the separation distance requirement of 1,000 feet from a church or school in order to allow a 4-COP Liquor License in conjunction with the proposed 102-seat fine dining restaurant located at 331/339 S. Park Avenue, zoned C-2.

Nick Lewis, Planner, reviewed the request and explained this is required as the seating capacity is below the required 150 seats to serve liquor. The Planning and Zoning Board recommended approval with the condition that the business function as a full-service restaurant as defined in city code as any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages and meets the following criteria: (1) A host or hostess should be regularly present to greet and arrange for seating; (2) Food and beverage service (other than bar service) is provided via table service by servers; (3) Dinnerware shall be non-disposable; (4) Ordering, food service and payment is done at the table; and (5) The menu shall consist of full dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of beverages. (6) Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders. Staff responded to questions regarding conditions of approval and parking availability.

Motion made by Commissioner DeCiccio to approve the request as presented; seconded by Commissioner Cooper. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- b. Request of 3217 Corrine LLC to annex the properties at 3303 and 3313 Corrine Drive and to utilize the south 63 feet of 1813 Northwood Terrace Drive to establish Commercial (C-3A) and Parking Lot (PL) Future Land Use and Zoning in order to build a two-story, 8,750 square-foot commercial/office building on the combined properties and abandonment portions of Northwood Terrace Drive.

Mr. Ardaman read the ordinances by title.

Mr. Briggs reviewed the request for annexation, comp plan, zoning and abandonment of the east and west five feet Northwood Terrace Drive, which is 60 feet wide and 10 feet wider than a typical right-of-way, in exchange for removing the grass and constructing sidewalks from Corrine to Northwood Blvd. He spoke about parking issues created by East End Market which causes concern about this project but this project is not intended to have the intensity of East End Market. He reviewed the site plan with a six-foot wall and landscaping between this property and residential properties. To prevent cut-through traffic to the neighborhood, a concrete diverter will be installed to make it difficult left into and right out of the parking lot. He showed renderings of the proposed office building and explained that the applicant intends to use the second floor for his office but would like the flexibility in leasing first-floor space for non-office use such as hair salon or personal services, which requires commercial zoning. The Planning and Zoning Board recommended approval with the conditions requiring the diverter and sidewalks across the applicant's property to the East End Market property.

Tara Tedrow, 215 N. Eola Drive, attorney for applicant, gave a presentation showing an aerial view and photographs of the area. She spoke on parking issues caused by existing conditions and East End Market. She said this project includes an offer to construct sidewalks and the opportunity for shared parking. She provided the timeline of project development beginning two years ago that included several neighborhood meetings and resulted in very different plans than originally proposed.

Majid Kalaghchi, project engineer, responded to questions regarding width of the sidewalk and ability to create on-street parking on Northwood Terrace Dr.

Commissioner Cooper asked if the applicant would consider the lesser office zoning and if the tree placement shown in the renderings will be the actual placement. (The applicant responded to these questions later in the meeting.)

Ms. Tedrow explained their requests and expressed a willingness to lease parking spaces to East End Market for evenings and weekends to alleviate parking issues in the neighborhood. She responded to questions and discussion was held on parking issues and opportunities to alleviate parking issues, zoning and modified plans.

Ms. Tedro spoke on the traffic study which noted no deficiencies at full build-out of project. She reviewed applicable comp plan policies and showed a diagram of the existing and vacated right-of-way to accommodate sidewalks on Northwood Terrace Drive and closed summarizing justifications for approval.

Mayor Anderson said his concern is whether a parking lot on a residential lot creates a buffer to a residential neighborhood or whether it is an intrusion into neighborhood. He spoke about possible outcomes if this property were redeveloped without annexation into Winter Park.

Commissioner Sullivan expressed his concern about protection of the residential neighborhood and feels this project does not protect the residential area and is a departure from past practice. He said he would like to see a binding parking agreement for shared parking between this project and East End Market with pedestrian areas. He added that he feels O-2 would reduce evening and weekend parking which would allow the parking lot to be used by East End Market. He asked that tree be planted as shown in the conceptual plan.

Commissioner DeCiccio said she feels shared parking and the addition of sidewalks will help the neighborhood.

Commissioner Cooper spoke in favor of the project but could not support commercial zoning next to residential areas but would support a lesser zoning of office.

Commissioner Weaver spoke in favor of annexation but sees no public benefit to rezoning single-family properties to non-residential zoning. He asked the applicant to table until discussions are held about parking solutions.

Ms. Tedrow said she could provide suggested language before second reading that addresses a shared parking agreement with East End Market. She confirmed that her client would agree to O-2 zoning and to tree placement as noted on the plan. She opposed tabling this matter and suggested approving on first reading and resolving pending questions prior to second reading.

Commissioner Weaver expressed concern about access by emergency vehicles due to on-street parking and suggested increased enforcement. Mr. Stephenson noted that some streets are outside the city's jurisdictional boundaries.

Motion made by Commissioner Cooper to approve the application as presented with conditions by P&Z (diverter and sidewalks) and adding three conditions: 1) trees are planted along the perimeter of both Corrine and Northwood Terrace Drive to provide shade to the new sidewalk that the applicant will be putting in; 2) that the property be zoned O-2 as opposed to C-3A; and 3) that the applicant obtain a shared parking agreement on or off site; seconded by Commissioner Weaver. (separated into four motions)

Ms. Tedrow said she has spoken with John Rife of East End Market and feels Mr. Rife will be agreeable to a parking arrangement but the terms and agreement would have to be drafted. She said whether they have an agreement or not the applicant agrees to provide parking, there will be 35 spaces for public parking for nights and weekends.

John Jacobs, 2837 Northwood Blvd., said he would like to see Winter Park resolve this but with O-2 zoning.

Phyllis Price, 2842 Northwood Blvd., spoke about public safety issues. She said a petition was circulated in opposition to this project with 300 signatures. She urged the commission to consider everyone's interest.

Commissioner Sullivan acknowledged receipt of an unsigned petition prepared by residents and asked for signed petitions showing signee, address and date signed.

Lynn Seeten, 2904 Mulford Avenue, opposed the request due to the impact on the neighborhood.

Responding to comments by Commissioner Weaver and Attorney Ardaman, the original motion was separated into four motions.

Motion made by Commissioner Cooper to approve the annexation ordinance as presented with conditions by P&Z (diverter and sidewalks) and adding three conditions: 1) trees are planted along the perimeter of both Corrine and Northwood Terrace Drive to provide shade to the new sidewalk that the applicant will be putting in; 2) that the property be zoned O-2 as opposed to C-3A; and 3) that the applicant obtain a shared parking agreement on or off site with conditions; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Commissioner Cooper to approve the future land use designation of office; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper and Mayor Anderson voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

Motion made by Commissioner Cooper to approve the zoning of Office O-2 with conditions noted above; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper and Mayor Anderson voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

Mayor Anderson disclosed that he had met with the applicant, Brian Albertson, six months ago. Commissioner Cooper disclosed that she spoke with Mr. Albertson to schedule a meeting (which did not occur). Commissioners Sullivan and DeCiccio both disclosed that they spoke with Ms. Tedrow.

Motion made by Commissioner Cooper to approve the vacation and abandonment ordinance; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5 – 0 vote.

Members of the Commission asked that staff install no parking signs and to enforce parking regulations in the city's jurisdiction.

Mayor Anderson declared a recess at 8:06 and reconvened the meeting at 8:18 p.m. Commissioner Cooper returned to the meeting at 8:24 p.m.

- c. Request of Z Properties for: Approval to enlarge and maintain city-owned retention pond located behind 341 N. Pennsylvania Avenue and to route stormwater retention for previously approved office building located at 301 N. Pennsylvania Avenue to the city-owned retention area. This item was continued from November 10, 2021. **Staff is requesting continuance to January 26, 2022.**

8) Public Hearings | 5 p.m. or thereafter

- a. ORDINANCE 3226-21: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING A NEW CHAPTER 59, CITY CODE OF ORDINANCES ENTITLED, "MULTI-MODAL TRANSPORTATION IMPACT FEE," THEREBY CREATING AND IMPOSING A MULTI-MODAL TRANSPORTATION IMPACT FEE ON DEVELOPMENT WITHIN THE CITY LIMITS AND CREATING A MULTI-MODAL TRANSPORTATION IMPACT FEE PROGRAM AND ADOPTING RELATED PROVISIONS; PROVIDING FOR LEGISLATIVE FINDINGS AND ADOPTING A MULTI-MODAL TRANSPORTATION IMPACT FEE STUDY IN SUPPORT OF SUCH IMPACT FEE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title. Bronce Stephenson, Director of Planning and Transportation, led a page by page review of changes made from first reading with additional changes recommended and discussed as follows:

Page 3, Section 59-3 – Revise the title of department director in case of future title change. Agreement was reached to leave as is and have City Manager administratively designate someone to act in this capacity.

Page 4, Section 59-5 - Essential public services excludes public or private colleges or universities. Commissioner Weaver opposed exempting charter schools. Commissioner Sullivan agreed. Mr. Ardaman noted that essential public services are exempt from this fee.

Page 7, Section 59-6(c) – Delete "at the discretion of the Director."

Page 7, Section 59-6(d) – change the end of phrase beginning “unless the applicant” to read “.... vacant building or structure, is verified and approved by the Director.”

Mr. Stephenson stated that this goes into full effect on January 1, 2022 with no phasing in to the full fee.

Mayor Anderson stated that the State removed the incentives to phase in to maximum fee and suggested phasing in the fees so the full fee would be in place in three or four years to alleviate “sticker shock.” General consensus was to implement the full fee on January 1, 2022.

Motion made by Mayor Anderson to adopt the ordinance deleting charter schools from Section 59-5 (definition of Essential public services), delete “at the discretion of...” in Section 59-6(c), and add the word “is” in the last phrase in Section 59-6(d); seconded by Commissioner Cooper.

Charlie Clayton, 1230 N. Park Avenue, expressed his concern on the theory of basing fees on the increase in size of house because the number of residents may not change and opposed charging a fee for projects in process but not approved.

Cliff Tate, Kimley-Horn explained the calculation of fees and credits based on square footage of single-family homes.

Jeff Schnellmann, 829 Halifax Avenue, President of Master Custom Builders Council, expressed his disappointment that custom builders were not engaged in this process. He said he feels the ordinance does not comply with state impact fee guidelines and that the impact fee study is not specific to and relative to Winter Park. He asked that this be tabled until language is corrected and stakeholders are engaged.

Mr. Tate responded to comments.

Mr. Ardaman stated that notice was given in September. Mr. Bronce stated that a ¼ page display ad was in the Orlando Sentinel.

Discussion was held on the impact on the timeline for adopting prior to adoption of the OAO, delaying effective date or delaying adoption. It was suggested that a meeting be held with builders to give guidance on these fees.

Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

- b. Ordinance 3227-21: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, AND THE COMPREHENSIVE PLAN SO AS TO ADOPT NEW GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT TO ESTABLISH THE ORANGE

AVENUE OVERLAY DISTRICT; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance. Mr. Stephenson stated that the State DEO's response indicated no issues in its review of this ordinance. He reviewed the changes made from first reading and minor changes as a result of changes made to the land development code.

Commissioner Sullivan suggested increasing the residential density incentive for workforce housing from 10% to 20% in Subareas D, I and J and discussion followed.

Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Weaver.

Discussion was held on defining the residential density increase in terms of units per acre versus percentage.

Motion made by Commissioner Sullivan to amend the motion to increase the residential incentive for workforce housing to 20% in Subareas D, I and J; seconded by Commissioner Weaver.

There were no public comments.

Upon a roll call vote on the amendment, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion as amended, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

- c. ORDINANCE 3228-21: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT A NEW ZONING DISTRICT SECTION 58-83 ORANGE AVENUE OVERLAY DISTRICT (OAO) CREATING REGULATIONS FOR THE ORANGE AVENUE OVERLAY DISTRICT; PROVIDING FOR CONFLICTS; REPEAL; SEVERABILITY AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title. Mr. Stephenson reviewed and discussion was held on changes made at first reading and any scrivener's errors. Changes were discussed resulting in the following motions:

Motion made by Commissioner Weaver to amend the ordinance changing the maximum building length to a maximum of 200 feet (Page 8, Item (i)(2) and throughout the document where applicable); seconded by Commissioner Sullivan.

Motion made by Commissioner Cooper to amend the ordinance changing the 10-foot sidewalk and 2-foot buffer to an 8-foot sidewalk and 4-foot buffer on side streets (Page 10, (5), Sidewalks and throughout the document where applicable); seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend the ordinance deleting “only” from the last sentence on Page 14, Item 3, Facades; seconded by Commissioner Weaver.

In depth discussion was held on Page 15, Paragraph (c) as it relates to building massing and breaks in horizontal length between properties or projects. It was noted that this would also restrict the length of parking garages. Mr. Stephenson stated that parking garages are not allowed on major street frontage in the OAO.

Motion made by Commissioner Cooper to amend the ordinance on Page 15, Paragraph (c) as follows: delete “on any single property” from the first sentence; change the first sentence to read “...for buildings or 300 feet for parking structures of horizontal length change 300 feet to 200 feet; delete “on the same property” in the second sentence, delete all language including and following the sentence beginning “Alternative designs to achieve...”; seconded by Commissioner Weaver.

Discussion was held on requirements to provide to scale drawings of external elevations.

Motion made by Commissioner Weaver to amend the ordinance on Page 19 in the paragraph beginning “External Elevations” changing the last sentence to read “...new and renovated buildings of under 10,000 sq. ft. gross building area visible to the public realm...”; seconded by Commissioner Cooper.

Commissioner Weaver and Mr. Stephenson spoke about stormwater retention and treatment requirements in Subarea A, followed by discussion on exemptions.

Motion made by Commissioner Sullivan to amend the ordinance on Page 28/29 Item (a) adding “impervious coverage,” after “gross square footage” and delete language after “Stormwater Retention” in Item 3; seconded by Mayor Anderson.

There were no public comments.

Motion made by Commissioner Weaver to table this ordinance to the January meeting. Motion failed for lack of second.

Mayor Anderson summarized the amendments as made above. **All motions were withdrawn and combined into one motion made by Commissioner Sullivan to adopt the seven amendments to modify the land development code; seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan, DeCiccio,**

Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion as amended, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

9) City Commission Reports

Commissioner Sullivan -

- Spoke about Orlando Police Department's community response team program where calls for mental issues are referred to Aspire Health Partners to handle as opposed to police officers. He asked that staff research this program to see if it would benefit the police department. Approved by consensus.
- Expressed his support of 100% clean energy by 2050 despite objections that the city has no plan, that technology is not available and the unknown cost. He cited reasons for moving forward including the incentive to have a feasibility plan, it spotlights need for technology in league with other municipalities, stresses the urgent demand and stimulation of more research and development, and it is the right thing to fight global climate change. He urged the city to join with other cities like Orlando, Cocoa and Dunedin and other communities across the U.S. and pledge 100% renewable energy by 2050. Commissioner Weaver agreed. Mayor Anderson said that a feasibility study is needed and advised that the Rollins College social entrepreneurship program will be looking at global sustainability goals.

Commissioner DeCiccio -

- Addressed infrastructure funding supporting a pedestrian bridge on 17-92 and Morse, public restrooms in the Central Park, a pavilion in West Meadow and asked that they be added to the infrastructure list. (To be addressed at tomorrow's work session on infrastructure funding.)
- Asked for the status of the amendment to the Blue Law. Mr. Knight advised it will be on the next agenda. Commissioner Cooper suggested inviting public participation.
- Asked that the NOD for the Swoope Avenue property be placed on the next agenda. Mr. Knight stated the NOD will be placed on the next available agenda after receipt of the appraisal. Mayor Anderson asked that staff use one of its continuing services contracts to create a rendering of what two and three-story building as proposed by Chris King would look like from the view of the golf course.
- Asked staff to look at and repair the dip in the Park Avenue roadway near Briarpatch Restaurant.

Mayor Anderson -

- Thanked everyone for determination and drive to get OAO done.

10) Summary of Meeting Actions

- Approved advancing both proposals to the USPS for their consideration.
- Continue to explore shore and long-term parking solutions for the library and event center
- Approved historic designation of three properties
- Approved ordinance on park closing hours with amendments.
- Approved ordinance on phasing out gas leaf blowers with amendments.
- Approved conditional use for Park Ave Concepts
- Approved annexation and three other ordinances relating Corrine Drive.
- Asked staff to address parking issues near East End Market (enforcement and signage).
- Adopted ordinance on Multi-modal impact fee, OAO Comp Plan and OAO land development ordinances with amendments.
- Asked staff to review Orlando Police Department's at community response team program.
- Asked for a rendering of Chris King's proposal for the Swoope Avenue property as it would be seen from the golf course.
- Directed staff to repair the dip in road on Park Avenue near Briarpatch restaurant.

11) Adjournment

The meeting adjourned at 11:10 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME ANDERSON PHILLIP MARION, JR		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE WINTER PARK CITY COMMISSION	
MAILING ADDRESS 1621 ROUNDBAY LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY WINTER PARK	COUNTY ORANGE	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 12/8/21		NAME OF POLITICAL SUBDIVISION: WINTER PARK	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, PHILIP M. ANDERSON, hereby disclose that on 12/8, 20 21:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, JENNIFER ANDERSON (SPOUSE);
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

A COMPANY CONTROLLED BY MY WIFE AND ME, GONDUA COMPANY, WAS THE APPLICANT TO ~~REGISTER~~ PLACE A HISTORIC 1910 HOME, 1624 ROWSDELAY LANE, ON THE WINTOR PARK HISTORIC REGISTRY. I REFUSED MYSELF AND EXITED THE CHAMBER DURING DISCUSSION AND THE VOTE. THE APPLICATION WAS APPROVED.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

12/8/21
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



City Commission **agenda item**

item type Consent Agenda	meeting date January 12, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, December 9, 2021

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CCmin20211209 ws Infrastructure.pdf](#)



City Commission Work Session Minutes

December 09, 2021 at 1:00 p.m.

Virtual

1) Call to Order

Mayor Anderson called the meeting to order at 1:04 p.m.

2) Discussion Item(s)

a. Infrastructure Investment & Jobs Act

Mayor Anderson stated that the discussion would focus on priorities for the Infrastructure Bill and the Urban Planning Continuing Services item (9e) carried over from the December 8th commission meeting. He began the discussion by reviewing the Summary of Commission Priorities document distributed on November 9th and listed the top priorities on the list: Central Park post office, Mead Garden, Emerald Necklace Parking Garages and Global List of land. He explained that he added the following topics to the list: Event Center parking, Strategic Planning for parks and lakes.

Commissioner Sullivan stated that he was not prepared to participate in the meeting and departed at 1:10 p.m.

Commissioner Weaver added that due to the lengthy commission meeting on 12/8, he hadn't had time to prepare for this work session. He expressed concern regarding parking for the Events Center. He stated that the promoters of the project should be held accountable for the parking issues and that the Library Board should come up with a viable plan.

Commissioner DeCiccio stated that the library has had a difficult time with fund raising and stated that a lot of people who committed to provide funding have refused to pay leaving the library in a difficult position. Discussion followed on the parking issues impacting the Events Center.

Mayor Anderson suggested rescheduling a work session to discuss the Infrastructure Bill after the commission had time to review and sort their priorities for the Bill.

Mr. Knight stated that city has received the format by which the federal government will use to distribute the infrastructure funds and feels the commission has a couple of months to decide what project funding they would like to request. He explained that there were three allotments of funds; Transportation, Electric and Water/Sewer. He stated that the government is developing grant programs for those segments and that Director of Budget Peter Moore has prepared a list of items from the five-year capital plan and strategic priorities list that may eligible for the funding.

Commissioner Cooper requested a link to the Bill and would like to understand the criteria used by staff to select the projects for the program.

Mr. Moore presented a spreadsheet of grant eligible CIP projects for funding recommended by staff. Mr. Knight explained that the list is based on what staff knows of the bill at this time.

In response to questions, Mr. Knight stated that an over pass bridge, trails and safety improvements may be eligible for funding with the bill. Mr. Moore will provide the commission with the project list (from staff) and documents received thus far that include what types of projects could be eligible for grants. He reviewed the types of grants being offered for transportation, water & sewer and electric and discussed which projects staff feels could be eligible for funding including pedestrian bridges, septic to sewer conversions, under grounding of electric lines and substation hardening and upgrades.

Mayor Anderson, asked if there is any funding for high-level study for solar and battery storage. Mr. Moore stated that there is funding for studies on how to develop better solar and wind power and energy audits.

Commissioner Cooper asked if the ground storage for water and distribution of reclaimed water on line 13 of the project list is for reuse. Director of Water/Waste Water David Zusi explained that the ground storage tank expansion is for storing reclaimed water. In response to questions, Mr. Zusi stated that the city's nine-hole golf course and cemeteries are not on reclaimed water, he listed the areas of the city currently using reclaimed water. In-depth discussion followed on the costs and storage requirements related to providing reclaimed water to other areas of the city.

Mr. Moore clarified under the energy bill, there is grant funding for emergency efficiency and conservation. He stated that there are renewable energy efficiency items that should be added to the list.

Commissioner Cooper stated that she believes there are ARPA funds available to assist with renovating the old library building to bring it to a usable and leasable status. Commissioner Weaver supported seeking funds to renovate the building. Mayor Anderson noted that there was consensus to begin an RFP to assess the commercial viability of the first floor. He stated that the options are to determine what types of uses could go into the building on each floor or demolition. Discussion followed on the viability of the building and renovations needed.

Mayor Anderson asked if any of the infrastructure bill included funding for Fire Department buildings. Mr. Knight stated that buildings do not appear to be on the funding list from information he and Mr. Moore have gathered thus far.

Discussion followed on funding for asbestos pipes. Mr. Zusi stated that the pipes are assessed every year as part of the ongoing water replacement program for older pipes. He explained when the pipes have exceeded their life expectancy, they are replaced. Commission Cooper suggested adding the asbestos pipe replacement to the project list for funding to accelerate the program.

Mayor Anderson stated that a study of the Brewer Avenue/ Aloma Avenue intersection should be added to the list. He stated that Transportation Manager Sarah Walter should review the list and make MetroPlan aware of what the city's priorities are as well as inform them that the city is willing to cost share for the transportation projects.

After discussion, Mayor Anderson suggested continuing the work session to a date prior to the next commission meeting. Consensus was to have schedule the next work session on January 6, 2022 at 10:00 a.m.

3) Adjournment

The meeting adjourned at 2:03 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis, MMC



City Commission **agenda item**

item type Consent Agenda	meeting date January 12, 2022
prepared by Michael Hall	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following piggyback contracts:

item list

1. Verizon Wireless - State of Florida Contract # DMS-19/20-006C - Mobile Communications Services for services on an as-needed basis during the remainder of the term of the Agreement, contract term through August 24, 2026; Amount: \$230,000 per annual year for the duration of the agreement.
2. Cubix, Inc. - Orlando Utilities Commission Contract #5050-OQ - Floor Covering/Carpet Cleaning for services on an as-needed basis during the remainder of the term of the Agreement, contract term through December 14, 2024; Amount: \$120,000
3. Iteris Inc. - Broward County Contract #OPN2119234Q1 - Video Vehicle Detection Equipment & Repairs for services on an as-needed basis during the term of the Agreement; Amount: \$150,000
4. Core and Main, LP - City of St. Petersburg Blanket Purchase Agreement - Water & Wastewater Supplies for goods on an as needed basis for the remainder of the term of the Agreement; Amount \$500,000
5. Duval Ford - Florida Sheriffs Association Contract #FSA20-VEL28.0 - Pursuit, Administrative, and Other Vehicles for goods on an as needed basis during the term of the Agreement; Amount \$400,000

motion / recommendation

Commission approve item as presented and authorize the Mayor to execute the Agreements.

background

1-5: A formal solicitation process was conducted by the originating agency to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditure included in approved budget.



City Commission **agenda item**

item type Consent Agenda	meeting date January 12, 2022
prepared by Michael Hall	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following contracts:

item list

1. Audio Visual Innovations, Inc. - RFP18-19 - Design, Install, Configure & Maintain A/V Systems for services on an as needed basis during the term of the Agreement; Amount: \$250,000
2. Infinity Corporation of Central Florida - RFP18-19 - Design, Install, Configure & Maintain A/V Systems for services on an as needed basis for the during the term of the Agreement; Amount: \$250,000
3. Matheson Tri-Gas Inc. - IFB16-21 - Purchase and Delivery of Liquid Oxygen for goods on an as needed basis during the term of the Agreement; Amount: \$175,000
4. Paramount Power, Inc. - IFB3-20 - Auxiliary Generator Maintenance for services on an as needed basis during the term of the Agreement; Amount: \$100,000
5. CJ's Sales and Service of Ocala, Inc. - IFB3-20 - Auxiliary Generator Maintenance for services on an as needed basis during the term of the Agreement; Amount: \$100,000
6. Hylant - RFP5-16 - Employee Benefit Agent of Record for services on an as needed basis during the term of the Agreement; Amount: \$80,000
7. Howard Industries, Inc. - IFB8-20 - Single Phase Transformers for goods on an as needed basis for the remainder of the current term of the Agreement; Amount: \$750,000

motion / recommendation

Commission approve items as presented and authorize the Mayor to execute the Agreements.

background

1-7: A formal solicitation was issued to award this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budget.



City Commission **agenda item**

item type Consent Agenda	meeting date January 12, 2022
prepared by Sarah Walter	approved by Bronce Stephenson, Peter Moore, Randy Knight
board approval Completed	
strategic objective Quality of Life Intelligent Growth & Development	

subject

Approval of ARPA Funding Allocation - Neighborhood Traffic Calming

motion / recommendation

background

Staff is requesting that the allocation of \$250k be approved for neighborhood traffic calming to purchase items to assist with traffic calming, including items such as speed feedback signs, speed tables, speed cushions, flexstakes and QWICK KURB. Sample specs for speed tables and cushions are attached.

The "ARPA Allocated Project List" shows the allocations last approved by the Commission and the dates at which specific items were approved for funding and to move forward.

The "ARPA Project Approval Matrix" shows the new requests for approvals, a brief description, the responsible department, any relevant notes and timeline, as well as support for the use of funds under the ARPA requirements, and the requested motion.

alternatives / other considerations

The Commission can decide to not approve, change, or modify the staff requests to proceed.

fiscal impact

The city received approximately \$15.4 million in ARPA funds. To-date, approximately \$1.15 million has not been allocated. The project requests included in this item total \$250k and would come from funds already allocated for that specific project and would not draw down on the unallocated balance.

ATTACHMENTS:

[ARPA Allocated Project List as of 12-9-21.pdf](#)

ATTACHMENTS:

[ARPA Project Approval Matrix - Transportation 1-12-21 .pdf](#)

ATTACHMENTS:

[Speed Cushion Specifications.pdf](#)

ATTACHMENTS:

[Speed Table Specifications.pdf](#)

ARPA Funding Allocations

Revised based on 12/9/21 Commission Meeting

Potential Use of Funds	Revised Allocation	Approval Date
General Projects/Uses		
Offset loss of revenue in 2022	\$ 1,300,000	Approved 9/22/21
Offset loss of revenue in 2023	\$ 500,000	
Traffic and Road Improvement Study and Design	\$ 750,000	Approved 9/22/21
Neighborhood Traffic Calming	\$ 250,000	Pending Approval
Large Scale Street Bricking Repair and Replacement	\$ 500,000	Approved 11/10/21
Old Library Building roof	\$ 300,000	
Old Library Building A/C		
Progress Point Park, addl infrastructure, and contingency balance	\$ 3,400,000	
Progress to Mead Connector	\$ 500,000	
Meadows Park at Margaret Square	\$ 101,750	Approved \$101,750 on 12/8/21
Stormwater Capital Improvements	\$ 150,000	Approved 9/22/21
Cybersecurity Enhancements	\$ 500,000	Approved \$250k 10/27/21
Fire Training Facility	\$ 550,000	
Sustainability Program - vehicles, equipment, charging stations	\$ 370,000	Approved \$40k for Parks Electric Equipment 12/8/21
Vaccine Incentive Program for City Employees	\$ 75,000	Approved 7/28/2021
Non-Profits		
Winter Park Library Furnishings and operating support grant	\$ 900,000	Approved 9/8/21 Ideal Woman's Club Funding of \$25k added 11/10/21
Support for Existing Non-Profit Partners	\$ 300,000	
Grant Fund for Supporting Small Non-Profits	\$ 285,000	
Households and Small Businesses		
Utility Payment Assistance Program	\$ 100,000	
Business Façade Program	\$ 100,000	
Business Recruitment Program	\$ 400,000	
Humanitarian Support	\$ 100,000	
Tourism, Travel and Hospitality		
Central Park Stage	\$ 400,000	
Boat Tour to Dredge Canal and property cleanup	\$ 100,000	Approved 11/10/21
Dinky Dock	\$ 154,000	
Christmas Decorations for Park Avenue		
Broadband		
Connect Facilities with Fiber	\$ 962,000	
Smart City - Broadband - Signalization and Connectivity Improvements	\$ 1,000,000	
Public Wi-Fi	\$ 250,000	

Sum of above projects & uses	\$ 14,297,750
ARPA Funding Estimate to be Received	\$ 15,438,814
Remaining to be allocated	\$ 1,141,064

Projects for use of Allocated ARPA Funds

Proposed Project	Department Lead	ARPA Funding Allocated	ARPA Eligibility Based on Treasury Guidance for July 2021	Project Notes (Timeline/Next Steps)	Funding Approval Requested Now	Motion for Approval
Neighborhood Traffic Calming	Planning & Transportation	\$ 250,000	As long as spending is within the revenue loss threshold, maintenance of infrastructure and pay-go spending for new infrastructure including roads, are specifically mentioned as allowable uses of funds.	Purchase of items to assist with traffic calming initiatives including, speed feedback signs, speed tables, speed cushions, flexstakes, and QWICK KURB. Immediate projects include staff working with the Fire Department to field test speed cushions and tables at the City Operations compound for wider deployment in the city. Staff has also conducted traffic studies on Winter Park Rd and will install speed feedback signs between Glenridge Way & Corrine Drive.	\$ 250,000	The City Commission allocated \$250k for neighborhood traffic calming enhancements and this request will allow transportation staff to begin field tests and deployment in the city.

Speed Cushions of various dimensions may be easily constructed utilizing patented tongue and groove 18" x 42" interlocking rubber modules. This tongue and groove module system provides additional connection between the modules, increases stability and long-term performance of the installed speed cushion. Each module is bolted to the road using six fusion coated rust resistant lag bolts through a plastic shield installed in the pavement. **All installation hardware and anchor adhesive are supplied with each cushion.**



SPECIFICATIONS

Dimensions of the tongue and groove modules

Width: 18" (+/- 1/16")

Length: 42" (+/- 1/8")

Thickness: 3" (+/- 1/8")

Dimensions of Cushions, Humps, or Tables are changeable by

Width: 18" increments

Length: 42" increments

Standard Dimensions of Speed Cushions

7' x 6' x 3" • 8 modules

10.5' x 6' x 3" (Flat surface 72" x 42") • 12 modules

14' x 6' x 3" (Flat surface 72" x 84") • 16 modules

21' x 6' x 3" (Flat surface 72" x 126") • 20 modules

Entrance and exit gradient: 1:15 (7%) Lip: .25"

Side gradient: 1:3 (35%) Lip: .25"

Physical properties

Material: Compression molded 100% recycled synthetic and natural rubber composite

Tensile strength: minimum 500 psi

Shore hardness: minimum 70A

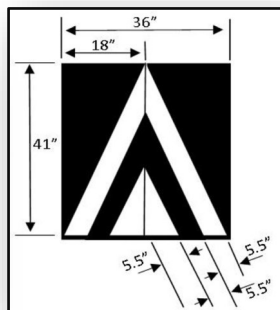
Specific gravity: 1.1

Deformation Rate: None; 100% recovery

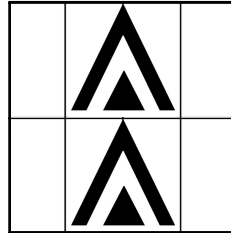
Skid Resistance: 89 (Dry)

Markings: All markings are embedded into the rubber during the manufacturing process and have reflective qualities.

Inherent Resistance: Impermeable to engine oils, road salts, transmission fluid, anti-freeze, gasoline/diesel fuel, solvents, etc. Unaffected by outdoor exposure including extreme weather conditions. Conforms to pavement deviations.

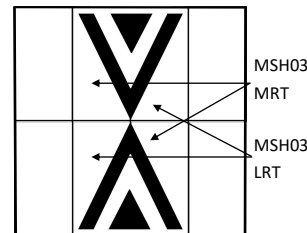


7' L x 6' W x 3" H



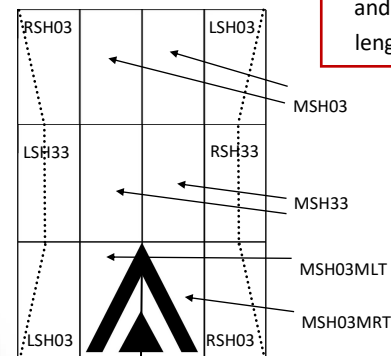
SC-070603-2M-OW

7' L x 6' W x 3" H



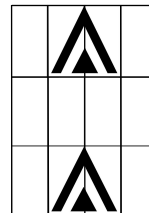
SC-070603-2M-TW

10.5' L x 6' W x 3" H



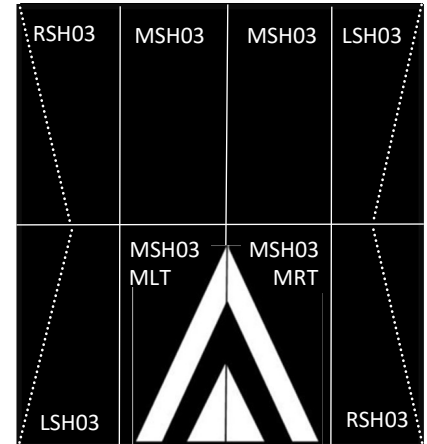
SC-1050603-M

10.5' L x 6' W x 3" H



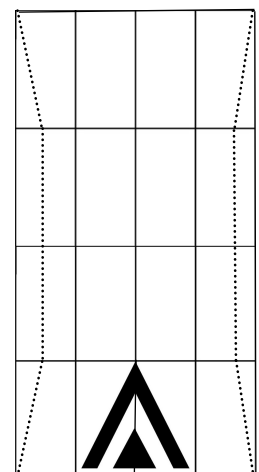
SC-1050603-2M-OW
Way

7' L x 6' W x 3" H



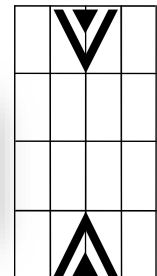
SC-070603-M

14' L x 6' W x 3" H



SC-140603-M

14' L x 6' W x 3" H



SC-140603-2M-TW

All shown available in 7', 10.5', 14', 17.5' and 21' lengths

Individual Module Parts are stamped on ALL module outer surfaces

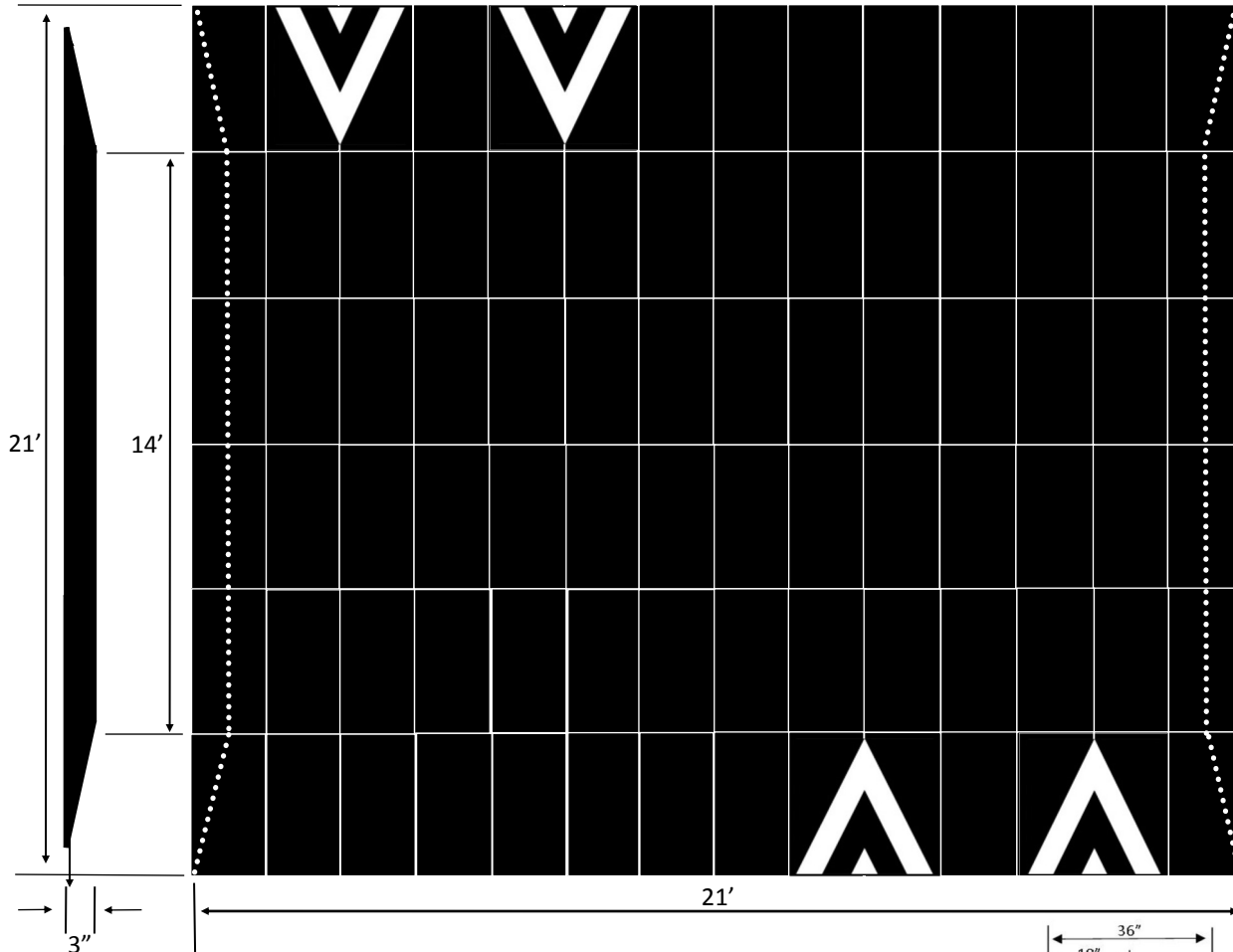


Also available in 14' L x 6' W x 4" H
21' L x 6' W x 3" H

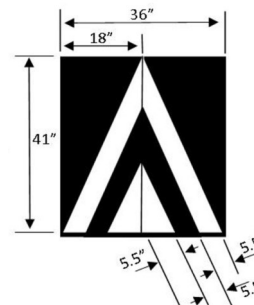


SPEED TABLES

Speed tables are raised devices placed across the road to slow traffic. This design over a 14 or 21 foot length of space encourages cars to slow down without coming to a halt. Often considered the most traditional of physical traffic calming solutions. They are ideal for residential roads and are widely used to bring speeds to between 20-30 mph.



As Shown: 21' L x 21' W with 4 White modified MUTCD Chevrons



SPECIFICATIONS

Dimensions of the modules:

Width: 18" (+/- 1/16")

Length: 42" (+/- 1/8")

Thickness: 3" (+/- 1/8")

Dimensions of the Speed Tables

(widths and lengths are adjustable)

Width: from 6' and up by 1.5' increments

Length: from 7' and up by 3.5' increments

Height: 3"

Standard dimensions of Speed Tables:

Width: according to a street width

Length: 14' or 21'

Height: 3"

Entrance and exit gradient: 1:15

Side gradient: 1:3

Physical Properties:

Material: 100% recycled synthetic and natural rubber composite

Tensile strength: minimum 500 psi

Shore hardness: minimum 70A

Specific gravity: 1.1

Markings: rubber modules are available in all black, black with yellow or white reflective square markings, or with white reflective arrow chevrons. Markings are embedded into rubber.



TRAFFIC CALMING SOLUTIONS

3 HARRIET LANE SPRING VALLEY, NY 10977



City Commission agenda item

item type Action Items Requiring Discussion	meeting date January 12, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

March 8th General Election and April 12th Run-off Election, if necessary

item list

1. Approve polling places.
2. Appoint three members to the Canvassing Board.
3. Approve canvassing criteria established by the state and used by Orange County.
4. Allow Orange County Supervisor of Elections to open and run all Vote by Mail ballots through the tabulator on March 8 after 9:00 a.m. and on April 12 if a run-off is necessary that are not questionable without obtaining the results until 7:00 p.m.

motion / recommendation

Take action as noted.

background

1. Section 42-3 of the City Code requires the Commission to designate polling places for all city elections. The polling places are the same as in previous years:

- PRECINCT 91: Winter Park Christian Church, 760 N. Lakemont Avenue
- PRECINCT 92: St. Andrews Methodist Church, 100 St. Andrews Blvd.
- PRECINCT 93: Winter Park Presbyterian Church, 400 S. Lakemont Avenue
- PRECINCT 94: First Baptist Church, 1021 New York Avenue
- PRECINCT 95: Azalea Lane Recreation Center, 1045 Azalea Lane

2. City Charter requires the Commission to appoint three of its members as the Canvassing Board. The City Clerk may be selected as alternate if any member of the Commission is disqualified.

- One member of the Canvassing Board must be designated to be present at the Logic and Accuracy test scheduled for Thursday, February 24th at 10:00 a.m. at the Supervisor of Elections Office. (The City Clerk has attended this test in previous

years.)

- One member of the Canvassing Board must be attend the tabulation of Vote by Mail Ballots on Election Day at 9:00 a.m. at the Supervisor of Elections Office.
- The Board will meet at the Supervisor of Elections Office on March 8 at 4:00 p.m. to conduct the Logic and Accuracy Test on the tabulating equipment, select the contest and precinct to be audited in accordance with Chapter 101.591, Florida Statutes and Rule 1 SER08-84, F.A.C. (conducted March 11), and to canvass Vote by Mail ballots and any provisional ballots needing review.
- The Board must meet again on Friday, March 11 at 2:00 p.m. at the Supervisor of Elections Office to canvass any outstanding provisional ballots, certify the election results and perform the audit. The City Clerk and Elections Office will guide the Board through the process.

3. Canvassing criteria used by Orange County, revised October 2020, is included

4. Allowing the Supervisor of Elections to open and run Vote by Mail ballots will save Canvassing Board time as this will be completed prior to the Board's arrival on election day. The Board will only need to accept or reject any Vote by Mail ballots that have issues based on the established/approved criteria.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Canvassing Board Criteria.pdf](#)

**Orange County Canvassing Board
2020 Criteria**

Revised: October 2020

Rec'd 12/8/2021

Vote-by-Mail	Accept	Reject	Case by Case	CB Review?
No Signature [101.68(2)(c)1], if left uncured		* X		
No signature, with cure affidavit [101.68(4)(b)]	X			
Signature does not match** [101.68(2)(c)1] [98.077(4)(a), 101.65-must match the signature on file upon return of ballot], if left uncured or incomplete cure		* X		
Signature does not match, received completed cure affidavit 101.68(2)(c)1]	X			
Signature printed and does not match the signature on file [101.68(2)(c)1] [98.077(4)(a), 101.65], if left uncured/or incomplete cure		* X		
Signature printed does not match, with completed cure affidavit [101.68(4)(b)]	X			
Voter signed envelope for someone else and both voters had a request on file	X			
Certificate envelope has two signatures and both voters requested ballots and both received the same card numbers	X			
Voter sends ballot in blank envelope that does not have the oath [101.64(2)]		X		
Voted wrong ballot card (voter has moved/party change) [101.045]			X	
Voter deceased or canceled since ballot returned [101.68(2)(c)2]	X			
Late return of vote-by-mail ballot (Except UOCAVA voters) [101.67(2)]		X		
Voted early or at the polls [101.69]		X		
Vote-by-Mail - Cure Affidavit				
Cure Affidavit received with Tier 1 Identification [101.68(3)(a)]	X			
Cure Affidavit received with Tier 2 Identification and the cure signature matches a signature on record. [101.68(3)(b)]	X			
Cure Affidavit received with Tier 2 Identification and the signature on the cure does not match** a signature on record.		* X		
Cure not received prior to 5PM on the 2nd day after the election.		X		
*Provisional Rejection: Per F.S. 101.68(4) until 5pm on the 2nd day after the election, the supervisor shall allow an elector who has returned a vote by mail ballot that does not include the elector's signature or whose signature does not match to submit an affidavit with copy of identification to cure.				
**Beyond reasonable doubt; a finding by the Canvassing Board that an elector's signatures do not match must be by majority vote and beyond a reasonable doubt. [101.68 (2)(c)]				
First time voters who registered by mail - Special Vote by Mail				
Voter provides proper identification or indicates exemption [101.6923]	X			
Voter does not provide proper identification or indicate an exemption by 7 pm [101.6923]		X		

**Orange County Canvassing Board
2020 Criteria**

Revised: October 2020

Provisional Ballots [F.S. 101.048]	Accept	Reject	Case by Case	CB Review?
Voter is eligible, signature matches, correct precinct	X			
Voter is eligible but did not have proper ID - Signature matches that on file	X			
Voter given the provisional in error--should have voted a regular ballot	X			
Voter's application was not verified by State, voter furnished additional information prior to 5 p.m. of second day. Voter deemed eligible	X			
Ballot cast in wrong precinct		X		
Voter name not found - not registered to vote		X		
Voter moved into county- Eligible, signature matches, correct precinct [101.045]	X			
Voter moved out of county		X		
Voter was canceled as a Felon or for other reasons		X		
Voter registered after the books closed		X		
Voter's application was not verified by State, voter did not furnish additional identification by 5 p.m. of the second day		X		
Voter's application was incomplete so not eligible to vote		X		
Voter's signature does not match** and voter does not sign "Signature Differs" Affidavit; but signature on Prov matches that on file in the SOE office	X			
Voter's signature does not match and voter does not sign "Signature Differs" Affidavit; but voter completes the cure affidavit	X			
Voter's signature does not match and does not sign "Signature Differs" Affidavit; but left uncured/incomplete		X		
Voter had been sent a vote by mail ballot, did not surrender it, but vote by mail ballot not received by SOE	X			
Voter's right to vote has been challenged			X	
[PPP or Primary Only] Voter has disputed party affiliation; provisional ballot is the wrong party according to SOE research		X		
Voter has already voted by vote by mail or at an early voting center		X		
Voting hours extended - voter is eligible and in the correct precinct [101.049]	X			
Voting hours extended - voter is eligible and NOT in the correct precinct		X		
Absentees from Overseas Voters (10 days after the election)	Accept	Reject	Case by Case	
No Postmark or date [101.6952 and 1S-2.030]		X		
Dated or postmarked on or by election day [101.6952 and 1S-2.030]	X			
Dated on or before election day but postmarked later or no postmark	X			
Dated and postmarked after election or dated after election with no postmark		X		

**Orange County Canvassing Board
2020 Criteria**

Revised: October 2020

State Write-In Ballot 101.6951		Accept	Reject	Case by Case	
Wait to see if we have requests - have never had one				X	
Special Instances		Accept	Reject	Case by Case	
Voter submitted a voted sample ballot with clear voter intent, inside of their Certificate Envelope that has a valid signature.		X			
Voters ballot delayed due to staff error.				X	
Voter changed address, sent two ballots; both ballots received, first correct ballot accepted		X			
[PPP or Primary only] Voter changed political affiliation, sent two ballots; both ballots received, first correct ballot accepted		X			
Voter leaves unscanned ballot***		X			
***any races marked with clear voter intent are counted as votes, any unmarked races are counted as undervotes					
Federal Write-In Absentee Ballot [F.S. 101.6952, 102.166]		Accept	Reject	Case by Case	CB Review?
Not a registered voter in the county			X		
Signed the FWAB and the signature verified, no other issues		X			
No date and no postmark - received after election day			X		
Dated or postmarked on election day or earlier		X			
No request received but dated on or before election day and oath is signed.		X			
Challenge of overseas voter based on not meeting definition of [97.021(24)]				X	
Not registered by deadline - all voters			X		
Signature Issue - Refer to Vote by Mail Section					
<p>10-Day Extension for Overseas Voters: A federal write-in absentee ballot may not be canvassed until 7 p.m. on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10-day period specified in subsection (5). Each federal write-in absentee ballot received by 7 p.m. on the day of the election shall be canvassed pursuant to ss. 101.5614(5) and 101.68, unless the elector's official absentee ballot is received by 7 p.m. on election day. 101.6952 (2)(a) An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official absentee ballot may use the federal write-in absentee ballot to vote in any federal, state, or local election.</p>					
Date Adopted:					
		Orange County Canvassing Board			
County Judge					
County Commissioner					
Supervisor of Elections					



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date January 12, 2022
prepared by Wes Hamil	approved by Wes Hamil, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal stewardship	

subject

Undergrounding residential service lines

motion / recommendation

Approve a temporary \$0.009/kWh residential rate increase through 2026 to fund undergrounding service lines in project areas either currently underway or not yet started. This funding also provides for refunds to customers who already paid to have their service lines underground while crews were working in their neighborhood. If approved, the new residential rates would become effective April 1, 2022.

background

As the City completes its undergrounding power line projects, it offers an incentive for residents to underground the service line that runs from the street to the house. The City will underground the service line for a fee of \$1,000 which can be paid over a period of up to 40 months on the City utility bill. The normal fee for undergrounding a service line is \$3,000. This results in less than 100% participation and some power poles must remain to continue above ground service to the customer's house.

There are also customers who pay a \$3,000 or more fee to have their service line underground as part of either a new home construction or substantial remodel for which the value of the remodel is 50% or more of the value of the home.

Staff and the Utility Advisory Board (UAB) have been working on a solution that will provide funding to underground these service lines while projects are in progress. This is much more efficient for the undergrounding crews and would result in more complete undergrounding projects. Also, additional funding would provide for the electric work required to change out the customer meter can. This will save the City substantial time spent waiting on electrical contractors and, more importantly, save our residents the anxiety and cost of finding and hiring an electrician. Since all residential customers would be paying an additional rate for this service line work, the UAB considered the fairness

question of whether some, or all, customers who have already paid to have their service line underground should be refunded all, or a portion, of the fee they paid.

Staff estimates there approximately 3,760 overhead service lines in project areas that are either underway or have not yet been started. Undergrounding projects are planned through 2026. A temporary increase in rates through 2026 could provide the necessary funding to underground these service lines. After 2026, a portion of the funding previously dedicated to the undergrounding program could be used to circle back to the remaining overhead service lines in previously completed project areas.

After much discussion, the UAB reduced the options to be presented to the City Commission for consideration as follows:

	Option A - Refund \$1,000 to both customers who paid to have their service line underground while crews were working on projects in their neighborhood and those who paid to have their service line underground as part of a new home construction or substantial renovation	Option B - Refund \$1,000 to customers who paid to have their service line underground while crews were working in their neighborhood
Cost to underground residential service lines in projects underway or not yet started	\$7,524,000	\$7,524,000
Refund \$1,000 to all customers who paid for undergrounding while project was underway in their neighborhood	\$563,000	\$563,000
Refund \$1,000 to residents who paid to have their service line underground as required for new home construction of substantial renovation	\$898,000	\$0

Increase in residential rates required to fund undergrounding service lines and refunds	\$0.01/kWh	\$0.009/kWh
Monthly impact to residential customer using 1,300 kWh	\$15.47	\$13.93

The UAB is recommending Option B and keeping the fee for undergrounding services lines as part of new home construction or a substantial remodel in place. That would keep customers who previously paid under these scenarios on par with any customers in the future who require undergrounding of their service line in similar circumstances. It also recognizes the inefficiency created when undergrounding crews have to mobilize to a neighborhood to underground a single service line.

There is the possibility matching funding for this effort could come from an energy grant through the Infrastructure Investment and Jobs Act. If that comes to fruition, the amount of any rate increase could be reduced by the grant funding.

alternatives / other considerations

Continue the current undergrounding program and only underground service lines for customers willing to pay the \$1,000 for the service while crews are working in their neighborhood. The remaining overhead service lines will be underground if, and when, the owner decides to pay for the service or the property undergoes a substantial renovation.

fiscal impact



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date January 12, 2022
prepared by Randy Knight	approved by Randy Knight
board approval Completed	
strategic objective	

subject

Schedule of Work Sessions

motion / recommendation

Set topics and schedule for the January - March 2022 work sessions.

background

The Commission has set the Thursdays following commission meeting Wednesdays as the reoccurring dates for work sessions. At the last work session in December there was some discussion about possibly changing that to another day.

Attached is the schedule of dates along with staff suggested topics. Staff is asking the Commission to confirm the dates and set the topics it wishes to address for the first quarter of calendar 2022.

alternatives / other considerations

The commission can change the dates, times and topics as it sees fit.

fiscal impact

ATTACHMENTS:

[2nd qtr FY 22 Meeting Schedule.docx](#)

Second Quarter FY 22 Commission Meetings and Work Sessions
January – March 2022

Date	Meeting/Activity
Thursday, January 6, 2022; 10 a.m. -12 p.m.	Work Session – Infrastructure/Capital Projects
Wednesday, January 12, 2022; 3:30p.m.	Regular Commission Meeting
Thursday, January 13, 2022; 1-3 p.m.	Work Session – Joint with Broadband/Smart City
Wednesday, January 26, 2022; 3:30 p.m.	Regular Commission Meeting
Thursday, January 27, 2022; 1-3 p.m.	Suggested topic –Fairbanks/I-4 Possible developer
Wednesday, February 9, 2022; 3:30 p.m.	Regular Commission Meeting
Thursday, February 10, 2022; 1-3 p.m.	Suggested topic- Project List for 1 Cent Transportation Tax
Wednesday, February 23, 2022; 3:30 p.m.	Regular Commission Meeting
Thursday, February 24, 2022; 1-3 p.m.	Suggested topic – Advisory Boards Direction and Missions
Wednesday, March 9, 2022; 3:30 p.m.	Regular Commission Meeting
Thursday, March 10, 2022; 1-3 p.m.	Suggested topic - Sustainability Action Plan
Wednesday, March 23, 2022; 3:30 p.m.	Regular Commission Meeting
Thursday, March 24, 2022; 1-3 p.m.	Suggested Topic – FY 23 Early Budget Direction

Other Potential Work Session Topics:

- Creation of guidebook for Winter Park Vision Statement
- Joint meeting with EDAB
- Joint meeting with UAB to discuss governance



City Commission **agenda item**

item type Public Hearings	meeting date January 12, 2022
prepared by Nicholas Lewis	approved by Bronce Stephenson, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Requests of Winter Park Christian Church and of Creative Neighbors LLC.

item list

- a. Winter Park Christian Church: Conditional Use approval to build a new replacement church facility on the 1.25 acres of the Lakemont frontage at 740/760 N. Lakemont Avenue, zoned R-1A;
- b. Creative Neighbors LLC:
 - Ordinance amending Comprehensive Plan Future Land Use Element text and Future Land Use Map; from Institutional to Single Family Residential on the rear 5.25 acres. (First Reading)
 - Ordinance amending the Zoning Map to change from single-family (R-1A) zoning to Planned Unit Residential District (PURD) zoning. (First Reading)
 - Approval of Preliminary Concept Plan and Comprehensive Development Plan of the Planned Unit Residential District zoning and to provide subdivision plat approval to divide the east/rear 5.25 acres of 740/760 N. Lakemont Avenue to provide for 13 single-family home lots and 12 townhouses lots, common area park and retention tracts.

motion / recommendation

Staff Recommendation is for approval of all the requests except for the Comprehensive Development Plan which requires further review by the Planning & Zoning Board prior to approval. The Planning & Zoning Board voted 5-2 to approve all of the requests except for the Comprehensive Development Plan as recommended and presented by staff.

background

This comprehensive application involves multiple requests for the redevelopment of the 6.4 acres of the Winter Park Christian Church properties at 740/760 N. Lakemont Avenue. The request is to rebuild a new Winter Park Christian Church facility on the front 1.25 acres and to use the rear 5.25 acres for the development of 13 single family homes and 12 townhomes. Individually the requests are:

1. Conditional Use by the Winter Park Christian Church for the construction of a new replacement church facility;
2. Ordinance amending the Comprehensive Plan Text to allow for a 47.2% FAR and to change the future land use map designation of Institutional to Single Family Residential for the rear 5.25 acres. (1st reading)
3. Ordinance amending the Zoning Map on the rear 5.25 acres from Single Family Residential (R-1A) to Planned Unit Residential District (PURD); (1st reading)
4. Request for approval of the Preliminary Concept Plan and Comprehensive Development Plan for a PURD development of 13 single family houses and 12 townhomes; and
5. Subdivision Plat approval to provide for the 13 single family lots and 12 townhouse lots along with the common area and retention along with the dedication of required public streets and easements..

Summary:

The Winter Park Christian Church Inc. (Disciples of Christ) owns the 6.4 acres of property at 740/760 N. Lakemont Avenue, on which they have used for the Church since the late 1950's. In recent years, the Church membership has declined and the Church facilities that were last renovated significantly in 1975, need updating. From that situation arose the idea to sell the rear 5.25 acres of the property for residential development and to rebuild a new Church with modern facilities that would be more visible and hopefully build the congregation. This would be similar to what the Christian Science Church at 650 N. New York Avenue recently accomplished.

Request for Conditional Use for the new Church facility:

The first part of this redevelopment project is to build the new replacement Winter Park Christian Church facility on the 1.25 acres adjacent to Lakemont Avenue. The future land use of the entire site is Institutional and the Zoning is Single Family (R-1A), in which Churches are Conditional Uses. The proposed plans, developed by ACi Architects, show a 6,500 sq. ft. facility with 150 seats in the sanctuary and 38 parking spaces. These plans meet the zoning code in all respects including setbacks, building height, parking, storm water retention, etc. Some of the parking will be a grass surface, which is permitted given the "light and infrequent use" of churches. Such parking allows the ability to save a quality live oak tree. There also are parking spaces that back into the roadway, which while not normally permitted, are again allowable given the infrequent usage.

Comprehensive Plan Change for the Residential Development:

The Creative Neighbors LLC requests begin with the need to change the Comprehensive Plan future land use map designation of Institutional to Single Family Residential on the rear 5.25 acres that will be redeveloped once the new Church is built. As this is the same Single-Family future land use designation as the surrounding neighborhoods, such a change is consistent and compatible with the existing neighborhoods.

The companion Comprehensive Plan change requested was based upon the limitation within that designation to a maximum floor area ratio of 43%. The sum total of the square footage of all the 25 residential units versus all of the privately-owned land (not including the dedicated right-of-way) is a floor area ratio of 47.2%. As a result, it appeared that a text amendment would be required to permit this allowance for the 47.2% FAR. However, the Winter Park Christian Church has agreed to transfer their unused floor area ratio from their Church site to the residential component in order to maintain a maximum 43% FAR on the total overall site.

Policy 1-2.3.1: Single-Family Residential: This Future Land Use Map designation is designed to indicate areas to be developed for single-family residential uses and the compatible zoning districts for such future land use designation are the R-1AAA, R-1AA, R-1A and PURD zoning districts. The residential uses intended for these areas include single-family detached housing, accessory units and attached townhouse units. The overall density range shall be up to five (5) dwelling units (DUs) per acre except in the approved PURD areas where the density of single-family, zero lot line or townhouse development maybe increased to eight (8) DUs to the acre but is mediated by the provision of readily useable open space areas. The maximum floor area ratio shall be set at 0.38 (38%) with the potential bonus of 5% to reach a maximum of 0.43 (43%) upon satisfaction of meeting design incentives and shall include the floor area of above grade, attached and unattached garages.

Zoning Change for the Residential Development:

The Creative Neighbors LLC requests also include a change from the existing Single-Family Residential (R-1A) district zoning to the Planned Unit Residential District (PURD) zoning district. The PURD Zoning has been in the Code since the 1970's and is something that has been infrequently used, mostly because there is so little vacant land to develop as new subdivisions. The PURD zoning has been used for the creation of the Waterbridge, Windsong and Pennsylvania Place subdivisions. The essence of the PURD zoning is to allow a variety of housing/lot types and to aggregate the land that would otherwise be allocated to front and back yards into common area park tracts that are more visible and usable by everyone.

The PURD zoning is supposed to be a two-step process. First an applicant gets the approval for the PURD zoning based upon a "Preliminary Concept Plan". Once that is accomplished, the applicant then submits for approval of a "Comprehensive Development Plan". That second part is where all of the setbacks and deviations from traditional single family are outlined and approved.

This proposed Preliminary Concept Plan starts out in a good place. The overall density matches the maximum 5 units/acre that would be permitted in the current R-1A zoning.

The overall floor area ratio (with the Church credit) is to be in line with the 43% floor area ratio permitted in the current R-1A zoning. There is a townhouse component for a variety of housing types and a significant common area park tract for all to enjoy. The roadway is a dedicated right-of way with underground utilities within those areas, as is typically the case.

The PURD zoning district permits significant flexibility when it comes to the development standards for homes/townhomes. The Code states, "There shall be no minimum setbacks, no minimum percentage of lot coverage and no minimum lot width. However, the location of proposed structures shall be shown on the development plan and the development of the PURD shall be subject to the minimum lot size, setback lines, lot coverage or floor area, specified in the approved plan."

Staff feels that asking the Planning and Zoning Board and/or City Commission to approve the "Comprehensive Development Plan" at this time is premature. The main focus at this time is whether the P&Z Board and City Commission are comfortable with this redevelopment proposal, whether they are comfortable with a mix of townhouses and single-family homes and whether they are comfortable with then working on the specific details of the residential units in a final plan that will be reviewed using the same process.

From the applicant's perspective, they need to know exactly what they can build and until that part is approved, they are not sure of the economic feasibility of the project. However, since there are variations requested for every aspect of the development standards from the typical single-family rules including setbacks, building height, impervious coverage, etc., staff is not comfortable recommending approval until the P&Z Board and City Commission more completely understand what exactly the housing development will look like.

Subdivision Plat:

The subdivision plat itself is typical of other neighborhoods in the City. The streets will be dedicated public streets, with a typical 24 feet of roadway width. The alley behind the townhomes will be private but that is permitted as a secondary access. A storm water retention area is provided that has been sized to meet the City Code and that of the St. John River Water Management District for the impervious coverage runoff from all of the residential buildings, driveways and streets.

The applicants are requesting one variance which is to have a 45-foot wide right-of-way in lieu of the required 50 feet. That diminishes the 'green' parkway strip between the roadway and the sidewalk by 2.5 feet on each side but otherwise does not impair the function of the roadway.

Protections for the Adjacent Residential Neighborhoods:

This is a dead-end neighborhood so there is no traffic onto any adjacent roadway other than the four lanes of North Lakemont Avenue. The plan, in addition to the park/open space tract, also has a 20-foot buffer strip of common area around the perimeter of the site that is to function as an open space buffer and walking path. This accomplishes a goal of tree preservation as many of the existing trees are located along those property lines and it also provides some separation from the new homes within the project from those in the adjacent neighborhoods. The applicant has sent notices and held two open houses at the Church to show the neighbors the proposed plans. At the P&Z Hearing, there was opposition from residents living on the west side of Lakemont, which were more concerned about the current conditions of Lakemont and concern of adding more traffic.

Traffic Generation:

These 25 new residential homes will generate a potential 290 vehicle trips per day, as 'net new' traffic assuming the church traffic is a constant. The daily average vehicle traffic on North Lakemont Avenue is about 15,000 cars per day, so this number of vehicles is de minimus.

Summary and Recommendation:

This project does not appear to adversely affect the adjacent neighbors in any fashion and provides some creative land use (park site and buffer strip) in return for the combination of townhouse and single-family homes. The project is true to the Comprehensive Plan single-family density limit of 5 units/acre and to the 43% FAR limit, overall on the 6.4 acres.

The combination of single-family home sizes and townhome sizes, in terms of square footage is not modest. Each townhome building is almost 7,000 sq. ft., but holds multiple units. The homes on the single family lots that range in size from 6,471 to 7,912 square feet in size are to hold homes that given the reduced setback requests and lot sizes are effectively an R-2/55% FAR versus R-1A/43% FAR scale. This is not unprecedented in the City. If one looks at the new home development on Country Club Drive or the older neighborhood of Pennsylvania Place, one can picture the density, scale and appearance this neighborhood will have.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[OCA Map.JPG](#)

ATTACHMENTS:

[Colored Site Plan.JPG](#)

ATTACHMENTS:

[Ord._Lakemont Church_Zoning.doc](#)

ATTACHMENTS:

[Ord._Lakemont Church_Comp. Plan FLU.doc](#)

ATTACHMENTS:

[THE ENCLAVE IN WINTER PARK NARRATIVE.docx](#)

ATTACHMENTS:

[New WP Christian Church plan package.pdf](#)

ATTACHMENTS:

[ENCLAVE DEVELOPMENT STANDARDS.xlsx \(OCT 12\).xlsx](#)

ATTACHMENTS:

[Enclave Townhomes concept plans.pdf](#)

ATTACHMENTS:

[Single Family Home Architectural Concept Package.pdf](#)

ATTACHMENTS:

[Sec58-70 PURD Zoning District text.doc](#)





ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING FROM SINGLE FAMILY (R-1A) TO PLANNED UNIT RESIDENTIAL (PURD) DISTRICT ZONING ON THE REAR 5.25 ACRES OF THE WINTER PARK CHRISTIAN CHAURCH PROPERTIES AT 740/760 N. LAKEMONT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City Commission intends to change the Zoning designation on the portion of the Winter Park Christian Church properties no longer intended for use by the Church, and

WHEREAS, the establishment of municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the Zoning designation of Single Family Residential (R-1A) district zoning to Planned Unit Residential (PURD) district zoning on the rear 5.25 acres of the Winter Park Christian Church properties at 740/760 N. Lakemont Avenue.

SECTION 2. This ordinance shall become effective upon the effective date of the change to the future land use amendment for this property.

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 _____, 2022.

Mayor Phillip Anderson

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO AMEND THE FUTURE LAND USE MAP SO AS TO CHANGE THE REAR 5.25 ACRES OF THE WINTER PARK CHRISTIAN CHURCH PROPERTY AT 740/760 N. LAKEMONT AVENUE FROM INSTITUTIONAL TO SINGLE FAMILY RESIDENTIAL, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City Commission intends to amend its Comprehensive Plan to establish a single-family future land use on the remaining portion of the Winter Park Christian Church property no longer to be used by the Church. and

WHEREAS, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and pursuant to and in compliance with law.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to establish a Single Family Residential future land use designation on the rear 5.25 acres of the Winter Park Christian Church properties at 740/760 N. Lakemont Avenue

SECTION 2. This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance, in compliance, with Chapter 163, Florida Statutes.

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 _____, 2022.

Mayor Phillip Anderson

Attest:

City Clerk

THE ENCLAVE IN WINTER PARK

DEVELOPMENT SUMMARY

The Winter Park Christian Church (Disciples of Christ) was conceived in the late 1950's and is one of Winter Park's best examples of a uniquely-unsuspecting property. Located at 740 & 760 N. Lakemont Ave, this property is in close proximity to Lakemont Elementary School, The Lakemont YMCA and Phelps Park. With over six acres of land, The Winter Park Christian Church currently accommodates a school facility, 200 seat sanctuary, fellowship hall and meeting space (also the local voting center for its precinct) in three buildings totaling almost 13, 000 square feet.

At present, the church and its accessory structures have fallen into disrepair and are outdated for today's needs. To avoid closing the church due to insufficient funds necessary to improve the property, ACI Architects (headed by Larry Adams) was tasked with planning a full redevelopment of the site that would include the construction of a new Church (to be located on Lakemont Ave) and a new residential sub-division to be tucked behind on the remaining 5+ acres. The proposed re-development plan before you is the result of two equally necessary components of a thriving community... Worship, counseling and fellowship resource and creative community residences.

Our proposal suggests a new single story, 150 seat, 6,500 sq. ft. "traditional style" Church facility located directly on Lakemont Ave featuring a centralized park with mature oak and magnolia tree canopy, parking for 38 vehicles and a circular drop-off drive to accommodate all who visit. Additionally, in order to fund the new Church facility, Creative Neighbors, LLC will develop a new residential community offering 12 unit "Dual-Villa" townhomes and 13 single family lots encompassing The Enclave in Winter Park.

The twelve townhome villas are designed with only two units per building allowing for generous "recess and projections" and adequate "solids & voids", paramount when creating unique residences. Each townhome shall have a personalized elevation with one distinguishable entry per structure (giving the appearance of a single family residence. The Villas of 3,316 sq. ft. in size, will offer 2800 sq. ft. (conditioned) space, 4

bedrooms, optional elevator, 150 sq. ft. open-landscaped courtyard, 2-car garage with two additional off-street parking spaces and open porches.

The thirteen single family lots range in size from 6,471 sq. ft. to over 7,912 sq. ft. and will be designed individually by each buyer and constructed by one of three selected local contractors. Design variety is our top priority and will be overseen by the association/developer.

The Enclave in Winter Park will feature a 1/3 acre "Center Park" that will feature mature tree canopy and a starting point for the ½ mile fitness pathway along the perimeter of the property. We have carefully designed the development to protect over 90% of existing trees and will work to prune, protect and encourage continued growth of the enormous Oak trees throughout our new community.

We look forward to presenting our new project...The Enclave in Winter Park.

Thank you,

Creative Neighbors, LLC



WINTER PARK CHRISTIAN CHURCH

CONCEPT PACKAGE



SITE PLAN

DISCLAIMER

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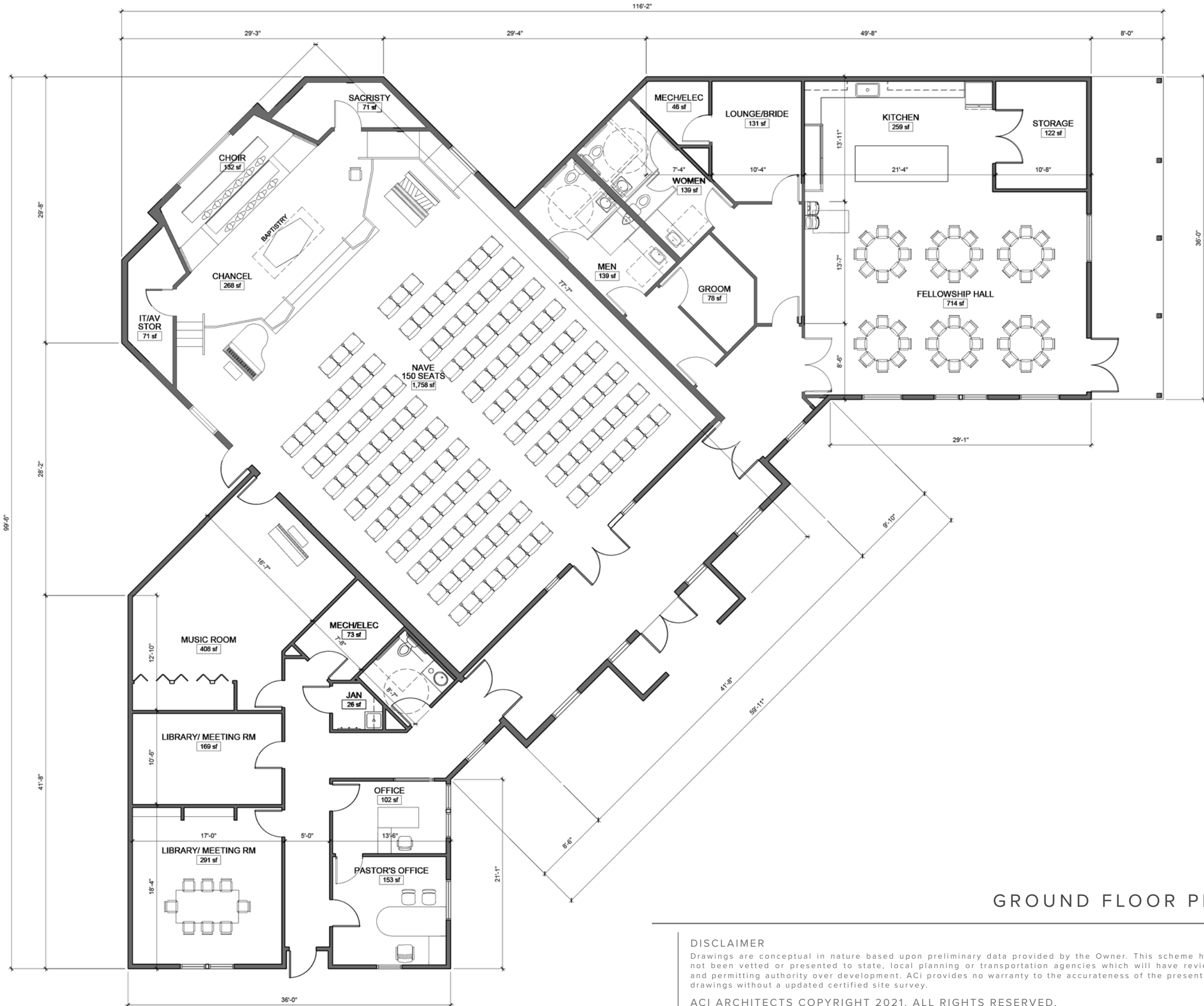
ACI ARCHITECTS COPYRIGHT 2021. ALL RIGHTS RESERVED.

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ACi Architects
955 N Pennsylvania Ave.
Winter Park, FL 32789.
P: 407.740.8405
www.acistudios.com
FL Reg. AA0002940



03.18.21



GROUND FLOOR PLAN SCALE: 1/16"=1'-0"



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WINTER PARK CHRISTIAN CHURCH

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THE ENCLAVE IN WINTER PARK DEVELOPMENT STANDARDS

LOT TYPE:	A	B	C	D	E	F	G
<u>Regulations</u>							
Lot width	59	57	59	60.43	60.43	60.36	62
lot depth	114	114	134.11	119.51	116.51	107.21	107.21
Total lot size (sq.ft.)	6,726	6,498	7,912	7,222	7,041	6,471	6,647
Max. density allowed (du/ac)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Front setback (1)	20'	20'	20'	20'	20'	20'	20'
Side setback (2) (3)	6.5	6.5	6.5	6.5	6.5	6.5	6.5
Recreation area side setback (9)	20'	n/a	20'	20'	20'	n/a	20'
Rear setback (4)(9)	20'	20'	20'	n/a	n/a	20'	20'
Center Park rear setback	n/a	n/a	n/a	10'	10'	n/a	n/a
Street-side setback (for front yard-facing garages) (5)	n/a	n/a	n/a	10'	10'	10'	10'
Side yard setbacks to 2nd floor (10)	8'	8'	8'	8'	8'	8'	8'
Accessory structures setbacks (including detached garages & guest house)	5'	5'	5'	5'	5'	5'	5'
Min. living space principal structure(sq.ft.)	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Max. F.A.R (7)(11)	47%	47%	47%	47%	47%	47%	47%
Max. I.S.R (6) (8)	65%	65%	65%	65%	65%	65%	65%
Max. height	35'	35'	35'	35'	35'	35'	35'

Notes:

- 1) Measured from closest concrete edge (sidewalk or curb)
- 2) Does not include setbacks bordering recreation areas
- 3) Does not include lots bordering a street
- 4) Does not include lots bordering "Center Park"
- 5) Will be 20' from nearest concrete edge if garage faces side yard
- 6) Excludes roads & sidewalks.
- 7) Excluding open porches, screen enclosures, open cabanas and attached open breezways
- 8) Credit for rear-lot garages shall be given for distance equal to primary dwelling length by 8 feet width
- 9) Measured from building to outside perimeter line of easement
- 10) Applies to a minimum of one side of structure
- 11) Single family home lots may use .55 FAR

Additional Development Standards:

- 1) All dwellings must include a entry element (open porch or stoop) that may infringe into front yard setback up to 8 feet (FAR exempt)
- 2) Front facing garages shall be allowed with homeowner association review and approval
- 3) 5 foot minimum rear & side setbacks for all site improvements (pool, patio, 8' high cabana or accessory structure walls)
- 4) Shared driveways may be allowed with approval of the homeowners association
- 5) HVAC equipment may be placed within the side yard setback when screened from the adjacent lot by 30" high stucco-concrete or brick wall. Landscaping screening is required to block view from street.
- 6) Rear-yard located garages may be attached with an open or enclosed breezeway that shall not count toward the FAR
- 7) Pool water edge may be placed at edge of rear and side property lines within respective rear yards. Pool decks may be placed within side or rear property setbacks up to 50% of building setback. Screen enclosure require homeowners association approval
- 8) All lots with rear yards abutting the "Recreation trail" shall be limited to metal privacy fence with 3 1/2" open spacing
- 9) Each residence shall provide space for four off-street vehicles
- 10) Circular drives shall be permitted only with homeowners association approval
- 11) One common drive may serve two abutting properties without meeting the driveway setback requirement
- 12) Open second story balconies may be permitted above first floor open porch and will be excluded from FAR requirement
- 13) Minor deviations of the floor area ratio for principal dwelling and cottage dwelling may be considered up to three additional percent
- 14) Accessory guest house dwelling may be allowed and may include cooking facilities but may not be used as a rental dwelling
- 15) Screen pool enclosures may be permitted up to an additional 10 percent of the lot area in addition to the permitted building area
- 16) The area between a building and a street shall be landscaped with grass, plantings or both and shall require association approval
- 17) The principal dwelling may be placed in either the front or rear of the lot
- 18) Two off-street parking spaces shall be required for each principal building and one space shall be required for accessory dwelling
- 19) Driveway and parking surfaces may be placed one foot from rear or side property line if drainage flows away from neighboring property
- 20) Rear yard garages and accessory structures shall not exceed 8 feet high wall height

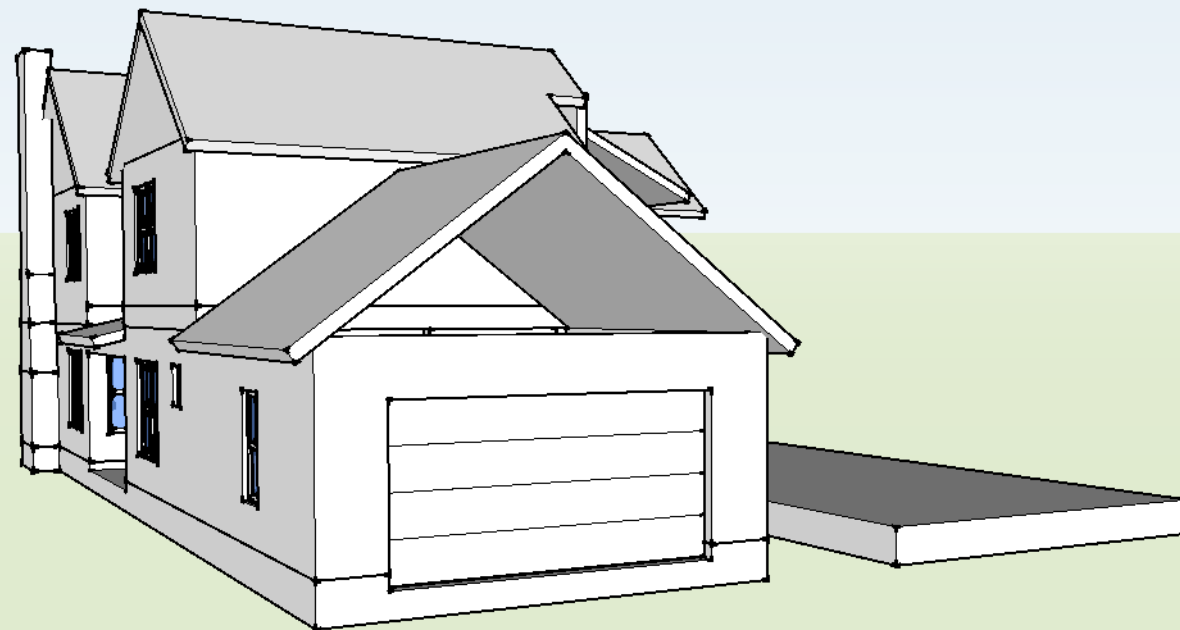


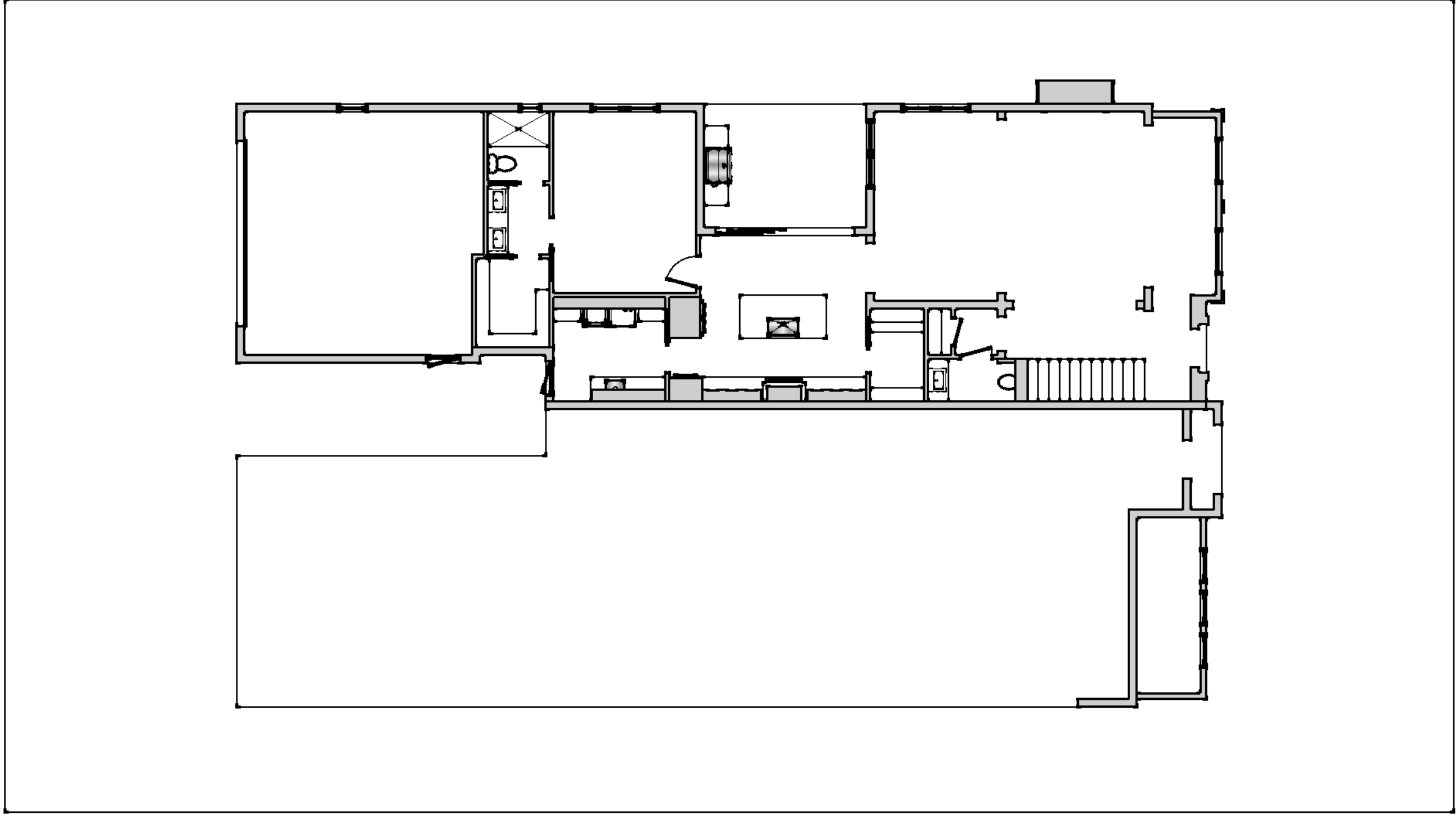
Enclave Plan 1

Project Description

	<u>Area Calcs</u>
1st Floor	1470
2nd Floor	1379
AC Space	2849
Porches	149
Garage	467
Under Roof	3465

Lot Area





SP - Site Plan
Scale: 1" = 10' - 0"

Kg3d Home Design LLC
2711 Woodside Ave
Winter Park FL 32789
(321) 439-1047

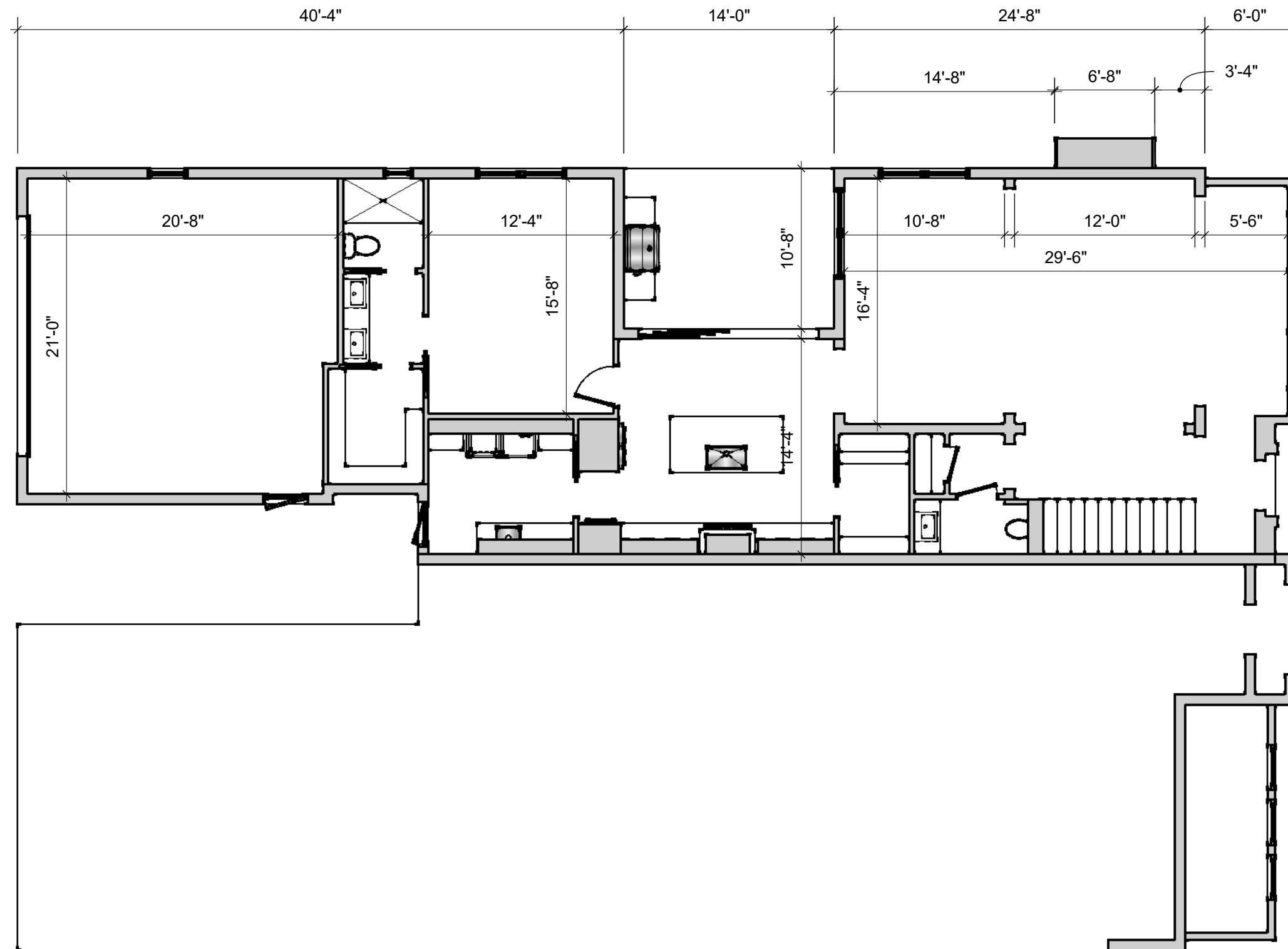


Enclave Plan 1
Lot No Subdivision
Street Address
City State Zip

GroningerHomes.com
Design Build Consult
(321) 352-5202

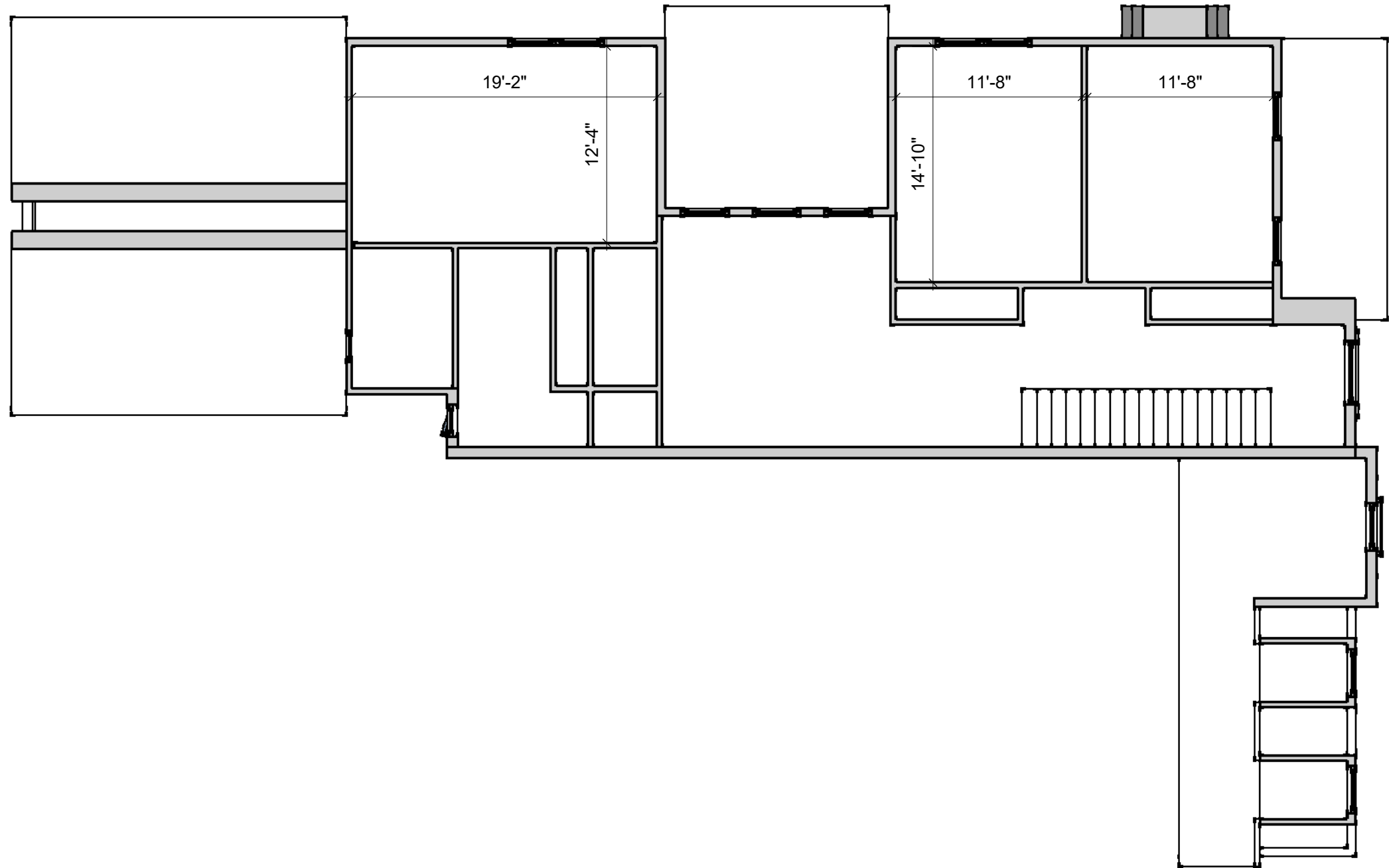
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01/01/21

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02 of 8



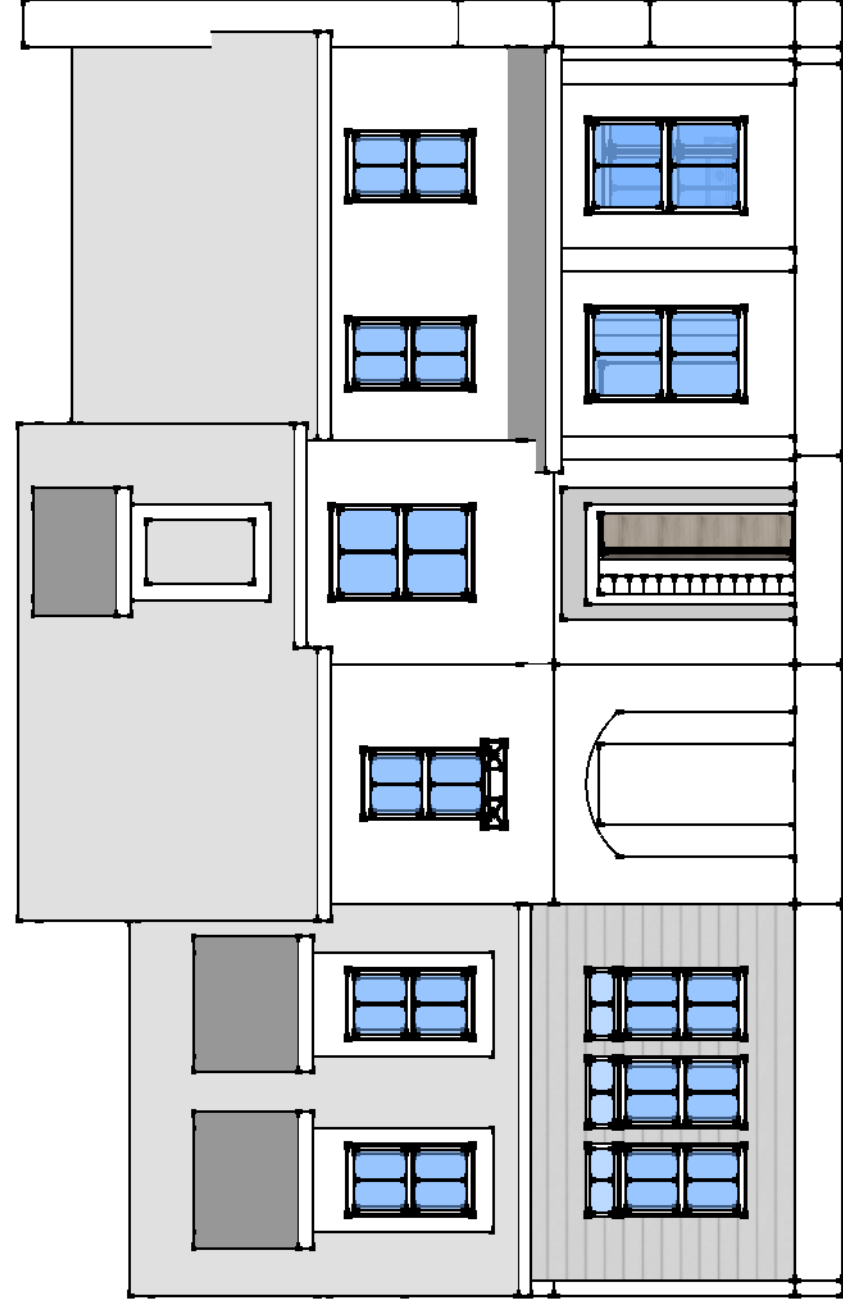
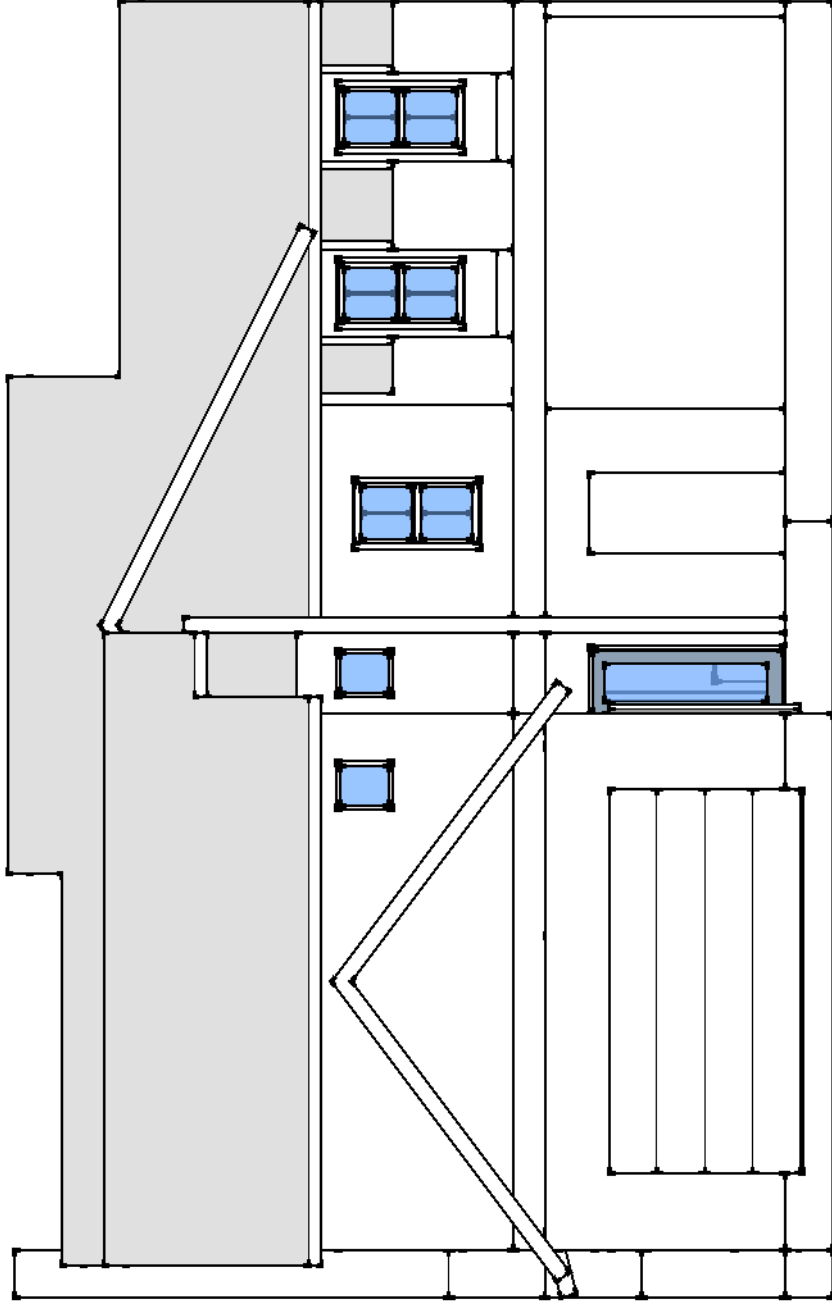
A1 - 1st Floor Plan
Scale: 1/8" = 1' - 0"





A2 - 2nd Floor Plan
Scale: 1/8" = 1' - 0"





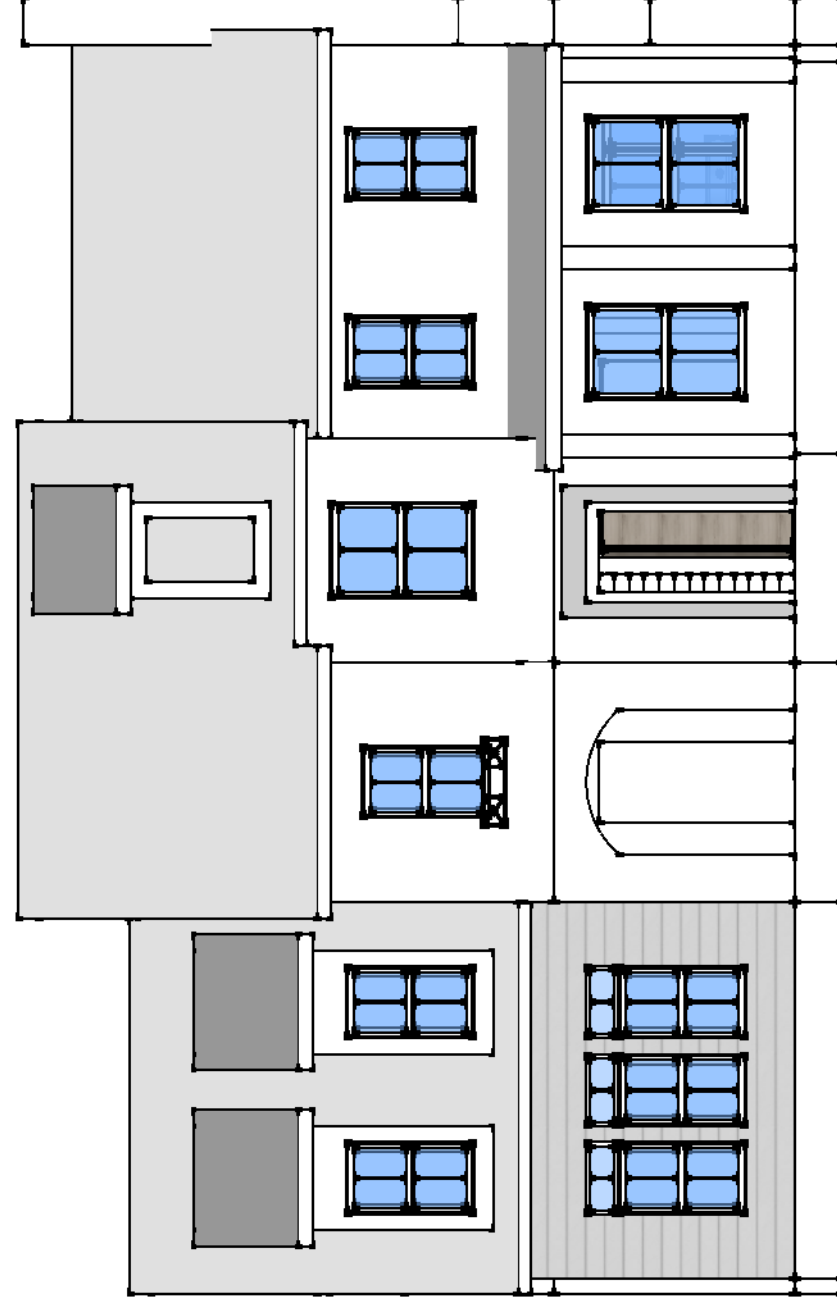
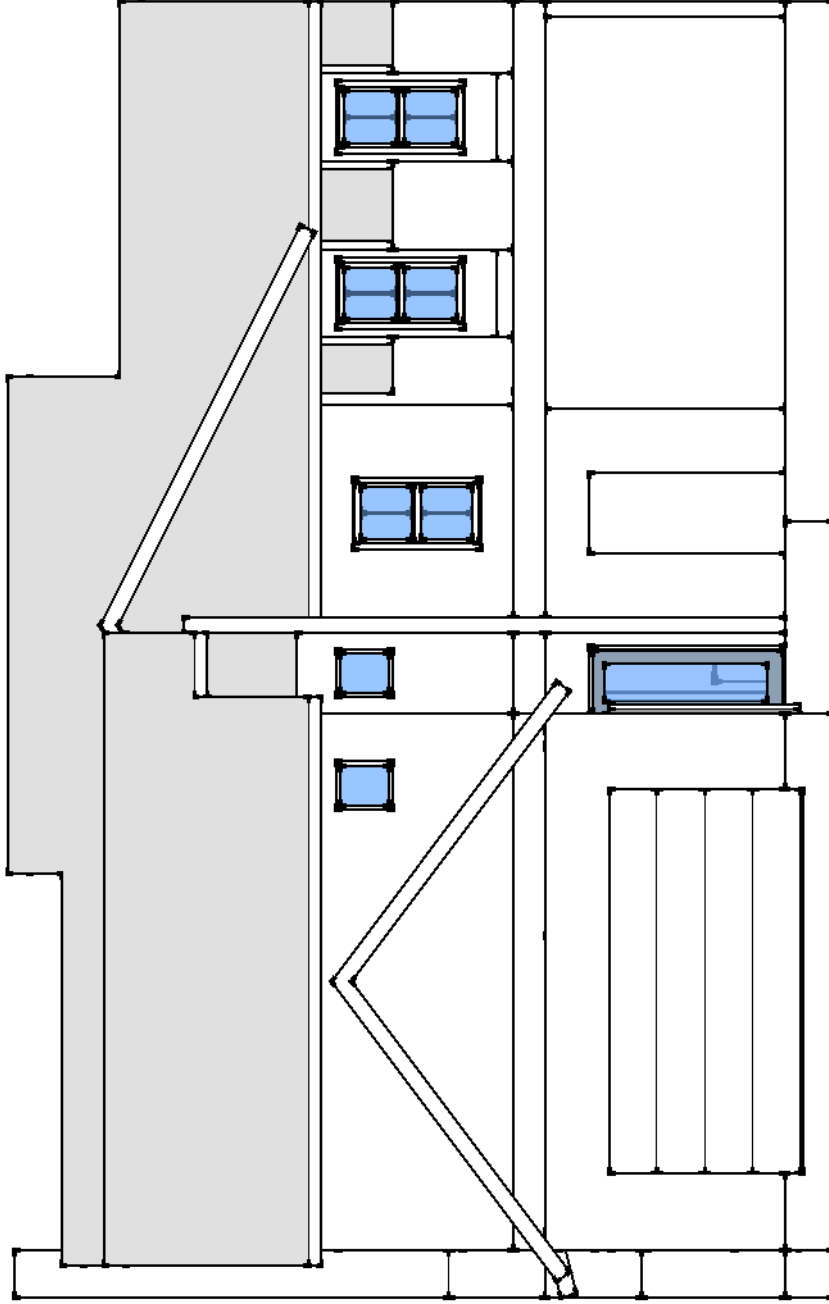
A3 - Elevations
Scale: 1/8" = 1' - 0"





A4 - Elevations
Scale: 1/8" = 1' - 0"





A5 - Sections
Scale: 1/8" = 1' - 0"





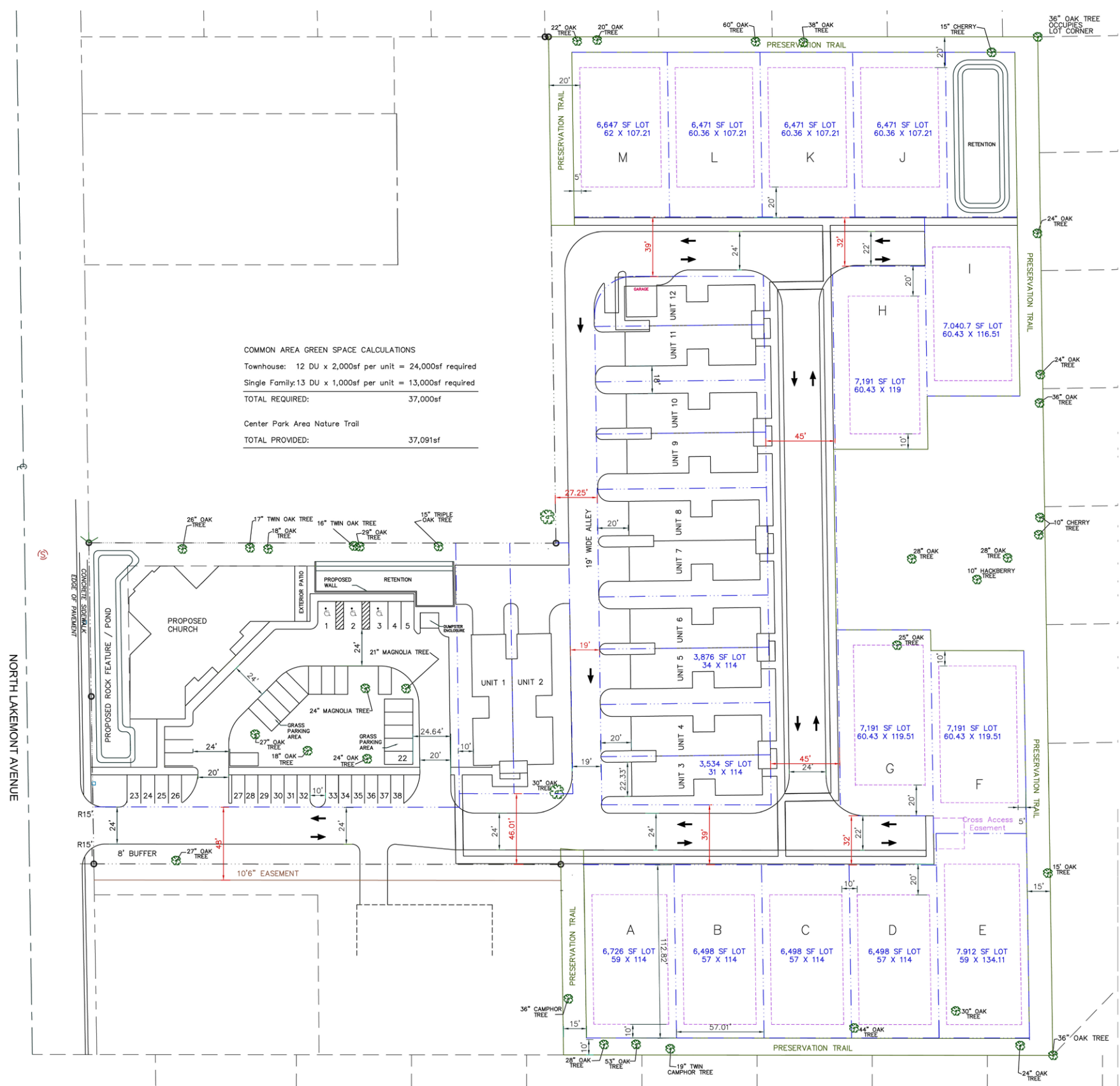
A6 - Sections
Scale: 1/8" = 1' - 0"





WP CHRISTIAN CHURCH HOMES

ARCHITECTURAL CONCEPT PACKAGE



COMMON AREA GREEN SPACE CALCULATIONS	
Townhouse: 12 DU x 2,000sf per unit =	24,000sf required
Single Family: 13 DU x 1,000sf per unit =	13,000sf required
TOTAL REQUIRED:	37,000sf
Center Park Area Nature Trail	
TOTAL PROVIDED:	37,091sf

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ALLEY IMAGERY

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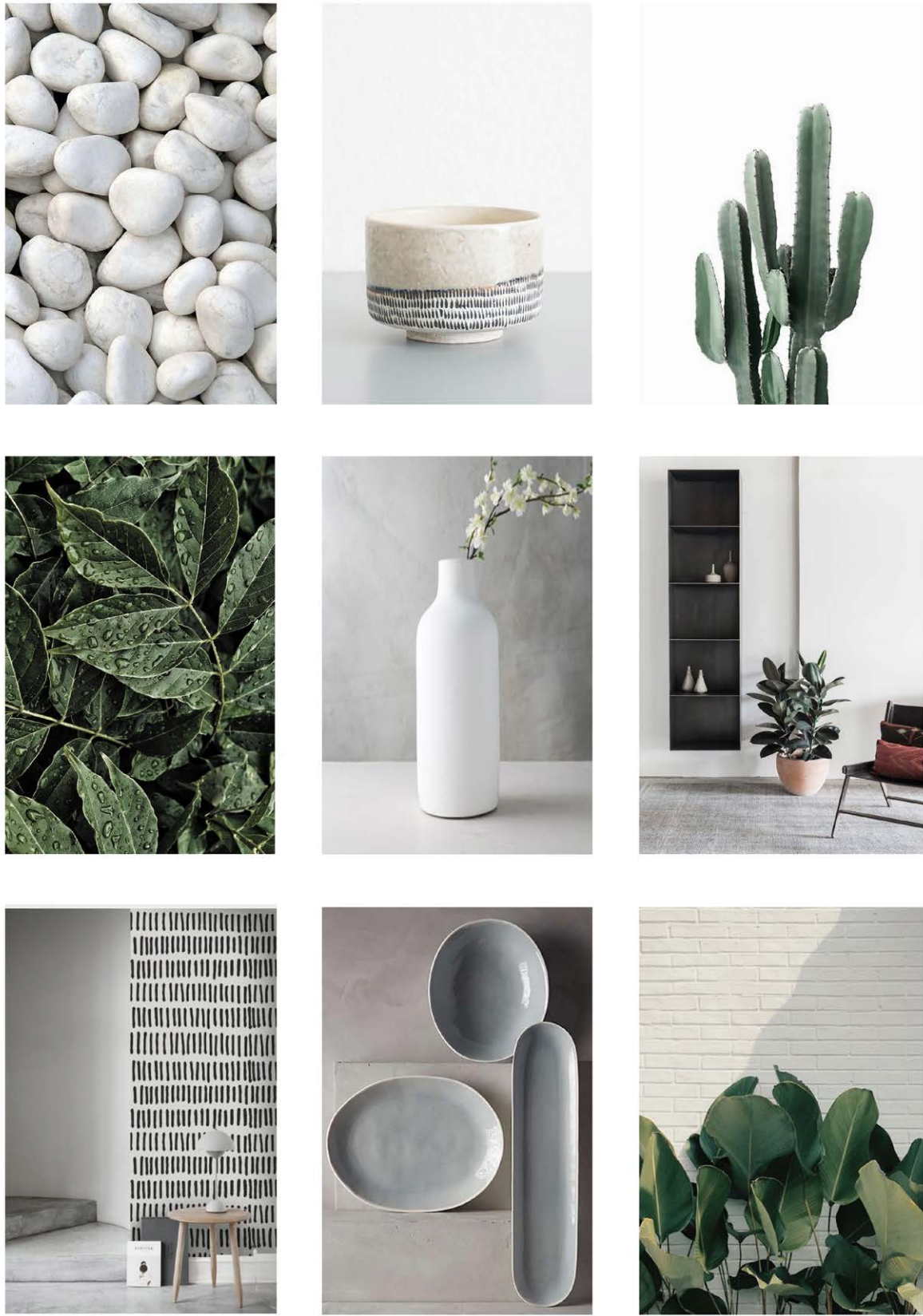
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CONCEPTUAL COLOR PALETTE

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CONCEPTUAL ELEVATION SKETCH

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CONCEPTUAL COMBINED

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CONCEPTUAL ELEVATION 1

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CONCEPTUAL ELEVATION 2

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CONCEPTUAL ELEVATION 3

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Sec. 58-70. Planned Unit Residential Development (PURD) District.

(a) Purpose and intent.

(1) The planned unit residential development (PURD) district is established to encourage the development of large tracts of land as planned residential areas which provide a more varied and interesting urban pattern and are capable of incorporating new demands in the housing market and changes in design and technology in the building industry.

(2) Further, the objectives of the PURD district include:

- a. To provide a more desirable living environment than would be possible through the strict application of article requirements;
- b. To encourage developers to use a more creative approach in the development of land;
- c. To encourage a more efficient allocation and maintenance by private initiative of common open spaces within new residential areas;
- d. To encourage variety in the physical development pattern of the city;
- e. To provide for more efficient use of those public facilities and utilities required in connection with the new residential development;
- f. To encourage a variety of dwelling and building types within a neighborhood area; and
- g. To place emphasis on the density of dwelling units per acre rather than on minimum lot sizes, thereby permitting and encouraging a developer to preserve scenic and natural amenities.

(b) Permitted uses. The uses permitted within this district shall be primarily residential in character, and may include the following:

- (1) Single family detached dwellings;
- (2) Duplex townhouses or cluster housing but excluding garden apartments or density in a single building beyond that defined in this article;
- (3) Multiple-family dwellings provided, however, in no case shall the building height as defined in this article exceed 35 feet. Parapet walls or mechanical equipment and related structures may be added to the building height but in no case shall extend more than five feet above the height limitation established in this section;
- (4) Parks and recreational areas;
- (5) Churches.

(c) Development requirements and standards for approval.

(1) The parcel for which a PURD is proposed must be compact in shape and be in a single ownership or control. The parcel must be a minimum of two acres in size.

(2) The overall density of development permitted on this tract shall not exceed five units per acre for properties designated as single-family in the comprehensive plan or ten units per acre for properties designated as low density or multi-family in the comprehensive plan. This calculation shall not include the land areas to be dedicated as road right-of-ways or stormwater retention areas necessary for those road right-of-ways. The residential units permitted in this district may be provided by a mixture of housing types provided that the number of multi-family units does not exceed 50 percent of the total residential units; the remaining units shall include cluster housing, attached and detached single family residences.

(3) Minimum land area per residential unit:

Single family detached . . . 5,000 sq. ft.

Cluster housing/townhouse . . . 2,500 sq. ft.

Multiple-family unit . . . 1,500 sq. ft.

(4) Minimum land area per residential unit reserved in common open space:

Single family detached . . . 1,000 sq. ft.

Townhouse/cluster housing . . . 2,000 sq. ft.

Multiple-family unit . . . 2,500 sq. ft.

(Required stormwater retention areas shall not be counted toward meeting this requirement.)

(5) Minimum living area per residential unit:

Single family detached . . . 1,500 sq. ft.

Cluster house . . . 1,200 sq. ft.

Townhouse . . . 1,000 sq. ft.

Multiple-family unit . . . 750 sq. ft.

(6) There shall be no minimum setbacks, no minimum percentage of lot coverage and no minimum lot widths unless otherwise stated in this section. However, the location of proposed structures shall be shown on the development plan and the development of the PURD shall be subject to the minimum lot size, setback lines, lot coverage or floor area, specified in the approved plan. The proposed location arrangement of structures shall not be detrimental to existing or proposed adjacent dwellings or to the development of the neighborhood.

(7) When development standards are not proposed and adopted that are different than the applicable single family or low density building and accessory structure requirements, the regulations of this article shall apply.

(8) A minimum of two off-street parking spaces shall be provided for each residential unit in the planned unit residential development. For single family attached and detached houses, these spaces shall be provided on each residential lot; for the multiple-family units, parking may be provided in small parking areas adjacent to the units served.

(9) All streets within the PURD shall meet all the requirements outlined in the city's subdivision regulations.

(10) The common open space and recreational areas may be deeded to the city for general public use. If the city does not accept this land or the developer elects not to offer the areas for general public use, the developer of the PURD shall provide a legally constituted homeowners association which owns and maintains this common open space property. The legal instruments of this association shall be reviewed and shall be acceptable to the city commission. If the

property is owned by such an association, this property shall be subject to the city ad valorem taxes. The legal instrument creating this association shall be approved by the city commission.

(11) The perimeter of the planned unit residential development shall contain a buffer or setback strip of 50 feet to any adjacent private property, if the development includes any building over 30 feet in height. Otherwise a buffer or setback strip of 20 feet shall be provided. When a development contains buildings of differing heights, the buffer or setback strip shall be determined by the height of the building closest to the adjacent private property. No buildings, parking lots or other structures may be located within this area. However, swimming pools and pool decks may be permitted in these buffer areas subject to the normal residential setback requirements. The planning and zoning commission may recommend and the city commission may approve the erection of a fence or wall or the location of other buildings or structures within this buffer area if it is located adjacent to a public street and if those buildings or structures are consistent with the character of the surrounding area or as deemed appropriate to protect the privacy and amenities of the adjacent existing uses. This buffer area may be included in the required open space, but is not required to be, if this land is open to common use and not fenced for the private use of the adjacent residential unit.

(12) After the completion of a planned unit residential development, the use of the land and the construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan which shall be retained in the office of the building and zoning department of the city.

(13) No changes may be made in the approved development plan except as provided below:

a. Minor extensions, alterations or modifications of existing buildings or structures may be permitted after review and approval by the building official provided they are substantially consistent with the purposes and intent of the development plan.

b. Substantial change in permitted uses, location of buildings or other specifications of the development plan may be permitted, but only after public hearing and approval by the city commission upon receipt of the recommendation of the planning and zoning commission.

(d) *Review and approval procedure.* An application for a PURD shall be considered administratively as a petition for rezoning and will be subject to those procedures established in this article. Because of the nature of this district, additional procedures and requirements must be required; these are outlined in the following paragraphs. The application and additional supportive data shall be submitted to the building official.

(1) *Pre-application conference.* The applicant for a PURD is encouraged to confer with the city's administrative staff prior to submitting a formal application to discuss the general concept of the plan and to obtain information regarding projected programs and other matters of the city which might affect the development.

(2) *Preliminary concept plan.*

a. Applications for PURD districts shall be accompanied by a preliminary concept plan and supporting documents that properly present necessary basic data such as the location and size of the entire proposed development, the existing and proposed land uses by type and density, the location of existing streets and highways, the location of streets proposed in the development, public uses, such as parks, playgrounds or other open spaces, and typical

examples of various proposed buildings. The applicant shall also identify the present ownership of all land included in the development, indicate the expected sequence of development, and define the objectives and intent of the planned unit residential development.

b. An application for approval of the planned unit residential development (PURD) shall be reviewed by the planning and zoning commission and the city commission in public hearings with final approval being given by the city commission. In the review the following points will be considered:

1. Adherence to the city's comprehensive planning policies;
2. The proper relation between the proposed development and the surrounding uses, and the effect of the plan upon the city's comprehensive plan;
3. The adequacy of existing and proposed streets, utilities, and other public services to serve the development;
4. The character, design and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separation and screening between uses where desirable to preserve the natural amenities of the land; and
5. The adequacy of open space areas and recreation facilities within the PURD. If a PURD district is approved, the building official shall change the zoning map to designate the appropriate PURD district and the date of approval. Planned unit residential developments shall also be subject to approval by the city commission receiving upon the recommendation of the planning and zoning commission of a comprehensive development plan (which shall substantially comply with the approved concept plan) prior to issuance of permits or authorization of development.

(3) *Comprehensive development plan.* The application shall be supported by a development plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed. The following information shall also be presented for review:

- a. A general location map;
- b. Existing topographic conditions, including contour intervals of one foot based on field surveys or photogrammetric methods;
- c. The existing and proposed land uses and the proposed location of all buildings or structures in the PURD;
- d. The location of existing and proposed streets and major thoroughfares;
- e. The location of all existing and proposed utilities, including a preliminary utility and drainage plan;
- f. The present zoning of the surrounding area;
- g. A legal description of the subject property;

h. The location and use of existing and proposed public, semipublic, or community facilities such as schools, parks and open spaces. This will include areas proposed to be dedicated or reserved for community or public use as required by this district;

i. Perspective drawings of representative building types except for detached single-family dwellings and their accessory buildings. These drawings should indicate general architectural type and appearance; and

j. If a proposed development creates special problems or involves unusual circumstances or if the planning and zoning commission desires additional information to more adequately evaluate the proposal, such data may be required. Examples include an off-street parking and loading plan, an economic feasibility report or market analysis, a traffic study and circulation plan for the area or any other information needed.

(4) *Development report.* The applicant shall submit a written statement with the plan that shall include the following information:

a. A state of the present ownership of all land within the proposed development;

b. An explanation of the character of the PURD, including a summary of acres for each use, the number of dwelling units and the gross density by type of land use. The statement shall include standards for floor area ratio, lot size, yard and spacing requirements for each type of dwelling unit. In the event any standards are not included in the development report, the applicable zoning standards for the single family, cluster housing or multi-family housing shall be utilized. This shall apply to the principal structure as well as any accessory structures such as swimming pools, fences, walls, etc.

c. A general statement of the proposed development schedule and progression of unit division or staging;

d. Statement giving the proposed ownership of the multiple-family units; and

e. Agreements, provisions and covenants which govern the use, maintenance, and protection of the development of common or open areas where public dedication is not contemplated.

(5) *Staff review.* After all required information has been received, the administrative staff of the city will have 30 days to review it. During this time, the staff may require the applicant to provide additional information which it deems necessary to adequately consider the comprehensive development plan.

(6) *Public hearings.* After this review period, the planning and zoning commission and city commission will hold public hearings. The administrative staff will present its recommendations to the commissions at these hearings. Approval of the comprehensive development plan will be contingent upon its conformance to the approved preliminary concept plan.

(7) *Subdivision plan.* The applicant may file a preliminary subdivision plan with the development plan in order that tentative approval of the subdivision may be granted by the planning and zoning commission. In no case, however, shall subdivision approval precede approval of the development plan. The building official shall issue building permits for structures in the area covered by the approved comprehensive development plan if they are in substantial conformity with the approved preliminary concept plan, the development schedule, and with all

other applicable regulations. If the developer questions the building official, the matter will be resolved by the planning and zoning commission.

(8) *Revision of comprehensive development plan.* Any major or substantial changes in the approved comprehensive development plan which affects the intent and character of the development, the land use pattern and density, the location or dimensions of streets or structures, or similar substantial changes shall be reviewed and approved by the city commission subsequent to the receipt of the recommendation of the planning and zoning commission. A request for a revision of the comprehensive development plan shall be supported by a written statement of why the revisions are necessary or desirable. The planning and zoning commission or city commission may require any additional supportive data they deem necessary.

(9) *Duration of approval.* Approval by the city commission shall be for one year or the submitted development schedule. If no construction has begun within one year after approval of the development plan, or if the applicant fails to maintain the approved development schedule, the approval of the comprehensive development plan shall lapse and be of no further effect. If the approval of the comprehensive development plan lapses under this provision the comprehensive development plan shall automatically be removed from the official zoning map and the area shall automatically revert back to the zoning district which applied to the area prior to the approval of the comprehensive development plan. The city clerk shall also file a notice of revocation with the recorded comprehensive development plan.

(e) Approved development plan standards for approved PURD's. Except as shown below, the applicable zoning standards (based on the comprehensive plan) shall apply for all principal and accessory structures. In addition, for Waterbridge and Windsong subdivisions, the development standards of Section 58-65 Lakefront (R-1AAA) District, subsection (f)(8) "Side wall articulation" shall be applied and other development standards of Section 58-65(f) may be applied except where the approved Windsong and Waterbridge development standards contain more restrictive requirements.

(1) Winter Park Oaks and Waterbridge as shown below:

Setbacks	Winter Park Oaks	Waterbridge
Front	20'	25' Single Family 20' Zero Lot Line
Side	5'	10' Single Family 10' (one side) Zero Lot Line
Rear	10' lots 1-20 & 26-40 15' lots 21-25	20' Single Family 10' Zero Lot Line

- (2) Alabama Hotel: Only as shown on development plan report.
- (3) Winter Park Towers Village: Only as shown on development plan report.
- (4) Genius or Windsong property as shown below:

Lot Type*	A	B	C(12)	D(9)	E(11)	F(10)	G(8)
Lot width	200'	150'	125'	125'	100'	100'	60'
Lot depth	435'	300'	200'	150'	150'	100'	105'
Max. density (DU/AC)	.5	.97	1.7	2.3	2.9	4.4	6.0
Minimum Setbacks:							
Front	50'	35'	25'	25'	25'(1)(2)	20'(1)	15'(3)
Side	30'	25'	15'	15'	10'	10'	5'
Rear	75'	50'	25'	25'	25'	20'	20'
Lake (4) (5)	75'	75'	75'	--	--	--	--
Min. living area	2,500 s.f.	2,000 s.f.	1,800 s.f.	1,500 s.f.	1,500 s.f.	1,500 s.f.	1,200 s.f.
Max. height	40'	35'	35'	35'	35'	35'	30'
Max F.A.R. (%)	20%	25%	30%	33%	33%	38%	45%(6)
Max. impervious surface (%)	35%	40%	45%	50%	50%	50%	55%(7)
<ol style="list-style-type: none"> 1. The front setback may be reduced to 20 feet if the house includes a front porch. 2. The front setback may be reduced to 20 feet if the lot fronts upon a common green/park. 3. Garages must be set back a minimum of ten feet behind the primary facade line. (please see Item 14 below for exceptions) 4. Setback is from normal high water elevation. 5. Minimum setback for all site improvements, (pools, patio, etc.). 6. The maximum FAR on all lots within Windsong-Elizabeth's Walk will be 45 percent, except for lots 2-6, 9-20, 49-50, and 61-62, for which the maximum FAR will be 55 percent; and lots 33-47, for which the maximum FAR will be 33 percent. 7. The maximum impervious surface on all lots within Windsong-Elizabeth's Walk will be 55 percent, except for lots 2-6, 9-20, 49-50, and 61-62, for which the maximum impervious surface will be 65 percent; and lots 33-47, for which the maximum impervious surface will be 50 percent. All other development standards for lots 33-47 Windsong-Elizabeth's Walk, shall conform to those listed as Type "E" lots referenced above. 8. The house constructed on Windsong-Elizabeth's Walk, lot 1 will be limited to single story in height. 9. Lots 13 and 32-34 in Windsong-North Shore are less than 18,750 sq. ft. and less than 125 feet in width, as approved by the city commission. 10. The minimum lot width for lots 6 and 7, Windsong-Lakeside Section One is 87.5 feet; for lots 8-10 Windsong-Lakeside Section One the minimum lot width is 90 feet; and the minimum lot width for lots 1-12 Windsong-North Shore is 95 feet, as approved by the city commission. 11. The rear yard setback for lots 39 and 40 Windsong-Lookout Landing shall be 35 feet, and the house on these two lots shall be limited to single story in height. 12. Lots are permitted 35 feet of building height, if side setbacks to that second story component over 30 feet in height are increased to 15 feet. 							

13. As per Windsong-Lakeside Section One, the front setback on Mizell Avenue for new construction after October 1, 2001 shall be 20 feet for lot 1, 25 feet for lot 2, 30 feet for lots 3, 4 and 5, 40 feet for lots 6 and 7 and 30 feet for lots 8, 9 and 10.

14. The waters edge for any pool on all of the lots within Windsong (lot types A--G) may be placed to the edge of the respective minimum side yard setback referenced above, and to within 10 feet of all rear property lines, within the respective rear yard setback. Pool decks may be placed within the side or rear yard setback, up to one-half of the distance within the respective side or rear setback for a particular lot type. Screen pool enclosures may be permitted at a ten-foot set back if limited to one-story in height, as per zoning regulations. Setbacks on lakefront lots may be permitted by the planning and zoning commission at a 60 feet setback in lieu of the required 75-foot setback and the side setbacks on lakefront lots may also be reduced to 12.5 feet in lieu of the required 25 feet by the planning and zoning commission if deemed advisable to preserve existing trees

15. As to Elizabeth's Walk, the following additional development standards shall apply:

(a) HVAC equipment may be placed within the side yard setback lines for lots 1-32 and 48-71 Elizabeth's Walk. To screen the equipment from the adjacent lot, a minimum four-foot high stucco-concrete block and/or brick screen wall, shall be constructed on the side yard property line. If visible from the front street, landscaping shall be used in front of said HVAC equipment, so as to screen the equipment from the front;

(b) The front and rear yard setbacks for lots 2-6, 9-20, 30-31, 48-51 and 60-63 Elizabeth's Walk may be reduced to ten feet provided the front and rear setback is ten feet only on houses with front side entry and rear side entry garages. In addition, the front yard setback may be further reduced by three feet on lots 1-32 and 48-71, in Elizabeth's Walk, in the event the additional three-foot setback relief is utilized for a deeper front open porch on the respective house. On any lot where the front and rear yard setback is reduced to ten feet, a corresponding increase in the side yard setback will be required, as follows:

- On houses that are two-story with a front garage, the side setbacks will increase to 13 feet total (with five feet minimum on one side).
- On houses that are one-story with a rear-entry garage, the side setbacks will increase to 15 feet total (with five feet minimum on one side).
- On houses that are two-story with a rear-entry garage, the side setbacks will increase to 20 feet total (with seven feet six inches minimum on one side).
- On houses that are one-story with a front garage, the side yard setbacks shall remain ten feet total (with five feet on each side).
- On houses that have a front-entry garage (garage doors facing the street), the garage front facade shall be setback a minimum to ten feet behind the primary house facade line. If the front garage plan has a side-entry or courtyard-entry garage (no garage doors facing the street), the garage front facade may be placed at the respective front yard setback line.

(c) All corner lots shall be allowed to have rear-entry garage plans, with the driveway exiting the side street.

(d) Any lots with a rear-entry garage may be connected to the main house by an enclosed or unenclosed breeze way, which connection will be counted in the FAR for the house,

(e) All front garages on any lot with a reduced front yard setback must be one-story in height and function, and all rear-entry garages which back up to Glenridge Way must be one-story in height and function, however Lots 2-6 Elizabeth's Walk, which back up to Preserve Point Drive, may have a two-story function on the rear-entry garage, subject to additional tree plantings within the rear of said lot, or within the landscaping buffer outside the lot and the seven-foot Preserve Point wall, to screen any two-story function on said lot.

*See Plats of Windsong--Chart Attached

Lot types A-F may utilize a five percent increase in floor area ratio in accordance with the provisions of Section 58-65 "Lakefront (R-1AAA) District" subsection (f), paragraph (8) "d" and table notes in accordance with the lot width.

One-story dwelling provisions: Homes in all lot types (A--G) limited to one-story with a maximum building height of 25 feet may utilize an additional five percent increase in the allowable floor area ratio and a maximum impervious coverage of 60 percent. These one-story homes which qualify for the five percent floor area ratio increase shall use a maximum floor area of 5,200 square feet on lots with areas of 11,600 square feet to 13,600 square feet.

(5) Pennsylvania Place property as shown below:

a. Lots 1 and 29:

15-foot side buffer on the outside of each lot (side facing adjoining property).

Ten-foot side setback on inside of each lot (side facing neighboring home within the property).

Front and rear setbacks 25 feet.

b. Lot 2:

20-foot street side setback.

Ten-foot interior side setback.

Front and rear setback 25 feet.

c. Lots 3--16:

Side setbacks of 5 feet, both sides.

Front setbacks of 25 feet.

Rear setbacks, 25 feet from centerline.

d. Lots 17--20:

Setback 15 feet from closest edge of access easement.

Setback 20 feet from closest edge of pavement.

Ten-foot side setbacks.

e. Lots 21--27:

Front setback 25 feet.

Rear setback 20 feet from closest edge of pavement.

Ten-foot side setbacks.

f. Lot 28:

Front and rear setback 25 feet.

Ten-foot side setbacks.

g. Corner lots 21, 24 and 25:

20-foot street side setback.

h. Maximum floor area ratio for all lots is 38 percent.

i. No additional setback for the second story up to 30 feet in height and on lots 90 feet or greater, 35 feet is permitted with a side setback of 15 feet to that second story component over 30 feet in height.

j. Impervious coverage up to 50 percent (excluding private alleys) and up to 55 percent for one-story houses without semi-circular driveways.

k. Lots with 25-foot street front setbacks may reduce front setback five feet for front porch.

(6) Within the single-family lots of Waterbridge Subdivision and on Lot types A through E in the Windsong Subdivision containing residences that are 5,000 square feet or larger in gross floor area, a second kitchen may be included in a dwelling or cabana subject to not having a separate utility meter and not allowing this portion of the dwelling to be rented, let or hired out for occupancy whether compensations be paid directly or indirectly and subject to executing a deed restriction which outlines the above restrictions. That deed restriction shall be recorded prior to the issuance of the building permit and shall be removed only with the consent of the city.

(Ord. No. 2296, §§ 1, 2, 4-13-99; Ord. No. 2336, § 1, 12-14-99; Ord. No. 2344, §§ 1, 2, 5-9-00; Ord. No. 2443-01, § 3, 10-9-01; Ord. No. 2453-02, § 1, 1-8-02; Ord. No. 2510-03, § 3, 4-8-03; Ord. No. 2601-04, § 3, 9-13-04)



City Commission **agenda item**

item type Public Hearings	meeting date January 12, 2022
prepared by Melissa Meade	approved by Troy Attaway, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance: Amending Chapter 114, modifying shoreline revetment slope requirement from 3:1 to 2:1

motion / recommendation

Approve Ordinance change

background

Historically the City's slope requirement for shoreline revetments was 2:1 (horizontal to vertical) consistent with state and federal codes. In 2008, a discussion among the Lakes and Waterways Advisory Board took place about lessening the slope to 3:1 in order to flatten and make the revetment look more natural. The Lakes and Waterways Advisory Board approved a change to the City's code to this affect at their July 16th, 2008. This code change was brought before the City Commission at their November 24th, 2008 and December 8th, 2008 meeting where the change was approved on first and second readings, respectively (minutes attached).

As revetments were built at the 3:1 following this code change, some unintended consequences of this change were that more rock was required to be deposited into the lake a further distance creating more disturbance of the bottom leaving less area for emergent aquatic plantings and potentially creating a hazard of shallow submerged rocks having a greater ability to impact vessels. This issue is magnified on steeper bottom slopes, where most revetments are needed.

On July 13, 2021, the Winter Park Lakes and Waterways Board reviewed the City's existing revetment slope requirement and found that:

- the State of Florida currently requires a 2:1 slope,
- most municipalities follow the State's slope requirements,
- the City's 3:1 slope requirement was hazardous to boats, and
- the City's 3:1 slope requirement made it difficult for property owners to abide by the City's plant code.

Based on these findings, the Winter Park Lakes and Waterways Board unanimously recommended approval for the City Commission to adopt an ordinance amending the City's revetment slope requirement back to the historical 2:1.

This proposed ordinance and the Lakes and Waterways Board's unanimous approval is being presented to the newly formed Lake Killarney Advisory Board for comments at their January 7th meeting.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[City of Winter Park Ordinance - Revetment Modification](#)

ATTACHMENTS:

[July 16th, 2008 Lakes and Waterways Meeting Minutes](#)

ATTACHMENTS:

[November 24, 2008 City Commission Agenda](#)

ATTACHMENTS:

[December 8, 2008 City Commission Agenda](#)

ATTACHMENTS:

[July 13, 2021 Lakes and Waterways Meeting Minutes](#)

ATTACHMENTS:

[Revetment Slope Code Revision Presentation to Lakes and Waterways Advisory Board](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING ARTICLE I, CHAPTER 114, OF THE CITY CODE OF
ORDINANCES TO MODIFY THE SHORELINE REVETMENT SLOPE
REQUIREMENT; PROVIDING FOR CODIFICATION, CONFLICTS,
SEVERABILITY AND AN EFFECTIVE DATE.**

RECITALS

WHEREAS, the numerous lakes and waterways, including the lakes which comprise the Winter Park Chain of Lakes, are located within jurisdictional boundaries of the City of Winter Park ("City"); and

WHEREAS, the City Code of Ordinances conditionally authorizes waterfront property owners to construct shoreline revetments to dissipate wave energy as necessary to minimize the impacts of wave erosion and shoreline loss; and

WHEREAS, the City Code of Ordinances currently requires such shoreline revetments be constructed with a 3:1 slope, horizontal to vertical; and

WHEREAS, on July 13, 2021, the Winter Park Lakes and Waterways Board reviewed the City's existing revetment slope requirement and found the State of Florida currently requires a 2:1 slope, that most municipalities follow the State's slope requirements, that the City's 3:1 slope requirement was hazardous to boats, and that the City's 3:1 slope requirement made it difficult for property owners to abide by the City's plant code; and

WHEREAS, based on these findings, the Winter Park Lakes and Waterways Board unanimously recommended approval for the City Commission to adopt an ordinance amending the City's revetment slope requirement from 3:1 to 2:1; and

WHEREAS, the revetment slope requirements enacted pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of the City of Winter Park;

NOW THEREFORE, BE IN ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance as legislative findings.

Section 2. City Code Amendment. Sections 114-1 and 114-6 of the City of Winter Park Code of Ordinances are hereby amended and modified as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections or subsections and do not represent Code amendments):

CHAPTER 114 – WATERWAYS

Sec. 114-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means all rafts, skiffs, dredges, canoes, dinghies, dugouts, rowboats, sailboats, motorboats, personal watercraft and every other device used or capable of being used as a means of transportation on water.

City boats means boats owned by residents of the city.

Clearance means the alteration of or removal of vegetation by the deposit of sand, dirt or other material or by uprooting and removal by mechanical or nonmechanical means or by chemical treatment.

Fill means the addition of materials, including but not limited to dirt, sand, gravel, stone, crushed stone, cement, cement rubble, mulch, wood or railroad ties, which results in changes to the topography or vegetation that exists on the shoreline and waterfront areas of waterfront properties.

Motorboat means any boat powered by an internal combustion engine.

No city boats means boats owned by nonresidents of the city.

Operator means any person in charge of or having immediate control over a boat, whether such person is the owner, a permittee or an unauthorized user.

Personal watercraft means a class A inboard vessel, as defined by the United States Coast Guard, which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion and which is designed to be operated by a person sitting, standing or kneeling on the product, rather than in the conventional manner of boat operation.

Retaining wall means the same as seawall.

Revegetation means the planting and establishment of terrestrial and aquatic grasses and plants, both emergent and nonemergent, associated with waterfront and shoreline environments.

Revetment means any sloped structure with a horizontal to vertical slope of $3:1$ or greater that is constructed of rock, other aggregate material or geotextile fabric that is intended to protect the shoreline against erosion or water action.

Seawall means any structure involving stone, brick, concrete, metal or wood intended to stabilize the shoreline as protection against erosion or water action.

Shoreline means the land area which exists between the normal high-water elevation during typical hydrological conditions and the point measured ten

feet landward of such normal high-water elevation. (Reference normal high-water elevations for the major lakes in the zoning ordinance.)

Waterfront means the water area or occasional land area which exists between the normal high-water elevation during typical hydrological conditions and the point measured 30 feet out seaward of the normal high-water elevation.

Waterfront vegetation means vegetation which grows or exists at or below the normal high-water elevation and includes terrestrial and aquatic plants, both emergent and nonemergent, associated with wetlands.

Waterway means any water, lake, canal, stream, lagoon or connecting waters, whether natural or manmade, partially or wholly within the boundaries of the city.

Sec. 114-6. Lakeshore protection.

- (b) The construction of retaining walls, seawalls or revetments on any lakefront, canal front, streamfront, etc., shall be prohibited except when done in accordance with law and after obtaining a permit from the city.

- (3) Applications for seawalls or revetments should be considered favorably only when the structure is a dire necessity to stem erosion and loss of shoreline that is markedly different from that experienced in general. On lakefronts, vertical seawalls shall be disallowed in favor of sloped riprap revetments (minimum slope ~~3:1~~ 2:1, horizontal to vertical) that allow wave energy dissipation and allow shoreline vegetation to propagate. Vertical sheet pile, with a nonvertical riprap face, may be allowed on a case-by-case basis to minimize turbidity, or vegetation disturbance during construction provided that the entire face of the vertical component is covered by the sloped riprap component, the finished face meets the ~~3:1~~ 2:1, minimum slope requirement, and the elevation of the vertical component does not exceed the natural ground elevation. Vertical seawalls may be allowed on a case-by-case basis in canals or other altered water bodies where sloped revetments could interfere with navigation, or where conditions make the construction of sloped revetments impractical. Construction for cosmetic reasons is not sufficient justification. The review by the city advisory boards and city commission shall include the environmental ramifications of the request, its relationship to the ecology of the lake or stream as a whole and the specific shoreline characteristics of the property involved. Approvals of any shoreline modification shall be the minimum necessary to allow relief. As a condition of the seawall/revetment permit, shorelines that do not meet the vegetation standards of this section (subsection 114-6(a)) shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.

Section 3. Codification. Section 2 of this Ordinance will be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 4. 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 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance governs and controls to the extent of any such conflict.

Section 6. Directions to City Staff. City Staff under the direction of the City Manager are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance.

Section 7. Effective Dates. This Ordinance shall become effective immediately after its adoption by the City Commission of the City of Winter Park, Florida.

First Reading held on January 11, 2022

Second Reading held on February 8, 2022

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 _____, 2022.

Mayor Phil Anderson

ATTEST:

Rene Cranis, City Clerk

**CITY OF WINTER PARK
LAKES & WATERWAYS ADVISORY BOARD**

**Regular Meeting
Winter Park Country Club**

**July 16, 2008
12:00 p m**

MINUTES

Present: Mark Jackson, Robert Trimble, Jesse Graham, Ann Saurman, Jackie Becker, Gene Randall

City of Winter Park Staff: Troy Attaway, Public Works Director; Don Marcotte, City/Stormwater Engineer; Tim Egan, Environmental Resource Manager; Sgt John Bologna, and Debbie Wilkerson, Recording Secretary.

Absent: Bill Swartz, Eric Larson

Others present: Marissa Rodriguez, Maitland Lakes Manager, Amy Giannotti, FFWC

CALL TO ORDER

Chm. Trimble called the meeting to order at 12:03 pm

I. ADMINISTRATIVE ITEMS

A. Approval of Minute

Motion made by Mr. Jackson to approve the June 18, 2008 minutes, seconded by Mr. Randall motion carried unanimously.

II. INFORMATION ITEMS

A. Application Approval

SAP 08-09 Request of Joe Ferguson, Winter Park Racquet Club, for approval to construct a dock at 2111 Via Tuscany on Lake Maitland. Mr. Egan reported that there are no objections from adjacent property owners and staff is recommending approval consistent with the variance approval issued by the Board of Adjustment. After a brief discussion Mr. Jackson moved approval of the application, seconded by Mr. Randall, motion carried unanimously with 1 abstention.

SAP 08-10 Request of Pamela Dingess for approval to construct a boathouse and dock at 900 Palmer Ave on Lake Osceola. Mr. Egan reported that he had not received any objection from adjacent property owners, the request meets city code and staff is recommending approval.

Mrs. Peggy Strong, 916 Palmer Ave and Mrs. Marjorie Prouse 834 Palmer Ave expressed concerns with the size of the boathouse and dock, as well as view obstruction that the boathouse may cause. Chm. Trimble requested that Mr. Egan review the application as to its compliance with code. Mr. Egan stated that the

MINUTES

application was within code but if the traditional view is going to be obstructed by the new dock then the board does have the authority to deny the application. After a brief discussion the board agreed to take Ms. Strong and Prouse's concerns under consideration and table approval of the application until the August meeting. Board members will view the area individually prior to the August meeting. Mr. Egan will also provide pictures.

III. NEW BUSINESS

A. Action Items

CIP Budget with the Five Year Plan

Due to the addition of new members to the Board Mr. Attaway presented the history of the stormwater utility. He explained that in the 1980's water quality in the chain of lakes declined dramatically. The problem was determined to be nutrients from stormwater runoff. Based on a desire to treat or capture these nutrients before they could enter the lakes the Stormwater Utility was started in 1992. The methods to treat the runoff are determined by the make up of Winter Park which does not have a lot of unused land. He explained the different methods that the City uses for treatment and its long term goals. He explained the way the Five Year Plan process works. Mr. Marcotte reviewed the projects on the 2009 Five Year Plan. Mr. Randall moved approval of the 09' CIP Budget, seconded by Mr. Graham, motion carried unanimously.

Proposed Waterways Code Revision

Mr. Egan presented an overview of the existing code and what changes are proposed. He explained that a primary reason for changes to the code is that the city's allowances for shoreline clearing are similar to the state's but are just different enough to cause confusion to contractors and homeowners, therefore he is recommending that the city's code be changed to match the state's.

He addressed concerns raised at the May meeting regarding seawalls and shorelines that have been cleared for a long time. He stated that the current code regarding seawalls does not have a negative impact on the lake environment but because there is concern regarding the appearance of the 2:1 slope he is recommending changing the slope for seawalls from a 2-1 slope to 3-1 slope which would make the revetments look flatter, and more natural. However, it will occupy more lake bottom. He stated there would be no ecological impact to the lake if the change in slope was implemented. He also recommends adding to the seawall/revetment permit; construction/repair permits verbiage if the shoreline does not currently meet vegetation standards as a condition of the permit they would have to plant 50% of the shoreline. He explained that the additional changes were minor changes to correct agencies that currently oversee shorelines and lakes.

Chm. Trimble requested that Mr. Egan address the issue of certain properties being grandfathered in and not having to meet vegetation codes. Mr. Egan responded that he thought the Board may be able to require compliance with vegetation codes as a condition of approval for applications because of the Board's charge or it could be done more formally by having

MINUTES

P&Z change the land development code. The Board agreed to take no action on this issue at this time.

Mr. Jackson moved approval of the recommended revisions to the Waterways Code as presented by Tim Egan, seconded by Ms. Saurman, motion carried unanimously.

Blocked Lake Access – Old England Ave.

Mr. Attaway reported on the blocked lake access at the north end of Old England Avenue on Lake Maitland. The issue went to court as a suit between the adjacent property owners to this area, one claiming it to be public and the other claiming it was private and he owned it. The City had no record of this area being dedicated/granted to the City as a public road/access. The final result of the suit was that it was ruled through jury trial that this is not public land and is not a public access; therefore a locked gate is appropriate as this is private

III. REPORTS

A. Mead Gardens Report

No report

A. Lakes Patrol Report

Sgt Bologna detailed the activities of the Lakes Patrol on the chain of lakes. He stated that most violations are for lack of a city permit.

B. Lake Management Report

Mr. Egan reported that the inability to use Floridone effectively has resulted in almost continuous contact herbicide treatments to keep the hydrilla treatments under control. He detailed the impact to the chain of lakes and ongoing treatments. Mr. Egan also reported on water quality, water levels, and plant management.

On July 18th the stocking of triploid grass carp will begin in the chain of lakes and Lake Berry. If aquatic plants are not brought under control with the number of fish that were introduced, the city will request additional fish.

The City is requesting quotes for skunkvine control in Mead Garden and Howell Branch Preserve.

The FDEP is continuing with the approval for the Town of Eatonville's boat ramp on Lake Bell.

Mr. Attaway updated the Board on the current status of the budgeting process within Public Works and specifically Lakes. He explained that 2 lakes worker positions had been eliminated but those positions have been frozen for several years so there wasn't an actual reduction in the work force.

CITY OF WINTER PARK

LAKES & WATERWAYS ADVISORY BOARD
Winter Park County Club

July 16, 2008
12:00 p m

MINUTES

Mr. Attaway introduced for discussion a state program that is available which would fund the City's aquatic plant management program. The City currently expends approximately \$250,000 per year on plant control. The City meets all criteria to participate except the state would require the City revise its current boat fee structure to be more reasonable and accessible. Staff is going to develop a proposal to present to city management that outlines the benefits of participating in the state program. Dr. Beattie provided a historical prospective as to how the fees came about.

The Board discussed the benefits of participating in the program, the rising cost of herbicide, reasons to keep the current boat fee structure, how fees would be collected and impacts to boat ramp usage if fees were reduced. Amy Giannotti, FWC, will provide a summary of boat fees in the area.

C. Stormwater Management Report

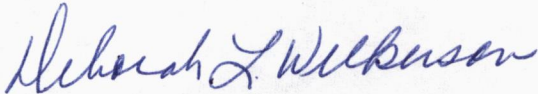
Mr. Marcotte reported on the status of the Florida Forever grants. He reported on various drainage improvement projects in the City and that preliminary design has started on the Lake Berry outfall and baffle boxes at Elizabeth Drive and Alexander Place.

City of Maitland

Ms. Rodriguez reported Maitland had been approved for grass carp stocking, creation of the Stormwater Utility is ready for the first ready at the July 28, Commission meeting. She distributed a handout on the stormwater utility.

IV. ADJOURNMENT

Chm Trimble adjourned the meeting at 1:50 pm. Next meeting date – August 20, 2008.



Respectfully submitted,
Deborah L. Wilkerson CPS/CAP
Senior Staff Assistant

Approved 8/28/08

REGULAR MEETING OF THE CITY COMMISSION
November 24, 2008

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Parks and Recreation Director John Holland, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Karen Diebel

Also present:

City Manager Randy Knight
City Attorney Trippe Cheek
City Clerk Cynthia Bonham
Deputy City Clerk Nancy McLean

Mayor's Report:

- a) Presentation of a \$10,000 grant from Waste Management for Beautification and Recycling Programs.

Waste Management's Public Sector Services Manager Jim Swan presented Mayor Strong and Keep Winter Park Beautiful Director Gabriella Serrado with a \$10,000 grant based on their recycling efforts to be used to implement four beautification/recycling projects including tree plantings, playground restorations, phone book recycle campaign, and expanding our recycling education initiatives to elementary and middle schools in our area.

- b) Recognition of Mead Garden volunteers.

Mayor Strong recognized several volunteers for their hard work and commitment to beautifying Mead Garden to help the City achieve its mission in offering these beautiful parks.

Non Agenda Item

Attorney Cheek explained that in 2007 the City Commission passed a revised resolution regarding decorum at public meetings. He addressed "Rule 7. Decorum" and "Rule 9. Addressing the Commission" and explained these may good reminders at the beginning of meetings.

Action Items:

- a) Approve the minutes of 11/10/08.
b) Approve the purchase of traffic signal maintenance services from Control Specialists Co. for fiscal year 2009, piggybacking the City of Maitland contract.
c) Approve the amended interlocal agreement for Public School Facility Planning and Implementation of Concurrency. **PULLED FOR DISCUSSION. SEE BELOW.**
d) Approval to allow the City Manager to execute and the Fire Chief to manage the agreement with the State of Florida to house and operate the Mutual Aid Radio Cache (MARC) unit for Region 5. **PULLED FOR DISCUSSION. SEE BELOW.**

- e) Consideration of Fire Rescue Staffing – Overtime Reduction Action. **PULLED FOR DISCUSSION. SEE BELOW.**
- f) Approve the Business Recognition Award Program. **PULLED FOR DISCUSSION. SEE BELOW.**
- g) Approve the contract with the Federal lobbyist. **PULLED FOR DISCUSSION. SEE BELOW.**
- h) Approve the legislative agenda for the State lobbyist. **PULLED FOR DISCUSSION. SEE BELOW.**
- i) Approve the fee waiver policy as recommended by the Parks and Recreation Commission. **PULLED FOR DISCUSSION. SEE BELOW.**
- j) Provide direction regarding Charter review.
- k) Approval of the memorandum to be sent to the Orange County Commission regarding commuter rail. **PULLED FOR DISCUSSION. SEE BELOW.**

Motion made by Commissioner Anderson to approve Action Items a, b and j ; seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.

The following action items were pulled for discussion c, d, e, f, g, h, i, and k. Mayor Strong announced they would break at 4:00 p.m. to have a teleconference phone call for item g.

Action Item c): Approve the amended interlocal agreement for Public School Facility Planning and Implementation of Concurrency.

Beth McGee, Executive Director of the Homebuilders Association of MetroPlan stated that their Association has been actively engaged with the School Board, Orange County and several committees appointed to assess the implementation of school concurrency. They believed that what the Commission is being asked to approve is deficient and in certain respects is contrary to the Growth Management Act. For the record, she submitted their objections to specific portions of the proposed amendment to the comprehensive plan and the interlocal agreement.

Planning Director Jeff Briggs explained that Florida Statutes requires that the School Board and local governments enter into interlocal agreements to implement statutory school concurrency requirements. The City participated on the Technical Planning Committee to ensure consistency with the School Board, Orange County and all non-exempt Orange County municipalities. He stated the required comprehensive plan amendments were included in the transmitted Winter Park plan amendments and the amended interlocal agreement for Public School Facility Planning and Implementation of Concurrency must be executed before the comprehensive plan amendments can be adopted.

Mr. Briggs commented that they recently received the ORC on the comprehensive plan and were not in compliance with the State law because they have not adopted this interlocal agreement. The interlocal agreement has been adopted by Orange County and Orlando, and has been or will be adopted by the other Orange County municipalities. He stated this will go into effect in March 2009 when we receive the notice of intent from the DCA to find our comprehensive plan in compliance. He addressed that the School Board and all local governments must update or adopt interlocal agreements consistent with the requirements of the Florida Statutes to ensure that plans for construction and opening of new schools are coordinated in time and place with the plans for residential development and concurrently with necessary services.

He commented that presently we have school capacity but schools without capacity will have to go to the School Board and enter into a Capacity Enhancement Agreement. He explained it will require that developers pay closer to the full cost of the classroom construction than the impact fees which do not cover 100% of the cost of classroom construction. Mr. Briggs answered questions and announced that Orange County Public Schools representative Julie Salvo was also present for questioning.

Commissioner Diebel commented that if the citizens desire to financially support the new Brookshire School then she wants to know that this board can increase impact fees as a measurement of participating in the new school. She commented that she would like to retain control at this board's level to increase or decrease impact fees in order to improve public schools in the City. Mayor Strong commented it was worth exploring. Attorney Cheek will look into this. Mayor Strong suggested they discuss this at their next Commission meeting on December 8 after they have a chance to review the Home Builders Association of MetroPlan document.

Motion made by Commissioner Diebel to table this item until December 8; seconded by Commissioner Anderson. Mayor Strong commented that they would like staff's response to the objections. Mr. Briggs agreed. **The motion carried unanimously with a 5-0 vote.**

Please note that Items g and h were discussed next.

Action Item g): Approve the contract with the Federal lobbyist.

Building Director George Wiggins reached Federal lobbyist's Skip Bafalis, Jim Davenport and Maurice Kurland of Alcalde and Fay by phone for this item. Mr. Wiggins explained that Alcalde and Fay have successfully obtained \$1.4 million in Federal funded projects on behalf of the City in recent years. He provided the Commission an updated list of project's the Federal lobbyist would work to secure funding for during the 2009 Legislative session. This included: 1) U.S. 17-92/Denning Drive Master Plan: \$16 million; 2) Fairbanks Improvement Project: \$3.6 million; 3) Winter Park Community Center: \$5 million; 4) Stormwater Treatment Projects: \$1 million; 5) Wetland property: \$1 million; 6) Bike/Pedestrian Plan Implementation: \$600k; 7) Interconnection of State Road traffic signals to create better traffic flow including undergrounding of conduits for SR426: \$200k; and 8) Quiet Zones: \$3 million.

Mr. Bafalis commented that they have all worked on Winter Park projects and represent other cities as well. Mr. Kurland explained that they anticipate that Congress will reauthorize the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2009. He stated this will present the opportunity to submit many transportation projects to be funded for Winter Park. He addressed that the 2005 SAFETEA-LU authorized \$286 billion in spending for the six-year period of 2004 to 2009 for numerous surface transportation programs and projects such as highways, transit, freight, safety and research. The bill included funding for approximately 7,000 projects for local governments and transportation authorities. He also spoke about the economic stimulus bill and commented that it is difficult to predict the specifics of this since it is still in the early phases.

Discussion ensued regarding the project list, what was achievable and items they should not spend their time and efforts on. Mr. Davenport recommended prioritizing the transportation projects and giving them their top three choices and to choose between having the Community

Center or the wetland property acquisition. Alcalde and Fay answered questions posed by the Commission.

Commissioner Bridges commented that some of these projects are joint ventures such as 17/92, the bike/pedestrian plan and wetland property acquisition and wanted to know if it would benefit the City to increase the likelihood to receive funding if they have more than one community such as Maitland looking at these projects. Mr. Davenport stated it was a possibility. Commissioner Diebel asked to compare the City of Oviedo's priorities on roads (specifically S.R. 426) with our priorities because they put significant amounts of pressure on our traffic and roads. Mr. Davenport suggested the Commission speak with other cities and ask what they are doing and see if they are willing to partner with them on a project.

Mr. Bafalis suggested that either the Mayor or Commission members come to Washington yearly and make a request for projects to show their interest. He stated this would be helpful to them and it will bring back great rewards to the City. Mr. Wiggins ended the teleconference phone call with the lobbyist's.

Motion made by Commissioner Diebel to approve the Federal lobbyist budget of \$5,000 per month, not to exceed \$50,000 in the current fiscal year; seconded by Commissioner Anderson.

Commissioner Anderson advocated being represented by the Federal lobbyist. Commissioner Bridges believed that staff could handle this for less cost and that the \$50,000 could be better spent in the City. She stated if the Federal government implements the types of transportation funding they are discussing, the City will be the beneficiary of these projects anyway.

Mayor Strong gave his insight on his participation with MetroPlan. He disclosed that he may have a conflict of interest with the U.S. 17-92/Denning Master Plan because it has a direct financial impact with property he owns. Attorney Cheek clarified that it will not affect him voting on whether or not to retain the lobbyist. Commissioner Dillaha commented that it would great if they could measure how many projects the lobbyist has accomplished for us. Mayor Strong commented that they can look at what they have spent and what they have received in dollars.

Commissioner Bridges asked if the motion could be amended to include our Commission/staff approaching the two other adjacent cities like Maitland and Oviedo and prioritize the effort they want these lobbyists to spend their time and our money on to be more unified in their approach. Commissioner Diebel asked if she would support the motion on the table and either Commissioner Bridges brings forth a motion subsequent or give specific direction to the City Manager to arrange the appropriate discussions with the other City Commissions of Maitland and Oviedo with the ultimate goal of prioritizing projects together. Commission Bridges agreed.

Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Motion made by Commissioner Bridges to direct staff to meet with our adjacent cities that are impacted by this, the City of Oviedo specifically regarding State Road 426 and Maitland specifically regarding 17-92, the bike/pedestrian plan and wetland property acquisition; seconded by Commissioner Diebel. The motion carried unanimously with a 5-0 vote. Mayor Strong clarified that staff is to return with a prioritization or a feasibility of working with those communities.

Action Item h): Approve the legislative agenda for the State lobbyist.

The City's State Lobbyist Bill Peebles stated that last year they succeeded in having the legislator appropriate \$1.6 million to Winter Park for projects but the likelihood that there will be appropriations during this legislative session is very slim. Mayor Strong commented that he met with Mr. Peebles last week in Tallahassee and he made it clear they should not expect anything. He added that he discussed obtaining legislation that will allow for a dedicated funding source for commuter rail which would be worth Mr. Peebles efforts if that is a reasonable expectation for this coming year. Mr. Peebles responded that commuter rail was part of the discussions last year and will be discussed this year as well.

Commissioner Dillaha stated that MetroPlan has put together a committee that consists of all the funding partners; this is their priority and believed they should work on this project and not spend the City's money on that effort. She commented on prioritizing the Fairbanks Improvement project that is critical for economic development in the City along with the Stormwater Treatment projects. She believed it may be better to approach the Community Center at the Federal level rather than the State level. Commissioner Anderson commented that the ability to get the local commuter rail tax is important for our long term success and to maintain the City's right to use TIF revenues without referendum.

Motion made by Commissioner Diebel to approve the 2009 State legislative agenda; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote. Mr. Wiggins asked for clarification about the Community Center being on the agenda. Mr. Peebles commented that it was fine to leave it on. Commissioner Anderson added it is important to pursue taking it from a standard building to a LED certified building and there is 'green' funding available. Mr. Peebles agreed.

Action Item d): Approval to allow the City Manager to execute and the Fire Chief to manage the agreement with the State of Florida to house and operate the Mutual Aid Radio Cache (MARC) unit for Region 5.

Commissioner Dillaha asked why Winter Park was hosting this as opposed to Orange County. Fire Chief White responded.

Motion made by Commissioner Diebel to approve the City Manager to execute and the Fire Chief to manage the agreement with the State of Florida to house and operate the Mutual Aid Radio Cache (MARC) unit for Region 5; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Action Item e): Consideration of Fire Rescue Staffing – Overtime Reduction Action.

Commissioner Dillaha asked how this will work and if the cost of three additional entry level Firefighter EMT positions with benefits of approximately \$166,747.23 includes pension or refers to salary and benefits. Fire Chief White responded and both he and City Manager Knight answered further questions.

Motion made by Commissioner Diebel to approve the Fire Rescue staffing; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.

Action Item f): Approve the Business Recognition Award Program.

City Manager Knight stated that CRA Manager Sherry Gutch had to leave but this could be rescheduled for the next Commission meeting.

Motion made by Commissioner Diebel to table this item until the December 8 meeting; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

There was a recess taken from 5:28 – 5:42 p.m.

Action Item i): Approve the fee waiver policy as recommended by the Parks and Recreation Commission

Parks and Recreation Director John Holland explained the new Fee Waiver Policy that has been approved by the Parks and Recreation Board. He stated that it allows for the phasing out of the existing policy in the elimination of the affiliated group waivers. The new Fee Waiver Policy, if adopted, will allow for a continuance of current approved fee waivers through December 31, 2008. During 2009, all current approved fee waivers will be reduced by 33%; in 2010, all current approved fee waivers will be reduced by 66%; as of January 1, 2011 no fee waivers will be in effect.

He stated that staff supports the Fee Waiver Policy and recommends establishing an approved list of event exemptions for longstanding public park events that meet specific criteria and serve the City's vision statement such as the holiday tree lighting, Wildcat Roar, Chamber events, etc. He also made a correction to the Rules and Standards for Rate Adjustments under Youth Leagues stating that 25% of the participants must be City residents and that a roster is required. Mr. Holland answered questions.

Commissioner Diebel did not support the policy because it excluded the AARP members in Winter Park to have met there for over 20 years but that she would support this if they could grandfather in this organization.

Commissioner Dillaha stated that the Parks Board was going through this to reduce the number of fee waivers in dollar amounts per year and to make it a fair and equitable process. She commended the Parks Board, liked the phased out approach, and agreed with the recommendation to designate certain annual events as City events. She added that there are probably a lot of other different locations for groups to meet.

Debra Hendrickson, Vice President, Winter Park Chamber of Commerce, speaking on behalf of the Board of Directors, addressed the fee waivers they have received in the past. She stated that their graduates from the youth and adult programs have a graduation ceremony at the Civic Center and asked that this continue as a fee waiver. She also explained the Chamber's mission and how it operates.

Mary Daniels, 650 Canton Avenue, provided a letter in reference to the Welbourne Avenue Day Nursery and asked the Commission not to phase this out completely. She asked to consider continuing to waive at least half the fee for any of the City's venues for Welbourne to have an event once a year going forward beyond 2010.

Bridgebuilder's President Janie Baker, 650 Northwood Circle, commented that they could not pay the fees that the City is going to charge for them to have functions in these facilities.

Carole Moreland, Co-President of the Winter Park Sidewalk Art Festival, commented that they always believed that the City was their partner in this and the festival has given many benefits to the City. She stated that currently they have fee waivers for their meetings and opposed the new fee waiver policy. She ask the Commission to consider what they are doing if they approve this.

Motion made by Commissioner Diebel to table acceptance of the Parks Board recommendation based on asking for some rework to consider what these speakers from the public asked for tonight and to bring this to the Commission's attention in a subsequent meeting; seconded by Commissioner Dillaha.

Commissioner Dillaha commented that she would like this to go back to the Parks Board and see what they consider as annual events and to understand their rationale on how they came to a decision. Commissioner Bridges added that the recommendation from the Parks Board was of their own making and they need to provide clear direction to the Parks Board of how to evaluate these various groups. She also asked that the Parks Board consider other locations for meetings. Commissioner Anderson supported the motion to table and believed that if they are advancing the cause of the City and there is an asset that would otherwise go idol then it was a good use of the City's assets.

Mayor Strong's approach was to pass a no waiver policy and identify entities/organizations or an event that the Commission believes merits an exemption. He stated that he did not want to discount the Park Board's effort to find consistency in what they do and that they should focus on more substantive issues. He also asked who received waivers to use City's facilities in 2008, what facilities are being used, and the cost. Mr. Holland stated he would provide that information. **The motion carried unanimously with a 5-0 vote.**

Commissioner Bridges suggested that the Parks Board use their Strategic Plan (values and vision) as a starting point as a measure of determining exempted events or organizations. Commissioner Diebel agreed. Commissioner Dillaha recommended the Commission give their thoughts to Mr. Holland, take it back to the Parks Board for consideration and to come back to the Commission in January. Commissioner Diebel volunteered to serve as the liaison for the Parks Board to take up this issue. Mayor Strong charged each Commissioner to communicate to Mr. Holland their opinion on this policy and possible exemptions so Mr. Holland and Commissioner Diebel can then make the presentation. There was a consensus.

Commissioner Dillaha commended the Parks Board on the work they have done. She asked how much it costs to have the Champs Bowl. Mr. Holland explained it is approximately \$4,500 and that money is allocated in their special events fund. He expressed that they are hoping to have sponsors this year to assist with some of the costs. Commissioner Dillaha believed they should reevaluate this and the event should be sponsored as opposed to the City funding it. Commissioner Diebel stated she will bring that forth in the January presentation.

Action Item k): Approval of the memorandum to be sent to the Orange County Commission regarding commuter rail.

Attorney Cheek explained that he drafted two letters using the list of topics approved by the Commission at the previous meeting and as suggested by the Commission reviewed this with Commissioner Anderson. He stated the first letter addresses things that it appears the County may be willing to consider as clarifications and the second is more likely to be construed as changes to the language. Commissioner Anderson requested adding verbiage in the second letter of item B), the last sentence regarding the farebox revenues generated that should be \$555,000 in 2017.

Pat Clem, 765 Via Lombardy, spoke in favor of commuter rail and asked the Commission to move forward on commuter rail.

Carolyn Cooper, 1047 McKean Circle, stated that as they readdress the Capital Improvement Element (CIE) they have been asked to include commitments to the regional mobility issues. She requested the numbers be annotated to reflect dedicated funding.

Will Graves, 3048-D George Mason Avenue, commented that the panel is not trying to stop commuter rail and there was a big difference between a Central Park stop and a Florida Hospital stop and do not need to be served by two stops in Winter Park.

City Manager Knight called for a point of order that the subject matter is whether to send these letters and not a referendum of commuter rail and asked the speakers to only address the letters. Mayor Strong agreed.

Agatha Frances, 790 Douglas Avenue, spoke in favor of commuter rail and public transportation.

Motion made by Commissioner Anderson to approve the memorandum to be sent to the Orange County Commission regarding commuter rail; seconded by Commissioner Bridges.

Commissioner Anderson stated this was not about killing commuter rail but is clarifying our contractual rights with Orange County. He believed commuter rail was a good thing and wanted to preserve our right to terminate in 2017.

Commissioner Dillaha expressed that they need solutions to their transportation problems and this is about the financial implications of the current terms of the agreement. Commissioners Dillaha and Anderson offered further suggestions to the cover letter which received a consensus among the Commission. City Attorney Cheek will amend the letter as agreed upon.

Attorney Cheek asked for clarification of the exact number for the fairbox number on the second letter and asked if the Commission wanted to have a deadline for a response time. There was consensus for January 15, 2009. Mayor Strong suggested Attorney Cheek use the same language as the first letter since it was more accommodating. Attorney Cheek agreed.

The motion carried with a 4-1 vote. Commissioner Diebel voted no.

Public Hearings:

- a) ORDINANCE NO. 2753-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF

WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED" SO AS TO ANNEX THE PROPERTIES AT 1812, 1911 STONEHURST ROAD, 528 E. LAKE SUE AVENUE, 441 EAST KINGS WAY AND THE STONEHURST ROAD RIGHT OF WAY THEREOF, MORE PARTICULARLY DESCRIBED HEREIN.
Second Reading

Attorney Cheek read the ordinance by title. Planning Director Jeff Briggs informed the Commission that the residence of 1802 Stonehurst has decided not to annex so they were stricken from the ordinance. A revised ordinance was provided. No public comments were made.

Motion made by Commissioner Bridges to adopt the ordinance; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO WATERWAYS; AMENDING SECTION 114-1-DEFINITIONS; AMENDING SECTION 114-6 TO ADOPT STATE CODE RELATING TO SHORELINE OR WATERFRONT VEGETATION REMOVAL, TO INCREASE PENALTY FOR REMOVAL OF VEGETATION WITHOUT PERMIT, UPDATING STATE NAMED DEPARTMENT FROM DEPARTMENT OF NATURAL RESOURCES TO DEPARTMENT OF ENVIRONMENTAL PROTECTION, MODIFYING THE CONSTRUCTION OF RETAINING WALLS, SEA WALLS AND REVETMENTS; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. No public comments were made. Public Works Director Troy Attaway explained that the revision is to modify access corridor allowances, increase slope requirements for new revetments and require re-vegetation of shorelines to current standards in conjunction with any seawall/revetment construction or repair permits.

Discussion ensued regarding the proposed revisions. Mr. Attaway answered questions.
Motion made by Commissioner Diebel to accept the ordinance on first reading; seconded by Commissioner Anderson.

Commissioner Dillaha commented that she provided the Commission with a sheet for discussion about their strategic initiatives to maintain or improve our City lakes. She asked Mr. Attaway to review, make comments and involve the Board. Mr. Attaway agreed.

Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

New Business (City Commission):

1. Commissioner Diebel suggested to reduce the carry over vacation for employees to two months for next year's budget (2009-2010), determining the current liability on the City's current balance sheet and fund a pay out of unused vacation to reduce the liability. She asked City Manager Knight and Fire Chief White to reconcile the numbers and bring it before the Commission to understand the total liability that exists and what exists among the Firefighter Union and the general employee base. She commented that the intent of the policy change is for City employees to use their vacation to rest; reduce the liability that is presently on the City's financial statement; it is specific to the Fire Rescue team to rest and to test this overtime theory they have been debating; and to have a more consistent Human Resources policy that would benefit City employees. There was consensus among the Commission for the City Manager to explore this issue for presentation at a future meeting. Commissioner Dillaha commented that maybe it should be a comprehensive review of benefits and everything in general.
2. Commissioner Diebel commented that there is a header on the Strategic Map entitled "Good Government Practices" and believed the City already employs good government practices. She ask the City Manager to bring forward a recommendation to the Commission on changing that title and consider Finance Director Wes Hamil as an advisor on that. There was consensus among the Commission regarding that request.
3. Commissioner Anderson suggested they try to prioritize the projects for the Federal lobbyist by the December 8 meeting and that the City Manager report on the conversations with the surrounding communities, if possible. Mayor Strong asked that they send City Manager Knight their individual priorities by Wednesday, November 26.
4. Commissioner Dillaha commented that Keith Gardner wanted to address the issue of the Emergency Debris Management Plan but had to leave. Mayor Strong suggested it be placed on the agenda for the next Commission meeting.
5. Commissioner Dillaha asked about closing City Hall for staff on December 26 since it falls on a Friday. Mr. Knight expressed that staff would greatly appreciate that and typically it is a very slow time. He answered questions about closing City Hall. Commissioner Diebel stated she would support employee's taking a vacation day rather than paying overtime to cover City services and would not support closing City Hall. City Manager Knight explained this has been done before and the Police, Fire, and Water and Sewer Plants have employees that have to work anyway and the cost would be \$28,000. Mayor Strong stated they would take action at the next Commission meeting and wants the City Manager's recommendation. Mr. Knight agreed.
6. Commissioner Dillaha asked they review their strategic initiatives at some point and get more detail on it.
7. Mayor Strong asked Attorney Cheek to look at ordinances that have arisen from a UCF study to address underage drinking and the associated problems. He suggested considering two ordinances; one to penalize locations that have proven to serve underage consumers of alcohol by reducing their hours of operation; and one to consider penalizing landlords of houses that rent and who allow parties at those houses. There was consensus for Attorney Cheek to review these ordinances. Mayor Strong added that the City needs to work closer with Rollins College because they now have an alcohol free campus.

- c) Request of Strollo's Market and Café at 200 West Fairbanks Avenue to amend the previous conditional use approval to extend their hours of operation from 9 a.m.-9 p.m. to 9 a.m.-12:00 midnight to include on-site consumption.

Planning Director Jeff Briggs stated the request is to amend the conditional use that Strollo's Market and Café was granted in April 2008. He added that the conditional use was required due to this location being within 300 feet of residential properties when there is a sale and consumption of alcoholic beverages. Mr. Briggs reviewed details of the previous request and stated it was approved based upon the conditions that the hours of sale and consumption of alcoholic beverages ends at 9:00 p.m. and that no amplified musical entertainment is permitted. He explained that the applicant now wants to extend the hours for the sale and consumption of alcoholic beverages until midnight. He discussed issues that the adjacent residential neighborhood has faced with Urban Flats, Fiddlers and O'Boys due to late night noise, vandalism and nuisances from the patrons. Mr. Briggs commented that P&Z agreed to extend their sale and consumption of alcohol time until 10:00 p.m. for a one year period. Mr. Briggs answered questions.

Applicant Jim Strollo, 777 French Avenue, commented that beer and wine sales at their establishment will be secondary and complimentary to patrons who are dining and it will not become a bar type setting. He believed that P&Z's recommendation of 10:00 p.m. was confining and asked that it be extended to 11:00 p.m.

Motion made by Commissioner Diebel to adopt the ordinance with the modification to allow the establishment to serve beer and wine until 11:00 p.m.; seconded by Mayor Strong for discussion.

Mayor Strong addressed Fiddlers staying open till 2:00 a.m. and was not concerned with the 11:00 request because Strollo's has a different clientele. Mr. Briggs commented that if this is amended, the Commission may want to tie it to the particular applicant of Strollo's Management since the conditional use runs with the land.

Commissioner Dillaha commented that she supported P&Z's recommendation and addressed the amount of noise complaints on Fairbanks Avenue for years because of the close proximity to the neighborhoods behind it. Commissioner Bridges was also concerned with the conditional use running with the land and supported the temporary one year position by P&Z to extend the hours to 10:00 p.m.

Mayor Strong commented that there are places open until 2:00 a.m. and maybe they should be looking harder at those establishments. He reiterated the nature of this market does not lend itself to the same clientele as the places open till 2:00 a.m. Commissioner Bridges commented that if they allow this, they are setting another opportunity for someone else to open up something different that would be open past 10:00 p.m. at night. Commissioner Anderson commented that he also agreed with P&Z's recommendation. There was further discussion on the hours of operation.

Mayor Strong clarified that his second to the motion was subject to it being for a one year period only. Commissioner Diebel accepted that.

Commissioner Diebel amended her motion to include that only Friday and Saturday night the sale and consumption hour is extended to 11:00 p.m. for a period up to one year;

seconded by Mayor Strong. Upon a roll call vote, Commissioners Bridges, Dillaha and Anderson voted no. Mayor Strong and Commissioner Diebel voted yes. The motion failed with a 3-2 vote.

Motion made by Mayor Strong to adopt P&Z's recommendation for a one year period; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.

There was a recess taken from 8:27 – 8:34 p.m.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-82 "GENERAL PROVISIONS" SO AS TO ESTABLISH STANDARDS AND CRITERIA FOR BED AND BREAKFAST INNS AND AMENDING SECTION 58-91 "DEFINITIONS" SO AS TO REVISE THE DEFINITION OF A BED AND BREAKFAST INN. First Reading

Attorney Cheek read the ordinance by title. Planning Director Jeff Briggs addressed the previous request by Mr. Trovillion that was not approved. He stated that in general, bed and breakfast inns are a great concept but neighbors do not want that kind of business close to them and all R-3 and R-4 zoning is within residential neighborhoods. He stated that P&Z concluded that they have dealt with this in a number of locations over the years and have not been able to find a location that the neighbors would accept. P&Z decided to take it out of the code as a business that is permitted in a residential area and restrict it to office or commercial properties. He stated they recommended not proceeding with this ordinance and proceeding with a different ordinance which would take that provision out of R-3 and R-4 all together in lieu of this new code. Mr. Briggs answered questions.

Carolyn Cooper, 1047 McKean Circle, explained that she made the P&Z motion and asked to remove bed and breakfasts from all zoning designations. She stated that decision was made based on history that no matter where they tried to put it, it caused uproar in the community and ended up being denied.

Motion made by Commissioner Dillaha to table this ordinance and send back to Planning Zoning Commission for their review and recommendation. Commissioner Bridges asked for clarification.

Motion restated by Commissioner Dillaha to table this ordinance to go back to P&Z to create an ordinance to repeal all references to bed and breakfasts in all zoning designations; seconded by Commissioner Bridges. Mayor Strong believed that they should continue to allow bed and breakfasts in commercial zoning categories and does not preclude a small hotel in commercial zoning. Mr. Briggs agreed and clarified it will not be called a bed and breakfast in a commercial area but will be called a hotel. **Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.**

e) Request of Eucalyptus Properties:

To request a vertical zoning special exception/conditional use for up to 25% of the interior non-Park Avenue frontage floor space within the building at 212-218 N. Park Avenue. 1) Conditional Use: Approved by P&Z (5-0) for 25% non-retail on the first floor; 2) Exception to the Conditional Use: Approved 3-2 to continue to exclude real estate offices from the ground floor within the 25% non-retail.

Planning Director Jeff Briggs explained the request was for approval to permit a portion of the interior of the building at 212-218 N. Park Avenue to obtain a vertical zoning special exception that would allow non-retail tenants. He showed the floor plan of the redevelopment of the space that was formerly occupied by Jacobsen's. He stated Larry Williams owner of Eucalyptus Properties is undertaking a project called "The Shoppes of Park Avenue" to create an interior walkway, pedestrian arcade corridor with Koi ponds and a waterfall feature that is linking into the Garden Gate building. He added it is a great enhancement to Park Avenue and these types of buildings help to provide the Avenue with its unique charm.

Mr. Briggs stated that Mr. Williams is willing to give up 3,125 square feet of leasable space to create the open pedestrian walkway. He explained the special exception process in the zoning code since the mid 1980's that states up to 25% of the floor area that does not front on Park Avenue may be approved via special exception for non-retail use. The applicant would like the ability to rent two of the non Park Avenue frontages for non-retail tenants which will likely be a beauty salon type business which P&Z was supportive of and recommended that approval.

Mr. Briggs explained a request to use one of the front spaces as real estate office which caused considerable emotion from other real estate firms about the fairness of letting any new real estate office have a Park Avenue address which was denied by P&Z and withdrawn. However, the space can be rented to any real estate office on the second floor. He summarized the two issues as: 1) conditional use for 25% non-retail on the first floor; and 2) exception to the conditional use to continue to exclude real estate offices from the ground floor within the 25% non-retail.

Steve Grossman, representing Eucalyptus Properties, spoke about the issues that have limited the property from leasing along Park Avenue.

Charles Gibson, representing Engel Volkers Real Estate Company, provided background information on his company. He added that they like the ambiance of Winter Park's market and spoke in favor of the Eucalyptus Properties project.

Motion made by Commissioner Diebel to approve the conditional use for 25% non-retail on the first floor; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Commissioner Diebel asked P&Z member Carolyn Cooper why she denied the exception to the conditional use. Ms. Cooper responded.

Commissioner Bridges commented that she is supportive of allowing the real estate office to be behind the frontage of Park Avenue. **Motion made by Commissioner Bridges to approve allowing a real estate office at this property site as long as it does not front Park Avenue on the first floor to comply with our vertical zoning; seconded by Commissioner Diebel.**

She clarified that it was to allow the real estate office of non-retail on the back parcels not fronting Park Avenue.

Commissioner Diebel suggested a motion. **Motion made by Commissioner Diebel to override the P&Z exception to the conditional use with one modification to strike the prohibition of real estate offices from locating on the first floor of Park Avenue and be specific that real estate offices are allowed to locate on the first floor of Park Avenue and not the frontage that is concerning Commissioner Bridges. This project will comply with the 25% non-retail. Motion was seconded by Commissioner Bridges.** Attorney Cheek clarified the motion relates to the conditional use for this property.

Mayor Strong disclosed that he has a financial relationship with Mr. Williams with another property he owns and that Attorney Cheek did not believe there is a conflict of interest because he is a limited partner. He also stated he spoke to Mr. Williams about this prior to this meeting. Commissioner Anderson commented that in terms of a retail mix (first floor) he would be more comfortable limiting one space to a real estate user instead of two. He asked Commissioner Diebel to amend her motion. Upon further discussion, **Commissioner Diebel amended her motion to limit one space to a real estate office instead of two on the first floor; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

City Attorney's Report:

No items to report.

Non-Action Items:

a) City Manager's Report.

City Manager Knight provided updates on Villa View Park and the Fire Union. He commented that they are on schedule with their Comprehensive Plan.

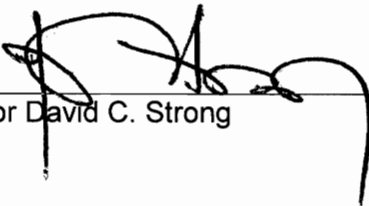
b) Ethics Board Update

Assistant City Manager Michelle de Valle commented that Chairman Barry Greenstein was ill and could not attend. She addressed the Ethics Board being charged by the Commission with developing a Winter Park Code of Ethics with the first two subjects to be addressed being campaign finance reform and conflicts of interest. She stated that the Board is currently working toward finalizing a recommendation for campaign finance reform and then plans to address conflicts of interest. Ms. de Valle answered questions. Mayor Strong commented that when the Board is ready with their recommendations they will schedule a work session.

New Business (Public):

No items.

The meeting adjourned at 10:01 p.m.



Mayor David C. Strong

ATTEST:



Cynthia S. Bonham, City Clerk

REGULAR MEETING OF THE CITY COMMISSION
December 8, 2008

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Pastor Jeff Fair, Aloma Baptist Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Karen Diebel (via phone)

Also present:

City Manager Randy Knight
City Attorney Trippe Cheek
City Clerk Cynthia Bonham
Deputy City Clerk Nancy McLean

Mayor's Report:

- a) Board appointment – Environmental Review Board (due to resignation of Linda Jennings).

Mayor Strong nominated Rob Smith for the Environmental Review Board (ERB). **Motion made by Commissioner Bridges to approve the board appointment; seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.**

Non Agenda Item

Mayor Strong introduced Alice Laughlin as the honorary Mayor in the 56th annual Winter Park Christmas parade last week.

- b) Presentation of the 2008 resident survey results.

Phillp Downs, Kerr & Downs Research Senior Partner, presented the results for the 2008 Resident Survey. He spoke about the study objectives; study methods, time line, executive summary, observations and recommendations, and the demographics. Mr. Downs answered questions and stated that their final report is due December 12.

Action Items:

- a) Approve the Neighborhood Council Matching Grant recommendations for the Fall 2008 cycle.
- b) Approve the award of IFB-8-2009 Purchase of Electrical Materials for Lakemont and Osceola Projects to Gresco Utility Supply, Inc.; \$43,777.88.
- c) Approve the request of the Winter Park Sidewalk Art Festival 50th Committee to fly a banner across Park Avenue for three weeks prior the Sidewalk Art Festival.
PULLED FOR DISCUSSION. SEE BELOW.
- d) Approve budget adjustment carrying forward \$83,256 in funding budgeted for various City facility projects.

- e) Approve budget adjustment rolling over \$9,959,478 in capital project budget balances from FY 2008 to FY 2009. **PULLED FOR DISCUSSION. SEE BELOW.**
- f) Approval of the Interlocal Agreement with Lynx to install and operate bus shelters within Winter Park and allow plaque advertising on the shelters and amenities.
- g) Approval of a temporary motorized vehicle for-hire permit to O-Cartz to start a pilot "green" transportation program in Winter Park.
- h) Appeal to remove a Live Oak tree located at 1411 Via Tuscany.
- i) Approve the Business Recognition Award Program.
- j) Approve the amended interlocal agreement for Public School Facility Planning and Implementation of Concurrency. **PULLED FOR DISCUSSION. SEE BELOW.**
- k) Approve the prioritization for Federal funding requests. **PULLED FOR DISCUSSION. SEE BELOW.**
- l) Discuss closing City Hall on December 26. **PULLED FOR DISCUSSION. SEE BELOW.**

Mayor Strong announced that Action Item b) was pulled from the agenda. **Motion made by Commissioner Anderson to approve Action Items a, d, f, g, h and i; seconded by Commissioner Dillaha.** Commissioner Anderson disclosed (item h) that he is a minority stockholder in one of the companies with which the petitioner is on the board. **The motion carried unanimously with a 5-0 vote.**

The following Action Items were pulled for discussion c, e, j, k and l. Mayor Strong announced that item j) would be discussed first due to scheduling issues.

Action Item j): Approve the amended interlocal agreement for Public School Facility Planning and Implementation of Concurrency.

Planning Director Jeff Briggs explained that the amended interlocal agreement provides for the consistent and coordinated implementation of school concurrency and school facility planning among and between the School Board, Orange County and Orange County municipalities. He added that it is a requirement for the comprehensive plan and for compliance with the State.

He explained that before developers come before P&Z or the City Commission they need to check in with the School Board and (with capacity) will receive the capacity reservation to move forward. However, without capacity they will enter into a Capacity Enhancement Agreement which means the developer will pay more of an impact fee of what the classrooms actually cost than the current impact fee structure.

He stated that the Commission received information at the last meeting from the Homebuilder's Association of MetroPlan Orlando and they have been philosophically different from others in their view of concurrency and its implementation. He explained those issues have been vetted through this process via the Technical Planning Committee, Legal Committee and the Political Committee. Commissioner Anderson asked if it is common to have an expiration or sunset provision in these types of agreements. Mr. Briggs commented that they could do a continual renewable rollover provision and if something happens they can deal with it.

Motion made by Commissioner Anderson to approve the amended interlocal agreement for public school facility planning and implementation of concurrency with the addition of some kind of sunset or the ability to terminate the agreement and leave counsel the opportunity to negotiate that provision; seconded by Mayor Strong for discussion.

Attorney Cheek voiced concerns that this interlocal agreement is the same form document that will be entered into by all the municipalities and the School Board. He stated they are required to have an interlocal agreement as part of the comprehensive planning process and believed the School Board would not look favorably upon us wanting our provision to be different than everyone else. He commented that if they approve this and have a problem then they could pass a resolution and this can start the process to withdraw.

Mr. Briggs stated the only way out is if school concurrency is abandoned as a concept by the Legislature. Commissioner Bridges' only concern about the motion was that she did not want to do anything to hinder the adoption of the comprehensive plan. Commissioner Anderson asked for an evergreen provision with a ten year term and an automatic renewal unless the parties call for a renegotiation. **Motion amended by Commissioner Anderson to add "subject to an evergreen provision acceptable to our counsel and School Board." Mayor Strong agreed. The motion with amendment carried unanimously with a 5-0 vote.**

Action Item c): Approve the request of the Winter Park Sidewalk Art Festival 50th Committee to fly a banner across Park Avenue for three weeks prior the Sidewalk Art Festival.

Alice Moulton, Winter Park Sidewalk Art Festival 50th Committee, stated that she originally requested approval to fly a banner across Park Avenue for three weeks prior to the Sidewalk Art Festival but now believes it will not work. She found an alternate location that would make for a better display in the park near the corner of Park Avenue and Morse Boulevard. She asked to revise her request to that particular location as opposed to across the street. Ms. Moulton answered questions.

Parks and Recreation Director John Holland stated that staff has no objection but recommends (if approved) a policy be established to control future requests. Commissioner Dillaha commented that since this is a unique event it could be a onetime allowance and suggested the Parks Board review it. She added that she is fine with the Board deciding the action and it does not need to come back to the Commission.

Motion made by Commissioner Bridges to approve the placement of the banner in the park, subject to the approval of the Parks Board; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Action Item e): Approve budget adjustment rolling over \$9,959,478 in capital project budget balances from FY 2008 to FY 2009.

Commissioner Anderson asked that three projects be put on hold to include the quiet zones for railroad crossings; (three) GIS projects; and form based code. He explained that he would like a hold placed on the first two until they get through the bond reissues and are underway with the meter reading project. Mayor Strong agreed with the quiet zones. City Manager Knight and staff answered questions on the carry forward capital projects (September 30, 2008).

Commissioner Anderson suggested a 6-12 month hold with the ability for the City Manager to come back to the Commission and ask for an earlier release. Commissioner Diebel commented that if Mr. Knight needs to commence a project prior to a bond issue then he could place it on the agenda versus putting a moratorium on the funds. Mr. Knight agreed with Commissioner Diebel that it be frozen and come back to the Commission for approval to spend that money.

Motion made by Commissioner Anderson to approve this budget adjustment, subject to coming back to the Commission before monies are spent on those three projects of the quiet zones, GIS projects and the form based code; seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.

Action Item k): Approve the prioritization for Federal funding requests.

Building Director George Wiggins provided the Commission an email regarding the Commission's input on their priority list of various projects that will be submitted for Federal funding. Commissioner Anderson had questions regarding the Lee Road extension component and was uncomfortable making it part of this request. Commissioner Bridges commented that the numeric rating of her priority list was based in part that it would involve the City of Maitland or the City of Oviedo. City Manager Knight explained that they contacted these cities however, Maitland was still working on their priorities and Oviedo wanted to widen Aloma Avenue. He stated that none of the projects seem to cross with anything that Winter Park is doing. He added that staff will continue to work with Maitland as they prepare their list and see if there are any joint projects that make sense.

Motion made by Commissioner Bridges to identify Fairbanks Avenue, Interconnection of traffic signals, the Community Center and the bike/pedestrian plan implementation as our four priorities and are prioritized as stated; seconded by Commissioner Dillaha. The motion carried unanimously with a 5-0 vote.

Action Item l): Discuss closing City Hall on December 26.

Motion made by Commissioner Diebel to approve the staff recommendation not to close City Hall on December 26; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.

Public Hearings:

- a) ORDINANCE NO. 2755-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO WATERWAYS; AMENDING SECTION 114-1-DEFINITIONS; AMENDING SECTION 114-6 TO ADOPT STATE CODE RELATING TO SHORELINE OR WATERFRONT VEGETATION REMOVAL, TO INCREASE PENALTY FOR REMOVAL OF VEGETATION WITHOUT PERMIT, UPDATING STATE NAMED DEPARTMENT FROM DEPARTMENT OF NATURAL RESOURCES TO DEPARTMENT OF ENVIRONMENTAL PROTECTION, MODIFYING THE CONSTRUCTION OF RETAINING WALLS, SEA WALLS AND REVETMENTS; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the ordinance by title. No public comments were made.

Motion made by Commissioner Dillaha to adopt the ordinance; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried with a 5-0 vote.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO TRAFFIC LIGHT SAFETY; ADDING A NEW ARTICLE VI TO CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK ENTITLED "TRAFFIC LIGHT SAFETY ACT"; PROVIDING DEFINITIONS, INTRODUCTORY PERIOD, NOTICE OF VIOLATION/INFRACTION, APPEAL PROCEDURE; PENALTIES; EXCEPTIONS; PROVIDING FOR EXCEPTIONS; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. Police Chief Ball commented that there was a State law pending regarding this issue but the State Legislature did not take action or pass a State law. He explained that since that time, several communities have adopted City ordinances regarding the use of red light cameras at certain intersections within municipal boundaries. He asked the Commission to adopt this as they are seeking voluntary compliance with red lights to reduce accidents at intersections that have the highest number of violations occurring. He stated they have studied ordinances drafted by other communities and mirrored our ordinance with those that have already been adopted. He explained that in reviewing the statistical data from those communities with these ordinances they received a significant reduction in the number of violations occurring at those intersections where camera technology is being used. He commented that if approved, staff will issue a Request for Proposal to select a vendor for the equipment and software, perform the financial analysis and work out the details of establishing a hearing officer. Chief Ball answered questions.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the ordinance.

Bob Stoccardo, 1949 Strathaven Road, spoke in favor of the ordinance and believed that State Road 436 and Aloma Avenue should be one of the priority intersections for red light cameras.

Motion made by Commissioner Bridges to accept the ordinance on first reading; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA PROPOSING AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF WINTER PARK, FLORIDA BY AMENDING SECTIONS 1.02, 2.04, 2.08 (b), 3.03, 3.04 (d) AND (e) OF THE CHARTER; PROVIDING A BALLOT TITLE AND WORDING FOR THE SUBSTANCE OF THE PROPOSED AMENDMENTS; PROVIDING FOR REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF THE CHARTER AMENDMENT PROPOSALS; PROVIDING AN EFFECTIVE DATE. First Reading

City Manager Knight explained these are "clean up items" in the Charter. He stated the second reading will be in January and this will be on the March 2009 ballot along with the Mayoral election.

Carolyn Cooper, 1047 McKean Circle, asked for further explanation of the changes being made. Mr. Knight and Attorney Cheek explained the six proposed changes in more detail. Mr. Knight

added that at the next meeting the specific ballot language will come before the Commission for their approval.

Motion made by Commissioner Anderson to accept the ordinance on first reading; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

- d) RESOLUTION NO. 2018-08: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING THE 2008 WINTER PARK EVALUATION AND APPRAISAL REPORT FOR THE EXISTING 1991 COMPREHENSIVE PLAN; STATING THE INTENT OF THE WINTER PARK CITY COMMISSION TO AMEND THE EXISTING 1991 COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT AND APPROVING TRANSMITTAL OF THE REPORT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES.

Attorney Cheek read the resolution by title. Planning Director Jeff Briggs stated that in August of 2008 they transmitted the comprehensive plan to the State Department of Community Affairs (DCA) and their new 2008 comprehensive plan submission is undergoing the review via the ORC and modifications. He commented that another evaluation and appraisal report is due in December 2008. He stated they put together this document that outlines they will prepare and transmit a comprehensive plan. He added that this is not a policy document; it is illustrating the things that have changed in the City and why the comprehensive plan needs to be readopted. He stated that P&Z reviewed it last week who provided productive comments and changes were made. He addressed having gone through the procedures and hopefully will find themselves with a sufficient document when DCA reviews it.

Commissioner Diebel asked if there was anything in the EAR that references residential buildings codes. Mr. Briggs responded that there was not, but there was discussion about the need to do it and it being an ongoing process.

Motion made by Commissioner Dillaha to adopt the resolution; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.

- c) ORDINANCE NO. 2756-08: AN EMERGENCY ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 10 "ALCOHOLIC BEVERAGES" SECTION 10-33 "HOURS OF SALE" SO AS TO AMEND THE HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ONLY FOR DECEMBER 31ST NEW YEAR'S EVE.

Attorney Cheek read the ordinance by title. Planning Director Jeff Briggs explained that the Hannibal Square neighborhood establishments are limited to 11:00 p.m. weekdays and 12:00 a.m. on weekends. He stated this emergency ordinance will allow establishments to be open until 1:00 a.m. due to New Year's Eve. He added that they did this last year and may need to put it permanently in the code. Mr. Briggs and City Manager Knight answered questions.

Lurline Fletcher, 790 Lyman Avenue, opposed extending the hours of sale and consumption of alcoholic beverages.

April Kirsheman, on behalf of St. Michael Limited, spoke in favor of the ordinance and reported that last year there were no complaints or incidents as a result of the extension of hours.

Vincent Gagliano, Chez Vincent Restaurant, 533 W. New England Avenue, asked that his business hours of operation be extended.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the ordinance and urged the Commission to support it.

Motion made by Commissioner Anderson to adopt the emergency ordinance; seconded by Commissioner Dillaha. Commissioner Anderson stated he spoke to Mr. Knight and confirmed that last year there were no significant repercussions. **Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

City Attorney's Report:

Commissioner Bridges addressed the earlier work session where she inquired about the status of the memorandum of understandings for the Friends of Mead Gardens and Friends of Fleet Peeples. Mr. Holland explained the memorandum of understanding for Friends of Mead Garden will be on the Parks and Recreation agenda. Mayor Strong suggested that each Commissioner communicate with Mr. Holland about their thoughts for the Parks Board to consider in this memorandum concerning performance standards and/or timeframes. Commissioner Dillaha stated that the Parks Board can discuss this and then come back to the Commission.

Attorney Cheek commented that there could be a standard type of provision that gives the City the right to evaluate whether the organization is meeting its commitments to the City as agreed on a regular basis. He added that he could have that ready before the next meeting and move forward. There was consensus for Attorney Cheek to proceed.

Non-Action Items:

- a) City Manager's Report.

City Manager Knight provided updates on the bond financing, Villa View Park, and the Fire Union. Mr. Briggs answered questions on the parking study update.

New Business (Public):

1. Lurline Fletcher, 790 Lyman Avenue, spoke against the asphalt being used at the Mount Moriah parking lot and against extending the hours of sale and consumption of alcoholic beverages on New Year's Eve.
2. Joe Terranova, 700 Melrose Avenue, spoke about Chez Vincent's request of extending the hours of operation and believed it should be looked at again. He stated they were not talking about converting restaurants into bars after a certain hour and should be on a trial basis.

He did not believe that Hannibal Square restaurant owners should be penalized and the hours should be the same as other establishments throughout the City.

3. Alice Laughlin, 719 Via Contessa, spoke in favor of extending the hours for businesses.

4. Vincent Gagliano, Chez Vincent Restaurant, 533 W. New England Avenue, agreed with extending the operating hours for businesses.

5. April Kirsheman, on behalf of St. Michael Limited, asked the Commission to facilitate a project at 354 East Hannibal Square regarding the rebuilding of a convenient store from one side of the road to the other. She stated they have a foundation permit issued for this property but it cannot be built until the new comprehensive plan is in place, then the Building Department can issue the vertical permit. She asked for a mechanism to allow them to issue that permit because she fears they will lose their financing. She explained the comprehensive plan entitles them to the zoning they need to build this building.

Building Director George Wiggins explained they can allow vertical construction that complies with the current R-3 zoning but until the ordinance is changed to the C-2 zoning to allow the development they are proposing he cannot authorize legal vertical construction in violation of our current code. Ms. Kirsheman expressed they cannot build an R-3 building and have it be in compliance with what has been adopted. Mr. Wiggins suggested that staff confer with Ms. Kirsheman and see if there is any type of interim ordinances that can be created to allow the vertical construction to comply with both the existing code and what will take place after the comprehensive plan is adopted. Ms. Kirsheman agreed.

6. Beth Lewis, adjacent owner to Villa View Park, 1241 Oaks Boulevard, objected to a six foot concrete stucco wall being built along the side of her house. It was her understanding that there was going to be a black wrought iron fence with shrubbery and greenery and brick posts every six feet. She voiced concerns that the view from the two bedroom side windows would be the wall (showed pictures) and air flow will be cut off to the large tree in the back yard. She asked the Commission to consider an alternative to the wall.

Shay Silver, 735 Pansy Avenue, spoke in favor of the wall being built and stated they are conforming to code. She also read a letter written by Michelle Rodriguez regarding the process they have gone through for Villa View Park and urged the Commission to move forward with the build out.

Shelly Silver, 735 Pansy Avenue, stated the plans have been approved and they need to move forward.

Betty Talon, 1170 Kenwood Avenue, asked the City to follow through with the park and spoke in favor of having the park somewhat enclosed with the wall.

Randy Lewis, 1241 Oaks Boulevard, expressed that they did not see the wall rendering and realtors have told them this will affect the value of their property. He stated that he has seen walls that are not maintained and it will devalue his property.

Parks and Recreation Director John Holland stated the City wants to be a good neighbor and explained that the design of the park incorporates the wall as a feature within the park. He presented an illustration and explained that he spoke to Ms. Lewis about other options but told

her it would still be a wall. He stated the project is underway and it will be a visual park with extensive landscaping, a fountain in the middle, and the tree covering. He added that the wall will create privacy and be considered more of a benefit than a deterrent and it will be maintained by the City. He commented that it is usually a common practice to screen parks from private residential areas. He asked the Commission for guidance and stated they will either make changes with their direction or continue with the plan as is. Mr. Holland answered questions.

Betty Talon, 1170 Kenwood Avenue, spoke about the design of the park and that the wall is for privacy for both the neighbors and the people in the park.

Mayor Strong commented that if a house was being built there could be a wall. He stated it is something that could be there in any circumstance and believed they were revisiting something that staff already spent a lot of time on and this was not a matter for the Commission to go over again. He stated he had no objection if staff wants to find a compromise that everyone can live with and is confident with whatever staff decides. Commissioner Dillaha commented that it is a neighborhood park and it would be great to find resolution that works for everyone.

Mr. Holland recommended the wall be 6 foot high to a point just past the rear of the house, five (5) foot high to the front porch, then a four (4) foot high wrought iron fence to the sidewalk. Mayor Strong suggested they give staff the authority to complete the design and construct it as they feel most appropriate, after having explored possible compromises. There was consensus on the directive to staff.

New Business (City Commission):

1. Commuter rail follow up discussion of the December 1 work session.

Commissioner Dillaha commented that she wanted to follow up with Mr. Bellows presentation on commuter rail from the December 1 work session, but realized there was nothing to discuss about his proposal given that there is no project that exists there right now.

2. Commissioner Anderson commented that he wanted to have a casual work session with Mr. Bellows to speak about the Home Acres project. Commissioner Bridges believed that the work session with Mr. Bellows will also help facilitate an understanding of the commuter rail/electric infrastructure discussion.

3. Commissioner Anderson commented that there will be a work session on December 15 to discuss the CRA and possibly discuss people's different perceptions of a pilot program for the merchants.

4. Commissioner Anderson asked for a staff report on Fleet Peoples Park and to look at the maintenance and operation, if it meets our environmental issues, and if the people using it are being respectful of the property, etc. Mr. Holland explained that on December 10 the Parks and Recreation Board will set a date to discuss that issue. Mayor Strong asked they be informed so they can attend, if they choose.

5. Commissioner Bridges asked that the economic development information also be included on the December 15 work session discussion.

6. Commissioner Dillaha asked about considering drafting a resolution for the next meeting to go to Tallahassee regarding using cell phones and sending text messages while driving. Mayor Strong stated he would like to hear staff's input before they draft anything.

7. Commissioner Dillaha commented that she attended the last MetroPlan meeting who had an updated report on dedicated funding. She will provide that to the Commission.

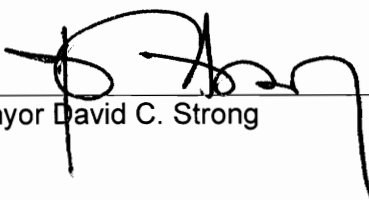
8. Commissioner Diebel commented that from our survey results there is no clear mandate to take up any revision in the residential building codes and would like the Commission to consider re-diverting Planning and Zoning and staff resources away from those discussions until the comprehensive plan is adopted.

Building Director George Wiggins explained he has contacted a consultant and is waiting to hear a proposal for a Residential Code work session in January. He stated they need to proceed in a timely manner because there is an exact Floor Area Ratio (FAR) that is dictated at 38% within the proposed comprehensive plan. He stated that whether or not there are any modifications it would be helpful to have this work session in advance of the adoption of the comprehensive plan.

Commissioner Diebel reiterated that she would like to defer these discussions so that the comprehensive plan can be adopted in a timely manner. Mr. Briggs explained that right now the rules permit under the alternate 43% FAR and the Commission in the comprehensive plan put 38% pending whether to keep it 38% or 43% by the time they adopt the comprehensive plan. He stated if they go forward as it is written now at 38% they will not be able to issue a building permit up to 43% even though the zoning will say that. Commissioner Diebel commented that her motion for consideration at the next meeting will be to repeal what was adopted with this one element and stay with the 43% until we can appropriately consider both the consultants work and the communities input.

Peter Weldon, 700 Via Lombardy, stated he agreed with the process of reviewing the residential codes and supports Commissioner Diebel's suggestion that they consider changing the comprehensive plan from 38% to 43% so that it is consistent with our current code structure.

The meeting adjourned at 7:19 p.m.



Mayor David C. Strong

ATTEST:



Cynthia S. Bonham, City Clerk



Lakes and Waterways Board Minutes

July 13, 2021 at 12:00 p.m.

Beary Room
500 N Virginia Ave. | Winter Park, Florida

Present

Debbie Cunningham, Warren Bloom, Paul Missigman, Chase Heavener, Ed Webman

Absent

Lindsay Eriksson Siddiqui

Robert Bendick

Call to order

Meeting called to order by Chairwoman Debbie Cunningham at 12:05pm

Consent Agenda

Approve Minutes 0608.21- Motion made by Ed Webman to approve the minutes seconded by Paul Missigman motion carries unanimously.

Staff Updates

- **Sustainability - Vanessa Balta Cook**

Sustainability has now been placed under the communications department. Litter clean up in person events are set for September 26th and November 6th. NPDES yearly report will reflect 62 clean ups majority being self-directed, with nearly a ton of liter collected by 155 volunteers.

- **Winter Park Police - Luke Hofer**

Police are out patrolling the water, completed 21 safety inspections, 23 vessels stopped, 6 warning, and 1 citation issued over the course of 10 patrols. Police and the Lakes Department have suggested Sea Tow to residents to assist with vessel towing.

- **Stormwater Management - Don Marcotte**

Don presented the board with the 5 year plan for the City's Stormwater accounts. Discussed what is funded through the stormwater drainage account. Board has requested to see the overall context of money as it refers to Lakes. Motion to approve the Capital Projects budget by Warren Bloom and seconded by Ed Webman.

- **Lakes Management - Megan Johansson**

Megan has continued the phasing out process of the door hangers regarding herbicide treatments in the lakes. Residents have been receiving information about the Lakes e-notifications. A letter is being sent to all lake front property owners showing October 1st as the active date for the e-notifications. Board inquired if the e-notifications will be used for other things. Board also asked

about water testing and if that could be put through the e-notifications. Communications is also putting the information on the City's website. Herbicide treats have been difficult lately due to increased rain.

Citizen Comments - items that are not currently on the Agenda

Action Items

- **Revetment Slope Code**

Staff presented the board with details regarding revising the current 3:1 slope code back to the original 2:1 slope. State requirements are 2:1 which is what is used in most municipalities. The current 3:1 slope is not practical as it makes it hazardous to boats as well as difficult to abide to the plant code. ***Motion made by Paul Missigman to recommend for City Commission approval; seconded by Warren Bloom. Motion passed unanimously.***

- **Revision to boathouse/dock permitting process**

Staff suggested moving single resident code compliant boathouse applications to Planning and Zoning Department. Applications needing a variance will still be brought to the Lakes & Waterways Board for their approval. Vegetation compliance will continue to be reviewed by Lakes. By changing the permitting process this allows the board to focus more on aquatic matters like water quality, aquatic plant management, stormwater projects, education and outreach. ***Motion made by Warren Bloom to table until more specific language is presented; seconded by Paul Missigman. Motion passed unanimously.***

Public Hearings

- **SAP-2021-0029: Request by Taylor Kessel new boathouse application for 2023 Venetian Way**

Staff provided details of the application, answered questions and recommends approval. After discussion; ***motion made by Warren Bloom to approve the application as presented; seconded by Ed Webman. Motion passed unanimously.***

- **BLDR 2021-1729: Request by Linda Cegelis new boathouse application for 1200 Lakeview Drive**

Staff provided details of the application, answered questions and recommends approval. After discussion; ***motion made by Ed Webman to approve the application as presented; seconded by Chase Heavener. Motion passed unanimously.***

- **1128 Preserve Point: Request by Thomas and Jana Landreth new boathouse application for 1128 Preserve Point Drive**

Staff provided details of the application, answered questions and recommends approval. After discussion; ***motion made by Warren Bloom to approve the application as presented; seconded by Ed Webman. Motion passed unanimously.***

- **540 Country Club Drive: Request by Lawrence Moskowitz new boathouse application for 540 Country Club Drive**

Staff provided details of the application, answered questions and recommends approval. After discussion; ***motion made by Chase Heavener to approve the application as presented; seconded by Paul Missigman. Motion passed unanimously.***

Board Comments

Adjournment

Meeting adjourned at 1:53pm

Next meeting scheduled for August 10, 2021 at 12pm.

Revision Change Request – Revetment Slope

Sec. 114-1 & 114-6 – Lakeshore Protection

Revision: change revetment slope from 3:1 to 2:1

Rule was changed from 2:1 to 3:1 in 2010 without basis, over staff recommendation. There is no scientific basis stating 3:1 is better than 2:1. In some cases, like with steep seawalls, 3:1 is impractical due to the distance out from the seawall if the seawall is 3' or greater. A 3' seawall means the riprap would go out 9' out into water potentially posing a navigation issue/hazard. The Army Corps of Engineers recommends and enforces a 2:1 slope.

FDEP 62-330.431 General Permit for Installation of Riprap.

(1) A general permit is granted to any person to install riprap:

(a) At the toe of an existing vertical seawall, provided the slope of the riprap is no steeper than two horizontal to one vertical and the horizontal distance from the toe of the seawall is no more than 10 feet;

Changes are seen below, text to be removed is in red font and strikethrough, and text to be added has been underlined.

- ❑ 114-1 Definitions. - *Revetment* means any sloped structure with a horizontal to vertical slope of 2~~3~~:1 or greater that is constructed of rock, other aggregate material or geotextile fabric that is intended to protect the shoreline against erosion or water action.
- ❑ 114-6(b)(3) Lakeshore Protection. - Applications for seawalls or revetments should be considered favorably only when the structure is a dire necessity to stem erosion and loss of shoreline that is markedly different from that experienced in general. On lakefronts, vertical seawalls shall be disallowed in favor of sloped riprap revetments (minimum slope 2~~3~~:1, horizontal to vertical) that allow wave energy dissipation and allow shoreline vegetation to propagate. Vertical sheet pile, with a nonvertical riprap face, may be allowed on a case-by-case basis to minimize turbidity, or vegetation disturbance during construction provided that the entire face of the vertical component is covered by the sloped riprap component, the finished face meets the 2~~3~~:1 minimum slope requirement, and the elevation of the vertical component does not exceed the natural ground elevation. Vertical seawalls may be allowed on a case-by-case basis in canals or other altered water bodies where sloped revetments could interfere with navigation, or where conditions make the construction of sloped revetments impractical. Construction for cosmetic reasons is not sufficient justification. The review by the city advisory boards and city commission shall include the environmental ramifications of the request, its relationship to the ecology of the lake or stream as a whole and the specific shoreline characteristics of the property involved. Approvals of any shoreline modification shall be the minimum necessary to allow relief. As a condition of the seawall/revetment permit, shorelines that do not meet the vegetation standards of this section (subsection 114-6(a)) shall be required to be planted so that no more than 169 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.



City Commission **agenda item**

item type Public Hearings	meeting date January 12, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Public Health and Safety; Investment in Public Asset and Infrastructure	

subject

Ordinance: Amending Section 66-52, Park closing hours (2nd reading)

motion / recommendation

Approve additions and revisions to the ordinance.

background

The attached ordinance includes amendments made at first reading.

With the addition of the WPLEC campus to MLK Jr Park, the Parks and Recreation Department is recommending minor changes and additions to the current ordinance that update property naming and make minor adjustments to the hours in which city parks are not be open to the public for use.

alternatives / other considerations

Commission can consider different times related to the hours in which City parks are accessible.

fiscal impact

Not Applicable. No fiscal impact expected.

ATTACHMENTS:

[Ordinance_-_Park_Closing_Hours_draft__001_second reading.doc](#)

ORDINANCE 3229-22

AN ORDINANCE AMENDING ARTICLE III "PARK AND RECREATIONAL FACILITY RULES" OF CHAPTER 66, PARKS AND RECREATION, PROVIDING FOR REVISED HOURS FOR EXISTING PARKS AND ADDING HOURS FOR NEW LIBRARY AND EVENTS CENTER CAMPUS, PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the city continuously works to maintain high quality parks systems; and

WHEREAS, from time to time staff makes administrative recommendations for changes regarding parks rules and a change of the opening hours of City parks is being recommended as set forth herein; and

WHEREAS, the new Library and Events Center are opening in MLK Park in December, 2021;

WHEREAS, the City Commission finds that the revisions to the city code reflected in this Ordinance are in the best interest of the public health, safety and welfare.

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

SECTION 1. The recitals set forth above are hereby adopted as legislative findings and are hereby incorporated by reference.

SECTION 2. Section 66-52(c) of Chapter 66 "Parks and Recreation" Article III, "Park and Recreational Facility Rules" is hereby amended as follows: (underlined language are additions; ~~stricken through~~ are deletions; provisions, subsections and sections not included are not being amended.)

ARTICLE III, PARK AND RECREATIONAL FACILITY RULES

Section 66-52. Park closing hours.

(c) The city manager shall ensure that all city parks, with the exception of Central Park, are closed from sunset to sunrise unless otherwise specified. The city manager shall ensure that Central Park is closed between the hours of 2:00 a.m. and 6:00 a.m. ~~not leave the following parks open during the following times:~~

Park	Hours
Central Park	2:00 a.m. to 7:00 a.m.
Fleet Peeples Lake Baldwin Park	2:00 a.m. to 7:00 a.m.
Mead Gardens	2:00 a.m. to 7:00 a.m.
MLK Park & Library and Events Center Campus	2:00 a.m. to 6:00 a.m.
Gady Way & Ward Parks	12:00a.m. — 6:00a.m.
All other parks	Sunset to sunrise

SECTION 3. Codification. Section 2 of this Ordinance shall be codified in the City Code. The table in Section 66-52(c), City Code is being deleted. Any section, paragraph number, letter or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in the Code, and additions, alterations, and omissions not affecting a material substantive change in the construction or meaning of this ordinance may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause phrase or portion 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 portion or portions hereof or hereto.

SECTION 5. Conflicts. In the event of any conflict between this Ordinance, or part thereof, with any of the provisions of other City Ordinances or the City Code, this Ordinance shall control to the extent of the conflict.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption of the City Commission of the City of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12th day of January, 2022.

Mayor Phillip Anderson

Attest:

Rene Cranis, City Clerk



City Commission agenda item

item type Public Hearings	meeting date January 12, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Quality of Life	

subject

Ordinance: Amending Chapter 62, regulating hours for use of domestic power tools and phasing out of gas powered leaf blowers (2nd Reading)

motion / recommendation

Approval

background

Note: This ordinance has been revised based on amendments made at first reading changing the phased elimination from 36 months to 30 months (Page 4) and changing "equivalent" to "effective" in the fifth Whereas rectal (Page 1).

On October 28, the City Commission held a work session to discuss a draft policy regarding the use of electric leaf blowers. At the request of the City Commission, city staff met with a subcommittee of the Keep Winter Park Beautiful & Sustainable Board to draft an ordinance based on the feedback offered by the Commission at the October 28 work session.

The Keep Winter Park Beautiful & Sustainable Board offered the following sentiments below to explain the rational behind what was included and not included in the ordinance.

1. The ordinance shortens the hours for use of gas-powered leaf blowers. As an incentive to purchase them now, we have provided longer hours for use of electrically powered leaf blowers.
2. Using decibels as a gauge is unwieldy since no one will be able to judge noise levels and they would not be in use long enough to have someone with equipment test a noise level.
3. A distinction was made between residents and contractors and have avoided using residential and commercial. The ordinance controls the use of leaf blowers by

individuals not on the types of property. All properties are treated equally.

4. Size of properties should have no bearing on the ordinance. If someone has an “estate,” neighbors should not have to suffer. All residents should be treated equally.
5. Monetary incentives for anyone are not advised. For contractors, gas powered equipment (with high fuel and maintenance costs) needs to be replaced more frequently and purchase prices for electrically powered equipment (with low maintenance costs) will decline while efficiency increases. Most residents have already switched to electrically powered leaf blowers. Budget dollars and use of city staff would be better spent elsewhere on other environmental initiatives.

Prior to the work session, in May 2021 the City Commission requested that the Keep Winter Park Beautiful & Sustainable (KWPB&S) Advisory board consider the creation of a policy that would phase out gas-powered leaf blowers and would include input from residents and landscape service professionals.

The KWPB&S board formed a committee in July 2021, staff provided information on the City’s current policy, environmental and health impacts of gas-powered leaf blowers and examples of national and local policies on this issue. The Committee requested staff prepare surveys for residents and landscape professionals to help gauge the community’s desire for a policy.

In addition, staff prepared price comparisons of gas vs. electric-powered leaf blowers, rebate programs available to make the switch, and gathered contact information for landscaping companies working in the City. Supporting documentation provides an overview of the committee’s process, results from resident and landscape service professional surveys and recommendations from the KWPB&S Advisory Board.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC-min-2021-10-28 ws.pdf](#)

ATTACHMENTS:

[20211028 CC Leaf Blower Policy Presentation with Rec.pdf](#)

ATTACHMENTS:

[Gas to Electric Lawn Tools Ordinance AKA Revd 12-30-2021.docx](#)



City Commission Work Session Minutes

October 28, 2021 at 1:00 p.m.

Virtual

1) Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Carolyn Cooper and Todd Weaver; City Manager Randy Knight, City Attorney Kurt Ardaman and City Clerk Rene Cranis.

2) Also Present

Present: Vanessa Balta, Sustainability Manager, Agnieszka Tarnawska, Sustainability Specialist; Clarissa Howard, Director of Communications and Sustainability; Ben Ellis, Chairman KWPB and Sustainability Board.

3) Call to Order

Mayor Anderson called the meeting to order at 1:02 p.m.

4) Discussion Item(s)

a. Sustainability Action Plan 2021 Update

Ms. Balta gave a presentation on the processes leading to the creation of the Sustainability Action Plan. She reviewed topics on climate resiliency influence and impact in the transportation, energy and waste sectors, renewables in electric utility, targets and objectives.

Mayor Anderson noted that the biggest impact the city can have is on what can be controlled such as fuel mix and investment alongside electric utility.

Commissioner Sullivan stated that he would like to share ideas on pushing forward 100% renewable energy resolution, determine how to enhance the working relationship between Sustainability and other departments, prioritize the actions and explore grant opportunities.

Commissioner Weaver spoke on economic factors and stated there are good economic reasons to look at renewable energy due to costs. He stated he feels transportation and power generations are two issues pertinent to the discussion and the city should incorporate solar on public buildings and partnerships for parking garage roofs.

Mayor Anderson said he is reluctant to adopt a resolution without a plan to determine how to achieve 100% renewable energy along with a time line and costs. He suggested moving forward with a conceptual feasibility study based on development technology that points

the way to 100% renewable energy at some point in time, before adopting resolution. This was supported by Commissioners DeCiccio and Cooper.

KWPBS Chairman Ben Ellis added that the board agrees that the next step should be a feasibility study.

Commissioner Sullivan feels there is no disadvantage to adopting resolution as it will help the city better focus on the goal.

Mayor Anderson stated the feasibility study should have two goals, achieving 80% and 100%, and what is needed to meet each goal. Ms. Balta suggested the study include different pathways to offer multiple ways to get to 100%. Agreed to by consensus.

Commissioner Weaver stated he feels the resolution would inform the residents that the study is being done to meet goals. He spoke about solar and its positive economic impact and battery life and storage. Discussion followed on different options for solar, base loads, industrial battery storage and direction of the feasibility study.

Ms. Balta explained that the city is working on the Transportation Master Plan and upon completion, staff will implement components of the Transportation & Urban Form of the Sustainability Action Plan. Commissioner Sullivan asked how the commission can enhance the relationship between these departments. Ms. Balta stated that including sustainability staff on task forces relating to sustainability issues would be helpful.

With reference to the transportation component of the plan, Commissioner Cooper suggested creating objectives specific to connecting people to Sunrail in the "last mile."

Discussion followed on the city's electric vehicle long term conversion plan and tree canopy provisions. Commissioner Coper suggested a review of land use regulations and their impact on the tree canopy. She expressed interest in expanding the city's water reuse program. She raised the question of how the commission can tie aspirational goals to the strategic plan and asked the mayor to share the most recent version available of the strategic plan. She discussed ways to add resiliency goals to the plan.

Discussion followed on monetary and non-monetary costs and next steps for moving forward with the plan. Ms. Balta stated that she has direction from the commission and can provide updates. Mayor Anderson stated that the discussion to allocate funds for feasibility study should be held at the next commission meeting. In addition, he suggested having a work session to prioritize items. In-depth discussion was held on the elements of the feasibility study and the path forward for the action plan.

b. Gas Powered Leaf Blower Policy Recommendations

Ms. Balta reviewed recommendations for a rebate program, internal operations policy, education, and an ordinance that would reduce hours for use for gas powered blowers and incentivize use of electric leaf blowers. She responded to questions on limitation of hours,

incentives and impact. Discussion followed on the impact on small businesses and timeline to roll out the program.

Commissioner Weaver discussed issues related to noise generated from gas powered tools and the positive experience a local company is having using electric leaf blowers. He suggested a 30-month phase out plan.

Commissioner Sullivan asked if an incentive should be offered to start the process moving and stressed the need to be cautious when considering costs. He suggested moving forward with the leaf blowers for residential and commercial as well as all two-stroke powered lawn equipment.

Commissioner DeCiccio favored a 36-month phased approach to accommodate smaller companies. She spoke on concerns she received regarding battery life.

Discussion was held on the city's plan to move to electric equipment. Mr. Seeley explained that ARPA funding has been allocated to upgrade equipment and that purchase of hand tools will occur in the second quarter of FY 22.

Mayor Anderson stated that the City should be the model and suggested drafting an ordinance or resolution for a 36-month conversion. Agreed to by consensus.

Commissioner Cooper stated she would like a more serious reduction in hours and an increase in penalties for commercial businesses blowing debris into storm drains. After discussion, consensus was to limit hours for commercial maintenance on Sundays.

Mayor Anderson summarized that there is consensus to draft an ordinance for a 36-month implementation and evaluating timing for moving to electric equipment with further discussion needed on residential and commercial, defining the time for Sunday use and change in penalty for commercial lawn services impacting storm drains. Agreed to by consensus.

5) Adjournment

The meeting adjourned at 3:16 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis

Gas-Powered Leaf Blowers Policy

Sustainability Program Staff



Vanessa Balta

Sustainability Manager
M.S. Urban and Regional Planning
B.A. Environmental Studies



Agnieszka Tarnawska

Sustainability Specialist
M.E. Environmental Protection
M.S. Environmental Policy &
Management

Keep Winter Park Beautiful & Sustainable Advisory Board

Appointee

Carey Bond

Ben Ellis

Danielle Flipse

Stephen Pategas

Rosemary Salow

Lynne Bachrach

Catherine (Kay) Hudson

Commission Member

Commissioner DeCiccio

Mayor Anderson

Commissioner Sullivan

Commissioner Weaver

Commissioner Cooper

Mayor Anderson

Mayor Anderson



Summary of Committee Formation/ Research



May 12, 2021

Commission requested KWPB&S Advisory Board consider gas-powered leaf blower phase out policy. Requested input from users on the impact of such a ban.

July 9, 2021

Work Session/Committee convened on City Commission Request; Committee members (Rosemary S., Carey B., & Stephen P.) provided:

- **Staff presentation** on Current Policy, Environmental & Health Impacts and examples of national and local policies/bans
- Copies of **ordinances** from Key Biscayne, Key West and Naples
- Committee requested from staff:
 - Obtain **Ft. Lauderdale's** Landscape Services Professional and Resident **surveys** to help build WP surveys
 - **Price comparison** of gas vs electric blowers
 - **Comparison of existing incentive programs** for incentivizing the switch
 - Create **list of landscaping companies** to receive survey (GIS Business Analyst, Building and Google search)

September 10, 2021

Work Session/Committee convened (Rosemary S., Carey B., Kay H. & Stephen P.)

- Finalized surveys for Landscape Services Professionals and Resident Surveys
- Board emailed price comparison and incentive program summaries
- Reviewed landscaping company contact list
- Survey set to launch 9/20/2021, close 10/6/2021

Gas-Powered Leaf Blowers Current City Policy



Current Policy ([Chapter 62 Offenses and Miscellaneous Provisions, Article IV-Offenses Involving Public Peace and Order, Division 2 – Noise & Disturbance Control, Specific prohibitions](#))

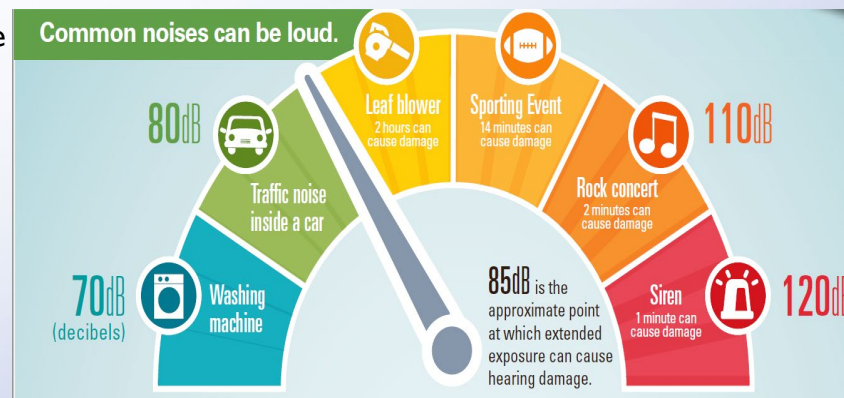
- *Domestic power tools...*mechanically powered lawn or garden tool between 9pm and 7am the following day so as to create a noise disturbance across a residential or commercial property line {allowed: Mon-Saturday 7am-9pm}
- *Domestic power tools on Sunday...*mechanically powered lawn or garden tool between 9pm on Saturday and 9am on Sunday so as to create a noise disturbance across a residential or commercial property line {allowed: Sundays 9am-9pm}

Gas-Powered Leaf Blowers Environmental & Human Health Impacts And Types of Bans passed



Gasoline-powered leaf blowers

- Produce high levels of localized emissions that include hazardous air pollutants, criteria pollutants, (ozone, particulate matter, carbon monoxide) and carbon dioxide.
- Continual exposure to noise can cause stress, anxiety, depression and heart disease
- Health impacts to workers and members of the public will depend on their level exposure
- Series of EPA regulations gas-powered leaf-blowers are required to produce 80% less pollution than they were prior to 1995.
- Potential for fuel spillage/water quality impacts



Generally cities bans based on noise (and sometimes air pollution), may ban:

- All leaf blowers (Del Mar, Santa Monica, CA)
- Gasoline-powered leaf blowers (Beverly Hills, CA; Aspen, CO)
- All leaf blowers during certain seasons (Yonkers, NY)
- All leaf blowers during certain times of day (Greenwich, CT; Cambridge, MA; Coral Gables, FL; Winter Park, FL)
- All leaf blowers above a certain decibel level (Flower Hill, NY, Montgomery County, MD, Tampa, FL)

Gas-Powered Leaf Blowers Policy Examples from Florida



Florida Examples

- Coral Gables (2016), Pop. 50K
 - Considered revisions, may revisit, for now have established a landscaper registration program
 - \$5 annual registration fee per vehicle decal, exceptions for <22 years old students performing work part-time, non-commercial and other exceptions
- Key Biscayne (2018), Pop. 13K
 - Amended Code to prohibit fuel-powered leaf blowers
 - 180-day grace period, corded-electric or battery powered, or raking/sweeping, kept existing regs of 65-decibel limit and working permitted hours of M-F 8am-6:30pm and Sat-Sun 10am-6:30pm
- Largo, FL (2020), Pop 84K, created an Alternative Fuel Vehicle Purchasing Policy that included replacement policy that prioritized electric-powered equipment over fossil fuel burning equipment
- Miami Beach, FL (Pop. 90K) and Orlando, FL (Pop. 280K) transitioning parks gas powered leaf blowers to electric (informal policy)
- Naples, FL (2020), Pop. 21K, prohibits gas powered blowers and any blower that exceeds 65 decibels, effective Oct. 21, 2021
- Palm Beach, FL (2017), Pop. 9K, prohibits gas powered leaf blowers on any property that is less than one acre in size

Leaf Blower Costs & Incentive Comparison



RESIDENTIAL – homedepot.com

	CFM	MPH	Min	Max	Avg. Cost
Gas-Powered	400-706	150-206	\$70	\$600	\$100-200
Electric-Corded	200-620	155-250	\$20	\$230	\$50-100
Electric-Cordless w/battery and charger	200-625	90-145	\$80	\$400	\$50-150

COMMERCIAL

	CFM	MPH	Min	Max	Avg. Cost
Gas-Powered Husqvarna.com	459-941	157-206	\$290	\$580	\$460
Electric-Cordless –w/battery & charger Greenworkscommercial.com	315-690	85-160	\$100	\$930	\$365

REBATES- Utilities in CO, FL, IN, KY, MA, NY, VT

Residential	Commercial
\$20-50	\$20-200

CFM: Cubic Feet Per Minute; How much air flows through

MPH: Miles Per Hour; How fast the air exits

A higher CFM will help you clear a larger area and push leaves further. A higher MPH will help you better lift wet leaves and debris.

Leaf Blower Surveys Launch and Media Coverage



- Google Forms
- Launched: Monday September 20
Closed: Wednesday October 6
- Posted to
 - Main City Homepage
 - citEnews
 - Nextdoor
 - Sustainability E-list
- Media Coverage
 - The32789.com
 - WFTV-ORD (ABC)
 - WESH-2 (NBC)
- Landscapers contacted by phone,
e-mail and/or text

Winter Park Resident Survey
ATTENTION WINTER PARK RESIDENTS:

The Winter Park City Commission is considering changes to the city's code impacting the use of leaf blowers due to residents' concerns regarding noise, health and environmental impacts of the blowers. As a result of the pandemic, many of our residents are now working from home or having children home schooled where the noise levels of the leaf blowers have become a disturbance.

Residents have also expressed increased concern for particulate pollution, pollen, fossil fuel use, current operating hours, and landscaping company employees health. Recent technological advances in the performance and longevity of batteries in electric leaf blowers have improved their viability for both residential and commercial landscaping.

Section 62-97 of the City of Winter Park Code of Ordinances currently allows the operation of landscaping or yard maintenance power tools or motorized equipment Monday through Saturday 7 a.m. to 9 p.m.

The city is asking for your input on the impacts of the use of leaf blowers. Your input is requested to formulate recommendations regarding the use of leaf blowers.

Questions or comments can be sent to sustainability@cityofwinterpark.org

Required

1. Do you live in the City of Winter Park?
Mark only one oval.

☐ Yes
☐ No

The Winter Park City Commission is considering changes to the city's code impacting the use of leaf blowers due to residents' concerns regarding noise, health and environmental impacts of the blowers.

The City wants to hear from Winter Park residents and landscape service professionals working in the City of Winter Park to gauge their perspective and/or concerns on the impacts of such changes.

[Click here to complete the Winter Park Resident Survey](#)

[Click here to complete the Winter Park Landscape Service Professional Survey](#)

Questions or comments can be sent to sustainability@cityofwinterpark.org

SURVEY CLOSING WEDNESDAY OCT. 6 AT 11:59 P.M.

Winter Park Landscape Service Professionals Survey

LANDSCAPE SERVICE PROFESSIONALS WORKING IN THE CITY OF WINTER PARK

The City Commission is considering changes to the city's code impacting the use of leaf blowers due to residents' concerns regarding noise, health and environmental impacts of the blowers. As a result of the pandemic, many of our residents are now working from home or having children home schooled where the noise levels of the leaf blowers have become a disturbance.

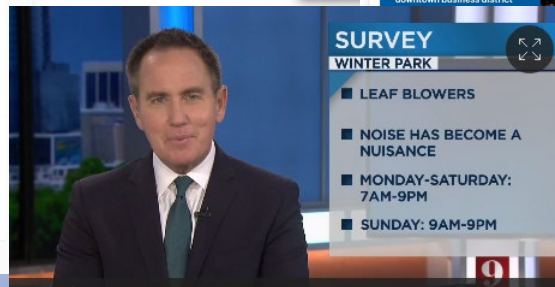
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SURVEY CLOSING WEDNESDAY OCT. 6 AT 11:59 P.M.



Leaf Blower Survey Resident Survey Results Summary



- 1,278 Responses from Residents (84 non-resident responses excluded)
- Of those who completed the survey:
 - A little over half (55%) said they have been disturbed by leaf blowers in the past 18 months
 - Residents level of concern with blowers, ranked from highest to lowest: Noise, Operating Hours, Blowing Debris into streets/storm drains, exhaust pollution, air quality, fossil fuel usage, user's health
 - Almost half (49%) said they would support a policy that would ban gas-powered leaf blowers in favor of electric/battery-powered
 - 66% said they owned a leaf blower, of those 65% use electric-powered leaf blowers
 - 63% said there is a landscaping service where they live
 - Residents level of concern, ranked from highest to lowest with a policy change: Potential Cost Increase, Cost of purchasing new blower, Limited Hours, Effectiveness of Alternatives
 - A majority (76%) said they would support some kind of restriction to the use of gas-powered leaf blowers (e.g., limitation on hours, quieter gas models, electric models, total ban)
 - **A majority (78%) said they would support some kind of limitation on operating days/hours**
 - A little over half (53%) said they would support an ordinance that would go into effect within a year

Leaf Blower Survey Landscaper Survey Results Summary



- 20 Responses from Landscape Services Professionals (Owners, Employees)
- Of those who completed the survey:
 - Nearly half (48%) have 5 or less gas-powered leaf blowers, 33% have more than 10 but less than 19
 - Replacement time for blowers: Every Year-21%, Every 2 years-37%, Every 3 years-26%
 - The majority (50%) said they were most concerned with blowers blowing debris into the streets and stormdrains
 - **Majority (95%) said they would not be supportive of a policy that would ban gas-powered leaf blowers in favor of electric/battery-powered**
 - **Majority (85%) said they were most concerned with a policy creating a potential need to increase service charges to the customer, the costs of purchasing to comply and the effectiveness**

Gas Powered Leaf Blower Policy Staff Observations



- The residents' survey suggests a majority (75%) of residents would support some kind of restriction to the use of gas-powered leaf blowers (limitation on hours, quieter models, electric, total ban); an ordinance that would limit hours seems to be the most palatable for those who took the survey
- The landscaper survey suggests that of those who took the survey the majority would not be supportive of any kind of change to the existing regulation
- An opportunity for the City to lead by example by passing a resolution committing to electrification
- An opportunity to engage and educate residents and landscapers on the pros and cons
- An opportunity to consider providing incentives to the community for making a switch, would need to consider budget

Gas Powered Leaf Blower Policy Board Recommendations



Consider...

- Limited time-frame rebate program for residents for purchase of electric-powered leaf blowers
- Limited time-frame rebate program for commercial for the purchase of batteries
- Formal policy to electrify Parks equipment (timeframe dependent on feasibility); promote ongoing status of transition in city updates
- Add to Green Business Recognition Program criteria, points for using electric-powered leaf blowers
- Add to Sustainability Pledge, pledge to switch to electric-powered leaf blowers
- Drafting an Ordinance that would:
 - Immediately: Reduce hours of use for gas-powered only (2 hours on both ends), incentivizing electric-powered leaf blower
 - 2 year phase out period, with potential for extension (e.g., supply issues):
 - Professional landscapers and residents required to have electric-powered operated leaf blowers
 - Notify/Cite owners, not landscaping companies
 - Definition of “domestic”, would want to apply to both “residential” and “commercial” users

ORDINANCE 3230-22

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING DIVISION 2 OF CHAPTER 62 AND ARTICLE I OF CHAPTER 82 OF THE WINTER PARK CODE OF ORDINANCES; REGULATING THE USE AND OPERATION OF LEAF BLOWING OR YARD CLEARING EQUIPMENT POWERED BY AN INTERNAL COMBUSTION ENGINE OR MOTOR DURING CERTAIN HOURS; REGULATING THE TRANSFER OF DIRT, LEAVES, AND OTHER DEBRIS TO OTHER CERTAIN LOCATIONS; PROVIDING FOR A PHASED ELIMINATION OF THE USE OF LEAF BLOWING AND YARD CLEARING EQUIPMENT POWERED BY INTERNAL COMBUSTION TECHNOLOGY; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Recitals

WHEREAS, the City of Winter Park finds that it is necessary to amend Chapter 62 "Offenses and Miscellaneous Provisions" and Chapter 82 "Solid Waste" of the City's Code of Ordinances ("Code"); and

WHEREAS, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans and deprive people of the peaceable enjoyments of their private property; and

WHEREAS, the City Commission finds that the use of leaf blowers that are powered by an internal combustion engine or motor to clear public and private property negatively impacts air quality, water quality, public health, and noise levels citywide; and

WHEREAS, after thorough consideration of various regulation options, the City Commission finds that it is in the best interests of the residents, property owners, and visitors of the City of Winter Park to initially further restrict the hours during when internal combustion powered leaf blowers may be operated, and that amendments to the Code of Ordinances are deemed necessary by the City Commission to further protect the health, safety, and general welfare of the citizens and visitors of the City of Winter Park; and

WHEREAS, the City Commission finds that advances in technology in leaf blowers can provide effective levels of performance using alternate means of energy, including electric power, that are quieter and less disruptive than internal combustion technology. These advancements in technology allow for similar performance with lower on-site emissions and noise production; and

WHEREAS, the City Commission finds that the average useful life of an internal combustion leaf blower ranges from 24 to 30 months and that allowing such leaf blowers to continue to be used for 30 months following the enactment of this ordinance provides sufficient time for operators of internal combustion powered leaf blowers to explore and develop alternative means of yard and debris clearing; and

WHEREAS, the City Commission further finds that the general use of leaf blowers and other yard clearing equipment, regardless of whether powered by internal combustion engines or other means, often results in leaves, dirt, and other debris being blown or otherwise transferred into public property or public rights of way, whereby such debris enters the City's stormwater systems and is transported to the watersheds of the City where such debris pollutes and accumulates in lakes and waterways, leading to deterioration of water quality; and

WHEREAS, the City Commission thus desires to adopt further prohibitions upon the transfer of leaves, dirt, and other debris into the public ways and stormwater systems of the City.

NOW, THEREFORE, it is hereby ordained by the City of Winter Park, Florida:

SECTION 1. Legislative Purposes, Findings and Intent. The foregoing recitals (whereas clauses) to this ordinance are hereby adopted as the legislative findings of the Winter Park City Commission and are incorporated into this ordinance as if set fully set forth herein.

SECTION 2. City Code Amendment. Sections 62-92 and 62-97 of the Winter Park Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; and the omission of any sections or subsections means that such sections or subsections remain unchanged):

Sec. 62-92. – Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Illegal open house party means any gathering of three or more persons unrelated by blood or marriage in a residence or in or adjacent to a neighborhood zoned for residential uses at which underage consumption of alcohol or use of illegal or controlled substances occurs.

Leaf blower means any air blowing machine that uses a concentrated stream of air to push, propel, or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse, or debris.

Noise disturbance means any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities;
- (3) Endangers or injures personal or real property;
- (4) Is loud or raucous;
- (5) Causes actual or imminent interference with peace or good order; or
- (6) Exceeds any dBA limit established pursuant to this division 2.

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:

- (10) ~~Domestic power tools.~~ Creating a noise disturbance across a residential or commercial real property line by Operating or permitting the operation of any mechanically powered saw, drill, grinder, leaf blower, lawn or garden tool or similar tool between 9:00 p.m. and 7:00 a.m. the following day. Regardless of the foregoing, it shall be a violation of this division to operate or permit the operation of a leaf blower that is powered by an internal combustion engine or motor between the hours of 6:00 pm and 7:00 a.m. the following day so as to create a noise disturbance across a residential or commercial real property line.
- (11) Construction activities on weekends and holidays. Operating or permitting the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, construction appliance or machine, or construction materials or equipment delivery between 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.

- (12) ~~Domestic power tools on Sunday. Creating a noise disturbance across a residential or commercial real property line by~~ Operating or permitting the operation of any mechanically powered saw, drill, grinder, leaf blower, lawn or garden tool or similar tool between 9:00 p.m. on Saturday and 9:00 a.m. on Sunday so as to create a noise disturbance across a residential or commercial real property line. Regardless of the foregoing, it is a violation of this division to operate or permit the operation of a leaf blower that is powered by an internal combustion engine or motor, between the hours of 6:00 pm on Saturday and 12:00 pm on Sunday so as to create a noise disturbance across a residential or commercial real property line.
- (13) Illegal open house parties. Allowing or acquiescing in an illegal open house party, whether directly or indirectly, whether actively or passively, as an owner, lessee, or occupant of a property.
- (14) Phased elimination of certain leaf blowing or lawn clearing equipment. Regardless of anything set forth in this section to the contrary, the use of a leaf blower that is powered by an internal combustion engine or motor, will be prohibited from use on any property within the City, with the exception of The Winter Park Municipal Golf Course, thirty (30) months following enactment of this subsection.

SECTION 3. City Code Amendment. Section 82-7 of the Winter Park Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; and the omission of any sections or subsections means that such sections or subsections remain unchanged):

Sec. 82-7. – Prohibited acts.

- (a) It shall be unlawful and an offense against the city for any unauthorized person, entity or corporation to do any of the following:

- (13) To cause, allow, or otherwise permit leaves, dirt, or other debris to enter the storm drain system at any time.

- (14) To cause, allow, or otherwise permit the blowing or deposit of leaves, dirt, or other debris on any public property of publicright of way unless removed within 30 minutes and disposed of in a sanitary manner.

SECTION 4. 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 the remainder of this Ordinance.

SECTION 5. Codification. The provisions of sections 2 and 3 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Winter Park. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the substance, construction, or meaning of this ordinance or the city's code of ordinances may be freely made.

SECTION 6. Conflicts. In the event of a conflict between this ordinance and any other ordinance or resolution of the city, this ordinance shall govern and control to the extent that any such conflict may exist.

SECTION 7. Effective Date. This Ordinance shall become effective upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12th day of January, 2022.

Phillip M. Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk