



City Commission Regular Meeting

Agenda

August 25, 2021 @ 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).

city commission regular meeting

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

please note

Times are projected and subject to change.

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

- a. [Pastor Stuart Shelby, All Saint Episcopal Church](#) 1 minute

Pledge of Allegiance**3. Approval of Agenda****4. Citizen Budget Comments****5. Mayor's Report****6. City Manager's Report**

- a. [City Manager's Report](#) 5 minutes

7. City Attorney's Report**8. Non-Action Items****9. 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)

10. Consent Agenda

- a. [Approve the minutes of the work session July 29, 2021.](#) 1 minute
- b. [Approve the minutes of the special meeting, August 3, 2021](#) 1 minute
- c. [Approve the minutes of the work session, August 4, 2021.](#) 1 minute
- d. [Approve the minutes of the work session, August 10, 2021](#) 1 minute
- e. [Approve the minutes of the regular meeting, August 11, 2021.](#) 1 minute
- f. [Approve the following piggyback contracts](#) 1 minute
1. Danus Utilities, Inc. - City of Clermont Contract #RFP2017-40
- Lift Station Rehabilitation Services; Amount: \$500,000.00 for services on an as-needed basis during the term of the agreement.
 2. HP, Inc. - State of Minnesota/NASPO Contract #MNNVP-133 -
Computer Equipment, Peripherals & Services; Amount: \$300,000.00 for services on an as-needed basis during the term of the agreement.

- | | | |
|----|---|----------|
| g. | Approve the following contract | 1 minute |
| | 1. Howard Industries, Inc. - IFB-8-2020 - Single-Phase Transformers; Amount: \$200,000.00 for goods on an as needed basis during the term of the Agreement. | |

11. Action Items Requiring Discussion

- | | | |
|----|---|------------|
| a. | Commission appointment to the Winter Park Police Officers' Pension Board | 5 minutes |
| b. | Appointment to Civil Service Board. | 5 minutes |
| c. | Review of Reallocated Strategic Capital Plan | 60 minutes |
| d. | Budget Discussion and Review Commissioner and Staff Budget Suggestions (Document revised 8.25.21 at 12:53 p.m.) | 60 minutes |
| e. | Reconsideration of Notice to Dispose of the Swoope Property (631 N. New York Ave.). | 20 minutes |
| f. | Consideration of establishing a Lake Killarney Advisory Board. | 15 minutes |
| g. | Public solicitation for land to construct U.S. Postal Service facilities. | 15 minutes |

12. Public Hearings

- | | | |
|----|--|------------|
| a. | Request of the City of Winter Park: <ul style="list-style-type: none"> • An Ordinance of the City of Winter Park amending the Comprehensive Plan Future Land Use Map designation from an Office future land use designation to a Single-Family Residential designation on the properties at 2141/2151/2211/2221/2223/2225/2227 Loch Lomond Drive in order to match the existing Single Family (R-1A) zoning. • An Ordinance of the City of Winter Park amending the Comprehensive Plan Future Land Use Map designation from an Office future land use designation to a Single-Family Residential designation on the properties at 2229/2255/2311/2313 Loch Lomond Drive and 2272 Nairn Drive in order to match the existing Single Family (R-1A) zoning. (2nd reading) | 5 minutes |
| b. | Request of Wooten Built, Inc for: <ul style="list-style-type: none"> • Subdivision approval to split the property at 280 E. Lake Sue Avenue, zoned R-1AA. Variances are requested from the R-1AA lot dimension standards. | 15 minutes |
| c. | Request of the City of Winter Park for: <ul style="list-style-type: none"> • An Ordinance to establish a Commercial Future Land Use on the annexed parcels at 647/653 Harold Avenue, and | 5 minutes |

- An Ordinance to establish Commercial (C-3) Zoning on the annexed parcels at 647/653 Harold Avenue. (1st Reading)
- d. [Participation in the Certified Local Government Program for Historic Preservation requiring:](#) 20 minutes
 - An Ordinance amending the Historic Preservation Code to revise the procedures regarding demolition and providing for clarifications on the terms, vacancies and procedures for the Historic Preservation Board, (1st Reading) and
 - A Resolution of the Historic Preservation Board officially endorsing and recommending approval of the application for participation within the Local Certified Government program for historic preservation.
- e. [Request of the City of Winter Park for:](#) 15 minutes
 - An Ordinance to amend the Comprehensive Plan to adopt a new Private Property Rights Element in accordance with State Statutes. (1st Reading)
- f. [Ordinance proposing Charter Amendments for March 2022 ballot \(1st reading - Tabled August 11, 2021\)](#) 30 minutes

13. City Commission Reports

14. Summary of Meeting Actions

15. Adjournment



City Commission **agenda item**

item type Invocation	meeting date August 25, 2021
prepared by Kim Breland	approved by
board approval	
strategic objective	

subject

Pastor Stuart Shelby, All Saint Episcopal Church

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager's Report	meeting date August 25, 2021
prepared by Jennifer Guittard	approved by Peter Moore, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

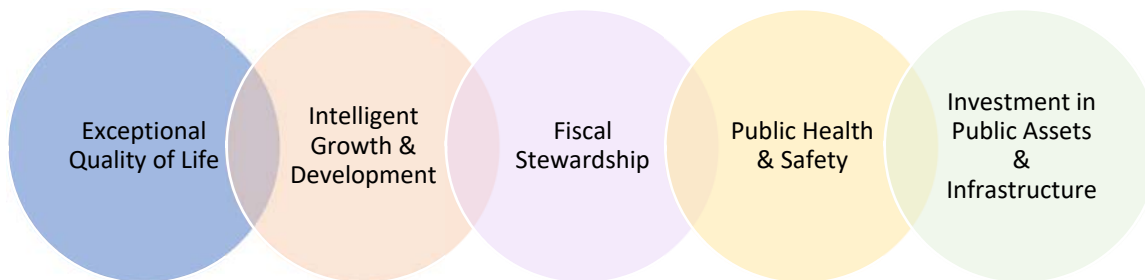
[90Day Report 8.25.21.pdf](#)



90-Day Report

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

City of Winter Park Strategic Objectives



Upcoming Commission Items

Title 1: Fiscal Stewardship

Item	Description	Item Department	Item Date
Budget and Millage Ordinance Adoption	At both City Commission meetings in September, the first and second readings of the ordinance adopting the budget and millage rate, will be approved in accordance with statute.	Administration	Sept
Fee Schedule	Presentation of proposed changes to the Fee Schedule.	Finance	Sept

Title 2: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Turf Ordinance	Second reading of the Artificial Turf Ordinance which had received a 1st reading in March 2021 and include options for consideration by the Commission along with comments from stakeholders including staff, builders, landscape architects and other interested parties.	Building	Sept
Orange Avenue Overlay	P&Z and City Commission Public Hearings	Planning & Transportation	Sept
Pineywood Columbarium	Commission approval of Pineywood Columbarium project	Parks & Recreation	Sept
Meet your Department Presentation	The Building & Permitting Department will present their video to increase awareness of the various city services their department provides.	Building & Permitting	Sept
Meet your Department Presentation	The Fire-Rescue Department will present their video to increase awareness of the various city services their department provides.	Fire-Rescue	Oct
Meet your Department Presentation	The Planning & Transportation Department will present their video to increase awareness of the various city services their department provides.	Planning & Transportation	Nov

Additional Items of City Interest

Title 3: Exceptional Quality of Life

Item	Description	Item Department
Library & Events Center	The Library and Events Center project is in the final two months of construction. The project is substantially complete and orders are placed for furnishing both buildings. The solar panels are in on the Events Center rooftop, Electric Vehicle stations are going in shortly, security systems are nearing completion and audio visual is in final phase. Both buildings are under air conditioning and have had fiber run to them. IT components are being installed. Exterior signage is being fabricated and even a new flagpole in on order. Wider sidewalks will be installed along the project site along Morse Boulevard in the coming weeks, then final landscaping will be installed. Punch lists for both building are underway as well as site cleaning.	Public Works
Public Art for I-4	This \$150,000 public art project, paid for by FDOT, is being installed at the NE corner of W. Fairbanks and I-4. The project has been delayed due to a land use agreement that I-4 Ultimate asked for, and construction product delays. Design selection company, RLF, is moving forward as quickly as possible with the installation process. The city will landscape the area around the art, as per the land use agreement, and a ribbon cutting event will be announced as soon as the project nears completion in September.	Administration

Title 4: Intelligent Growth & Development

Item	Description	Item Department
Sustainability Plan	Beginning in November 2020, the Keep Winter Park Beautiful & Sustainable Board (KWPB&S) held joint work sessions with several city advisory boards to review the elements of the current Sustainability Action Plan (SAP). These boards included the Transportation, Tree Preservation, Parks & Recreation, Lakes & Waterways, Planning & Zoning, and Utility advisory boards. Since then, the Sustainability team and KWPB&S members have consolidated the feedback provided by the boards into a new draft SAP document. Between July through September, city staff will work with each board to review their respective edits prior to creating a newly updated SAP for City Commission review. This Commission review of the revised SAP is expected to be held at a work session in October 2021.	Sustainability & Planning

Title 5: Investment in Public Assets & Infrastructure

Item	Description	Item Department
Electric Undergrounding	Miles of Undergrounding performed Project G: 4.1 miles 97% complete Project I: 6.9 miles 99% complete Project J: 1.9 miles 1% complete Reliability project Q: 1.85 miles 55% complete Project R: 4.31 miles (21% complete) Commission approved advancement TOTAL so far for FY 2021: 7.4 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/>

September Board Meetings

Advisory Board	Meeting Date	Meeting Time
Civil Service Board	9/7/21	4 p.m.
Planning & Zoning Board	9/7/21	6 p.m.
Historic Preservation Board	9/8/21	9 a.m.
Economic Development Advisory Board	9/14/21	8:15 a.m.
Lakes & Waterways Advisory Board	9/14/21	Noon
Public Art Advisory Board	9/20/21	Noon
Transportation Advisory Board	9/20/21	4 p.m.
Keep Winter Park Beautiful & Sustainable	9/21/21	11:45 a.m.
Board of Adjustments	9/21/21	5 p.m.
Community Redevelopment Advisory Board	9/23/21	5:30 p.m.
Utilities Advisory Board	9/28/21	Noon
Tree Preservation Board	9/28/21	5 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
Public Art Advisory Work Session	9/2/21	8:30 a.m.
City Commission Work Session: Leaf Blowers	9/7/21	1 p.m.
City Commission Work Session	9/9/21	1 p.m.
Public Art Advisory Work Session	9/16/21	8:30 a.m.
Planning & Zoning Board Work Session	9/28/21	Noon



City Commission **agenda item**

item type Consent Agenda	meeting date August 25, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session July 29, 2021.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[072921ws.pdf](#)



City Commission Work Session Minutes

July 29, 2021 at 1:00 p.m.

Virtual

Present:

Mayor Phil Anderson
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
Asst. City Manager Michelle Neuner
City Clerk Rene Cranis

Also Present:

Planning and Transportation Director Bronce Stephenson
Planner Allison McGillis
Transportation Manager Sarah Walter

1) Call to Order

Mayor Anderson called the meeting to order at 1:10 p.m.

2) Discussion Item(s)

a. OA Discussion

Mrs. McGillis reviewed the Comp Plan revisions. The following items were discussed and agreed to by consensus:

Policy 1-XXX: Public Hearings for Conditional Uses – two public hearings for CU and city-wide notice.

Commissioner Cooper reviewed current Conditional Use current procedures and discussed the intent of the language. She clarified that she felt there should be a public notice on the large projects that are citywide. Commissioner Cooper stated there should be two public hearings with the Commission for any conditional use item. Mr. Stephenson added that any conditional use project would come before the P&Z Board, that is also a public hearing, in addition to the two hearings at City Commission.

Lengthy discussion was held on public hearing criteria for Conditional Use projects of different sizes, new construction vs. adaptive reuse, provisions and language to meet the intent to require two public hearings before the city commission. Consensus was to add verbiage for two public hearings by the City Commission for all Conditional Use greater than 10,000 square feet and Citywide notice for Conditional Use parcel more than

80,000 square feet, and buildings more than 35,000 square feet or with residential units more than 25 units.

Vesting Rights

Mrs. McGillis reviewed the language related to vesting rights added by the city attorney and explained that the clause would allow projects to be developed with the underlying zoning and future land use that is currently allowed prior to the adoption of the OAO. Discussion followed on what would constitute an inordinate burden as it relates to developing projects under the OAO and protections for the City with the "opt out" vesting rights verbiage. Commissioner Sullivan supports the idea of having a vested rights provision, but wants to make sure city approaches it the right way.

Commissioner Cooper expressed concern that the provision would create an opportunity to negate the entire purpose of the OAO. She suggested that the real buildable square footage on the lots should be evaluated now and after the OAO is adopted to understand if there could be legitimate claims. Commissioner Weaver expressed concern that the larger projects would be most likely to initiate a lawsuit. He referenced a property in Subarea D that is zoned Industrial and doesn't allow for residential. Discussion was held on scenarios where a developer may want to rezone, but not conform to OAO standards and whether the "opt out" language should be left in the comp plan. Further discussion followed. Further discussion followed. Staff will review the language further with the city attorney.

Zoning Ordinance

Mr. Stephenson noted that the new underlying rezoning of the park at Progress Point will be written into the code under the OAO. The change will be made prior to notice for the commission hearing. Mayor Anderson suggested adding a note to the comp plan stating that a minimum of 1.4 acres will be reserved as parkland. Commissioner Cooper suggested confirming with the city attorney whether the title would need to be changed because of the rezoning. Mrs. McGillis stated that the change would be made before the title is advertised, which is 30 days prior to the first commission meeting.

t. Orange Avenue Overlay District Development Enhancements/Bonuses Menu

- Change Percentage to Square-Foot, change structured parking to parking. strike (right of way, public easements and/or other enhancements), add "dedicated in perpetuity" and reference other definition.
- (2) Changed structured parking to parking, strike (right of way, public easements and/or other enhancements?), add "dedicated in perpetuity" and reference other definition.

Commissioner Cooper stated that public parking was a defined term in the comp plan and suggested changing the language to "parking dedicated to the public in perpetuity."

- (5) b. change to: "the "Incentive" to the Developer expressed as additional floor area allowed over and above the Baseline FAR."
c. change to: "Value of each additional square foot of floor area,"

Mayor Anderson reviewed a spreadsheet of OAO Land FAR Value-FAR Value Comps analysis. Discussion followed on the properties used for the Comps in the analysis. Mayor Anderson stated that additional information was needed on comparable sales and suggested looking through the broker list and determine which properties are "tear-down parcels, obtain square footage of the sites and add the parcels to the spreadsheet and suggested having a professional appraiser review the property adjustments and calculations.

The following change was made to the enhancement menu columns:
Change column to "Multiplier" removing Incentive "Achievement Maximums"

Discussion followed on the price per square foot, baseline and floor area.

Commissioner Weaver asked the status of acquiring the properties on the north side of Fairbanks Avenue. Mr. Stephenson confirmed that Commissioner Weavers concept was to allow the dedication of land within the overlay that is under common ownership that served the public good to be acceptable, does not have to be on the site itself. After discussion the following changes were made to the language on Page 35, sub paragraph (b): Remove reference to CT7, add Dedication of Right-of-Way, change intersection to transportation improvements, add "within OAO boundaries".

Review of the enhancement tables continued. Mayor Anderson reviewed the formula used to develop the multiplier calculations for the enhancements.

Mayor Anderson left meeting at 2:55 p.m. and returned at 3:08 p.m.

Commissioner Cooper reviewed the enhancement menu tables. Commissioner Weaver stated that the FAR in Table 1: S3 is too high and needs to be reconsidered.

Discussion was held on a parcel on Cypress Avenue owned by the Trovillion Trust. Mr. Stephens explained that the Trust has asked the City to vacate the property and in exchange, the Trust would agree, that upon redevelopment of those properties, would provide an easement along the trail. He explained that closing that portion of Cypress would allow the Trust to have a whole piece of property. In-depth discussion followed on placing a bike/ped path on either side of Palmetto and previous and current plans for the path. Sarah Walter spoke on transportation safety issues with a path on either

side of Palmetto. Further discussion was held on the realignment of Palmetto and the parking garage footprint.

Review of the Enhancement Menu continued.

- Remove CT. 3 – Denning Drive Mobility Extension. The project is already in progress, the Commission has allocated funds.

Commissioner Weaver asked the Commission if they would consider a bump out for buses at the park area just past commercial development before the proposed roundabout. Sarah Walter agreed that bump outs would be a great idea for the area. She stated that in talks with FDOT about Orange Avenue south 19-7-92 bump outs were requested along that stretch of Orange Avenue since FDOT will be a lane dieting that area.

Discussion was held on the multiplier, land value calculations, and gatekeeper incentives for items CT. 1, and CT.7 and language for item S.3 of the enhancement menu. After discussion the following changes were made by consensus

- CT1 – Multiplier added at 1.25.
- CT7 – Land Donation for Transportation Improvements – Change multiplier to 1.5.
- S3 – Renewable Energy – Add Solar PV Panel System to enhancement type and replace existing language to read “The cost of installing the system earns and increase.” Commissioners Sullivan and Weaver will provide additional language to the “Description and Potential Bonus” column.

Mayor Anderson closed the meeting by reiterating that staff would highlight the Broker buildings that are land deals and the mayor and Mr. Stephenson will review the spreadsheet and forward the revised copy to the commission.

3) Adjournment

Meeting adjourned at 3:49 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date August 25, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the special meeting, August 3, 2021

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[080321sm.pdf](#)



City Commission Special Meeting Minutes

August 3, 2021 at 3:00 p.m.

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

Present

Mayor Phil Anderson
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Todd Weaver (virtual)

City Manager Randy Knight
City Clerk Rene Cranis

Also Present

City Labor Attorney Jeff Mandel, Fisher Phillips
Dr. Mitch Maulfair, Medical Director for Advent Health and City Medical Director

1. Call to Order

Mayor Anderson called the meeting to order at 3:02 p.m.

2. Action Item for Discussion

a. Discussion of COVID related topics.

Mayor Anderson spoke on the city's responsibility for safety of staff and residents. He said the meeting will open with presentation of COVID facts, motivation to get people vaccinated and determine a course of action.

Mr. Knight stated that the employee incentive, which was approved by the city's labor attorney, gives \$150 and a paid day off to vaccinated employees and employees that become fully vaccinated by September 15th.

Commissioner Sullivan gave a presentation on COVID cases, hospital admissions and impact on water quality and wastewater. He noted that some agencies have implemented mandatory employee vaccinations or proof of negative test results. He said, beyond incentives, the city may need to consider mandatory vaccinations to protect employees and their families.

Dr. Maulfair provided data on mortality rates, hospitalizations and percentage of vaccinated COVID patients. He said that there are some valid issues for not getting vaccinated such as underlying existing health conditions and some feeling that they have natural immunity.

Discussion followed on exemptions from being vaccinated, fears of the vaccine, the impact on the work force, and the financial impact on employers and health plans.

Commissioner DeCiccio said she feels misinformation has led to refusal to get vaccinated and said that clear and factual information needs to be on the city website.

Commissioner Weaver expressed concern about the impact on staffing which ultimately could affect water, sewer and fire and police services. He supported the incentive but questioned its effect in gaining full compliance and said one option may be to put employees on leave if they don't get vaccinated for the safety of co-workers.

Mr. Mandel spoke on Orange County Mayor's Executive Order on mandated vaccination for non-union employees as well as the Orange County Tax Collector and said he anticipates other municipalities will look at what other agencies are doing. He reviewed legal implications of mask and vaccination mandates and making vaccination a condition of employment and furloughs. He noted that requiring vaccinations as condition of employment could expose the city to potential liability if an employee has a reaction to the vaccination.

Mayor Anderson suggested directing staff to present a program at next meeting that would move ahead with model of requirements but tempered with timing and incentives.

In-depth discussion followed on promotion of free vaccination events, putting factual information and resources on the website, mandatory testing in lieu of vaccination and logistics of employee temperature checks.

Discussion returned to testing and responsibility for cost. Mr. Mandel stated that the question of whether employers must pay employees for their time to get tested has yet to be answered.

Motion made by Mayor Anderson to direct staff to develop a periodic testing program for unvaccinated employees to be presented at the August 11th meeting for consideration and adoption, that staff immediately implement a public relations program disseminating COVID information and the city would consider moving to mandatory vaccinations depending a review of the situation at a later date; seconded by Commissioner Sullivan.

There were no public comments.

Commissioner DeCiccio suggested that vaccinated people have the option to get tested. Mayor Anderson and Commissioner Sullivan accepted this as part of the motion.

Upon a voice vote, the motion carried unanimously with a 4-0 vote. Commissioner Cooper was absent.

3. Adjournment

The meeting adjourned at 4:36 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date August 25, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, August 4, 2021.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[080421ws OAO.pdf](#)



City Commission Work Session Minutes

August 4, 2021 at 10:00 a.m.

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

Present:

Mayor Phil Anderson
Commissioner Marty Sullivan (Virtual)
Commissioner Sheila DeCiccio
Commissioner Todd Weaver

City Manager Randy Knight
Asst. City Manager Michelle Neuner
Deputy City Clerk Kim Breland

1) Also Present:

Planning and Transportation Director Bronce Stephenson
Parks and Recreation Director Jason Seeley (Virtual)
Transportation Manager Sarah Walter
Larry Adams, ACi
Ray Waugh, LandDesign

2) Call to Order

Mayor Anderson called the meeting to order at 10:05 am

3) Discussion Item(s)

a. Progress Point Park Discussion

Mr. Stephenson reviewed the history of the project including the ACi scope of services, budget and decisions approved by the Commission and Sub-Committee for the Progress Point Park. He noted that the ACi scope was not to create an RFP, but to create a guide for the RFP process. He added that part of the scope included construction ready plans and that Commission consensus is needed on the boundaries of the park, conceptual design, Palmetto realignment, and bike path location to move forward. Mayor Anderson said that stormwater would need to be discussed.

In response to questions, Mr. Knight stated the sub-committee approved a specific budget and general concept, realignment of Palmetto, removal of the interactive fountain and paving the existing parking area. Commissioner Weaver suggested that Parks & Recreation Advisory Board review the proposed design and provide feedback before moving forward with the design. Discussion followed on configuration of the park, landscape plan and timeline for receiving public input.

Larry Adams of ACi, summarized the scope of services and actions leading to the Redevelopment Guidelines and Action Plan being presented to the Commission. Discussion followed on FAR and square footage calculations for the Comp Plan.

Ray Waugh of LandDesign, reviewed the framework for parking infrastructure and drainage. He discussed the relocation of Palmetto right of way to a position that it is geometrically feasible and would provide as much park space on the park side as possible. He noted that the demolition of the previous structures on the site have increased open space and decreased the impervious area. He discussed opportunities for stormwater treatment and a future parking garage.

Mr. Waugh reviewed the plan for stormwater infrastructure based on current design and explained the most efficient collection and treatment of stormwater. He said the City has reduced the impervious surface to the point that there are areas that may be a better solution than underground treatment. Discussion followed on stormwater treatment and infrastructure, flexibility of the design and options for the site.

Mr. Stephenson addressed the bike path stating that the path needs to be on the north side for safety and to get people to Orlando Avenue. Commissioner Weaver stated he felt that there were good arguments on having the bike path on either side and gave examples of how a bike path could work on the south side. Lengthy discussion ensued on bike path locations, implementation of the greenways plan, solutions, future commuter bike path and safety crossings.

Sarah Walter explained the safety crossing issues and said recommended that the bike trail be located on the north side of the street from a crossing perspective. After discussion, consensus was to place the path on the north side of Palmetto.

Mr. Adams spoke on business models including building type and size, potential rental income, operating income and income value for different buildings/uses. In-depth discussion ensued on return on investment scenarios, hypothetical asset value, calculations for profit vs. value of land lease, and price per square foot/net income conversion.

Commissioner DeCiccio asked for an update on the impact fees for the OAO. Mr. Knight stated that staff is working through the process to put together a rational nexus for the project.

Discussion was held on how a city owned land lease would be received by the market, lease criteria, term lengths and associated costs and RFP criteria, business model and types of uses for the site.

Commissioner Weaver reviewed the history and goals of the OAO to stimulate activity in the corridor, allow businesses to thrive and provide a new area for the public to enjoy.

He said he feels the 1.5-acre park, relocation of Palmetto, proposed brick streets and repaving of the existing parking lot will save a large amount of city funds and shorten the project schedule for the new park.

Commissioner Weaver presented a concept which has the support of the business owners as it would allow for outdoor dining, eliminate curb cuts on Orange Avenue, improve traffic flow, provide more parking space and provide alternate ingress/egress to the parking area.

Commissioner Weaver stated that restrooms, park maintenance facilities and Lynx bus pull-out are needed for this site. He presented a concept for improvements to the parking lot including repaving, a promenade and saving existing oak trees. He proposed extending the swales to the northeast, reserving an easement for a future parking garage and pervious pavers in the park for walkways. He spoke on the budget and allocated funding. He discussed phased development and suggested that, if approved, commercial development be single-story with a galvanized roof for solar.

Commissioner Sullivan supported the extended swale proposal, cypress trees for the swales, Lynx bus pull outs, covered benches at all Lynx stops and using pervious pavers for stormwater treatment.

Mr. Waugh commented on Commissioner Weaver's plan and feels that the plan should be the plan should be flexible, not dedicate itself to one solution. Commissioner Weaver explained that his plan would carve out the strip along Palmetto for additional green space for stormwater treatment. Further discussion followed on stormwater treatment solutions.

Mrs. Walter supported the Lynx bus pull out and discussed ways to accomplish the pullout without taking the entire twelve-feet from the park and to meet ADA requirements. She stated that it would be beneficial to have one entrance on Palmetto and one entrance on Cypress for the paved parking lot. Discussion followed on landscaping parking lot requirements, angled parking, pervious asphalt, and potential queueing and stacking issues that could result from having both access points on Cypress.

Mayor Anderson said he feels there are policy questions to be answered before releasing the RFP, including quantifying the parking needed for the area, preferred uses (and requirements), options for a second-floor, budget and phases of the park project.

Mr. Stephenson discussed topics related to proposed plan including the adjacent property owners, landscaping and vegetative screening, stormwater swales, restrooms, maintenance storage area, parking issues along Palmetto and the existing parking shortage. He recommended having no less than 120 parking spaces as a starting point

for existing businesses. Lengthy discussion followed on existing and future parking needs for the area existing, shared parking options, parking garage solutions, stormwater swales, greenspace, and potential redevelopment of A properties. After discussion, Mayor Anderson asked Mr. Stephenson to provide reports for parking generation at Plant Street Market and East End Market, weekdays and weekends to understand and determine intensity and parking needs.

Additional discussion was held and Mayor Anderson summarized discussion as follows:

- Consensus to maintain the existing parking need, but no consensus on what the number would be.
- No consensus around the city's duty to meet additional needs of the A properties,
- No consensus around the range of activation to be considered. (Staff to report on activation of Plant Street Market and East End Market and suggest what the right parking requirements would be for that type of program.)
- Staff will conduct research to help the Commission understand what the maximum what size building should be and the parking implication that it would imply.

Mayor Anderson presented and reviewed a spreadsheet with technical requirements and allowances that he feels should be examined during draft of the RFP including calculations for various uses, square footage for first and second floor uses, peak parking needs, city/shared facilities, existing parking needs and combined parking requirement and discussion followed.

3) Adjournment

Meeting adjourned at 2:09 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date August 25, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, August 10, 2021

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[081021ws Strategic Planning.pdf](#)



City Commission Work Session Minutes

August 10, 2021 at 3:30 p.m.

Virtual

Present

Mayor Phil Anderson
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Clerk Rene Cranis

1) Call to Order

Mayor Anderson called the meeting to order at 3:02 p.m.

2) Discussion Item(s)

a. Strategic Planning/Capital Planning Discussion

Mayor Anderson said that this a continuation of the discussion and review of the 5-year plan. He noted that non-recurring projects currently in the 5-year plan result in a funding deficit of approximately \$39 million and suggested either reducing the expenditure and/or pushing the project out to 6-25-year (long-term) plan. The following options close the funding gap were offered:

Progress Point

- Reduce depending on final plans (Mayor)
- Remove preparation of building pad (\$750k) and arrival court (\$1M) and include in the RFP. (Cooper)
- Reduce by \$3-4M. (DeCiccio)

Land – on Fairbanks near Denning (\$3M)

- Remove. (Cooper)
- Take out \$700k-\$800k out and use to purchase other Fairbanks Avenue property to add to park land and own Lake Rose for stormwater management. (Weaver)
- Remove. (DeCiccio)

Tree Farm

- Move to long-term plan. (Mayor)
- Remove \$5M and reserve 2.5 acres to be used as post office distribution center, a new fire station or as lay-down for hurricanes. (Cooper and agreed to by Sullivan)

- Remove. (DeCiccio)

Old Library

- Reduce depending on determination of future use. (Mayor)
- Explore public/private partnership and remove \$7.5M and fix the roof and then use the ARPA funds to do renovations. (Cooper)
- Leave \$300k for maintenance. Move \$7.5M out beyond five-year plan. (Weaver)
- Investigate a property swap with Rollins (Sullivan)
- Leave \$800k until future of building is known and put on long-term plan. (DeCiccio)

Maintenance facility at Swoope (\$800k)

- Remove, can be a public/private operation. (Weaver)

Traffic Enhancements

- Move \$1.25M to long-term (\$750k funded from ARPA) (Mayor and DeCiccio)

Bike and Mobility Plan (excluding Progress Point)

- Remove additional \$1M. Mayor Anderson said he believes some carry-over funds are included but will reconfirm. (Cooper)
- Pedestrian Bridge along Sunrail at 17-92 (\$1M) – Remove. She would like Progress Point connected with Sunrail first and then OAO connected to the CBD and would defer first to getting crossover on Fairbanks at Denning and on 17-92 at Morse. (Cooper)
- Pedestrian/bike bridge alongside Sunrail (\$1M) – Retain, suggested a tunnel rather than a bridge as it is less costly. (Weaver)

Lakemont “complete street” (\$8M)

- Move to long-term or consider for infrastructure bill funding. (Mayor)
- Reduce to \$3M for aesthetic improvements. Mayor Anderson suggested moving it to the long-term plan. Commissioner Cooper agreed.
- Reduce from \$8M to fund roundabout at Glenridge and bike paths on Lakemont (\$2.5M) (Weaver)
- Move to long-term. (DeCiccio)

Lakemont/Aloma Intersection (\$3M)

- Suggested a placeholder for improvements but push it into the long-term plan and not allocate general funds but instead look for getting it into the Metroplan slot or an infrastructure bill. (Mayor)

Glenridge Intersection (\$1.239M)

- Supports study for roundabout at Lakemont.
- Remove until studies are completed (DeCiccio)

East/West Intersection at Denning/Fairbanks (\$3M) and Westbound Morse at 17-92 (\$4)

- Remove until studies are completed. (DeCiccio)

Infrastructure Bill Prep – design and studies \$500,000

- Partial amount for bike lanes on Lakemont. (Weaver)

Orange Avenue Traffic Improvements (\$1) and Roundabout (\$4M)

- Leave in five-year plan. Should be a budgeted item provided there is shared cost. (Weaver)

Orange/Denning/Minnesota roundabout (\$4M).

- Move out to long-term or consider for use of Federal infrastructure funding. (Mayor)
- Need to put in mobility fee in place to cover. (Cooper)
- Remove. (DeCiccio)

Parking Garages (\$8M)

- Move to long-term. Need for city facility (city hall). Should be a shared cost. (Weaver)
- Move to long-term plan. (DeCiccio)

Central Park Stage (\$1.3M)

- Reduce to \$500k. (Cooper)
- Reduce by ½ since there are no restrooms. (Weaver)

WP 9-Hole/Swoope Maintenance Facility (\$800k)

- Add lightening shelter (DeCiccio)

Additional land park space (\$5M)

- Move to long-term. (Mayor)

Killarney Annexation (Fire Station)

- Put money in for building but not land. (Staff to provide cost) (Mayor)

Fire Training Facility (\$550k)

- Remove. Should be regional effort. (Cooper)

Charging Stations (\$100k)

- Remove. Private market will do it. (Cooper)

City Hall (\$12.5M)

- Reduce by \$5M. Use remaining amount for interior upgrades to city hall. (Use \$8M in CRA funds for a parking garage with retail component for the post office.) (Cooper)
- Reduce to \$2M for AC and energy saving improvements (Weaver)

Commissioner DeCiccio said she feels there needs to be a plan for staffing due to the vacancies which include consideration of increasing salaries.

Mayor Anderson readdressed and discussion was held on the following:

- Central Park Stage - no full consensus on budget and asked whether the city should \$1.3M until the design is complete. Mr. Knight said he was just notified that the design has been received with a budget is in the area of \$900k.
- Sufficiency of the infrastructure bill prep – suggested increasing the budget to \$750k for studies of roadway intersections, pedestrian bridges, and bike and mobility paths.
- Progress Point (\$3.5) – He feels it should be left at \$3.5M. Discussion followed on cost and consultant estimates. Commissioners Cooper, Sullivan and DeCiccio agreed. He suggested an additional \$1M. Need a healthy margin of error for self-managed work and added as placeholder for next discussion.
- Howell Branch – will add to list but will be funded by grants.

Commissioner Cooper suggested that staff take the \$16M page from ACi and change the numbers on that page so we can see how we got from that number to the current number.

3) Adjournment

The meeting adjourned at 5:58 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date August 25, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, August 11, 2021.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[081121rs.pdf](#)



City Commission Regular Meeting Minutes

August 11, 2021 at 3:30 p.m.

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

Present

Mayor Phil Anderson
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Dan Langley
City Clerk Rene Cranis

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:30 p.m.

2) Invocation

Reverend Shawn Garvey, First Congregational Church of Winter Park, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

4) Citizen Budget Comments

Tammy Kaleel, 1027 Main Street, Windermere, spoke on excess greenhouse gas emissions and urged the commission to make reduction of emissions a top priority in the upcoming budget and for the future.

Jeanne Wall, 2110 Lake Drive, encouraged the commission to budget funds to bring back biology and lakes experts to lead and manage the lakes division to protect and preserve Winter Park lakes.

5) Mayor's Report

Mayor Anderson spoke on work sessions and discussions on strategic planning and projects and commended the commissioners for their courage in their representation of Winter Park citizens and thanked staff for their assistance.

6) City Manager's Report

a. Meet Your Department: Finance Department

Finance Director Wes Hamil showed a video and gave a presentation on the finance and utility bill divisions and provided details on the city's utility customer base.

b. Fire Department Budget Presentation

Fire Chief Dan Hagedorn presented the Department's FY 2022 budget and highlighted response times for emergency and fire calls. He responded to questions regarding Lakemont station upgrades and the need for a fourth station and a training facility. If funding were available, he would like to renovate the Canton Avenue station since it is used 24/7 and is now almost 20 years old.

c. City Manager's Report

- Tropical Storm Fred - The City is prepared for potential impacts.
- ARPA funding - The City has received the agreement with an additional \$2.5M above what was anticipated.
- ARPA non-profit grant program - The city received 18 applications totaling \$427,500. Staff will screen applicants to ensure compliance with the guidelines and will present to the commission for approval.
- Commissioners budget worksheets are due on Friday.

d. CIP Report

- Stormwater Improvements – Staff will clarify that the 9th Grade Center pond is not in the CRA.
- New York Avenue Streetscape – Additional funds approved by the CRA Advisory Board is on the strategic planning worksheet in the CRA-funded section.
- Post Office Acquisition – Revise to clarify that the Mayor and the City Manager are working jointly on the acquisition.
- Ad Hoc Committee for Broadband – Commissioner Cooper said her appointment is Wes Naylor. This will be on an upcoming agenda for full board appointments.
- Orange County Legislative Delegation meeting on 8/30 at 9:30 - Commissioner Cooper asked whether a representative is going to speak and on what city priorities. Mayor Anderson suggested placing this on the next agenda.
- Request from Planning and Zoning Board for a joint work session. Consensus was to schedule a work session for the evening of August 17th depending on availability of P&Z Board members.
- Staff shortages discussion – Mr. Knight stated requests for budget items need to be placed on commissioner's budget worksheet.

7) City Attorney's Report

Attorney Langley advised that Demetree Global has changed attorneys in the litigation relating to the OAO.

Commissioner Cooper asked for the process to reconsider a motion that she made and passed unanimously in the August 11th meeting relating to the Notice to Dispose of city property. Mr. Langley advised that she could, under her commissioner report, make a motion to reconsider the item.

8) Non-Action Items

a. Financial Report for the Nine Months Ended June 30, 2021

Wes Hamil, Director of Finance, presented this report and responded to questions.

Mayor Anderson declared a recess at 5:06 and reconvened the meeting at 5:19 p.m.

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

10) Consent Agenda

- a. Approve the minutes of regular meeting, July 14, 2021 (Removed by Mayor Anderson)
- b. Approve the minutes of the work session, July 27, 2021
- c. Approve the minutes of the regular meeting, July 28, 2021 (Removed by Mayor Anderson)
- d. Approve the following piggyback contracts
 1. DataProse, LLC - City of Boca Raton Contract #2016-023 - Utility Bill Printing and Distribution Services; Amount: \$275,000.00 for services on an as-needed basis during the term of the Agreement.
 2. Electric Supply of Tampa, Inc. - Orlando Utilities Commission (OUC)/Kissimmee Utility Authority (KUA) Contract #RFP-21-4979-OQ - Wire and Cable; Amount: \$800,000.00 for goods on an as-needed basis during the term of the Agreement through 6/14/2024.
 3. Nidy Sports Construction - NCPA Contract #08-20 – Athletic Surfacing & Asphalt Maintenance; Amount: \$150,000 for services on an as-needed basis during the term of the Agreement.
- e. Approval of the following contracts
 1. Dix.Hite and Partners - RFQ14-17 - Professional Landscape Architectural Services; Amount: \$150,000.00 for services on an as needed basis during the term of the Agreement.
 2. Kimley-Horn and Associates, Inc. - RFQ15-17 – Professional Roadway Design Services; Amount: \$100,000.00 for services on an as needed basis during the term of the Agreement.

Mayor Anderson asked to remove Items a and c.

Motion made by Mayor Anderson to approve Consent Agenda Items b, d and e; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Item c: Mayor Anderson asked for clarification on the motion regarding the NOD on Page 7. It was clarified that the building height was not a part of the motion. Commissioner Weaver suggested a grammatical correction revising the 7th guideline of the motion on Page 7 to read "including 45% and no C-2," accepted by Commissioner Cooper as maker of the motion.

Motion made by Mayor Anderson to approve Item c (with the grammatical correction); seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the minutes of July 14, Lake Killarney Advisory Board Discussion on Page 4, changing "reinstating" to "creating"; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to add a sentence "It was acknowledged that a separate Lake Killarney lakes board was specifically authorized in the annexation process." Seconded by Commissioner Weaver.

Motion made by Mayor Anderson to amend the minutes revising his comments at the bottom of Page 7 to read "...look at ways the Winter Park Lake Killarney board and the Orange County Board could co-exist..." seconded by Commissioner Weaver.

Motion made by Mayor Anderson to amend Commissioner DeCiccio's comments on Page 9 to reflect that the commission supports adding Winter Park Institute to the list for organizational support with the understanding there would be no increase in the overall organizational support budget; seconded by Commissioner DeCiccio.

Motion to approve the amendments to Consent Agenda Item a carried unanimously with a 5-0 vote.

11) Action Items Requiring Discussion

a. Rollins College request for improvements to softball stadium

Mr. Knight advised that Rollins has revised their plan to replace the lost parking spaces due to the new building with on-street parking on Harper. Rollins College Director of Facilities Services Jeremy Williamson and Softball Coach Michelle Frew presented the revised plans showing the location of the on-street parking and responded to questions.

Cathleen Daus, Assistant Director of Parks and Recreation noted that there will be no impact to existing trees but will have the Forestry Division analyze the area.

Motion made by Commissioner Cooper to approve proposed plan with the parking spaces with the understanding that a lease agreement acceptable to both parties be presented to the City Commission prior to Certificate of Occupancy, seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

b. COVID safety measures for employees

M. Knight advised that the employee incentive program has been implemented with over 170 employees fully vaccinated thus far including seven who were vaccinated since the incentive started. Staff has been reviewing mandatory testing including whether employees must be paid for their time getting tested and in-house testing where the city would bear the costs of the tests and the time for the person conducting the test. Staff believes there is a benefit in protecting employees by requiring non-vaccinated employees to wear a N-95 level mask (purchased by the city) while at work.

Mayor Anderson suggested beginning mandatory testing after the deadline of incentive program (September 15).

Commissioner DeCiccio suggested that members of the commission share the city's releases via to their e-mail subscribers.

Commissioner Weaver expressed his concern about the N-95 mask and delaying employee use. He said he feels enforcement would be burdensome. Mr. Knight said that the enforcing masks would be less burdensome than testing but masks could be mandatory.

Commissioner Sullivan said he feels mandatory vaccinations, which is more effective but almost punitive, is an ideal alternative. He asked about weekly testing. Mr. Knight said if the city requires testing, the issue becomes whether the employee's time for the test is compensable under the Fair Labor Standards Act. The city would bear the cost of the rapid response testing conducted by qualified city staff.

After discussion, Commissioner Sullivan said he would defer to city manager to determine who provides the testing and reserving the option for mandatory vaccinations depending on COVID cases.

Commissioner Cooper said she has no hesitation in mandatory vaccinations. As a service organization, staff interacts with the public and this is a public safety issue. She is not willing to wait too much longer to move toward mandatory vaccinations.

Mayor Anderson supported mandatory masks now and beginning testing which is not a substitute for vaccinations. He supported mandatory testing starting September 20th (after completion of the incentive program) and making N-95 masks available now.

Commissioner Weaver supported mandatory vaccinations as a matter of public health and safety and continuation of city services.

Mayor Anderson spoke on the potential risk of exodus of skilled labor which affects service delivery and said he is more comfortable moving to mandatory vaccinations incrementally. Commissioner DeCiccio agreed.

Commissioner Sullivan suggested setting a trigger to move to mandatory vaccinations such as setting a number of COVID cases.

Discussion followed current cases, hospitalizations, percentage of vaccinated employees testing positive, exemptions from receiving the vaccination and availability of information due to confidentiality.

Mayor Anderson said he feels an emergency meeting could be triggered at some level of percentage of vaccinated employees. Commissioner Sullivan suggested 65% with exemptions.

Commissioner Cooper said another layer could be taking temperatures at the door. She suggested meeting with other agencies

Motion made by Mayor Anderson to approve staff's recommendation with the addition of providing N-95 masks and to set a 65% target for employee voluntary vaccinations by September 15 and if threshold is not met, a two-day notice special meeting will be held to consider policy; seconded by Commissioner Weaver.

Charlie Williams, 2021 Temple, said he thinks the key is solving for the health and well-being of employees not the problems with those who do not want to get vaccinated. He suggested that a hard vaccination policy would draw applicants to the city due the protection of employees.

Sally Flynn, 1400 Highland Road, said she believes the only way to slow this down is vaccination and supported mandatory vaccinations.

There were no additional public comments.

Commissioner Cooper asked the city attorney to research and provide the legal exposure of mandating employee vaccinations.

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

c. Continuation of Discussion of Progress Point & Potential RFP

Mayor Anderson provided the history of the work on the OAO, studies, funding and designs.

Bronce Stephenson, Director of Planning and Transportation, gave a presentation on the OAO history, prior development proposals of Progress Point and its role in the success of the OAO. The request before the Commission is to define uses for the site and the boundaries of the RFP area, suggest a maximum square footage and number of parking spaces, and create potential scenarios for analysis and comparison. He presented several concepts with different FAR, height, uses and parking requirements and outlined staff recommendations for the RFP.

Mayor Anderson declared a recess at 7:18 and reconvened the meeting at 7:29 p.m.

Mayor Anderson provided the framework for discussion including what is wanted on the site and what is the city's role in public parking. He asked for the weekend parking needs. Mr. Stephenson stated that requirements drop by 30% due to closure of offices and discussion followed on parking needs and need to include park user needs.

Mayor Anderson said the RFP could include options for a full park/green space or limited buildings with more park land. He stated the maximum building size could be 14,000 s.f. with up to two floors and combined parking of 175 spaces.

Commissioner Weaver outlined his concerns regarding access the paved parking area. He showed his modifications eliminating the driveway at Cypress, adding additional park land and swales which may require a bridge across swales from bike path. Discussion followed on ingress/egress and elimination of curb cuts on Orange Avenue,

Commissioner Cooper said she believes that any development needs to be limited based upon realistic market parking needs. She feels that a parking structure will be needed in the future. She reviewed her proposed phased approach which will create organic growth and would best benefit the area. She identified items she feels need to be addressed: maximum square footage, stormwater location, property uses, Trovillion Corner, bike path location, expanded surface lot spaces, ingress/egress, curb cuts on Orange Avenue and Lynx bus stops.

Mayor Anderson reviewed the decisions made: realignment of Palmetto, bike Path on the north (park) side of the road, move ahead with construction of the road, park area and general site prep work, remove interactive fountain, brick Palmetto, create bus stop in current parking area, and repave and modify existing parking area to the south of site.

Sarah Walter, Transportation Manager, addressed access to the parking area and said it is important to have secondary access from Palmetto and that internal circulation be maintained.

Troy Attaway, Director of Public Works, spoke on swales and requirements for water treatment and stormwater retention and stressed staff's preference for an above-ground swale which is less expensive and easier to maintain.

Commissioner Sullivan said another option is having no buildings on the site. He suggested looking at a parking garage and buildings in the future, not at this point. He suggested delaying the RFP for two or three years to study activation of the park and then phase in development.

Commissioner DeCiccio said she feels organic development will occur at Progress Point and said she feels something is needed to activate the park and rejuvenate the area.

Mayor Anderson said he feels the city should not delay or take a phased approach as he feels it will not deliver a world-class park extension.

Charlie Williams, 2021 Temple Drive, said he feels the city should pay attention to natural environment and feels proposed uses should be green and sustainable. He suggested a phased approach by activating Orange Avenue and allow the park to respond to that and let business investment come forward before issuing a RFP.

Beth Hall, 516 Sylvan Drive, spoke in support of a phased approach and a passive park which activates the corridor.

Sally Flynn, 1400 Highland Road, pleaded for park space and urged the commission not to issue a RFP.

Michael Perleman, 1010 Greentree Drive, urged the commission to consider the point of Progress Point, whether it is going to be greenspace or commercial development that uses the park, and to think about larger greenspace that will be an entrance point to the city.

Forest Michael, 358 W. Comstock Avenue, suggested that the city consider retaining a landscape architect and engineering team to work out details of the park before releasing a RFP. He spoke on his plan for Progress Point, available grant programs and the importance of economic, social and environmental sustainability.

Julie von Weller, Williams Drive, urged the Commission to make Progress Point an active park designed to be inviting, engaging and safe. She suggested the need for compromise by blending a new public park and commercial use in a new way.

Danielle Payne, 1180 Woodmere Drive, supported the development of Progress Point but wants it to be safe and expressed concern about the vagrant population and safety.

Bonnie Ferguson, 700 Melrose Avenue, spoke in support of adding more park land but in phases.

Mayor Anderson said he believes there is not support to move forward with the RFP but suggested establishing the maximum FAR for this parcel of .09, which is 14,000 s.f. and having an interim plan for the parking lot.

Commissioner Weaver suggested relocating the bike path away from Palmetto and going over swales via a 12-foot wide boardwalk with a pollinator garden both sides. He suggested moving forward with what has been agreed to thus far – repave the existing lot, relocate Palmetto, and plant trees, install sidewalks and fountain and the critical path is to make sure the site is prepped for tree planting. He proposed leaving 10,500 s.f. along Orange Avenue grassed for now.

The commission discussed at length options for development of the park and consensus was reached on the following measures in the absence of a RFP: realign Palmetto, create a 1.5-acre park, repave the parking lot and create a bike path on the north side of the swale area (park side)

Commissioner Cooper said she feels the parking lot needs to appear to be part of the park and complies with existing parking lot code is surrounded by trees and includes a promenade.

Mayor Anderson said he feels that staff should to develop alternative plan that is a holding pattern for the next two to four years for review and approval by the commission.

Commissioner Cooper said the plan needs to include the top six things residents requested in the survey: well-lit, free parking, well-maintained, restrooms, trees, paths and safe.

Mayor Anderson questioned the number of parking spaces required. After discussion, consensus was to set minimum of 120 spaces to meet the current demand.

Commissioner Cooper spoke on the city's commitment to Trovillion Trust to keep parking. Mr. Stephenson said staff will review with the city attorney.

Mayor Anderson noted there are minor nuances that need to be approved along with a budget. Mr. Stephenson stated staff will work with teams to bring back estimates and will add to the LandDesign scope of work. Consensus was to move forward with a full park plan that has a potential for a RFP at a later time.

12) Public Hearings

- a. Ordinance proposing Charter Amendments for March 2022 ballot

Consensus was to table this to August 25, 2021.

13) City Commission Reports

Commissioner DeCiccio

- Commented on the poor condition of the playground equipment in the park by the tree farm and asked to include the cost to repair/renovate this playground on the list for ARPA funding. Consensus was for staff to bring back specific plans and budget. Commissioner Cooper asked that staff research to find out the reasons for the deterioration of the playground.
- Asked to allocate \$25,000 of ARPA funds to support a request from Sarah Grafton to help fund a holiday Park Avenue production. Assistant City Manager Michelle del Valle advised that the city has retained a designer to create a decorating plan who will be presenting plans to the commission. Commissioner Cooper stated she is uncomfortable with approving items under Commission reports and feels the process should be followed. Mr. Knight said he would prefer that requests be submitted as part of the budget process but could be submitted via commission budget worksheets.
- Said she has received comments from the public expressing frustration with having to remain on the telephone or online until an agenda item is addressed. She asked staff to look at the feasibility of sending a text message to the public when an item is addressed.
- Commented on the Federal infrastructure bill and said once the studies are complete on projects on the strategic plan list, the city could submit applications for funding.

Commissioner Cooper

- Addressed the Notice of Disposition for the Swoope Avenue property which was approved in the August 11th meeting. **Motion made by Commissioner Cooper to reconsider approval of the NOD; seconded by Commissioner Weaver.** She said she learned of the availability of the AT&T parking lot on New York which may be an acceptable resolution for the relocation of the retail portion of the post office. **Motion carried unanimously with a 5-0 vote.**
- Suggested that commission appointments to the OAO Appearance Review Committee be made at the next meeting so the P&Z Board has an opportunity to look together at the design standards. Mr. Langley said he would like to review the OAO ordinance regarding the board before appointments are made.
- Asked staff to provide the schedule and tasks for mobility or transportation fee.

- Stated that the Orange County Legislative Delegation meeting is August 30th and asked who will be participation which requires registration. Mayor Anderson will speak with Mr. Knight. (To be placed on the next meeting agenda.)

Mayor Anderson

- Asked for board mission statements in order to understand boards' functions and to provide guidance from the Commission.

14) Summary of Meeting Actions

- Approved Consent Agenda (with amendment to minutes)
- Approved Rollins College clubhouse for women's softball
- Approved mandatory COVID testing for non-vaccinated employees, make N-95 masks available and call a special meeting if 65% of employees are not vaccinated by September 15th.
- Asked staff to bring back a revised plan for Progress Point incorporating the concepts generally agreed to by the Commission.
- Tabled the ordinance on charter amendment.
- Asked staff to propose improvements to the Housing Authority playground.
- Look at ways to send text alert to the public when an item will be heard during meetings.
- Put NOD for Swoope Avenue on the next agenda.
- Provide the mobility fee schedule.
- Provide city board mission statements.

15) Adjournment

The meeting adjourned at 10:28 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis, CMC



City Commission agenda item

item type Consent Agenda	meeting date August 25, 2021
prepared by Michael Hall	approved by Jennifer Maier, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following piggyback contracts

item list

1. Danus Utilities, Inc. - City of Clermont Contract #RFP2017-40 - Lift Station Rehabilitation Services; Amount: \$500,000.00 for services on an as-needed basis during the term of the agreement.
2. HP, Inc. - State of Minnesota/NASPO Contract #MNNVP-133 - Computer Equipment, Peripherals & Services; Amount: \$300,000.00 for services on an as-needed basis during the term of the agreement.

motion / recommendation

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

background

1-2: A formal solicitation process was conducted by the originating agency to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission **agenda item**

item type Consent Agenda	meeting date August 25, 2021
prepared by Michael Hall	approved by Jennifer Maier, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following contract

item list

1. Howard Industries, Inc. - IFB-8-2020 - Single-Phase Transformers; Amount: \$200,000.00 for goods on an as needed basis during the term of the Agreement.

motion / recommendation

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

background

1: A formal solicitation process was conducted by the Procurement Division to award this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budget.



City Commission agenda item

item type Action Items Requiring Discussion	meeting date August 25, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Commission appointment to the Winter Park Police Officers' Pension Board

motion / recommendation

background

Due to the transfer of Stockton Reeves to the Civil Service Board, the Commission must make an appointment to fill the vacancy. The appointee's term will end in 2022.

alternatives / other considerations

fiscal impact



City Commission agenda item

item type Action Items Requiring Discussion	meeting date August 25, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Appointment to Civil Service Board.

motion / recommendation

Confirm appointment of Stock Reeves to the Civil Service Board.

background

In the August 11th meeting, Commissioner Weaver appointed Stockton Reeves to the Civil Service Board. However, City Code requires that commission appointments shall be appointed by majority vote of the City Commission.

As a result, the commission should confirm Stockton Reeve's appointment to the Civil Service Board or appoint another by majority vote.

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date August 25, 2021
prepared by Peter Moore	approved by Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Review of Reallocated Strategic Capital Plan

motion / recommendation

Approve the allocations based on previous Commission comment.

background

The City Commission has been working towards a Strategic Capital Plan and this latest attached update highlights revisions made by staff and the Mayor based upon Commission conversation from the last meeting. The short-term funding gap in the first 5 years of the plan has been greatly reduced and any changes in the plan were highlighted in purple with a "notes" column added. There is now an outstanding short-term unfunded need of just over \$6 million. Commission discussion will focus on the unfunded and changed portions of the plan to reach consensus.

Settling of plan priorities will help to determine the use and timing of ARPA funding that will soon be available to the city. In some cases, funding decisions may influence the proposed FY22 budget. Not all funding allocations must be set in stone. As this discussion matures and priorities are determined over time, the budget can be amended at will by the Commission.

alternatives / other considerations

fiscal impact

The city will receive over \$15 million in ARPA funds to address revenue shortfalls, pandemic response, and to invest in the city. This offers a singular opportunity to make significant investments in Winter Park.

ATTACHMENTS:

[DRAFT- Non-Recurring Prioritized Project List 8-19-21 - revised for Commission v2.pdf](#)

STRATEGIC PLANNING FOR NON-RECURRING PROJECTS

Next 5 Year Overview "Big Picture"

5 Year Plan- Costs	\$ 64,536,000
Funding Identified	\$ 57,903,000
Unfunded in 5 Years	\$ 6,633,000
Uncommitted Fund Balances	\$ 8,348,151
Surplus/Deficit Over Short Term	\$ 1,715,151

"Can Fund Balances in various sources be applied to close the funding gaps?"

Future Funds Available 2027-2047 For "Non-Recurring" Projects

CRA "Reversion" back into the General Fund	\$ 37,308,000
General Fund	\$ 17,500,000
Potential Bond Referendum- City Hall	\$ 2,000,000
Parks Acquisition and Maintenance Fund	\$ 2,000,000
Total	\$ 58,808,000
Long Term Project Costs	\$ 62,384,000
Surplus/Deficit Over Long Term	\$ (3,576,000)

Options to Closing the Gap & Next Steps

- **Put off some projects until after 5 years (e.g. Move "unfunded" projects to 2027-2047)**
- **Reduce the Cost of the Project**
 - **Simplify/Change Scope**
 - **Eliminate "Over the Top" elements**
 - **Add Phasing**
- **Find More Money (e.g. Borrow, Capital Campaign, Lease to Developer, Grants, State/Federal)**
 - **Non-Profit Capital Campaign**
 - **Grants from State or Federal Government**
 - **Lease or Partner with a User/Developer**
 - **Borrow Funds**
- **Next Actions - Address a Series of Questions**
 - **Can/should surplus be used or allocated now?**
 - Can CRA funds be utilized for unfunded projects?**
 - Can CRA funds be utilized instead of ARPA funds?**
 - Can ARPA funds be used for unfunded projects?**
 - **Any Projects or Priorities Missing at this Time?**
 - **Is there Consensus on the Line Item Allocations so Staff can Develop the Scopes?**
 - **Are there any projects or scopes now that are ready for authorization into the budget at this time?**

<u>Major Projects (Central Park, Progress Point, MLK, Other Parks, Old Library)</u>	<u>Total Project Costs</u>	<u>5 Year Plan- Costs</u>	<u>Unfunded in 5 Years</u>	<u>6-25 Year Plan- Costs</u>
<u>1 Central Park/Post Office Expansion</u>	15,000,000	8,525,000	0	6,475,000
<u>2 Progress Point Park and Parking</u>	4,900,000	4,900,000	0	0
<u>3 MLK Park (Excl Sports Fields)</u>	7,700,000	4,700,000	0	3,000,000
<u>4 Other Parks and Land (Swope/Golf Course, Mead, Tree Farm, W:</u>	20,748,090	10,253,090	800,000	10,495,000
<u>5 Old Library</u>	7,800,000	300,000	0	7,500,000

	<u>Total Project Costs</u>	<u>5 Year Plan- Costs</u>	<u>Unfunded in 5 Years</u>	<u>6-25 Year Plan- Costs</u>
<u>6-8 Traffic, Parking and Fairbanks Ave</u>	51,510,348	21,571,348	5,250,000	29,939,000
<u>9 Programs and Operations, Small Projects</u>	5,979,000	5,979,000	350,000	0
<u>10 Internet- Broadband, Smart Cities</u>	2,212,000	2,212,000	0	0
<u>11-12 Other Capital and New Library</u>	9,070,920	6,095,920	233,000	2,975,000
<u>13 City Hall</u>	2,000,000	0	0	2,000,000

"Non-Recurring" Project Priorities				
	Total Project Costs	5 Year Plan-Costs	Unfunded in 5 Years	6-25 Year Plan-Costs
Non-Recurring Project Funding (Excluding FDOT and Utility Funds)				
Total 5 Year Available		66,251,509		58,808,848
Committed		(57,903,358)		(62,384,000)
Balance Available		8,348,151		(3,575,152)
Subtotal- Non-Recurring Costs (Excluding FDOT, Utility Funds)	126,920,358	64,536,358	6,633,000	62,384,000
Traffic, Multi-Modal and Calming Priorities (Excluding FDOT Funded Projects)				
Misc Traffic Projects				
"Top 6" New York Streetscape	1,061,120	1,061,120	0	0
"Top 6" Neighborhood Traffic Calming	500,000	500,000	0	0
"Top 6" Bike and Mobility Plan Implementation (Excluding Progress Point to Mead)	1,000,000	1,000,000	1,000,000	0
"Top 6" Infrastructure Bill Prep- Conceptual Design and Studies-(for example: Lakemont, Aloma, Glenridge)	750,000	750,000	750,000	0
Traffic Enhancements	2,000,000	750,000	0	1,250,000
Pedestrian/Bike Bridge/Tunnel alongside SunRail at north 17-92 or Morse Blvd at 17-92	1,000,000	1,000,000	1,000,000	0
Fairbanks Denning Traffic Improvements -Pedestrian Crossing	1,000,000	0	0	1,000,000
Ravaudage Roadway Improvements	400,000	400,000	0	0
Hannibal Sq Connectivity	200,000	200,000	0	0
Trees and ROW for 17/92 Project	5,185,228	5,185,228	0	0
Downtown Circulator	450,000	0	0	450,000
Large-Scale Re-bricking Projects (Glenridge, Penn, etc)	500,000	500,000	500,000	0
Failing Intersections: "E,F" (See Also FDOT Projects)				
Const - <u>North/South Intersection</u> Denning at Fairbanks- See also MLK Park	1,000,000	1,000,000	1,000,000	0
Fairbanks /Orange Ave/Pennsylvania at RR track - "Quick Solve" lane reduction	50,000	50,000	0	0
Aloma (426) at Lakemont	3,000,000	0	0	3,000,000
Note: FDOT Funded Projects are not included. Over \$15 million of projects on Fairbanks, 17-92 and Orange Ave are underway				
Other Intersections: "C,D"				
"Top 6" Orange Avenue Traffic Improvements (See also Intersection, below)	1,000,000	1,000,000	1,000,000	0
Orange/Denning/Minn-Roundabout? (EB is "F"), see also Traffic Improvements on Orange Ave, Above	4,000,000	0	0	4,000,000
Lakemont Ave "Complete Streets"	8,000,000	0	0	8,000,000
Glenridge Intersection	1,239,000	0	0	1,239,000
East/West Intersection Denning at Fairbanks- See MLK Park	3,000,000	0	0	3,000,000
Westbound Morse onto 17-92	4,000,000	0	0	4,000,000
7.0 Parking Expansion				
CRA-Comstock at MLK Parking Project Carryover 2021	175,000	175,000	0	0
Parking Garages (expand for detail)	8,000,000	8,000,000	0	0
8.0 Fairbanks/Lee Rd Improvement				
Ravaudage/Killarney Annexation - Fire Station	4,000,000	0	0	4,000,000
Park Land and Parking	0	0	0	0
9.0 "Smart City" -Fiber/Broadband Future Phases				
Public Wifi	250,000	250,000	0	0
Phase 1 Connect Facilities with Fiber	962,000	962,000	0	0
Phase 2 Smart City	0	0	0	0
"Top 6" Phase 2 Smart City - Traffic Signal Upgrades and Master Plan	1,000,000	1,000,000	0	0
Phase 3 - Fiber to the Home- WP Elec Customers	0	0	0	0
Phase 4 - Fiber to the Home- Duke Power& OUC Customers	0	0	0	0

5 YEAR PLAN FY 2022/2026					
CRA- Thru 2027	Amercan Recovery Act	General Funds- CIP Plan 22/26	Parks Acquisition Fund	Other Misc Funded Sources	Borrowed Funds/Sale of Assets
35,534,605	15,438,814	6,953,090	2,200,000	6,125,000	0
(28,509,268)	(14,316,000)	(6,953,090)	(2,000,000)	(6,125,000)	0
7,025,337	1,122,814	0	200,000	0	0

Added \$250k based on CC comments
Revised to \$750k in near term funding from ARPA funding.
Renamed to include an alternative pedestrian bridge location.

Suggested improvement fund.

Moved to long-term based on Commission conversation

Moved to long-term based on Commission conversation
Moved to long-term based on Commission conversation
Moved to long-term based on Commission conversation
Moved to long-term based on Commission conversation
Moved to long-term based on Commission conversation

Added funding placeholder for potential land and station costs

"Non-Recurring" Project Priorities					5 YEAR PLAN FY 2022/2026						
		Total Project Costs	5 Year Plan- Costs	Unfunded in 5 Years	6-25 Year Plan- Costs						Notes
Non-Recurring Project Funding (Excluding FDOT and Utility Funds)											
	Total 5 Year Available		66,251,509		58,808,848						
	Committed		(57,903,358)		(62,384,000)						
	Balance Available		8,348,151		(3,575,152)						
Subtotal- Non-Recurring Costs (Excluding FDOT, Utility Funds)											
		126,920,358	64,536,358	6,633,000	62,384,000						
10.1	General Fund - Programs and Operations										
	Offset Revenue Losses & Covid Expenses Yr1 (was \$800k)	1,300,000	1,300,000	0	0	1,300,000					Added funding to reflect increased budget requests and covid spending
	Offset Revenue Losses & Covid Expenses Yr2	500,000	500,000	0	0	500,000					Added funding for future year revenue recovery and covid response
	2016 Vision and Village Charm Character Design and Survey	100,000	100,000	0	0		100,000				
	Vaccine Incentive Programs	75,000	75,000	0	0	75,000					
10.2	Non-Profit Support										
	Library Operations- 18 months	600,000	600,000	0	0	600,000					
	Recurring Support Non-Profits	300,000	300,000	0	0	300,000					
	All Other Non-Profits	200,000	200,000	0	0	200,000					
	Library- See above		0								
	Mead Garden- See above		0								
10.3	Households and Small Businesses										
	Household and Small Business - American Recovery Act Allocation (\$7000 by Commission, specifics TBD)										
	Humanitarian Support	100,000	100,000	0	0	100,000					
	Utility Payment Assistance Program	100,000	100,000	0	0	100,000					
	Business Façade Program (One time In addition to "Recurring")	100,000	100,000	0	0	100,000					
	Business Recruitment Program	400,000	400,000	0	0	400,000					
	CRA Small Scale CIP Improvements- 5 yr CIP (Keep as "Recurring")	0	0	0	0						
	CRA Infrastructure Improvements- 5 yr CIP (Keep as "Recurring")	0	0	0	0						
10.4	Tourism, Travel and Hospitality										
	Central Park Stage (5 yr CIP had 500k in FY 24)	900,000	900,000	0	0	500,000	400,000				
	Downtown Restroom	350,000	350,000	350,000	0						
	Dredge Canal - Boat Tour	100,000	100,000	0	0		100,000				
	Other	200,000	200,000	0	0		200,000				
	Dinky Dock	154,000	154,000	0	0		154,000				
	Library & Event Center Signature Artwork	500,000	500,000	0	0		500,000				Moved \$500k here for art. Previously coupled with \$300k for furnishings.
11.0	Library										
	Ampitheater	750,000	750,000	0	0			750,000			
	Library Furnishings	300,000	300,000	0	0	300,000					Moved \$500k to tourism line for Library Art.
12.0	Other Capital Investments										
	City Hall Roof (Use Facility Maint Reserves)	0	0	0	0						
	Cyber-Security	500,000	500,000	0	0		500,000				
	CRA Stormwater Carryover from 2021	562,920	562,920	0	0	562,920					
	Station 61 Improvements (Canton)	800,000	0	0	800,000						
	Station 62 Improvements (Lakemont)	1,750,000	1,750,000	0	0			1,750,000			
	Station 64 Improvements (Howell Branch)	2,175,000	0	0	2,175,000						
	Fire Training Facility	550,000	550,000	0	0		550,000				
	Sustainability Program- Vehicles and Equipment	350,000	350,000	0	0		350,000				
	Charging Stations	100,000	100,000	0	0		100,000				Moved to ARPA funding
	Solar Farm/Awning	1,000,000	1,000,000	0	0			1,000,000			
	Accelerate Housing Authority Capex	233,000	233,000	233,000	0						
13.0	City Hall										
	City Hall- Reimagine/Replace	0	0	0	0						No near-term need outside of major reconstruction
	City Hall - Major Renovation	2,000,000	0	0	2,000,000						Funding to make major renovation improvements to City Hall.
Subtotal- Non-Recurring Costs (Excluding FDOT, Utility Funds)						28,509,268	14,316,000	6,953,090	2,000,000	6,125,000	0



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date August 25, 2021
prepared by Peter Moore	approved by Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Budget Discussion and Review Commissioner and Staff Budget Suggestions (Document revised 8.25.21 at 12:53 p.m.)

motion / recommendation

Adopt any revisions so that the budget may be amended in preparation for the ordinance readings in September.

background

Each year after the proposed budget is presented, staff highlights any specific changes and Commissioners submit suggested amendments for adoption into the budget. These are all placed into a matrix and reviewed at the August meeting to reach consensus on any changes to the FY22 budget prior to preparing the ordinances and final advertisements for adoption at the two meetings in September.

At the top of the attachment, staff has submitted alterations and suggested changes based on new revenue or expense conditions that have occurred since the original presentation. These include:

- Revenue Adjustments based on receipt of state revenue estimates and property tax updates. As of 8/18/21 the state has yet to release any figures on Communications Services Tax and they have not provided any updates to the other initial estimates first provided in early July. Currently these revenue adjustments would result in a negative impact of about \$222k to the currently proposed budget.
- Staff has also included \$138k in potential changes to cover the hire of a federal lobbyist that was approved by the Commission, and a maintenance position to assist with the new Library and Events Center facility.

These adjustments add up to \$360k and could be supported by ARPA. It is also possible that any revisions to state revenue estimates could alter this significantly.

The City Commissioners have each submitted suggestions for consideration by the Commission and staff has provided comment on the impact and possible ways that these requests could be accommodated. In past years, staff will walk through each line item request and see where there is a majority consensus. If there are at least 3 members in support, it will be considered part of the revised budget where applicable.

This is the first year that federal ARPA funds are available and the City Commission is concurrently going through a strategic capital planning process that makes use of these funds. In some instances, Commission comments may be relevant to adjustments to that strategic planning process but would not impact the immediate FY22 budget. Any agreement by the Commission on suggestions that effect that planning process and not the budget, will be deemed amendments to the strategic capital plan. Staff will work to identify which items would require formal incorporation into the budget and will recap all discussion at the end to make sure that consensus is understood. With over 40 suggestions in the matrix, staff will work to spend no more than a couple minutes on each item. In some instances, there are duplicates where Commissioners have submitted similar requests. These will be bundled together for the sake of time.

alternatives / other considerations

N/A

fiscal impact

The annual all funds budget is over \$170 million for the City of Winter Park.

ATTACHMENTS:

[Commission Suggestions Worksheet - 2022 - Draft Final 5.pdf](#)

City of Winter Park
2022 Proposed Budget
Recommendations from Commission

Submitter	Department/ Description	Recommendation	Fund (if known)	Financial Impact Decrease/(Increase)	Commissioner Comments	Operational Impact (to be completed by staff)
Staff	Municipal Revenue Sharing	Decrease	General Fund	\$ (91,843)	NA	Was originally \$1.32 million but was revised today to \$1.41 million which was an improvement over the previous state estimate.
Staff	Half-Cent Sales Tax	Decrease	General Fund	\$ 176,602	NA	Was originally \$4.37 million and was revised today to \$4.6 million which turned a former deficit vs. staff's original projection into a positive impact.
Staff	Local Option Gas Tax	Decrease	General Fund	\$ (93,270)	NA	No updates to local option have been received yet.
Staff	Communications Services Tax	Decrease	General Fund	\$ (4,157)	NA	Communications Services Taxes were released on 8/17/21 and match staff estimates.
Staff	Property Taxes	Increase	General Fund	\$ 100,000	NA	The Property Tax Appraiser sent revised estimates that raises the expected growth from about 4% to 5%, or a revenue increase of \$188k. This will help offset the current deficit based on lower than expected state revenue estimates. This will also increase TIF revenue in the CRA (+\$137k) as both the City and County contribution will increase. The net benefit of \$100k to the General Fund accounts for this increased transfer cost to the CRA.
Staff	Federal Lobbyist	Increase	General Fund	\$ (78,000)	NA	The City Commission approved adding a federal lobbyist to the budget at an estimated \$6,500 a month or \$78k a year. Staff is suggesting that ARPA funds be utilized to support this cost in FY22 as this may not be a long-term need and could be supported from one-time funds.
Staff	Facilities Maintenance Specialist	Increase	General Fund	\$ (60,000)	NA	Additional position needed for serving the new Library/Events Center. Depending upon if/when state revenue estimates are released, this may be something that can be accommodated. Absent any better news on revenues, ARPA could be used for one year and then operating room would need to be found in subsequent budget years.
	Totals based on staff adjustments			\$ (50,668)		Overall, revenue revisions switched from being negative \$222k to now a positive \$87k. With the improved state estimates, most of the changes in this section can be implemented with limited impact on the budget. All of the above would be eligible uses of ARPA funds for the provision of government services to the extent of reduction in revenue. If ARPA funding is approved to cover all the above issues, staff would recommend adding to the \$800k already in the proposed budget to support the deficit.
City Commissioner Suggestions - please add below any suggested changes to the budget						
DeCiccio	17-92 Footbridge @ Morse Blvd (or near)	Increase	NA	\$ (2,000,000)	Thought is it could be incorporated into the 17-92 design update	The City Commission's strategic capital planning effort includes an unfunded \$1 million allocation towards pedestrian bridges with potential locations north on 17-92 near the RR bridge or at Morse Blvd. To the extent that this project could be completed by 2024, ARPA could be utilized as a funding source in long-term capital planning. The County also intends to move forward with the penny sales tax for transportation and that could be a potential future source. Metroplan could also be a potential funding partner as part of the 17-92 improvements. For any improvement made within the CRA district, CRA funds could also be utilized. It is staff's opinion that this will not change the proposed FY22 budget but should be a consideration in the strategic capital planning effort.
DeCiccio	MLK Park	Amend CIP	CRA	\$1.5 million in FY23 and \$1.5 million in FY24.	Move forward to finish the campus	The MLK Park improvements are planned to be funded by the CRA over FY23 and FY24 for a total of \$3 million.

Submitter	Department/ Description	Recommendation	Fund (if known)	Financial Impact Decrease/(Increase)	Commissioner Comments	Operational Impact (to be completed by staff)
DeCiccio	Lakes Division Director	Increase	Stormwater	\$ (150,000)		The Stormwater fund supports the care and maintenance of lakes in the budget. Staff is already proposing a 5% increase to stormwater rates to maintain capital spending at historical levels as revenue growth does not keep pace with inflation cost pressures. The Stormwater fund also does not have any capital reserve balance. To accommodate any additional ongoing operating cost, current and future capital spending would need to be reduced, or rates would need to be increased. To fund a new director position would cost \$150k annually or about a 4% increase to rates. Staff's suggestion is that the proposed 5% increase is approved this year to accommodate the Director position, and that ARPA funds be used to supplement capital work. Then in FY23, rates and ARPA funding support could be revisited.
DeCiccio	Staffing	No change	All Funds	\$ -	Money is allocated, city is actively working to attract employees	Nationally all employers are struggling to fill positions. The FY22 budget includes some overfill funding for emergency call takers and also fully funds all approved positions in the budget, which gives the city flexibility for other potential overfills.
DeCiccio	Design Studies for Transportation Improvements to Prepare for Infrastructure Funding	Increase	General Fund	\$ (150,000)	Federal infrastructure dollars may be available and the city needs to have transportation projects ready to go.	The strategic capital planning effort includes \$750k set aside for potential studies and designs that would make the city "shovel ready" in case there is an opportunity for Federal funds for infrastructure. If the Commission agrees to support this now, then staff would suggest increasing the ARPA funding allocation that supports the General Fund by this amount, and raising the Transporation budget to pay for the studies.
DeCiccio	Additional Parks Maintenance Employees (3)	Increase	General Fund	\$ (195,000)	Manage the workload and increased maintenance needs	Each Parks Service Worker position costs about \$65k annually. As the addition of any new General Fund employees would be an ongoing operational cost, reductions in other areas or use of contingency funding would need to cover this cost. The city has \$339k of contingency in its proposed budget, this would reduce contingency to \$144k, this would be below the policy limit of 0.5% but fully within the Commission's purview.
DeCiccio	Winter Park Institute	Increase	Designation Trust Funds	\$ (25,000)		The City Commission indicated interest in adding this organization to the list of supported non-profits that are funded from the 0.25% of gross revenues from the General, W&S, and Electric Funds. This is expected to generate \$350k in FY22. Currently all of the \$350k is allocated to existing non-profit partners. To add anyone to the list would require a reduction or removal of another organization(s) or increasing the policy limit on gross revenues used to support non-profits. ARPA funds can also be used to support non-profits, and a one-time contribution could be made as a stop-gap. In about 3 years funding for Dr. Philips support will end and that will free up space for additional non-profit support.
DeCiccio	Meadows Playground	Increase	ARPA	\$75,000 - \$90,000	Restore the playground to working quality condition.	The Parks Department is reviewing options and will come back with a price and recommendation. This would be an acceptable use of ARPA funds and can be made part of the budget at any time.
DeCiccio	Plymouth Apartments AC System	Increase	Affordable Housing Trust Fund	TBD \$200k+	The air conditioning system at the Plymouth Apartments will need to be replaced soon.	Staff will look into this with the Housing Authority and evaluate the system. The Affordable Housing Trust Fund may become an appropriate place for this expenditure once it's determined.

Submitter	Department/ Description	Recommendation	Fund (if known)	Financial Impact Decrease/(Increase)	Commissioner Comments	Operational Impact (to be completed by staff)
Sullivan	Public Works/Lakes	Increase	Stormwater	\$ (150,000)	Hire limnologist/biologist with expertise to manage lakes	The Stormwater fund supports the care and maintenance of lakes in the budget. Staff is already proposing a 5% increase to stormwater rates to maintain capital spending at historical levels as revenue growth does not keep pace with inflation cost pressures. The Stormwater fund also does not have any capital reserve balance. To accommodate any additional ongoing operating cost, current and future capital spending would need to be reduced, or rates would need to be increased. To fund a new director position would cost \$150k annually or about a 4% increase to rates. Staff's suggestion is that the proposed 5% increase is approved this year to accommodate the Director position, and that ARPA funds be used to supplement capital work. Then in FY23, rates and ARPA funding support could be revisited. (This same comment is also provided above in response to Commissioner DeCicco's Lakes Director request.)
Sullivan	Energy Audits all buildings	Increase	Electric	\$ (110,000)	Sustainability, energy audits, all City buildings. Rough estimate for City facilities sustainability audits, solar feasibility Also, see https://www.energy.gov/sites/default/files/2014/06/f16/T2_ICF_FS4_HowtoFinance_FINAL_052311.pdf . The City entered into this type of contract with Trane when the City Hall system was rebuilt.	An energy audit of all city facilities could be supported through the Electric Utility budget which has a contingency of over \$1 million. Staff would suggest raising the energy conservation support in the electric budget and reducing contingency to accommodate this request.
Sullivan	Library & Event Center Art	Decrease	ARPA	\$ 500,000	Reduce Events Center art purchases	The proposed ARPA funding allocation includes \$500k for art features at the Library and Events Center. It is questionable if ARPA funds can be used for public art based on Treasury Guidance, and staff would support reallocating these funds. This will effect available funding for other ARPA projects, it is not part of the FY22 proposed budget.
Sullivan	Planning and Transportation	Increase	General Fund	\$ (120,000)	Develop infrastructure plans for potential Federal Infrastructure funding.	The strategic capital planning effort includes \$750k set aside for potential studies and designs that would make the city "shovel ready" in case there is an opportunity for Federal funds for infrastructure. If the Commission agrees to support this now, then staff would suggest increasing the ARPA funding allocation that supports the General Fund by this amount, and raising the Transporation budget to pay for the studies.
Sullivan	Parks and Recreation	Increase	General Fund	\$ (100,000)	Accelerate electric landscape equipment purchase	The proposed ARPA allocation funding discussion includes \$350k for sustainability improvements which can be used for purchasing electric powered landscaping equipment. Staff would suggest making this part of the ARPA funds as opposed to trying to find additional reductions in the General Fund budget or utilizing contingency.
Anderson	Health Insurance- COVID Costs- Insurance implications				Report on Likely Premium/Insurance Cost Surge for Covid. Provide discounts for vaccinated and vaccine waivers. Is 500k sufficient for both inflation and /Covid?	Staff will work with our insurance carriers to determine best practice options and risks for dealing with covid related insurance costs.
Anderson	COVID Insurance Continued				For example, if 20% are unvaccinated as of Sept 30, what is the minimum and maximum likely range of hospitalizations and associated costs. Discounts to the 80% that are vaccinated/exempted would equal the expected costs.	

Submitter	Department/ Description	Recommendation	Fund (if known)	Financial Impact Decrease/(Increase)	Commissioner Comments	Operational Impact (to be completed by staff)
Anderson	Defer Reserve Increase for another year				Consider a "good year/bad year" policy based on property value and sales tax revenues.	The city currently has \$339k set aside in contingency in accordance with the current budget policy which is to have 0.5% of gross revenues allocated to reserves. These funds can be used throughout the year for any issue that arises or would accrue to fund balance if unused. If the Commission desires to amend the contingency policy to consider economic conditions, staff will work on a policy statement for adoption.
Anderson	Police, Fire, Lineman, Water Trades- Staffing Pattern and Overtime reduction				Increase standing position count to equal full staffing ratios, plus 1/4 of the anticipated turnover (e.g. assume 3 months replacement time on turnover). Should ultimately be budget neutral	All approved positions are fully funded in the budget assuming 100% occupancy. As regular turnover is part of any operational year, the budget does assume that the General Fund will naturally incur about \$315k in savings from unfilled positions. This number could be reduced but it would incur a budget impact that would require reduction of contingency or some other cut. Staff believes that somewhere within the \$300k - \$400k range for gapped positions is likely.
Anderson	Parks- Park Maintenance Personnel				Increase staffing to accommodate improved playing fields, MLK renovations and Progress Pointe Maintenance.	Each Parks Service Worker position costs about \$65k annually. As the addition of any new General Fund employees would be an ongoing operational cost, reductions in other areas or use of contingency funding would need to cover this cost. The city has \$339k of contingency in its proposed budget.
Anderson	Public Works- Roads- for FY 2022, modify asphalt road replacement target to add brick street leveling.				Need a performance standard for brick street resetting/leveling. OK to reduce the lane miles to accommodate brick maintenance	The expanded \$250k funding for road materials and improvements in the proposed budget also includes funding to expand brick road repairs. If large scale re-bricking's of major streets are desired, that would require additional funds and likely need to be supported as a formal capital project expenditure. In the short term it could be accommodated with ARPA funds, in the long-term it could be incorporated into the CIP.
Anderson	Benefits- review paid holiday policy to consider floating holidays				for example, Consider adding Juneteenth as a floating holiday	The city already provides a floating holiday annually to employees. Additional floating holidays could be considered and would have some impact on Police, Fire and Utility budgets.
Anderson	Other Revenue- Review and Advise on Orlando's Parks Impact Fee for FY 23 (not FY22)					Staff will look into this but there is no FY22 budget impact.
Anderson	Sunrail Subsidy- Continue to defer				Assume that legislators will find the "Dedicated Funding Source" as originally promised when Sunrail began	The sun rail allocation has been deferred in the FY22 budget. It may be required as early as FY23 but it may also be pending any resolution on the County's efforts to pass a penny sales tax for transportation.
Anderson	Water and Wastewater				Review Days Cash on Hand long term target.	Staff is working with UAB on this issue in light of the major regional capital projects that are likely to be required of the utility in the next few years.
Anderson	Natural Resources (Trees)				Consider Bringing some staff back in-house for savings and accountability	This would need to be examined and staff can perform a cost-benefit analysis and bring back a formal recommendation.
Anderson	Facilities Management				Consider Bringing some staff back in-house for savings and accountability	This would need to be examined and staff can perform a cost-benefit analysis and bring back a formal recommendation.
Anderson	Planning and Budgeting- Grant Pursuit				Add personnel to turn over all the stones to find and pursue grants. Should be budget neutral over 2 years	Staff can review the options of hiring or contracting grant writing assistance. Often grants require existing staff to provide all the information for any submittal regardless of who prepares it, however this would assist greatly in the actual search, preparation, and monitoring of grants.
Anderson	Personnel- Increase Recruitment Budget				Offset against vacant position assumptions and overtime assumptions	Staff will work on options for increasing visibility of open positions.
Weaver	2012 Caprice police cruiser (#1546)	Decrease	General Fund	\$ 45,000	Wait until next year and replace with EV police cruiser	Heavy equipment and vehicles are purchased through the Equipment Replacement Fund which is funded by contributions from all divisions based on the vehicle composition and useful life of that equipment. This provides the city with a budget smoothed fund to purchase needed equipment on an annual basis. The city has typically set aside about \$1.9 million annually to accommodate replacements, when the pandemic hit, this was reduced to \$1.3 million, and is the proposed amount in the FY22 budget. These reductions would provide savings in the amount reduced of about half to the General Fund, 30% to W&S, 11% to Stormwater, and 6% to Electric. Staff is hesitant to suggest further reductions to the fund as it is already reduced. The vehicles recommended for replacement comes from the Fleet Manager's review of vehicle condition and the Police Lakes boat is over 30 years old.
Weaver	2012 Caprice police cruiser (#1556)	Decrease	General Fund	\$ 45,000	Wait until next year and replace with EV police cruiser	
Weaver	Police Lakes Patrol Boat	Decrease	General Fund	\$ 45,000	Re-engine existing hull or wait until next year for total replacement	
Weaver	2009 Fire Dept Chevy Suburban (#2274)	Decrease	General Fund	\$ 75,000	Wait until next year and replace with Hybrid or Electric Vehicle	

Submitter	Department/ Description	Recommendation	Fund (if known)	Financial Impact Decrease/(Increase)	Commissioner Comments	Operational Impact (to be completed by staff)
Weaver	Communications Graphic Designer position	Decrease	General Fund	\$ 75,000	Contract these services on an as-needed basis	This position was frozen this year and is scheduled to be funded in FY22. Reduction of this position will reduce the city's ability to expand its graphic and social media content footprint.
Weaver	Progress Point redo	Decrease	Parks Acq Fund	\$ 600,000	Eliminate driveway off Palmetto etc	This would reduce the project cost and scope of the proposed Progress Point Park that is part of the strategic capital planning effort. As this project has not been finalized and approved this change will not effect the currently proposed FY22 budget.
Weaver	Public charging stations	Decrease	General Fund	\$ 100,000	Not needed	The strategic capital planning effort includes \$100k for charging stations with a currently proposed source of funding from ARPA. This can be removed if approved.
Weaver	EV charging stations for staff Evs	Increase	General Fund	\$ (20,000)	For Fleet Yard & Public Safety Bldg.	The strategic capital planning effort includes \$100k for charging stations, this could be utilized for this purchase when necessary.
Weaver	Director of Environmental Resources (Lakes, Forestry, Sustainability)	Increase	Stormwater fund (increase rates if necessary)	\$ (150,000)	Oversees Lakes, Urban Forestry & Sustainability staff & regulatory compliance for stormwater projects	The Stormwater fund supports the care and maintenance of lakes in the budget. Staff is already proposing a 5% increase to stormwater rates to maintain capital spending at historical levels as revenue growth does not keep pace with inflation cost pressures. The Stormwater fund also does not have any capital reserve balance. To accommodate any additional ongoing operating cost, current and future capital spending would need to be reduced, or rates would need to be increased. To fund a new director position would cost \$150k annually or about a 4% increase to rates. Staff's suggestion is that the proposed 5% increase is approved this year to accommodate the Director position, and that ARPA funds be used to supplement capital work. Then in FY23, rates and ARPA funding support could be revisited. (This same comment is also provided above in response to Commissioners DeCicco and Sullivan Lakes Director request.)
Weaver	City buildings & vehicles energy audit (partial)	Increase	Electric	\$ (30,000)	First installment of multi-year audit	Staff would suggest that the Electric Utility support energy audits. (See also the similar comment from Commissioner Sullivan)
Weaver	Incentive fund for battery-powered leaf blowers	Increase	Sustainability	\$ (10,000)	For commercial service incentives	The Electric utility has a line item for energy conservation support, this can be increased to accommodate this as the utility has an ample contingency.
Weaver	929-957 W Fairbanks property	Increase	\$2,400,000 CRA/\$600,000 PAF	\$ (3,000,000)	Needed to complete WFB turn lanes, MLK park expansion & stormwater access	This project is currently listed in the strategic capital planning effort. Parks acquisition and CRA funds are certainly eligible to be used for this however it would require amending the CRA CIP and pushing out currently adopted projects to be able to free up funding for the \$2.4 million required. Most of the CRA's estimated future project capacity is not available until the years closer to its sunset date.



City Commission agenda item

item type Action Items Requiring Discussion	meeting date August 25, 2021
prepared by Peter Moore	approved by Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship Investment in Public Assets & Infrastructure	

subject

Reconsideration of Notice to Dispose of the Swoope Property (631 N. New York Ave.).

motion / recommendation

Allow the previous approval to stand and issue the notice to dispose.

background

At the last Commission meeting on 8/11/2021 there was a majority in favor of reconsidering the issuance of the notice-to-dispose (NOD) of the city-owned Swoope property that had previously been approved on July 28th. At the July meeting, the City Commission made additions and refinements to the staff proposal and voted 5 - 0 in favor of releasing a NOD. A draft of the NOD based on the comments received has been attached, and if this process is deemed to go forward, it will be released for 30 days and allow any applicant with the ability to satisfy the requirements, to submit a proposal. This NOD is for the purpose of securing a Public-Private partnership in which a land swap for all or a portion of the city-owned site could be used to facilitate the needs of providing for a centralized Parks maintenance facility for the purpose of caring for the golf course, cemetery, Central Park and other parks in the downtown core. This would also allow the current maintenance facility to be converted into a columbarium and create a cemetery amenity and \$4 million revenue opportunity.

An NOD is non-binding and simply allows the City Commission to consider options available to them.

A proposed draft of the NOD is attached to this item. It is still in review and has not gone through legal revision yet.

alternatives / other considerations

Cancel the NOD and wait for further clarification.

fiscal impact

The long-term strategic capital planning underway, includes an unfunded \$800k needed to complete the facility. Securing a partnership as part of land swap may close that gap. There is also the \$4 million revenue potential to the cemetery trust fund if the current facility is repurposed.

ATTACHMENTS:

[631 N New York Avenue NOD draft 2.0 - Clean.pdf](#)



Notice of Intent to Dispose of Property at
631 North New York Avenue, Winter Park, Florida

The City of Winter Park, Florida, intends to dispose of its property referred to as the "Swoope property" or just "Property", more particularly described as:

That portion of the North ½ of vacated Swoope Avenue lying between the Northeasterly right-of-way of the Seaboard Coastline Railroad and the West right-of-way of New York Avenue, less the East 104 feet, according to the revised Map of the Town of Winter Park as recorded in Plat Book "A", Pages 67 through 72, of the Public Records of Orange County, Florida.

The property is under unified ownership by the City of Winter Park and is listed on the Orange County Property Appraiser's Office identified as: 631 N New York Ave (05-22-30-9400-06-101).

The location of the Swoope property is at the northwest corner of North New York Avenue less the first 120 feet north and 85 feet west of said corner, Winter Park, Florida 32789. A map is included in this document generally depicting the property and environs.

The Property is 43,490 square feet in size (0.998383 acres). The subject's acreage was based upon the land areas reflected on the Orange County Property Appraiser's records.

The intent of this notice is to request proposals for the anticipated redevelopment of a portion or the entire parcel including types of use, square footage, height, public amenities and development schedule. The City will only entertain a swap of the property, and will not consider sale. Land received in any swap must be adequate to support a 6,000 square foot one or two story maintenance warehouse and office facility, required parking, and storage areas that would allow for sufficient storage to consolidate and relocate city operations. Eligible respondents must swap the Swoope site for land that is adjacent to or convenient to the golf course to allow for easy access for maintenance. Any submittal must continue to support anytime city access to its utility pump house currently located on the site. The pump house cannot be relocated. Any receipt of swapped land that is less in total appraised value than the city's property must include financial consideration as compensation, the funds of which will be used towards completing a new centralized maintenance facility. This NOD does not in any way approve any potential future development or plan on the part of any proposer.

The entire property currently has a Future Land Use Designation of Institutional and is zoned PQP (Public/Quasi-Public). Interested respondents should consider requests for

alternative zoning entitlements. However, under no circumstances does this notice provide any legal binding or commitment with regard to zoning changes. This notice will not accept the following FLU designations: CBD or Institutional. This notice will not accept the following zoning designations: C-2 or PQP. Maximum floor area ratio for any proposal will be 45%. Proposals must be code compliant. For purposes of comparative evaluation the Swoope property will be appraised consistent with the intended use not as the current Institutional zoning.

At a minimum, the proposal should:

- Identify the property that is proposed to be swapped for the city owned site.
- Demonstrate how a maximum 6,000 SF one or two story maintenance warehouse could be accommodated on the property.
- Outline the proportion or amount of the Swoope site that the proposal desires in exchange.
- Describe how access to the pump house may be facilitated or guaranteed under any prospective redevelopment.
- Provide a conceptual idea or site plan of how the Swoope site might be redeveloped if it is swapped for another piece of property.

Sealed proposals, 1 (one) original and 5 (five) copies as well as an electronic copy on a USB of the proposal, shall be delivered to the Procurement Office, City Hall, 401 Park Avenue South, Winter Park, Florida 32789 on or before (date certain), or they will not be considered. It is the sole responsibility of the respondent to see that the company or individual's proposal is in the hands of the City, stamped and dated by personnel in the Procurement office before the due date and time indicated herein. Respondents should be familiar with all requirements and timelines prior to submitting a proposal.

This Notice of Disposal is NOT a bid. While costs to the city are an important factor in the selection, the City Commission will evaluate the proposals on all factors including the proposed use of the property to be swapped and the benefit of the proposed development to the city at large. The City reserves all discretion and the right to rank proposals, negotiate with proposers, and/or to reject all proposals. Respondents can register on VendorLink via the City's website or by accessing VendorLink's website at: <https://www.myvendorlink.com/common/register.aspx>

It is the respondent's responsibility to be sure that all information submitted is correct and complete and that the requirements for the proposal have been met. Failure to do so may cause the proposal to be rejected from consideration.

The City accepts no responsibility for any costs incurred during the preparing or presenting of the proposals. All proposals must be submitted in writing; no FAX or telephone proposals will be accepted. ALL PROPOSALS MUST BE MARKED ON THE OUTSIDE OF THE ENVELOPE WITH THE PROPOSAL NAME AND THE TIME AND DATE OF THE OPENING.

This is a draft, and has not been reviewed by legal. It is subject to change.

Parties interested in proposing for this property or any other persons on behalf of the proposers SHALL NOT contact any members of the City Commission as the City Commission members will not be inclined to discuss this matter prior to review and discussion at a public meeting. All requests for information must be directed to Jennifer Maier, City of Winter Park, Procurement Manager at procurement@cityofwinterpark.org.

This public notice complies with Florida Statutes Section 163.380. Further information is available in the Procurement Division at City Hall, who can be reached at the email address above. The notice of the City Commission's ultimate disposition of the subject real property to a specific party, and the terms and conditions of the disposition will be made at a duly noticed public meeting.

PUBLISH: _____ (Orlando Sentinel)

DRAFT



City Commission agenda item

item type Action Items Requiring Discussion	meeting date August 25, 2021
prepared by Randy Knight	approved by Randy Knight
board approval Completed	
strategic objective	

subject

Consideration of establishing a Lake Killarney Advisory Board.

motion / recommendation

Provide direction to staff on the establishment of a Lake Killarney Advisory Board.

background

On July 14, 2021 the Commission discussed the issue of establishing a Lake Killarney Advisory Board. This was considered at the request of a group of citizens. A copy of one of those requests is attached. At that meeting the Commission tabled the matter until staff developed a way for the County Lake Killarney Board and the requested city Lake Killarney Board to co-exist and to find distinctions and role for the new board.

Chapter 114 Article III of the Code of Ordinances was adopted by the Commission prior to the annexation of a portion of the properties surrounding Lake Killarney. This code calls for a seven person board appointed in accordance with Section 2.06 of city Charter. While the city attorney has opined that this ordinance was technically repealed by the adoption of the citizen board ordinance, Chapter 114 Article III was not removed from the code nor specifically referred to in that ordinance. It is fair to say, the commission did not knowing repeal Chapter 114 Article III establishing the Lake Killarney Advisory Board when they adopted the citizen board ordinance. A copy of this Article is attached.

The duties of the board are spelled out in Chapter 114 as follows:

The functions, powers and duties of the Lake Killarney Advisory Board shall be, in general, to:
To advise the city commission on all aspects of Lake Killarney and the interaction of that lake with water bodies outside the city. Inquire into the condition of Lake Killarney, including the clarity, cleanliness, the desirability or undesirability of vegetation and growth therein, the use of the lake, the alteration of their shorelines and canals, the level of waters therein and all other matters pertaining to Lake Killarney. Prepare and recommend to the city commission ordinances, regulations and other proposals promoting, protecting and enhancing Lake Killarney and the proper patrol, regulation, restoration and maintenance of the lake and boating-related activities

thereon. Recommend expenditures and revenues for the proper patrol, regulation, restoration and maintenance of Lake Killarney and for boating-related activities in the city. Such recommendations shall be submitted by the board to the city manager for necessary and appropriate action. Keep the city commission and the general public informed and advised as to these matters. Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of ordinances, regulations and other proposals relating to Lake Killarney. Perform such other duties as may be requested by the city commission.

The City Manager and staff met with County officials to discuss the current county Lakes Killarney Advisory Board and how a city appointed board might co-exist. The County committed to working with our board if one is appointed and city staff committed to continue to work with theirs. If a city board is appointed, staff would coordinate with the County to make the most productive use of both boards.

At the July 14th Commission Meeting the consideration was also given to adding two members to the current city Lakes and Waterways Board that would represent Lake Killarney. That option is also viable.

With either decision, staff recommends amending the citizen board ordinance to properly reflect either the establishment of the Lake Killarney Advisory Board or the expansion of the Lakes and Waterways Board.

alternatives / other considerations

The Commission could keep the status quo.

fiscal impact

There would be no real hard cost of adding a new board. There would simply be the soft costs of the time of the employees attending and supporting an additional board.

ATTACHMENTS:

[Lake_Killarney_Board_Email_Attachment.pdf](#)

ATTACHMENTS:

[Chapter 114 Article III.pdf](#)

From: Jeanne Wall <jeannewall@outlook.com>
Sent: Tuesday, June 29, 2021 6:02 PM
To: Jeffrey Briggs <jbriggs@cityofwinterpark.org>
Cc: Conrad Necrason <cnecrason@aol.com>
Subject: [External] Lake Killarney Advisory Board

[**Caution:** This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

Hi Jeff:

Conrad and I have spoken several times in the last two days. As usual, his insights are excellent. I tried to condense and streamline our thoughts below. Hope this is helpful.

Here are a few “pros” and reasons we think it’s important to have a Lake Killarney Advisory Board.

- 1. The City offered this to the Lake Killarney residents and the advisory board is spelled out in the city code.**

The City of Winter Park agreed and thought it was a great idea to create and establish the Lake Killarney Advisory Board at the time residents were asked to annex Lake Killarney into the City of Winter Park. The Code was put in place to grant such a board and even today, if you look at the Winter Park Muni Code, the Lake Killarney Advisory Board is provided for and it’s duties and functions are very detailed in the code. A number of Lake Killarney residents wish to activate this board now, with the Commission’s approval. Activating the board will show good faith to those residents who voted to annex and also residents on Lake Killarney (in Orange County) who are yet to be annexed.

- 2. Many residents on Lake Killarney have agreed to volunteer to serve on this advisory board – because it focuses on their lake.**

More than seven residents, on or around Lake Killarney have agreed to serve on this advisory board. They are passionate about the lake they live on, or live near, and are willing to serve as a volunteer to help preserve and protect Lake Killarney. The volunteers ready to serve are made up of; a retired CPA, two Engineers, and several business owners. They are bright, professional residents and would be valuable servants to the city.

3. This advisory board is needed now because the management of Lake Killarney has changed over the years; Winter Park is doing more on the lake than Orange County.

When Lake Killarney was partially annexed into the city, Orange County was very involved and the City of Winter Park was less involved. Today, and for the past 5 – 10 years, Winter Park is more involved and Orange County is less involved. Therefore, Lake Killarney residents wishing to be informed believe this board is now needed. With the City of Winter Park doing more for Lake Killarney, the residents wish to have a voice via a Lake Killarney Advisory Board. A board specific to Lake Killarney is what was promised to the residents.

4. A Lake Killarney Advisory Board, serving the city as an advocate for improving the lake quality and as a liaison with city staff and the residents, is a good thing.

With the City of Winter Park responsible for some 29 lakes, they can't be everywhere all of the time. Many of the residents on Lake Killarney wishing to volunteer on an advisory board have been on the lake for many years. Active, involved lake front residents provide more eyes and ears focused on Lake Killarney and this is a good thing. If a lake takes a down turn – it may take years and years to bring the lake back and could cost significant amounts of money. Lake Killarney experienced this in prior years and the residents wish to stay on top of the health and quality of the lake and shoreline.

Jeanne Wall

ARTICLE III. - LAKE KILLARNEY ADVISORY BOARD

Sec. 114-41. - Creation and membership.

- (a) There is created and established the Lake Killarney Advisory Board. Such board shall consist of seven members, who shall be appointed in accordance with section 2.06 of the Charter.
- (b) Members shall be residents of the city and shall be appointed from persons in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. No city employee, officer, official or commissioner shall be appointed to the board.
- (c) If requested by the board, a secretary designated by the city manager shall serve as secretary to the board, but shall have no vote in any proceeding.

(Ord. No. 2528-03, § 1, 9-8-2003)

Sec. 114-42. - Terms of office.

- (a) All appointed members of the Lake Killarney Advisory Board shall be appointed for terms of three years. Initial terms shall be staggered. Vacancies shall be filled by appointment for the unexpired term only. Members of the lakes and waterways board may be permitted to serve more than two terms if specifically approved by the city commission.
- (b) Board members may be removed by the city commission for any reason, but they shall be removed for failure to attend three consecutive regular meetings in any one-year, unless excused by the chairperson of the board. Resignations shall be in writing and delivered to the mayor.

(Ord. No. 2528-03, § 1, 9-8-2003)

Sec. 114-43. - Organization and meetings.

- (a) The Lake Killarney Advisory Board shall meet for the purpose of transacting such business as may properly come before it. Regular meetings shall be held each month, on a day, time and place convenient to the members. The board shall annually select a chairperson who shall preside at all meetings, and a vice-chairperson who shall serve in the absence of the chairperson. A majority of

the board shall constitute a quorum, and the affirmative vote of a majority of a quorum present shall be required for any action to be taken. Members of the board shall serve without compensation.

- (b) The board shall adopt rules necessary to the conduct of its affairs in keeping with this article and subject to approval by the city commission.
- (c) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its hearings and other official actions, all of which shall be of public record retained by the city clerk. All meetings and proceedings of the board shall be open to the public and notice of all meetings shall be posted in city hall not less than 24 hours prior to the meeting.
- (d) Special meetings may be convened from time to time upon 24 hours prior written notice delivered to the members. The chairperson, vice-chairperson or a majority of the members shall have the power to convene special meetings.

(Ord. No. 2528-03, § 1, 9-8-2003)

Sec. 114-44. - Functions, powers and duties.

The functions, powers and duties of the Lake Killarney Advisory Board shall be, in general, to:

- (1) To advise the city commission on all aspects of Lake Killarney and the interaction of that lake with water bodies outside the city.
- (2) Inquire into the condition of Lake Killarney, including the clarity, cleanliness, the desirability or undesirability of vegetation and growth therein, the use of the lake, the alteration of their shorelines and canals, the level of waters therein and all other matters pertaining to Lake Killarney.
- (3) Prepare and recommend to the city commission ordinances, regulations and other proposals promoting, protecting and enhancing Lake Killarney and the proper patrol, regulation, restoration and maintenance of the lake and boating-related activities thereon.
- (4) Recommend expenditures and revenues for the proper patrol, regulation, restoration and maintenance of Lake Killarney and for boating-related activities in the city. Such recommendations shall be submitted by the board to the city manager for necessary and appropriate action.
- (5) Keep the city commission and the general public informed and advised as to these matters.
- (6) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of ordinances, regulations and other proposals relating to Lake Killarney.

(7) Perform such other duties as may be requested by the city commission.

(Ord. No. 2528-03, § 1, 9-8-2003)

Secs. 114-45—114-55. - Reserved.



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date August 25, 2021
prepared by Randy Knight	approved by Randy Knight
board approval Completed	
strategic objective	

subject

Public solicitation for land to construct U.S. Postal Service facilities.

motion / recommendation

Approve conducting a public solicitation to local property owners that may be interested in selling or swapping properties for the purpose of constructing the USPS replacement facilities on their property.

background

The Mayor and City Manager continue to search for potential properties that would meet the requirements and be an acceptable location for the USPS replacement facilities. The USPS requirements are for a combined facility that would house both the retail and carrier operations that are currently located at 300 N. New York Avenue. Several properties have been explored that we believe would meet the USPS requirements but to-date we have not been able to negotiate a deal to acquire any of those properties.

This request is to publicly open that process up by a solicitation to all land owners to see if anyone has property they would like considered in this process. The solicitation would list the specifications provided by the USPS including the geographic boundaries, building size, parking requirements and general lot size. We would leave it open for approximately 30 days to determine who is interested and then we would negotiate with any or all that we agree might meet the requirements.

If a proposed deal(s) can be found it (they) would be brought to the Commission for consideration before being presented to the USPS for their consideration.

alternatives / other considerations

fiscal impact

TBD



City Commission agenda item

item type Public Hearings	meeting date August 25, 2021
prepared by Rene Cranis	approved by Bronce Stephenson, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park:

item list

- An Ordinance of the City of Winter Park amending the Comprehensive Plan Future Land Use Map designation from an Office future land use designation to a Single-Family Residential designation on the properties at 2141/2151/2211/2221/2223/2225/2227 Loch Lomond Drive in order to match the existing Single Family (R-1A) zoning.
- An Ordinance of the City of Winter Park amending the Comprehensive Plan Future Land Use Map designation from an Office future land use designation to a Single-Family Residential designation on the properties at 2229/2255/2311/2313 Loch Lomond Drive and 2272 Nairn Drive in order to match the existing Single Family (R-1A) zoning. (2nd reading)

motion / recommendation

The Planning and Zoning Board and Staff recommend Approval.

background

Dating back to when this neighborhood was annexed from Orange County in 1980, the future land use of most of the neighborhood is Office. However, the City's Comprehensive Plan contains the Policy (below) that limits the development along Loch Lomond Drive to single family residential. In order to start the long overdue 'housekeeping' of consistency, the staff has proposed a change to the future land use map to match the single-family zoning.

Policy 1-C-10: Land Use Consistency on Loch Lomond Drive, East of Hospital

Notwithstanding the future land use text elsewhere in this element, for the office future land use category and for future land use and zoning compatibility; that within the land area to the east of the Winter Park Hospital that fronts on Loch Lomond Drive across from Cady Way Park, the office future land use category shall only be deemed consistent

with single family residential (R-1A) development and while subdivision variances may be approved to allow smaller lots for future redevelopment, that redevelopment shall only be of single family homes.

No Impact on Property Values

The current zoning is single family (R-1A). There is no change to the zoning and thus no impact upon property values and no change in what any individual property owner can build.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Location Map.pdf](#)

ATTACHMENTS:

[Ord._Loch Lomond_Comp. Plan FLU_East side.doc](#)

ATTACHMENTS:

[Ord._Loch Lomond_Comp. Plan FLU_West side.doc](#)

ATTACHMENTS:

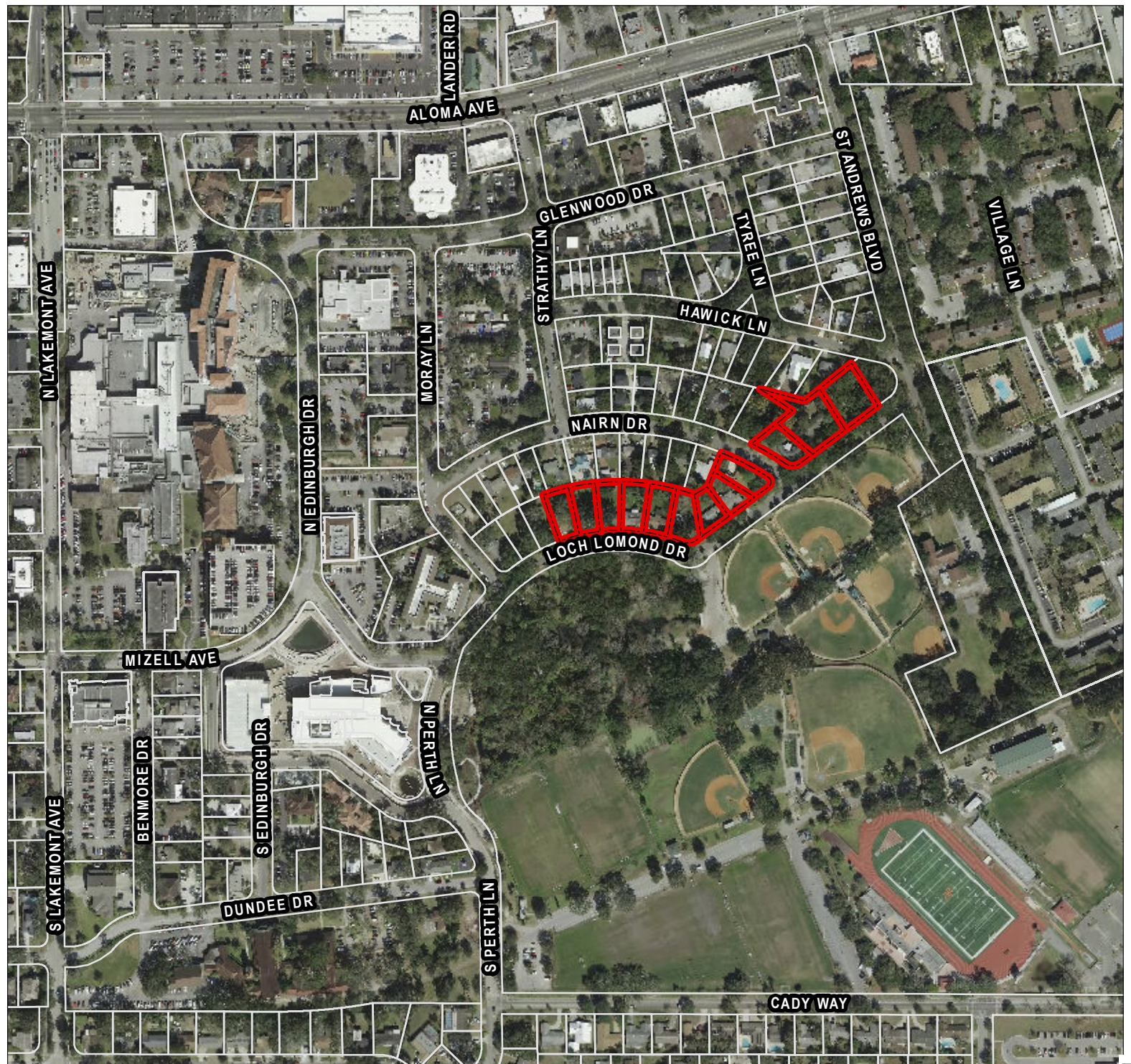
[Notice to Owner - Comp. Plan FLU change.doc](#)



LOCATION MAP

Loch Lomond Properties

City of Winter Park
Florida



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FROM AN OFFICE FUTURE LAND USE DESIGNATION TO A SINGLE-FAMILY RESIDENTIAL DESIGNATION ON THE PROPERTIES AT 2229/2255/2311/2313 LOCH LOMOND DRIVE AND 2272 NAIRN DRIVE IN ORDER TO MATCH THE EXISTING SINGLE FAMILY (R-1A) ZONING.

WHEREAS, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small-scale amendment to the Comprehensive Plan, 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, 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 change the future land use designation from Office to Single-Family Residential on Lots 15 through 19, Block 13 and on Lot 15, Block 9 , Aloma – Section 1, as recorded in Plat Book "O", Page 51 of the Public Records of Orange County, Florida.

SECTION 2. This Ordinance shall become effective 31 days after its adoption unless timely challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. If timely challenged, this Ordinance will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance pursuant to 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 _____, 2021.

Mayor Phillip Anderson

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FROM AN OFFICE FUTURE LAND USE DESIGNATION TO A SINGLE-FAMILY RESIDENTIAL DESIGNATION ON THE PROPERTIES AT 2141/2151/2211/2221/2223/2225/2227 LOCH LOMOND DRIVE IN ORDER TO MATCH THE EXISTING SINGLE FAMILY (R-1A) ZONING.

WHEREAS, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small-scale amendment to the Comprehensive Plan, 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, 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 change the future land use designation from Office to Single-Family Residential on Lots 16 through 24, Block 9 , Aloma – Section 1, as recorded in Plat Book "O", Page 51 of the Public Records of Orange County, Florida.

SECTION 2. This Ordinance shall become effective 31 days after its adoption unless timely challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. If timely challenged, this Ordinance will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance pursuant to 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 _____, 2021.

Mayor Phillip Anderson

Attest:

City Clerk



June 1, 2021

TO: _____
2141 Loch Lomond Drive, Winter Park, Fl. 32792
FROM: City of Winter Park, Planning and Transportation Department
SUBJECT: 2141 Loch Lomond Drive
Owner Notification of Future Land Use Map Change

NOTICE is hereby given that a public hearing will be held by the Planning and Zoning Board of the City of Winter Park, Florida, on Tuesday, July 6, 2021 at 6:00 p.m. and by the City Commission on Wednesday, July 28, 2021 and on Wednesday, August 11, 2021 at 3:30 p.m., in the Commission Chambers at City Hall, 401 Park Avenue South, Winter Park, Florida, to consider the following:

An Ordinance of the City of Winter Park amending the Comprehensive Plan Future Land Use Map designation from an Office future land use designation to a Single-Family Residential designation on the properties at 2141/2151/2211/2221/2223/2225/2227 Loch Lomond Drive in order to match the existing Single Family (R-1A) zoning.

An Ordinance of the City of Winter Park amending the Comprehensive Plan Future Land Use Map designation from an Office future land use designation to a Single-Family Residential designation on the properties at 2229/2255/2311/2313 Loch Lomond Drive and 2272 Nairn Drive in order to match the existing Single Family (R-1A) zoning.

Your attendance is not required, but citizen participation is always encouraged. The ordinances can be inspected at the Planning and Transportation Department office at Winter Park City Hall between 8:00 am and 5:00 p.m. weekdays.

On the reverse side of this notice is an explanation of why the City is proposing to undertake this action and why it will have no effect upon your property values. If you have any questions or desire more information on this matter please contact Jeff Briggs at (407) 599-3440 or via email to jbriggs@cityofwinterpark.org.

All interested parties are invited to attend the meetings and be heard. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the meeting.

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

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning Department at 407-599-3463 at least 48 hours in advance of the meeting.

FUTURE LAND USE MAP CHANGE

In the City's Land Development Code, there are two maps that regulate the type of buildings allowed. One is the Zoning map and the other is the Comprehensive Plan Future Land Use map. They are supposed to be the same for each property. A property like yours, that is zoned Single Family Residential (R-1A) is supposed to also be designated Single Family Residential on the Comprehensive Plan Future Land Use map.

However, when the City annexed your neighborhood in 1980, the City inherited from the 1976 Orange County Comprehensive Plan, the previous Orange County future land use designations which were in error in designating your entire street as office. That error has never been corrected until now.

Just recently the three lots at the corner of Loch Lomond Drive and Moray Lane were purchased by a builder who will be constructing three new single-family homes on those three lots. The City changed the future land use designation from office to single family residential for that builder in order to eliminate this conflict and allow that project to proceed. Rather than have to do that in the future when homes may be redeveloped on your street, one by one, the City wants to make the change now in order to make it easier for builders to redevelop and at the same time, easier for you as owners to sell.

The Orange County Property Appraiser and all private property appraisers base the value of land on the zoning and the value of the improvements. Changing the future land use map has no effect upon the values or taxes.

If you have any questions or desire more information on this matter please contact Jeff Briggs at (407) 599-3440 or via email to jbriggs@cityofwinterpark.org.



City Commission agenda item

item type Public Hearings	meeting date August 25, 2021
prepared by Jeffrey Briggs	approved by Bronze Stephenson
board approval Completed	
strategic objective	

subject

Request of Wooten Built, Inc for:

item list

- Subdivision approval to split the property at 280 E. Lake Sue Avenue, zoned R-1AA. Variances are requested from the R-1AA lot dimension standards.

motion / recommendation

P&Z Board recommends approval by 7-0 vote

background

Wooten Built, Inc. (contract purchaser) has the two lots (Lots 8 & 9) at 280 East Lake Sue Avenue, the corner of East Lake Sue Avenue and Winter Park Road under contract for purchase to redevelop as two individual single-family homes. The Zoning is single-family residential (R-1AA. The property now has one existing single-family home on it and thus would be demolished for the rebuild as two homes.

During the City's review process of subdivisions or lot split requests, there are two criteria that are reviewed. First is the 'Zoning Test' as to conformance with the zoning criteria. The next is the 'Subdivision Code Test' which is conformance to the neighborhood character.

Zoning Test

The two lots combined have 140.35 feet on East lake Sue Avenue and 140 feet on Winter Park Road. Due to the different setbacks for a corner lot, the applicant wants to divide the property into an interior lot with 67 feet of frontage (9,380 square feet) and a corner lot with 73 feet of frontage (10,220 square feet). *For corner lots the narrow side is always the deemed to be the front.*

The R-1AA zoning requires a minimum lot frontage of 100 feet for interior lots and 110 feet for corner lots, as well as 10,000 square feet of lot area. Thus, variances are requested from the R-1AA minimum lot dimensions for the 67 and 73-foot lot widths and

the one lot with less than 10,000 square feet.

Lot Conformance to Subdivision Code Test

There are 76 other homes within this immediate 500-foot radius neighborhood with the same R-1AA zoning (see attached map). The average lot width is 80 feet but since a couple of large lots can affect the average, the better statistic is that the median lot width is 67 feet. The average lot size is 12,856 square feet and the median lot size is 10,596 square feet.

One important comparison of compatibility is that 63% of the homes in this immediate 500- foot radius have 67-70 foot wide lots, while the balance 37% are on larger conforming lots. Lot size variances are to be based upon a finding of compatibility. There is flexibility to use either the averages for a determination of non-compliance or the medians and percentages for a determination of compatibility.

No Impact on Floor Area Ratio

The applicant is aware of the recent code change that limits the maximum floor area ratio to the same 38% FAR as exists today on the combined lots versus the maximum 43% FAR that would otherwise apply after the lots are split. As a result, the square footage of the future homes/structures on these lots is unchanged. The difference is that the square footage can be divided into two homes versus one home. Plans have been submitted to show what is expected to be built in conformance with the FAR and setbacks. They are two homes of 3,884 square feet and 3,564 square feet respectively. The applicant believes that the two smaller homes are much more compatible with the neighborhood than one much larger home of up to 7,448 square feet in size.

Development Plans

The applicant has provided generalized site plans and front elevations for the type of homes that they plan to build. The applicants will comply with the normal single-family development standards, setbacks, etc. and are asking for no variances with respect to the single-family building parameters.

Summary

The Subdivision Code says that the City is to grant variances based upon a determination that the proposed lots are compatible with “neighborhood standards and existing conditions”. The P&Z Board felt that there many similar sized lots in close proximity to this property, that the neighborhood was better served with two smaller homes than one larger home and that no neighbors and voiced any opposition to the request.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Location map.pdf](#)

ATTACHMENTS:

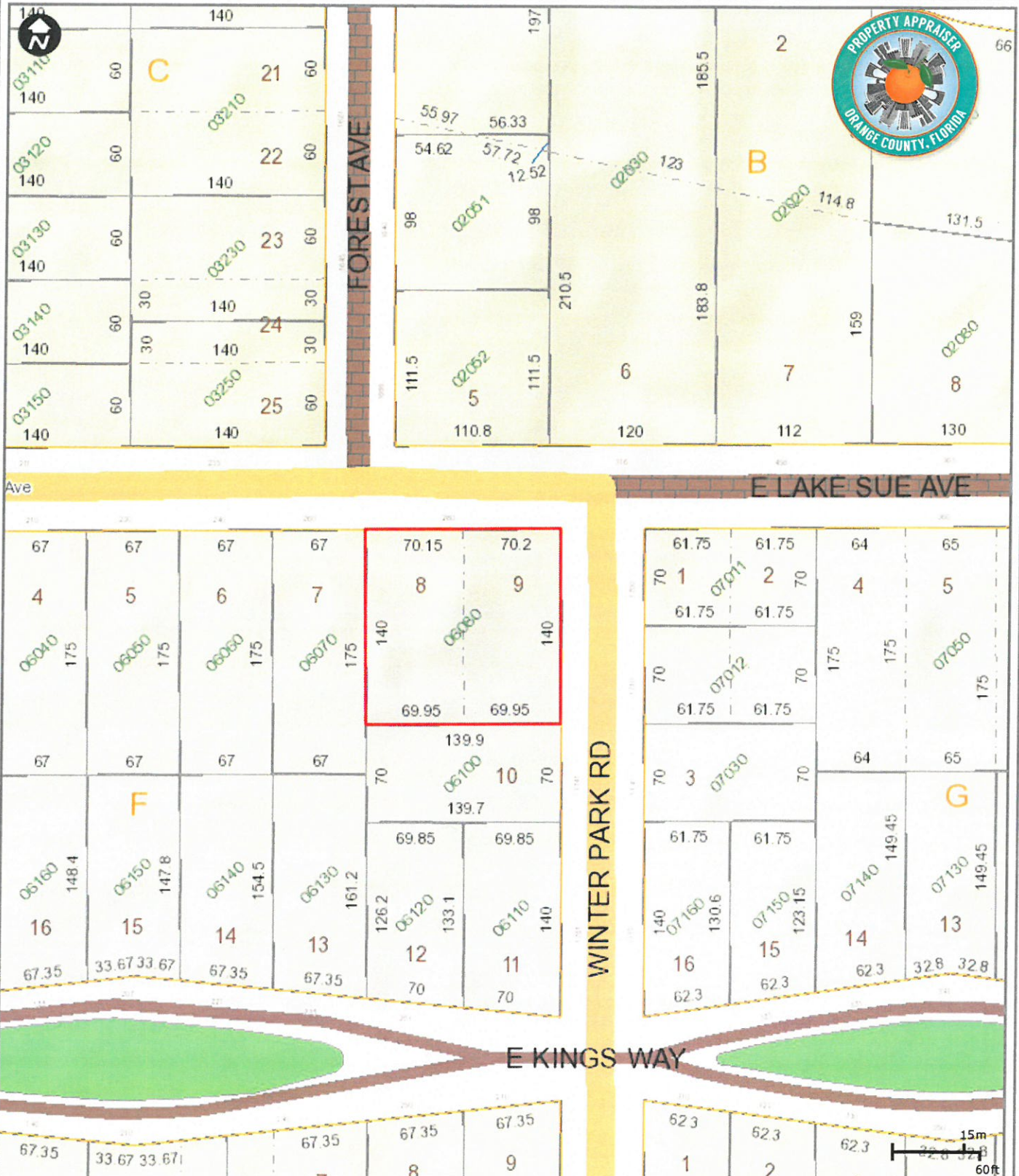
[Lot Split Test.pdf](#)

ATTACHMENTS:

[Lake Sue Site Plan and Front Elevations.pdf](#)

OCA Web Map

	Major Roads		Residential		Parks	6	Lot Number
	Public Roads		Agriculture		Lakes and Rivers	06060	Parcel Number
	Gated Roads		Commercial/Institutional		Building	3106	Parcel Address
	Road Under Construction		Governmental/Institutional/Misc		E	Block Number	111.9
							Parcel Dimensions



Created: 7/2/2021

This map is for reference only and is not a survey.



LOT CONFORMANCE TO SUBDIVISION CODE TEST

280 E Lake Sue Ave

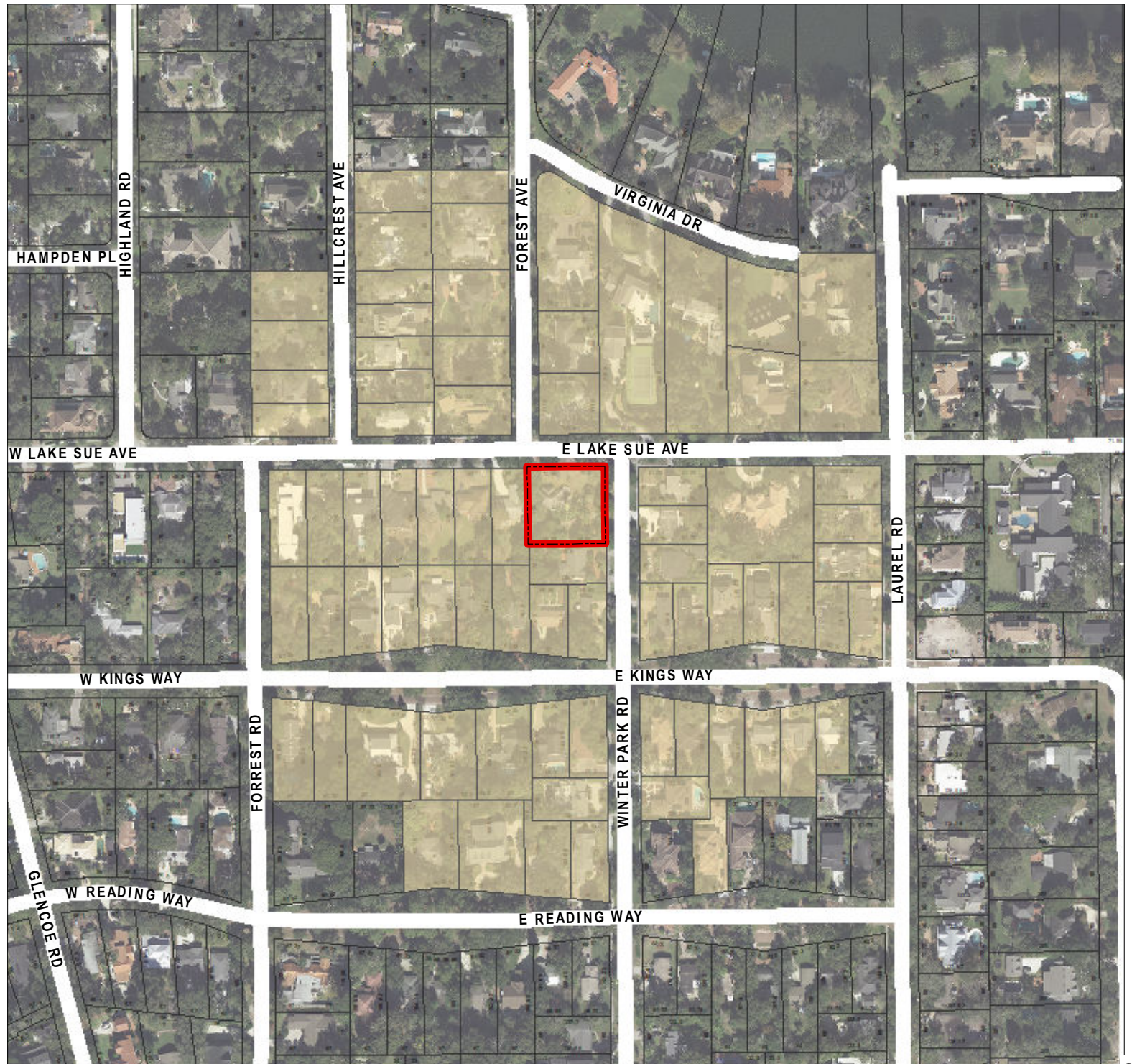
City of Winter Park
Florida

LEGEND

- Subject Site
- Single-Family Lots
Within 500' of Site
(76 total)

NOTES

Average Lot Width = 80 ft
Median Lot Width = 67 ft
Average Lot Size = 12,856 sq ft
Median Lot Size = 10,596 sq ft



EAST LAKE SUE AVE



**280 E LAKE SUE AVE LOTS 1 & 2
WINTER PARK FL.**

SITE DATA:

LOT 1 AREA: 10,220 SF
MAX FAR (38%) 3,884 SF

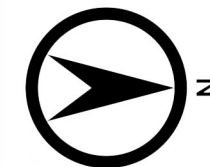
PROPOSED HOUSE: - 2 STORY
LIVING AREA: 3,168 SF
(PLUS 200 SF COND. ATTIC)

FAR: 3,884 SF
MAX IMPERVIOUS COVERAGE 50%

LOT 2 AREA: 9,380 SF
MAX FAR (38%) 3,564 SF

PROPOSED HOUSE: - 2 STORY
LIVING AREA: 2,840 SF
(PLUS 200 SF COND. ATTIC)

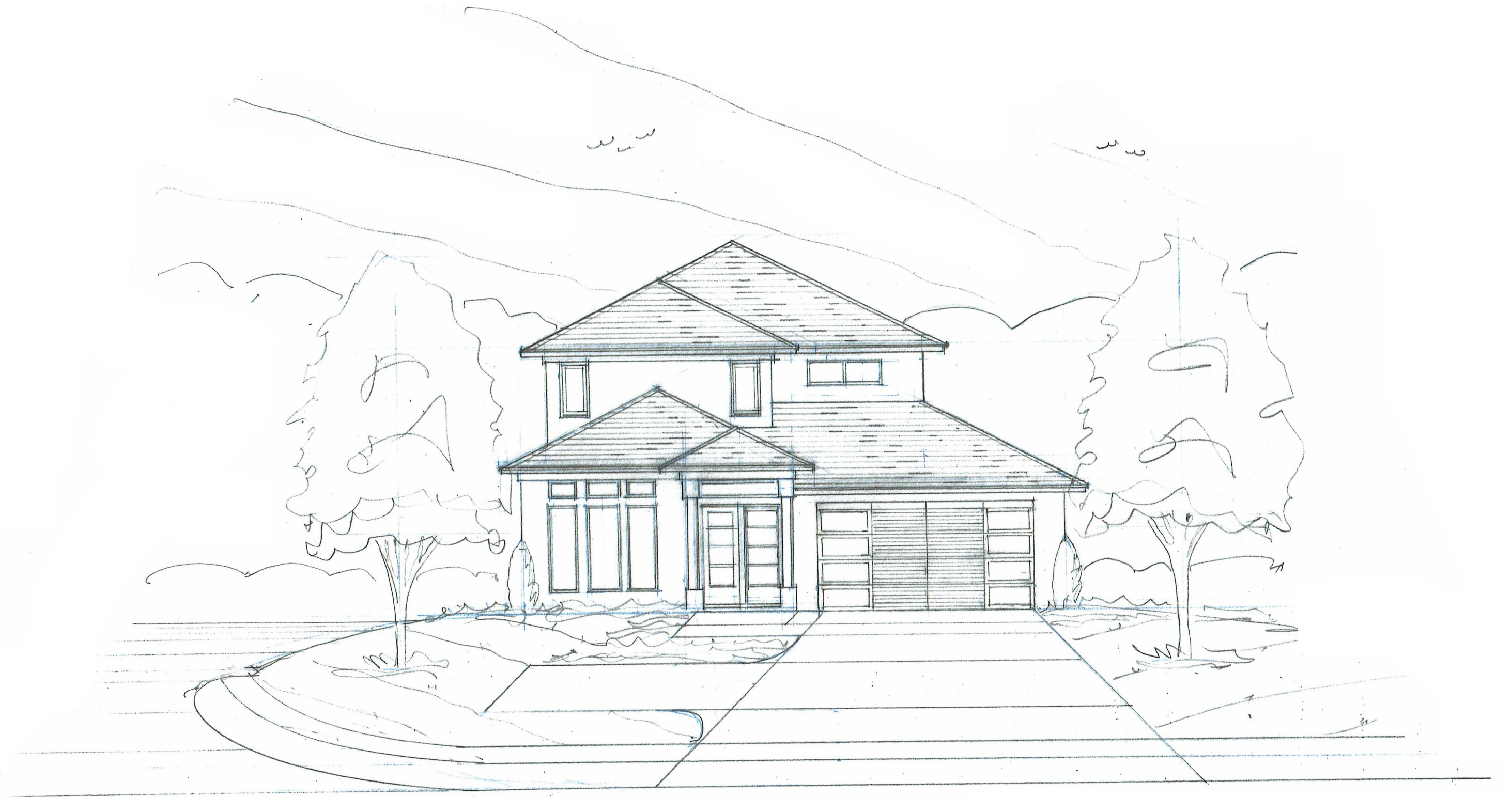
FAR: 3,564 SF
MAX IMPERVIOUS COVERAGE 50%



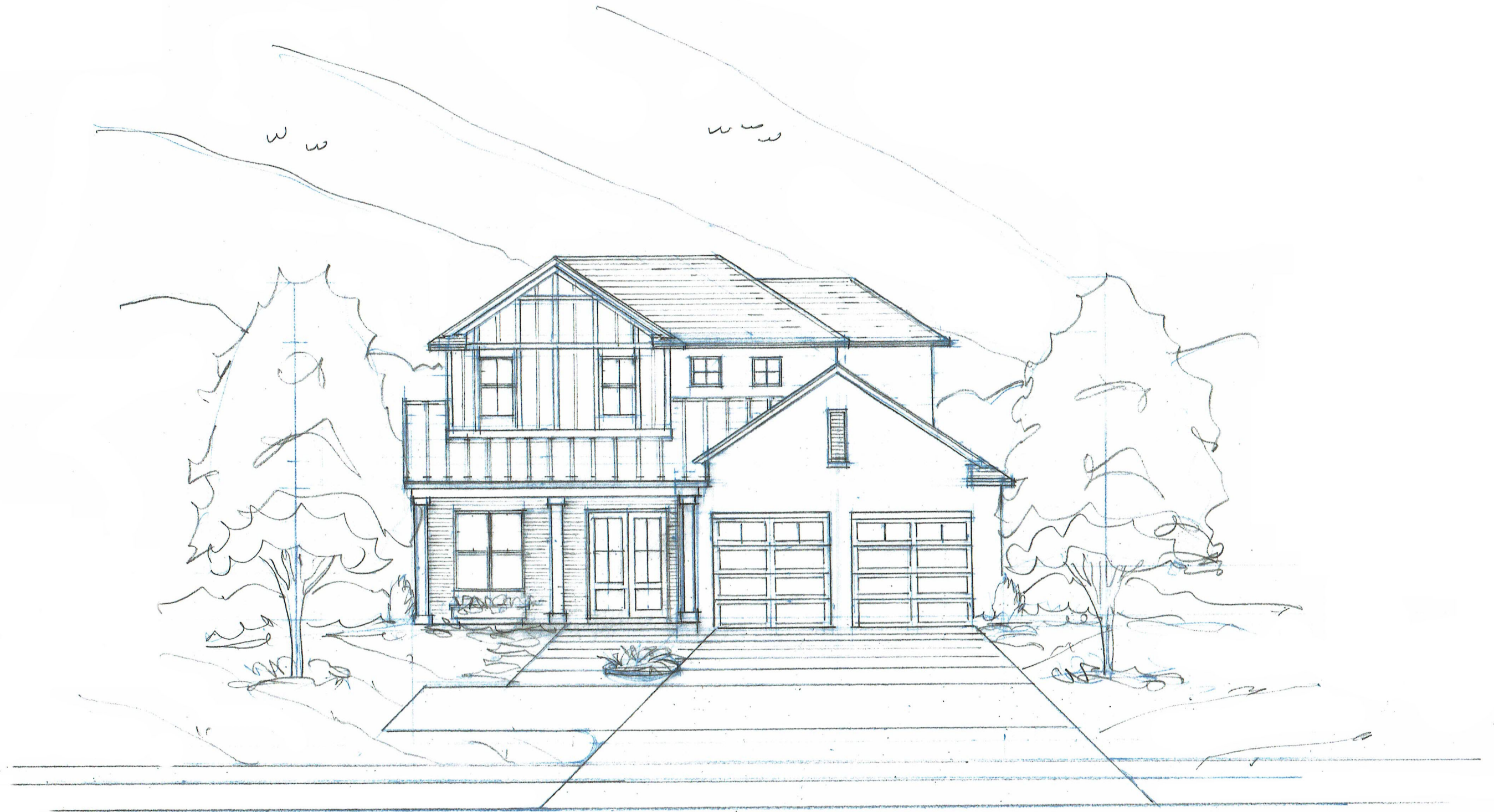
PREPARED BY:

**John Youngman
Architect**

**421 E SR 434 STE 1015
LONGWOOD FL.
407-497-0090**



**EAST LAKE SUE AVE.
LOT 1 FRONT ELEVATION**



**EAST LAKE SUE AVE.
LOT 2 FRONT ELEVATION**



City Commission **agenda item**

item type Public Hearings	meeting date August 25, 2021
prepared by Jeffrey Briggs	approved by Bronce Stephenson
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park for:

item list

- An Ordinance to establish a Commercial Future Land Use on the annexed parcels at 647/653 Harold Avenue, and
- An Ordinance to establish Commercial (C-3) Zoning on the annexed parcels at 647/653 Harold Avenue. (1st Reading)

motion / recommendation

The P&Z Board and Staff recommend approval.

background

The City of Winter Park, recently annexed two vacant parcels at 647/653 Harold Avenue, into the City. Now the City needs to establish a Commercial Future Land Use designation in the Comprehensive Plan and Commercial (C-3) zoning on this property.

These properties are in the same ownership and are proposed as one redevelopment site for a one-story office/showroom/warehouse building similar to other buildings in that area south of Fairbanks Avenue. These properties are now zoned C-3 in Orange County and are also designated "Commercial" in the Orange County Comprehensive Plan. Thus, there is no change in the future land use or zoning.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Harold Avenue map.pdf](#)

ATTACHMENTS:

[Ord._Harold Lots_Comp. Plan FLU_updated.doc](#)

ATTACHMENTS:

[Ord. Harold - Zoning_updated.doc](#)

ATTACHMENTS:

[Conceptual development Plan for 647 and 653 Harold.pdf](#)



Annexation Request

Harold Avenue

City of Winter Park
Florida



WP Boundary



Proposed Annexations



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 647/653 HAROLD AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City of Winter Park has officially annexed the properties more particularly described below in compliance with Chapter 171, Florida Statutes, and

WHEREAS, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small-scale amendment to the Comprehensive Plan, and

WHEREAS, on August 3, 2021, the Planning and Zoning Board held a public hearing on the proposed future land use map amendment set forth herein and made a recommendation to the City Commission concerning the same, 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, 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 Commercial future land use designation on the annexed properties comprised of parcels at 647/653 Harold Avenue, as also identified by Orange County Tax Parcel ID #s: 12-22-29-5000-03-061, and 12-22-29-50000-03-081 and further described as:

LOTS 6 through 8, BLOCK "C", LAWNDAL ANNEX SUBDIVISION AS RECORDED IN PLAT BOOK "J", PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

SECTION 2. This Ordinance shall become effective 31 days after its adoption unless timely challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. If timely challenged, this Ordinance will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance pursuant to 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 _____, 2021.

Mayor Phillip Anderson

Attest:

City Clerk

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 ESTABLISH COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTIES AT 647/653 HAROLD AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the owner of the properties more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

WHEREAS, the City Commission intends to establish a municipal zoning designation on this property in compliance with the establishment of a similar Comprehensive Plan future land use designation for said property, and

WHEREAS, on August 3, 2021, the Planning and Zoning Board held a public hearing on the rezoning set forth herein and made a recommendation to the City Commission regarding such rezoning, and

WHEREAS, the City Commission finds that the rezoning set forth herein is consistent with the Comprehensive Plan and meets the requirements for rezoning under the City's Comprehensive Plan and land development regulations, 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 establish Commercial (C-3) district zoning on the annexed parcels at 647/653 Harold Avenue, as also identified by Orange County Tax Parcel ID #s: 12-22-29-5000-03-061, and 12-22-29-50000-03-081.

LOTS 6 through 8, BLOCK "C", LAWNSDALE ANNEX SUBDIVISION AS RECORDED IN PLAT BOOK "J", PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

SECTION 2. This Ordinance shall become effective immediately upon the effectiveness of the companion ordinance amending the City of Winter Park Comprehensive Plan to designate the property described in Section 1 of this Ordinance with the Commercial future land use.

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 _____, 2021.

Mayor Phillip Anderson

Attest:

City Clerk

THIS SITE PLAN MAY REQUIRE SEVERAL
VARIANCES, ANNEXATION INTO THE CITY OF
WINTER PARK, INITIAL FLU ASSIGNMENT, AND
A REZONE TO PD.

SITE AREA =20995 SF = 0.482 AC
AT 0.45 FAR = 9,448 SF MAX IN WP
0.327 FAR PROVIDED
7670 AT 1 PER 350 SF = 22 SPACES REQ
32 TOTAL PARKING SPACES PROVIDED
INCLUDES 2 REQUIRED HANDICAP

PROPOSED BUILDING AREA TOTAL:
7670 SF = 65.0' x 118.0'

1

PRELIMINARY ARCHITECTURAL SITE PLAN

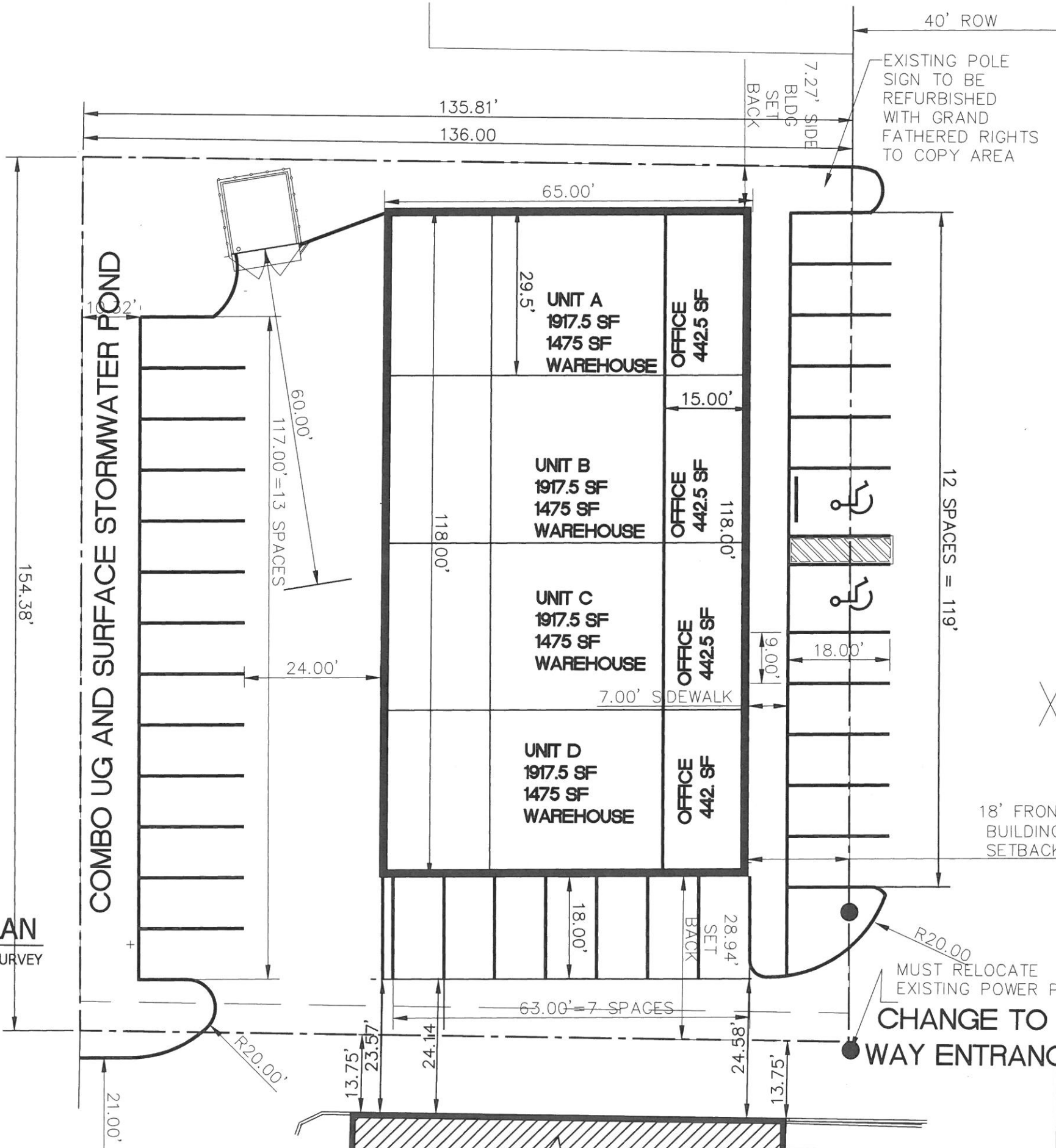
THIS PASP IS NEITHER AN ENGINEERED SITE PLAN NOR A SURVEY

0

20'

40'

Scale: 1" = 20'-0"



EDESIGN MANAGEMENT, LLC
ARCHITECTURE
PROJECT MANAGEMENT
941 W MORSE BLVD, #100
WINTER PARK, FL 32789
FL AA26002398
TEL 407-902-7551
FAX 407-902-7559
SALES@EDESIGNLLC.US

REVISION NO.:

6757 HAROLD AVE FLEX SPACE BLDG
647 HAROLD AVE
ORANGE COUNTY FL

PROJ NO.: 18-048
DATE: 4-24-21
THESE DRAWINGS ARE COPY-
RIGHTED BY EDESIGN
MANAGEMENT, LLC 2021
THIS COPYRIGHT AND OTHER
RIGHTS RESTRICTS THE USE OF
THESE DOCUMENTS TO THE
ORIGINAL SITE OR PURPOSE FOR
WHICH THEY WERE PREPARED.
REPRODUCTIONS, CHANGES, OR
ASSIGNMENTS ARE STRICTLY
PROHIBITED.
DRAWN: AE
CHECK: AE



City Commission **agenda item**

item type Public Hearings	meeting date August 25, 2021
prepared by Jeffrey Briggs	approved by Bronze Stephenson
board approval Completed	
strategic objective	

subject

Participation in the Certified Local Government Program for Historic Preservation requiring:

item list

- An Ordinance amending the Historic Preservation Code to revise the procedures regarding demolition and providing for clarifications on the terms, vacancies and procedures for the Historic Preservation Board, (1st Reading) and
- A Resolution of the Historic Preservation Board officially endorsing and recommending approval of the application for participation within the Local Certified Government program for historic preservation.

motion / recommendation

The Historic Preservation Board and Staff recommend approval of the Ordinance and Resolution.

background

The staff submitted our draft application for the City's participation in the Certified Local Government program for Historic Preservation to the Florida Division of Historic Resources. The Certified Local Government program is a national program administered by the US Parks Service. The State of Florida Division of Historic Resources administers the program within Florida. Once approved by the State the application is sent to the US Parks Service for action.

Historic Preservation grant funding is provided to the states by the US Parks Service. If you have a grant request and are one of the Certified Local governments, then you have a huge advantage over cities that are not. It also is credential to be a Certified Local Government.

Proposed Ordinance Change

The review by the State Division of Historic Resources is requiring some ordinance

modifications in order to meet the ordinance criteria of the US Parks Service. They are as follows:

Section I address their need for the ordinance to specifically that the HPB will meet at least four times a year, that the members are residents of the city, that the terms overlap and that vacancies will be filled within 60 days.

Section II addresses their need that designation requests be acted upon within 60 days.

Section III addresses their confusion about our demolition procedures for individually designation properties and then the “contributing” and “non-contributing” properties within historic districts. The current Ordinance construction is that Sections 58-466 thru 58-477 cover the “certificates of review” and in 58-773 (a) it mentions demolitions which would apply to the individually designated properties and the historic districts. Section 481 talks about demolition delays for those properties that are not designated but happen to be on the historic resources survey or master site file, in the hopes that a white knight will ride to the rescue and save them from demolition with a 60 day wait. Since the ordinance has Section 58-481 with the title of “demolitions”, it has been amended to address all the alternative types of demolition requests that can come up including individual designated properties, and then “contributing” and non-contributing” properties within a historic district.

Section IV addresses the need for the ordinance to indicate that the Mayor and City Commissioners are the “designated local officials”.

Section V addresses the City’s two National Register Historic Districts including the Downtown Winter Park and Interlachen areas in order to preserve the historic architectural character of existing buildings.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ord. for CLG Ordinance Updates.docx](#)

ATTACHMENTS:

[Resolution for CLG Application.doc](#)

ATTACHMENTS:

[Draft CLG application and cover letter.pdf](#)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE VIII, HISTORIC PRESERVATION SO AS TO REVISE THE PROCEDURES REGARDING DEMOLITIONS, PROVIDING FOR CLARIFICATIONS OF THE QUALIFICATIONS, TERMS, VACANCIES AND PROCEDURES FOR THE HISTORIC PRESERVATION BOARD, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park recognizes that the preservation and protection of historic homes individually designated, preserves the City's architectural heritage and preserves the historic scale and character of the City; and

WHEREAS, the City desires to become a Certified Local Government and ordinance amendments are necessary to meet the program requirements.

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

SECTION 1: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-446 "Qualifications" is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-446. – Qualifications, Terms, Vacancies.

Members of the HPB shall have demonstrated civic pride, interest in historic preservation and the knowledge, experience and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources. ~~The board~~ In accordance with the provisions of Chapter 2 of City Code, the Historic Preservation Board shall be comprised of seven members, who shall be residents of the City. The terms of the Board members shall be staggered in accordance with the selection process outlined in Chapter 2 of City Code, resulting in the overlap of terms so that the HPB retains membership with experience as new members are appointed to the HPB. The HPB shall meet monthly but in no case shall postponements or other circumstances allow the HPB to meet less than four times per year. Vacancies shall be filled promptly and any vacancy shall be filled within 60 days. The HPB proceedings shall conform to the Rules of Procedures as are adopted and as may be amended by the City Commission for their proceedings. Members of the HPB shall include:

(1) One member shall be a licensed architect; and

- (2) One member versed in local history; and
- (3) One member who owns or lives in a designated resource or district.

SECTION II: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-457 "Designation Procedures" is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-457. – Designation Procedures.

Winter Park historic landmarks, resources and districts shall be designated only as provided in this section. Properties, which meet the criteria for designation as set forth in section 58-456, shall be designated according to the following procedures:

(1) Designation of local historic landmarks and resources.

a. Recommendations for nomination for designation of individual local historic landmarks and resources may be submitted to the planning and community development department by the property owner(s), who believe(s) that the property meets the criteria for listing as set forth in section 58-456. The property owner shall provide to the city proof of current fee simple ownership of the property being nominated. The proposal shall include a legal description or address of the property, a brief statement regarding its historic, cultural, aesthetic or architectural significance, and must include written authorization by the property owner(s).

b. Prior to consideration of designation, the city shall first determine if the property sought to be designated meets the criteria for designation. If so, the city shall prepare a historic designation report that shall be presented to the HPB at a regularly scheduled meeting to be held within no more than 60 days upon receipt of application for designation.

c. For each proposed designation of a historic landmark or resource, the city is responsible for mailing a notice of public hearing to all property owners of record on the latest Orange County tax roll within a 500-foot radius of the proposed landmark or resource at least 15 days prior to the public hearing held pursuant to this section, however, failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation at least 15 days prior to the hearing.

SECTION III: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-481 "Procedure for demolition of properties identified in the Florida Master Site File or the historic survey" is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-481. - Procedure for demolition of buildings and structures on properties designated on the Winter Park Register of Historic Places, or located within designated Historic Districts or as identified in the Florida Master Site File or the historic survey.

Applications requesting the demolition of properties that are designated on the Winter Park Register of Historic Places, or located within designated Historic Districts or as identified in the Florida Master Site File or the historic survey as potential candidates for the National Register of Historic Places but are not designated properties or properties within historic districts, shall comply with the procedures of this section.

(1) For properties with buildings or structures found in the historic survey as potential candidates for the National Register of Historic Places, ~~Upon receipt of a complete application for a demolition permit, for properties found in the historic survey as potential candidates for the National Register of Historic Places,~~ the city shall have 60 days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 60-day consideration period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from the HPB staff notifying them of the 60-day period and the purpose of such and the next HPB meeting where the application for demolition will be reviewed and potential alternatives to demolition discussed. During this 60-day period, the HPB will review the application for demolition permit and may direct HPB staff to make proposals to the property owner or their designee as to any specific alternatives to demolition.

(2) For properties with buildings or structures identified in the Florida Master Site File, ~~Upon the city's receipt of a complete application for a demolition permit of properties that are identified in the Florida Master Site File,~~ the city shall have 60 days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 60-day consideration period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from staff regarding the 60-day period and the purpose of such. During this 60-day period, staff shall consider appropriate alternatives to demolition and is authorized to make proposals to the property owner or their designee to protect the historic character of the property in lieu of demolition. HPB staff shall notify the HPB of any applications for demolition that qualify under this category at the next scheduled meeting of the HPB subsequent to the receipt of a complete application for demolition permit.

(3) For properties with buildings or structures that are individually designated on the Winter Park Register of Historic Places or located within any designated Historic District, any such request for demolition or partial demolition must be approved by the Historic Preservation Board or if required, upon approval by appeal to the City Commission based upon the process and procedures established in sections 58-473 through 58-477 and pursuant to the provisions as outlined below. In addition to meeting the requirements of sections 58-481 (1) through (9) with regards to the 60-day consideration period and process, the application shall meet the requirement outlined below.

(4) During the 60-day consideration period set forth under subsections (1), ~~and (2)~~ and (3) above, the following alternatives to demolition should be considered:

- i. The feasibility of moving or relocating the structure;
- ii. The feasibility of purchasing the structure, either privately or through the use of public funds;
- iii. Preservation of historic elements of the structure prior to demolition through photographic documentation of the structure, removal and relocation of historic elements, or otherwise archiving the historic nature of the structure.

(a) If agreement is reached with the property owner to allow preservation of aspects of the structure pursuant to the subsections (1) and (2) above, the demolition shall be allowed immediately upon completion of the preservation or at the end of the consideration period, whichever may come first, provided all other criteria for demolition have been met. As further consideration for allowing the preservation of the structure pursuant to this section, any person or entity undertaking the preservation effort shall provide the property owner a waiver of liability for any personal injury or property damage incurred by the preserving party.

(b) For good cause shown, and with the agreement of the property owner, the consideration periods under subsections (1), ~~and (2)~~ and (3) may be extended for an additional 60-day period. The time limit under section 58-475 does not apply to demolition permits under this section.

(d) The criteria set forth in section 58-479 do not apply to applications for demolition permits under ~~this section~~ subsections (1) and (2) above. The HPB does not have the authority to approve or deny an application for demolition permit under ~~this section~~ those subsections.

(e) The provisions of this section shall be supplemental to any other requirements and conditions applicable to applications for and permits issued concerning the demolition of properties.

(f) Any property that has received, prior to the effective date of this section, an approved and valid development order or permit from the city that authorizes the redevelopment of the property is exempt from the provisions of subsections (1) and (2) in regards to the redevelopment approved by such development orders and permits.

(5) *Criteria for reviewing demolition applications for individually designated historic structures and contributing structures within historic districts.* In addition to process and procedures during the 60-day consideration period outlined above in subsection (4), the demolition of an individually designated historic structure or a contributing structure within a historic district constitutes an irreplaceable loss to the quality and character of the historic district and/or the city at-large. Therefore, no contributing structure within any historic district or individually designated property shall be demolished or removed, in whole or in part, until after a certificate of review for the approval of the demolition has been approved by HPB or upon approval by appeal to the city commission. However, the HPB may consider approval of the demolition of a contributing structure within a historic district only if the following criteria are met:

(a) The structure is primarily deemed contributing based upon the age of the structure and is not of such interest or quality that it would reasonably meet national, state or local criteria for designation as an individual historic landmark.

(b) The structure is of such design, craftsmanship or material that it could be replaced with a new structure in conformance with the design guideline standards and reflects a prevalent architectural style of the era.

(c) The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the historic district is not deemed critical to the integrity of the historic district.

(6) *Reconstruction.* Local historic landmarks or contributing structures within the historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. HPB shall encourage reconstruction when appropriate.

(7) *Demolition by neglect.* Every owner of a contributing structure or an individually designated historic structure shall not be allowed to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to result in a threat to continued existence of such structure. Examples of the type of disrepair prohibited include, but are not limited to:

(a) The deterioration of exterior walls or other vertical supports;

(b) The deterioration of roofs or other horizontal members;

(c) The deterioration of exterior chimneys;

(d) The deterioration or crumbling of exterior plasters or mortar;

(e) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;

(f) The deterioration of any such structure or feature, so as to create or permit the creation of any hazardous or unsafe condition or conditions is not permitted. In the event that a contributing structure or individually designated structure is in disrepair and is in the course of being "demolished by neglect," the owner of record shall be notified of the condition of the structure and the items that need repair via certified or registered mail. The Code Enforcement Board shall then be empowered to seek remedy and resolution to this non-compliance with Code.

(8) *Emergency demolition.* Notwithstanding, the city reserves the right to initiate and carry out its own demolition of a structure if deemed to be necessary to protect the health, safety and general welfare of the city.

(9) *Noncontributing structures.* Owners of noncontributing structures within any historic district shall not be required to show economic hardship in applying for a certificate of approval for demolition for such structures. However, the new construction proposed as a replacement must conform to the adopted design guideline standards and reflects a prevalent architectural style of the era.

SECTION IV: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-491 "National Register of Historic Places nominations" is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-491. - National Register of Historic Places nominations.

The HPB and designated local officials shall review local nominations to the National Register of Historic Places and shall forward a record of their actions and recommendations to the Florida State Historic Preservation Officer.

(1) The Winter Park mayor and city commissioners, as the designated local officials, city manager, planning department director, and owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPB meeting in which to comment on or object to the listing of a property in the National Register of Historic Places.

(2) Objections by property owners must be submitted in writing and their signature notarized ~~to prevent nomination~~ for nominations to the National Register of Historic Places.

SECTION V: Chapter 58, Land Development Code, Article VIII, Historic Preservation, is hereby amended to add a new Section 58-492 "National Register Historic Districts" to read as shown below, and to renumber the current Section 58-492 "Certified local government performance" to become Section 58-493 with no other changes. Words with single underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.

Sec. 58-493. - National Register of Historic Districts.

Within the City of Winter Park are located the two National Register Historic Districts, the Downtown Winter Park Historic District and the Interlachen Historic District

(1) Within the Downtown Winter Park National Register Historic District, in addition to conformance with the applicable Central Business District guideline standards adopted as part of Zoning Regulations per Section 58-72, through 58-79, any request for an alteration of the exterior facade or demolition of all or part of a building shall be governed by Sections 58-473 through 58-481 of this Article. This requirement shall not apply to the exterior facade changes for the typical turnover of first floor spaces from one owner/tenant to another business, involving such aspects as replacement of awnings/canopies, store fronts, windows, signage, etc. but shall apply to exterior facade alterations that markedly change the exterior materials or appearance of the entire building or a substantial portion of the building facade encompassing the area within or above one or more existing tenant space. The intent is for the existing architectural character of the buildings to be preserved or replicated.

(2) Within the Interlachen National Register Historic District, any request for an alteration of the exterior facade or demolition of all or part of a building shall be governed by Sections 58-473 through 58-481 of this Article. This requirement shall not apply to the exterior facade changes for the normal turnover of business or residential floor spaces from one owner/tenant to another involving such aspects as replacement of doors, windows, awnings/canopies, signage, etc. but shall apply to exterior facade alterations that markedly change the exterior materials or appearance of the entire building or a substantial portion of the building facade encompassing the area within or above more than one existing owner/tenant space. The intent is for the existing architectural character of the buildings to be preserved or replicated.

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

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

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

SECTION IX: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2021.

City of Winter Park

Phil Anderson, Mayor

Attest: _____
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE APPLICATION FOR PARTICIPATION IN THE CERTIFIED LOCAL GOVERNMENT PROGRAM OF THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES AND THE NATIONAL PARK SERVICE OF THE US DEPARTMENT OF INTERIOR.

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles, development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission established a Historic Preservation program and Ordinance in 2001 in order to recognize the sites and properties of historical, archaeological, aesthetic and architectural merit that contribute to the public health, welfare, economic well-being, heritage and quality of life of the citizens of Winter Park; and

WHEREAS, there is the desire foster awareness and civic pride in the accomplishments of the City in the past 20 years of historic preservation and to seek accreditation and participation with the State of Florida, Division of Historical Resources and the National Park Service by applying to be part of the Certified Local Government program.

NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida that:

The City Commission of the City of Winter Park hereby authorizes and endorses the application to the Florida Department of State, Division of Historical Resources and National Park Service for participation in the Certified Local government program.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of _____ 2021.

Phillip Anderson, Mayor

ATTEST:

City Clerk



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

OVERVIEW OF HISTORIC PRESERVATION IN THE CITY OF WINTER PARK

Winter Park adopted a Historic Preservation Ordinance as part of the Land Development Code in 2001. Those regulations established the Historic Preservation Board (HPB), set forth the legal processes and procedures for historic designations and the creation of historic districts, rules and procedures for the HPB and criteria for implementation and operation of the City's historic preservation program.

Much of the program is based upon the surveys of historic properties that began in 1977 and which was completely updated in 2001 together with a comprehensive submission to the Florida Master Site File inventory.

Over the intervening 20 years, the City has created via property owner referendums, two local historic districts, the College Quarter historic district created in 2003 and the Virginia Heights, East historic district created in 2010. There also have been over 100 hundred individual designations of historic properties/buildings.

In addition to three individual properties on the National Register of Historic Places, the City also has two National Register Historic Districts that have been established for the Downtown Winter Park and adjacent Interlachen historic districts.

Winter Park's historic preservation program involves voluntary designations of individual properties and property owner referendum for the creation of historic districts. The City has created several important incentives for such designations that provide allowance of variances for such properties, ability to obtain approval for accessory living units, matching renovation grants, offsets for some permit fees and recognition plaques.

Becoming a Certified Local Government and participating in Florida's program is an important credential that has been overlooked in the past but it is now much desired by the HPB and the City Commission to demonstrate the support and commitment to historic preservation in Winter Park.

Sincerely,

Phillip Anderson, Mayor

APPENDIX C

APPLICATION FOR CERTIFICATION FLORIDA CERTIFIED LOCAL GOVERNMENT PROGRAM

Mail completed application to:

Compliance and Review Section
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Instructions:

1. Please use this application form.
 2. Please print or type all responses.
 3. Make sure forms are signed.
 4. Submit two complete sets of application materials.
 5. Incomplete applications will be returned.
-

1. Local Government Name: City of Winter Park

2. County: Orange

3. Contact (Name/Title/Address/Phone): Jeffrey Briggs, Principal Planner

401 Park Avenue, South, Winter Park, Florida 32789

Tel. (407) 599-3440, Email: Jbriggs@cityofwinterpark.org

4. Appropriate Local Official (Name/Title/Address/Phone/E-Mail/Fax): _____

Mayor Phillip Anderson, 401 Park Avenue, South, Winter Park, Florida 32789

Tel. (407) 599-3234, Email: Panderson@cityofwinterpark.org

5. Historic Preservation Review Commission (Name/Address/Phone): Historic Preservation Commission Chairperson Mr. John Skolfield, 401 Park Avenue, South, Winter Park, Florida 32789
Home telephone (321) 228-3990

6. Time and Place of Regular Review Commission Meetings: 9:00 a.m. every second Wednesday
Commission Chambers, City Hall, 401 Park Avenue, South, Winter Park, FL 32789

APPLICATION FOR CERTIFICATION

7. Briefly describe how the membership requirements for historic preservation commissions have been satisfied. Be sure to address to what extent professionals are available in the community and the positive involvement in historic preservation of the professional members. PLEASE SEE PAGES 4 AND 5 OF THIS APPLICATION.

The Historic Preservation Commission (HPC) includes seven members who are appointed by the City Commission, three by the mayor and one by each of the City Commissioners. HPC members serve staggered, three-year terms in office, and may be reappointed with a two-term limit. Vacancies are promptly filled by appointment. Residents in appropriate professional capacities who are willing to serve their city have been available since the HPC's establishment in 2001. The current HPC membership meets the ordinance's professional requirements, and includes one architect, one general contractor/builder, two with experience in historic home renovations, a real estate professional, and two businesswomen. All the HPC members are residents of Winter Park. The HPC is responsible for recommending local designations to the City Commission, and for reviewing additions, alterations, demolitions, new construction and relocations that affect individual designated properties or properties within a designated district. The HPC is served by Planning Department staff members including a Principal Planner with 42 years of experience in planning, zoning, and historic preservation, and a recording secretary. The HPC conducts an advertised meeting on the second Wednesday of every month at 9:00 a.m. in the Commission Chambers along with a monthly work session. Members also conduct preliminary meetings with applicants as necessary.

8. Briefly describe your system for survey and inventory of local historic resources.

A Florida Master Site File survey of selected landmark properties was performed in 1977 by volunteers with guidance from the DHR. The City of Winter Park hired a consultant and conducted a Florida Master Site File (FMSF) survey of all historic resources within its jurisdiction which were built prior to 1930 in 1986 for inclusion into the Winter Park Comprehensive Plan. The records of the first two inventories were available to the public at the Winter Park Public Library archives as well as on file at the Florida Master Site File. A report entitled *City of Winter Park Historical and Architectural Survey* provides a use-friendly guide to local history and architecture as well as summaries of the recorded properties. The Florida Master Site File survey for Winter Park was updated in 2001 with professional assistance and expanded to include all resources built before 1950. This project also included a user-friendly report with local history, development patterns, architecture and National Register recommendations entitled *Architectural Survey and National Register Evaluation*. Since the HPC was established in 2001, updated survey and inventory records and the full report are actively maintained and are made available to the public in the Winter Park Planning and Community Development Department as well as the Winter Park Public Library. The methodology for the next FMSF inventory update will include meetings with the HPC and local historic groups, background research, a field survey and FMSF data entry, evaluation for National Register eligibility and a presentation of findings organized in a user-friendly report.

APPLICATION FOR CERTIFICATION

9. Briefly describe how the local government intends to participate in the National Register program and detail how public participation requirements will be carried out in the local government's review of National Register nomination proposals.

The HPC shall review local nominations to the National Register of Historic Places at a public hearing and shall forward a record of their actions and recommendations to the Florida State Historic Preservation Officer. The city commission, city manager, planning and community development department director, chief planner, owner(s) of record and applicants shall be given a minimum of 30 and not more than 75-day notice prior to the HPC hearing to comment or object to the listing of a property in the National Register. Notices are mailed to the property owners of record on the latest Orange County tax role within a 500' radius of the proposed historic property. The hearing notice shall be published in a newspaper of general circulation in the city and county at least 15 days prior to the hearing.

10. Briefly describe why you are seeking certification.

The current City Commission of the City of Winter Park is in strong support of achieving the recognition and status as a Certified Local Government. The Winter Park Historic Preservation Commission want to expand their involvement in national and state preservation activities and programs by meeting the requirements and responsibilities of the Certified Local Government program. Becoming a Certified Local Government will also raise the local profile of the HPC's historic preservation efforts and encourage more property owners to seek designation. A policy contained in the Future Land Use element of the Comprehensive Plan for Winter Park includes the recommendation that the city participate in the Certified Local Government program.

11. Are you planning to apply for Certified Local Government subgrants? YES _____
NO **X Not at this time.**
If yes, briefly describe the purpose of the proposed Certified Local Government subgrant request.

APPLICATION FOR CERTIFICATION

Membership of Review Commission

Name and Profession		Term Expires
1. Chairperson	John Skolfield, General Contractor	2024
2. Vice-Chairman	Anne Sallee,	2023
3. Member	Aimee Spenser	2022
4. Member	Lee Rambeau	2023
5. Member	Drew Henner	2024
6. Member	Wade Miller	2022
7. Member	Karen James	2024

Certified Local Government Ordinance Internal Checklist

APPLICATION FOR CERTIFICATION

B.1. Requirements of Ordinance

Requirements	Ordinance Citation
a) Purpose clearly stated	<u>Sec. 58-433</u>
b) Authority for appointment of suitable commission	<u>Sec. 58-445-447</u>
c) Criteria for designation of historic properties clearly defined (shall be based on and consistent with the criteria used by the National Register)	<u>Sec. 58-456</u>
d) Clearly defined process for designation of historic properties including the consequences of designation	<u>Sec. 58-457</u>
e) Boundaries for historic districts and individual properties identified in the ordinance are clearly established	<u>Sec.58-456</u>
f) Authority for the Review Commission to review and render a decision on all proposed alterations, demolitions, relocations, and new construction within the boundaries designated by the ordinance or which directly affect designated properties	<u>Sec.58-466-475</u>
g) Provisions for the delay of demolitions, but not for the indefinite stay of a demolition	<u>Sec.58-479</u> <u>Sec.58-481</u> <u>Sec. 58-482</u>
h) Criteria for the review of proposals for alterations, new construction, relocations and demolitions clearly set forth in the ordinance (alterations shall achieve the purpose of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings)	<u>Sec. 58-469</u> <u>Sec.58-473</u> <u>Sec.58-474</u>
i) Provisions for enforcing decisions	<u>Sec. 58-495-500</u>
j) Penalties for non-compliance	<u>Sec. 58-500</u>
k) Specific time frames for reviews	<u>Sec. 58-473</u>
l) Right of appeal	<u>Sec. 58-477</u>
m) Specific time frames for consideration of development proposals	<u>Sec. 58-473</u>

B.2. Commission

Requirements	Ordinance Citation
a) Minimum of five (5) members (minimum of three (3) members if a population less than 10,000)	<u>Sec. 2-19 & 2-47</u>
b) Area of geographic responsibility coterminous with the boundaries of local jurisdiction	<u>Sec. 2-46 & 2-59</u>
c) Appointments made by appropriate local official or appropriate governing body	<u>Sec. 2-48</u>
d) Commission members residents of the jurisdiction which they serve	<u>Sec. 2-48</u>
e) Terms of office staggered	<u>Sec. 2-48</u>
f) Terms of office at least two (2) years, but not more than five (5) years	<u>Sec. 2-48</u>
g) Provisions by appropriate local official or appropriate governing body to fill vacancies within sixty (60) days	<u>Sec. 2-48</u>
h) Provisions for at least four (4) meetings per year at regular intervals	<u>Sec. 2-48</u>
i) Provisions for recording minutes of each meeting	<u>Sec. 2-59</u>
j) Provisions for Commission to attend pertinent informational or education meetings, workshops and conferences	<u>Sec. 58-447</u>
k) Provisions for Commission review of proposed National Register nominations within its jurisdiction	<u>Sec. 58-447</u>
l) Provisions for seeking expertise on proposals or matters requiring evaluation by a profession not represented on the Commission	<u>Sec. 58-447</u>
m) Staff sufficient to undertake the requirements for certification and carry out delegated responsibilities	<u>Sec. 2-48</u>
n) Rules of Procedure adopted by Commission	<u>Sec. 2-48</u>
o) Commission responsibilities complementary to those of the State Historic Preservation Office	<u>Sec. 58-447</u> <u>Sec. 58-492</u>

B.3. Survey and inventory of Historic Properties

Requirements	Ordinance Citation
a) Provisions to initiate and continue an approved process of identification of historic properties within the jurisdiction of the Commissions (inventory materials shall be compatible with the Florida Site File)	<u>Sec. 58-447</u>
b) Provision to maintain a detailed inventory of designated districts, sites and structures within the jurisdiction of the Commission	<u>Sec. 58-447</u>
c) Inventory material open to the public	<u>Sec. 58-447</u>
d) Provisions to update inventory materials periodically	<u>Sec. 58-447</u>
e) Assurance that duplicates of all inventory materials will be provided to the State Historic Preservation Officer	<u>Sec. 58-447</u>
f) Provisions to encourage the Commission members to participate in survey and planning activities of the Certified Local Government	<u>Sec. 58-447</u>

B.4. Public Participation

Requirements	Ordinance Citation
a) Provisions that Commission meetings will be publicly announced	<u>Sec. 58-457/468/473</u>
b) Provisions that Commission meetings will be open to the public	<u>Sec. 2-47 & 58-468</u>
c) Provisions that Commission meetings will have a previous advertised agenda	<u>Sec. 2-47 & 58-468</u>
d) Provisions to make meeting records available to the public	<u>Sec. 58-476</u>
e) Provisions that all Commission decisions will be given in a public forum	<u>Sec. 2-47 & 58-468</u>
f) Rules of Procedure adopted by the Commission must be available for public inspection	<u>Sec. 2-48 & 58-476</u>
g) Provisions assuring that appropriate local officials, owners of record, and applicants shall be given a minimum of thirty (30) calendar days and not more than seventy-five (75)calendar days prior notice to Commission meetings in which to comment on or object to the listing of a property in the National Register	<u>Sec. 58-491</u>

h) Objections by property owners must be notarized to prevent nomination to the National Register	<u>Sec. 58-491</u>
i) Provisions for public and owner notification for designation and project reviews	<u>Sec. 58-457</u> <u>Sec. 58-468</u> <u>Sec. 58-473</u>
j) Provisions for public hearings for designations and project reviews	<u>Sec. 58-457</u> <u>Sec. 58-468</u> <u>Sec. 58-473</u>

B.5. Satisfactory Performance

<u>Requirements</u>	<u>Ordinance Citation</u>
a) Provide the State Historic Preservation Officer with thirty (30) calendar days prior notice of all meetings	<u>Sec. 58-492</u>
b) Submit minutes of each meeting to the State Historic Preservation Officer within thirty (30) calendar days	<u>Sec. 58-492</u>
c) Submit record of attendance of the Review Commission to the State Historic Preservation Officer within thirty (30) calendar days after each meeting	<u>Sec. 58-492</u>
d) Submit public attendance figures for each meeting to the State Historic Preservation Officer within thirty (30) calendar days of each meeting	<u>Sec. 58-492</u>
e) Notify the State Historic Preservation Officer of change in Commission membership within thirty (30) calendar days of action	<u>Sec. 58-492</u>
f) Notify State Historic Preservation Officer immediately of all new historic designations or alterations to existing designations	<u>Sec. 58-492</u>
g) Submit amendments to ordinance to the State Historic Preservation Officer for review and comment at least thirty (30) calendar days prior to adoption	<u>Sec. 58-492</u>
h) Submit an annual report by November 1 covering activities of previous October 1 through September 30	<u>Sec. 58-492</u>
i) Information to be included in annual report (at a minimum)	<u>Sec. 58-492</u>
1) A copy of the Rules of Procedure	
2) A copy of historic preservation ordinance	
3) Resume of Commission members	
4) Changes to the Commission	
5) New Local designations	
6) New National Register listings	
7) Review of survey and inventory activity with a description of the system used	
8) Program report on each grant-assisted activity	
9) Number of projects reviewed	

C.I. Procedures (Certification material contained in this submission)

Requirements

a) A written assurance by the chief elected local official that the local government will fulfill all of the requirements of certification	<div>X</div> <hr/>
b) A copy of the local legislation	<div>X</div> <hr/>
c) A map of the area of jurisdiction of the Commission with any and all existing designated historic districts and individual historic properties clearly identified	<div>X</div> <hr/>
d) A copy of the Commission's Rules of Procedure	<div>X</div> <hr/>
e) Resumes for each member of the Commission	<div>X</div> <hr/>
f) Resumes for Commission staff members	<div>X</div> <hr/>

Certification

I hereby certify that I have read the Florida Certified local Government Guidelines and agree to comply with all terms and conditions set forth therein.

Chief Elected Local Official
Title

Date



City Commission **agenda item**

item type Public Hearings	meeting date August 25, 2021
prepared by Jeffrey Briggs	approved by Bronze Stephenson
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park for:

item list

- An Ordinance to amend the Comprehensive Plan to adopt a new Private Property Rights Element in accordance with State Statutes. (1st Reading)

motion / recommendation

The P&Z Board and Staff recommend approval.

background

House Bill 59 became effective on July 1, 2021, which requires that every City and County in Florida must adopt a Private Property Rights Element. If the City does not comply, then no other future Comprehensive Plan amendments will be processed by the State or can be adopted, which most immediately would not allow the Comprehensive Plan amendments associated with the Orange Avenue Overlay to proceed.

House Bill 59 is prescriptive and outlines exactly what text must be included in the amendment. That then is the exact text within the proposed Ordinance which has been prepared by the City Attorney's Office.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance - Property Right Element DL rev 07-29-2021.pdf](#)

ATTACHMENTS:

[HB 59.pdf](#)

ATTACHMENTS:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT A NEW PROPERTY RIGHTS ELEMENT IN THE WINTER PARK COMPREHENSIVE PLAN IN COMPLIANCE WITH FLORIDA STATUTES.

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 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; and

WHEREAS, the Florida Legislature changed statutory provisions of chapter 163, Florida Statutes effective on July 1, 2021 to ensure that private property rights are considered in local decision-making by requiring the adoption of a Property Rights Element into the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Winter Park desires to update the Comprehensive Plan consistent with such statutory changes by adopting a "Property Rights Element"; and

WHEREAS, the City Commission desires to incorporate into the Property Rights Element language to signify the City's respect for the rights of people to participate in the land use planning processes and consideration of impacts changes to land use have on the predictability and reliability of the comprehensive plan.

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on August 3, 2020, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on August 25, 2021 and on _____, 2021 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. Comprehensive Plan Amendment. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" is hereby amended to adopt a new Property Rights Element as Chapter 10 of the Comprehensive Plan to read as follows (new language is underlined):

Chapter 10: PROPERTY RIGHTS ELEMENT

GOAL 10-1:

The purpose and overall goal for the Property Rights Element is to signify respect for judicially acknowledged and constitutionally protected private property rights, signify respect to people's rights to participate in the decisions that affect their lives and property, and to ensure that those rights are considered in the City of Winter Park's decision-making concerning land use and zoning matters.

Objective 10.1:

This objective provides a framework for ensuring that private property rights and the rights of people to participate in the decisions that affect their lives and property are considered in local decision-making concerning land use and zoning matters. This objective and the policies within this element do not create any property rights or due process rights that are not already judicially acknowledged and constitutionally protected. This objective and the policies within this element are not intended to alter the legislative nature of decisions made in the adoption of comprehensive plan amendments and land development code amendments. This objective and the policies within this element are not intended to require evidence, discussion, or findings of fact concerning the matters set forth herein. Ordinances adopted and land use and zoning decisions made by the City are presumed to have considered the matters set forth in this element.

Policy 10.1: The following rights shall be considered in decision-making by the City of Winter Park concerning land use and zoning matters:

- 1) The right of a property owner to physically possess and control their interests in property, including easements, leases, or mineral rights.
- 2) The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- 3) The right of the property owner to privacy and to exclude

others from the property to protect the owner's possessions and property.

4) The right of a property owner to dispose of his or her property through sale or gift.

Policy 10.2: Persons that are affected by proposed land use and zoning decisions have the right to notice of public hearing(s) and the right to present testimony and evidence at public hearing(s) involving land use and zoning decisions of the City. The City will ensure that its land development regulations provide adequate public notice of proposed changes to the comprehensive plan, zoning and land development regulations to afford affected persons with sufficient time to become informed and participate in the decision making process. The City will consider implementing and maintaining processes to better inform the public of proposed changes to the comprehensive plan, zoning, and land development regulations.

Policy 10.3: Residents, property owners, and businesses may have made decisions to buy and improve homes, buy and improve property or start and grow businesses based, in part, on their understanding of existing comprehensive plan and zoning provisions. The City will consider the impacts that proposed changes to the comprehensive plan, zoning and land development regulations have on the reliability and predictability of the comprehensive plan, zoning and land development regulations and on the best interest of the citizens' health, safety and welfare.

SECTION 2. Codification. Section 1 of this Ordinance shall be incorporated into the Winter Park Comprehensive Plan. Any objectives, goals, policies, section, and paragraph number or letters 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 may be freely made.

SECTION 3. Severability. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

SECTION 4. Conflicts. If any ordinance or part thereof is in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 5. Effective Date. The effective date of the comprehensive plan amendment ("Amendment") set forth in this Ordinance, if the Amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the comprehensive plan amendment package is complete. If timely challenged, this Amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. If a final order of noncompliance is issued by the Administrative Commission, this Amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

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 _____, 2021.

Mayor Phillip Anderson

Attest:

Rene Cranis, City Clerk

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

1
2 An act relating to growth management; amending s.
3 163.3167, F.S.; specifying requirements for certain
4 comprehensive plans effective, rather than adopted,
5 after a specified date and for associated land
6 development regulations; amending s. 163.3177, F.S.;
7 requiring local governments to include a property
8 rights element in their comprehensive plans; providing
9 a statement of rights which a local government may
10 use; requiring a local government to adopt a property
11 rights element by the earlier of its adoption of its
12 next proposed plan amendment initiated after a certain
13 date or the next scheduled evaluation and appraisal of
14 its comprehensive plan; prohibiting a local
15 government's property rights element from conflicting
16 with the statement of rights contained in the act;
17 amending s. 163.3237, F.S.; providing that the consent
18 of certain property owners is not required for
19 development agreement changes under certain
20 circumstances; providing an exception; amending s.
21 337.25, F.S.; requiring the Department of
22 Transportation to afford a right of first refusal to
23 certain individuals under specified circumstances;
24 providing requirements and procedures for the right of
25 first refusal; amending s. 380.06, F.S.; authorizing

Page 1 of 8

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0059-05-er

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

26 certain developments of regional impact agreements to
27 be amended under certain circumstances; providing
28 retroactive applicability; providing a declaration of
29 important state interest; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

32
33 Section 1. Subsection (3) of section 163.3167, Florida
34 Statutes, is amended to read:

35 163.3167 Scope of act.—

36 (3) A municipality established after the effective date of
37 this act shall, within 1 year after incorporation, establish a
38 local planning agency, pursuant to s. 163.3174, and prepare and
39 adopt a comprehensive plan of the type and in the manner set out
40 in this act within 3 years after the date of such incorporation.
41 A county comprehensive plan is controlling until the
42 municipality adopts a comprehensive plan in accordance with this
43 act. A comprehensive plan for a newly incorporated municipality
44 which becomes effective ~~adopted~~ after January 1, 2016 ~~2019~~, and
45 all land development regulations adopted to implement the
46 comprehensive plan must incorporate each development order
47 existing before the comprehensive plan's effective date, may not
48 impair the completion of a development in accordance with such
49 existing development order, and must vest the density and
50 intensity approved by such development order existing on the

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

effective date of the comprehensive plan without limitation or modification.

Section 2. Paragraph (i) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)–(5), the comprehensive plan shall include the following elements:

(i)1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

76
77 2. The right of a property owner to use, maintain,
78 develop, and improve his or her property for personal
79 use or for the use of any other person, subject to
80 state law and local ordinances.

81
82 3. The right of the property owner to privacy and to
83 exclude others from the property to protect the
84 owner's possessions and property.

85
86 4. The right of a property owner to dispose of his or
87 her property through sale or gift.

88
89 2. Each local government must adopt a property rights
90 element in its comprehensive plan by the earlier of the date of
91 its adoption of its next proposed plan amendment that is
92 initiated after July 1, 2021, or the date of the next scheduled
93 evaluation and appraisal of its comprehensive plan pursuant to
94 s. 163.3191. If a local government adopts its own property
95 rights element, the element may not conflict with the statement
96 of rights provided in subparagraph 1.

97 Section 3. Section 163.3237, Florida Statutes, is amended
98 to read:

99 163.3237 Amendment or cancellation of a development
100 agreement.—A development agreement may be amended or canceled by

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

101 mutual consent of the parties to the agreement or by their
102 successors in interest. A party or its designated successor in
103 interest to a development agreement and a local government may
104 amend or cancel a development agreement without securing the
105 consent of other parcel owners whose property was originally
106 subject to the development agreement, unless the amendment or
107 cancellation directly modifies the allowable uses or
108 entitlements of such owners' property.

109 Section 4. Subsection (4) of section 337.25, Florida
110 Statutes, is amended to read:

111 337.25 Acquisition, lease, and disposal of real and
112 personal property.—

113 (4) The department may convey, in the name of the state,
114 any land, building, or other property, real or personal, which
115 was acquired under subsection (1) and which the department has
116 determined is not needed for the construction, operation, and
117 maintenance of a transportation facility. When such a
118 determination has been made, property may be disposed of through
119 negotiations, sealed competitive bids, auctions, or any other
120 means the department deems to be in its best interest, with due
121 advertisement for property valued by the department at greater
122 than \$10,000. A sale may not occur at a price less than the
123 department's current estimate of value, except as provided in
124 paragraphs (a)-(d). The department may afford a right of first
125 refusal to the local government or other political subdivision

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

126 in the jurisdiction in which the parcel is situated, except in a
127 conveyance transacted under paragraph (a), paragraph (c), or
128 paragraph (e). Notwithstanding any provision of this section to
129 the contrary, before any conveyance under this subsection may be
130 made, except a conveyance under paragraph (a) or paragraph (c),
131 the department shall first afford a right of first refusal to
132 the previous property owner for the department's current
133 estimate of value of the property. The right of first refusal
134 must be made in writing and sent to the previous owner via
135 certified mail or hand delivery, effective upon receipt. The
136 right of first refusal must provide the previous owner with a
137 minimum of 30 days to exercise the right in writing and must be
138 sent to the originator of the offer by certified mail or hand
139 delivery, effective upon dispatch. If the previous owner
140 exercises his or her right of first refusal, the previous owner
141 has a minimum of 90 days to close on the property. The right of
142 first refusal set forth in this subsection may not be required
143 for the disposal of property acquired more than 10 years before
144 the date of disposition by the department.

145 (a) If the property has been donated to the state for
146 transportation purposes and a transportation facility has not
147 been constructed for at least 5 years, plans have not been
148 prepared for the construction of such facility, and the property
149 is not located in a transportation corridor, the governmental
150 entity may authorize reconveyance of the donated property for no

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

151 consideration to the original donor or the donor's heirs,
152 successors, assigns, or representatives.

153 (b) If the property is to be used for a public purpose,
154 the property may be conveyed without consideration to a
155 governmental entity.

156 (c) If the property was originally acquired specifically
157 to provide replacement housing for persons displaced by
158 transportation projects, the department may negotiate for the
159 sale of such property as replacement housing. As compensation,
160 the state shall receive at least its investment in such property
161 or the department's current estimate of value, whichever is
162 lower. It is expressly intended that this benefit be extended
163 only to persons actually displaced by the project. Dispositions
164 to any other person must be for at least the department's
165 current estimate of value.

166 (d) If the department determines that the property
167 requires significant costs to be incurred or that continued
168 ownership of the property exposes the department to significant
169 liability risks, the department may use the projected
170 maintenance costs over the next 10 years to offset the
171 property's value in establishing a value for disposal of the
172 property, even if that value is zero.

173 (e) If, at the discretion of the department, a sale to a
174 person other than an abutting property owner would be
175 inequitable, the property may be sold to the abutting owner for

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

the department's current estimate of value.

Section 5. Paragraph (d) of subsection (4) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(d) Any agreement entered into by the state land planning agency, the developer, and the local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before April 6, 2018, and may be amended pursuant to the processes adopted by the local government for amending development orders. Any such agreement or amendment may authorize the developer to exchange approved land uses, subject to demonstrating that the exchange will not increase impacts to public facilities. This paragraph applies to all such agreements and amendments effective on or after April 6, 2018.

Section 6. The Legislature finds and declares that this act fulfills an important state interest.

Section 7. This act shall take effect July 1, 2021.



Public Hearing

NOTICE OF AN ORDINANCE TO ESTABLISH A NEW PRIVATE PROPERTY RIGHTS AMENDMENT TO THE COMPREHENSIVE PLAN IN CONFORMANCE WITH STATE STATUTE

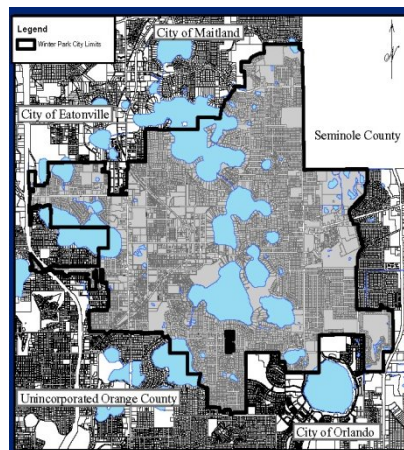
NOTICE IS HEREBY GIVEN that the Winter Park City Commission will hold a Public Hearing on Wednesday, August 25, 2021 at 3:30 p.m., in City Hall Commission Chambers, located at 401 South Park Avenue in the City of Winter Park, Florida, to consider the adoption and transmittal of an Ordinance to amend the Comprehensive Plan for a new Private Property Rights Element.

Copies of the proposed Ordinance are available for inspection in the Planning Department in City Hall, Monday through Friday, from 8 a.m. to 5 p.m., as well as on the city's official web site at www.cityofwinterpark.org.

All interested parties are invited to attend and be heard with respect to the adoption of the proposed amendments. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the hearing.

Pursuant to the provisions of the Americans with Disabilities Act: any person requiring special accommodation to participate in this meeting, because of disability or physical impairment, should contact the Planning Department at 407-599-3324 at least 48 hours in advance of this hearing.

Pursuant to §286.0105 of the Florida Statutes: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.



PUBLISH: August 8, 2021 ORLANDO SENTINEL



City Commission agenda item

item type Public Hearings	meeting date August 25, 2021
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance proposing Charter Amendments for March 2022 ballot (1st reading - Tabled August 11, 2021)

motion / recommendation

Approve the first reading of the ordinance to pose ballot questions to the voters regarding charter sections 2.08 & 2.11.

background

At the direction of the City Commission, the City Attorney's office has prepared ballot language (to be consider by the voters during the March 2022 election for the purpose of modifying sections 2.08 and 2.11 of the city charter. Note that the language below and in the ordinance reflects Attorney Langley's revisions dated August 12, 2021.

Section 2.08 (c) & (d) would be modified as follows:

(c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) conveyance of fee simple ownership of real property owned by the city; (ii) comprehensive plan future land use map amendment or rezoning of city-owned park land to a use that is not a public recreational, park or city governmental use; (iii) rezoning of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district; (iv) comprehensive plan future land use map amendment or rezoning of lakefront property from a residential use to a commercial use, mixed-use or multi-family use; (v) approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the permitted intensity or density of use of property by more than fifty percent

from the existing allowed intensity or density of use; in evaluating intensity increases for the purposes of this provision, the calculation of the fifty percent threshold will include parking garage square footage, if applicable; and (vi) approving a development order authorizing development within “wetlands” as defined by Florida Statutes or the Florida Administrative Code. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.

(d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

Section 2.11 (a) would be modified as follows:

(a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a substantive or material change in the ordinance during the city commission’s adoption process substance in the text, then the reading at the time of change will be deemed the first reading the city commission will conduct at least one reading and public hearing of the ordinance after such change is made. Further, if during the city commission’s adoption process for an ordinance amending the comprehensive plan or the zoning of property there is a change made in the ordinance that results in an increase in the density or intensity of uses, or in a change to the permitted uses, prior to adoption the city commission will conduct at least one reading and public hearing of the ordinance after such change is made.

alternatives / other considerations

The City Commission may accept, reject or modify this language.

fiscal impact

ATTACHMENTS:

[Ordinance adopting Charter Amendment Referendum draft 08-12-2021.pdf](#)

ORDINANCE _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK SECTIONS 2.08 AND 2.11; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 8, 2022; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.

WHEREAS, the City Commission of the City of Winter Park, Florida pursuant to Chapter 166, Florida Statutes, and Section 1.03, Charter of the City of Winter Park, Florida, may submit to the electors of the City proposed amendments to the City Charter; and

WHEREAS, the City Commission finds it in the best interests of the City and its residents to propose and submit to the electors of the City of Winter Park for referendum vote the City Charter amendments provided for herein, at the election to be held on March 8, 2022.

NOW THEREFORE, BE IT 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.

Section 2. Charter Amendment #1. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (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 and do not represent Charter amendments):

Sec. 2.08. - Procedure.

- (a) *Meetings*. The commission shall meet regularly at least once every month at such time and public place as the commission may prescribe by rule. Special and/or emergency meetings may be held upon call of any member of the commission. Special meetings require twenty-four (24) hours advance notice to each member of the city commission and to the public. Emergency meetings require, when practicable, twelve (12) hours notice to each member of the city commission and to

the public and shall be called only to consider a public emergency affecting life, health, property or the public peace. Notice to the public consists of posting notice at some designated, conspicuous place in front of City Hall. A proposed agenda for all meetings shall also be posted in this same location as soon as practicable before each meeting, but in any event not later than twenty-four (24) hours for each regular and special meeting. Failure to list a specific item on an agenda shall not affect the validity of any act of the city commission. In the event any regular, special or emergency meeting is to be adjourned to reconvene at a later time, the date, time and place of reconvening shall be announced prior to such adjournment.

- (b) *Rules.* The commission shall determine its own rules and order of business. Minutes shall be kept of all commission proceedings.
- (c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the commissioners and the mayor and shall be recorded in the minutes. The affirmative vote of at least three (3) members of the city commission who are present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) conveyance of fee simple ownership of real property owned by the city; (ii) comprehensive plan future land use map amendment or rezoning of city-owned park land to a use that is not a public recreational, park or city governmental use; (iii) rezoning of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district; (iv) comprehensive plan future land use map amendment or rezoning of lakefront property from a residential use to a commercial use, mixed-use or multi-family use; (v) approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the permitted intensity or density of use of property by more than fifty percent from the existing allowed intensity or density of use; in evaluating intensity increases for the purposes of this provision, the calculation of the fifty percent threshold will include parking garage square footage, if applicable; and (vi) approving a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code. The use of video-conferencing by an individual member of the city commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the city commission. No other action of the commission except as provided in Sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of at least a majority of a quorum present.
- (d) *Quorum.* At least three (3) members ~~majority~~ of the commission must be physically present to constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of at least three members ~~a majority~~ of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.

- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
 - (2) Establish a rule or regulation the violation of which carries a penalty;
 - (3) Levy taxes authorized by general law;
 - (4) Grant, renew or extend a franchise;
 - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
 - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
 - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
 - (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
 - (9) Establish zoning.

Section 3. Amendment #1 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 2 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #1:
Supermajority and Majority Voting Requirements**

Shall Sections 2.08 and 2.11 of the Winter Park City Charter be amended 1) to require at least four of five members of the city commission to vote in favor to approve certain land use, zoning and development order matters and to approve the conveyance of fee simple title of city owned property, and 2) to clarify that at least three affirmative votes are required to approve other matters?

Yes _____

No _____

Section 4. Charter Amendment #2. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of a majority of the city commission on at least two (2) separate days at either regular or special meetings of the commission. If there is a substantive or material change in the ordinance during the city commission's adoption process ~~substance in the text, then the reading at the time of change will be deemed the first reading the city commission will conduct at least one reading and public hearing of the ordinance after such change is made.~~ Further, if during the city commission's adoption process for an ordinance amending the comprehensive plan or the zoning of property there is a change made in the ordinance that results in an increase in the density or intensity of uses, or in a change to the permitted uses, prior to adoption the city commission will conduct at least one reading and public hearing of the ordinance after such change is made.
- (b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:
- (1) Adopt or amend an administrative code or establish or abolish any city department or agency;
 - (2) Establish a rule or regulation the violation of which carries a penalty;
 - (3) Levy taxes authorized by general law;
 - (4) Grant, renew or extend a franchise;
 - (5) Set service or user charge for municipal services or grant administrative authority for such charges;
 - (6) Authorize the borrowing of money not inconsistent with the limitations in the Constitution, the general laws of the state, and the provisions of this Charter;
 - (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
 - (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article V;
 - (9) Establish zoning.

Section 5. Amendment #2 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 4 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question #2:
Ordinance Changes During Adoption Process**

Shall Section 2.11 of the Winter Park City Charter be amended to require an additional reading of a proposed ordinance before its adoption when during the adoption process either (i) a substantive or material change is made, or (ii) a change is made to a proposed zoning or comprehensive plan amendment ordinance that results in an increase in the permitted density or intensity of uses or a change to the permitted uses?

Yes _____

No _____

Section 6. Referendum. The forgoing proposed amendments to the Charter of the City of Winter Park and their accompanying ballot questions shall be individually placed on the City ballot and submitted to the qualified electors of the City of Winter Park at the election held on **March 8, 2022**. The qualified voters shall have an opportunity to vote on the proposed amendments to the Charter. The City Clerk is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. In the event it becomes necessary, as determined by the City Commission, to make modifications to any ballot question, ballot summary or to remove a proposed charter amendment from the ballot contained herein after adoption of this Ordinance, the City Commission may make such modification by resolution. In the event it becomes necessary, as determined by the City Commission, to reschedule the referendum on the proposed amendments to the City Charter set forth herein, the City Commission may make such modification by resolution.

Section 7. Codification & Corrections. Any City Charter amendment provided for in this Ordinance, which receives affirmative votes from the majority of the votes cast shall be incorporated into the City Charter of the City of Winter Park. Any section, paragraph number, cross references, letter and/or any heading, may be changed or modified in the existing Charter and the charter amendments proposed herein adopted as necessary to effectuate the foregoing, including for consistency with other charter amendments adopted. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made.

Section 8. 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 9. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

Section 10. 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 and the City Charter amendments and referendum provided for herein. If the City Charter is

amended, a copy of the revised City Charter shall be filed with the Department of State in accordance with Section 166.031(2), Florida Statutes.

Section 11. Effective Dates. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida. Any City Charter amendment provided for herein shall become effective immediately upon approval by the certified voters of the City of Winter Park and certification by the Orange County Supervisor of Elections or other appropriate officer or entity.

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 _____, 2021.

Mayor Phil Anderson

ATTEST:

Rene Cranis, City Clerk

s:\aka\clients\winter park\charter review w600-26084\ordinance adopting charter amendment referendum draft 08-12-2021.docx