



city commission agenda

August 26, 2020
3:30 PM
Commission Chamber

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

City Commission Regular Meeting

welcome

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

meeting procedures

Persons desiring to address the Commission MUST fill out and provide the the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Citizen comments at 5 p.m. and each section of the agenda where public commend is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. Large groups are asked to name a spokesperson. The period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

- a. Souraya Ghalayini, Leader's Preparatory School 1 minute

Pledge of Allegiance

3. Approval of Agenda

4. Citizen Budget Comments

5. Mayor's Report

6. City Manager's Report

- a. 90-Day Report 5

7. City Attorney's Report

8. Non-Action Items

- a. Presentation by Chris Castro on City of Orlando's Sustainability Initiatives 30 minutes

9. Citizen 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 (3) minutes are allowed for each speaker)

10. Consent Agenda

- a. Approve the minutes of regular meeting, August 12, 2020 1 minute
- b. Approve the minutes of work session, August 13, 2020 1 minute
- c. Approve the following Piggyback Contracts: 1 minute
 - 1. Hawkins, Inc. - Hillsborough County Piggyback Contract - RFQ #16709 Hydrofluosilicic Acid; Not to exceed \$75,000
 - 2. Dade Paper & Bag LLC (Imperial Dade) - OMNIA Partners Piggyback Contract - #R162101 Janitorial & Sanitation Products/Supplies/Services; Not to exceed

- \$75,000
- 3. Danus Utilities, Inc. - City of Clermont Piggyback Contract - RFB 17-040 Lift Station Rehabilitation Services; Not to exceed \$400,000
- 4. Graybar Electric Company, Inc. - OMNIA Partners Piggyback Contract - EV2370 Electrical, Lighting, Data Communications and Security Products and Related Products, Services and Solutions; Not to exceed \$75,000

11. Action Items Requiring Discussion

- | | | |
|----|---|------------|
| a. | Single Member Districts | 45 minutes |
| b. | Killarney Estates Traffic Improvements | 30 minutes |
| c. | Discussion of Commission Budget Suggestions FY 21 | 45 minutes |

12. Public Hearings

- | | | |
|----|--|------------|
| a. | Request of the City of Winter Park for:
An Ordinance to adopt the Orange County Fertilizer Regulations, by reference. (Second Reading) | 5 minutes |
| b. | Backyard Chicken Pilot Program Ordinance | 15 minutes |

13. City Commission Reports

14. Summary of Meeting Actions

Appeals and Assistance

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

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



City Commission **agenda item**

item type Invocation	meeting date August 26, 2020
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Souraya Ghalayini, Leader's Preparatory School

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission agenda item

item type City Manager's Report	meeting date August 26, 2020
prepared by Jennifer Guittard	approved by Peter Moore, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

90-Day Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

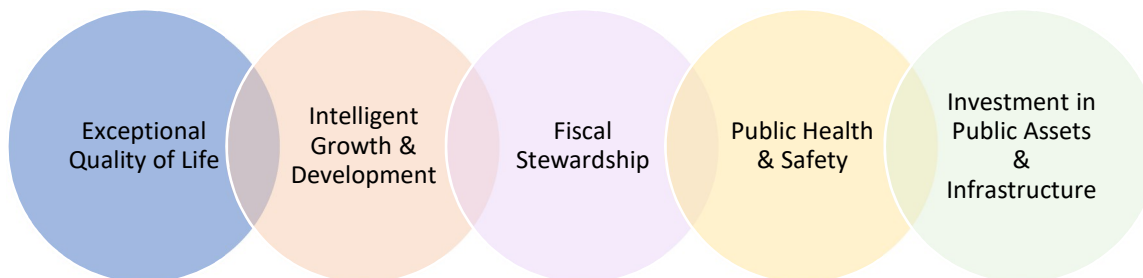
90Day Report 8.26.20.pdf



90-Day Report

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

City of Winter Park Strategic Objectives



Upcoming Commission Items

Title 1: Exceptional Quality of Life

Item	Description	Item Department	Item Date
Phelps Park Playground Renovation	Parks and Recreation will be surveying residents for input on final selection for new playground in Aug. Equipment scheduled for purchase in September 2020 as part of FY20 CIP.	Parks	Oct
Tree Preservation Ordinance	Ordinance was introduced to PRAB on November 22nd with no action taken and request for additional time to review and possible work-session for detailed explanation by staff. Tree Ordinance will be presented to newly created Trees Preservation Board and Planning and Zoning, then presented to Commission.	Parks	Nov
Electric Vehicle Readiness	Ordinance is going to P&Z for review. Then Commission for approval.	Building & Permitting	Nov

Title 2: Fiscal Stewardship

Item	Description	Item Department	Item Date
Budget and Millage Ordinance Adoption	At the City Commission meetings on September 9th & 23rd, the first and second readings of the ordinance adopting the budget and millage rate, will be approved in accordance with statute.	Administration	Sept

Title 3: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Annexation Work session	This item was to be brought back to the Commission within 30 days of being tabled, but at the September 9th meeting, staff will request that this item be continued until October so that a worksession can be held to discuss annexation law, annexation policies, current annexation requests, and a comprehensive financial analysis of the annexation requests. Staff feels that these items are important to have in-depth discussion about prior to Commission consideration, given the upcoming complexity of the annexation requests.	Planning & Transportation	Sept
Single Use Plastic Policy	Commission approval of the Single use Plastic Policy brought to commission by the Sustainability department after review by KWPB board.	Building & Permitting	Oct
Fill Ordinance	Ordinance to regulate the amount of fill added to residential lots.	Planning & Transportation	Oct
Turf Ordinance	Ordinance to adopt regulations for the consideration of artificial turf as an impervious surface to residential lots will be reviewed by P&Z then brought back to Commission.	Planning & Transportation	Nov

Title 4: Investment in Public Assets & Infrastructure

Item	Description	Item Department	Item Date
Drainage Plan for CRA	Geosyntech is the stormwater consulting firm on contract for the study and development of improvements particularly surrounding the MLK park pond basin and the Center street basin downtown. The report is currently being drafted with an anticipated delivery date of October.	Stormwater	Oct
Sewer Capacity	Purchase of additional sewer capacity at Altamonte Springs.	Water & Sewer	Oct
Wastewater Interlocal Capital Contribution Payment	Finalize approval with the City of Orlando for waste water plant upgrades.	Water & Sewer	Oct
Wastewater Interlocal Contract	Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	Oct

Additional Items of City Interest

Title 5: Exceptional Quality of Life

Item	Description	Item Department
Agenda Management Program	To better align with Accessibility Requirements, the City is upgrading to an ADA compliant agenda management program. Staff is currently training on this software and hopes to go live with the Commission in October.	IT
Library & Events Center	Steel and precast are currently in production and erection of the steel is underway on the Library.	Public Works

Item	Description	Item Department
MLK Park Plan	City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature. Meetings are underway with Dix-Hite to determine concepts and cost. CRA has ability to address some improvements at this site with potential funding as part of the CRA CIP.	Parks
Public Art for I-4	Design selection by the Public Art Advisory Board was approved by the City Commission and the winning company, RLF, will finalize construction costs and options to bring the project in at the \$150k budget. This public art project, paid for by FDOT, is planned to be installed at the NE corner of W. Fairbanks and I-4.	Administration

Title 6: Intelligent Growth & Development

Item	Description	Item Department
City Hall Audio Visual and Broadcast System	The City Hall AV system needs to be upgrade and modernize to: accommodate remote Commissioner participation, provide closed captioning to comply with ADA requirements, allow for effective audience overflow, and improve audience experience.	IT
Internet Circuit Upgrade	In order to accommodate the requirements for remote work, and to provide a better experience for employees and citizens, the City is upgrading the internet circuit from 100 megabit to 1 gigabit. This project should be complete by end of August.	IT
Permitting Software Upgrade	Energov went live to the public on Friday, July 10th. Customers can now apply for Building, Engineering, Fire, Urban Forestry, Water Waste Water Permits, new Business Certificates and apply for Board of Zoning Adjustment and Planning & Zoning Cases. Over the next two months we will be converting our legacy permits and certificates to the new software in order to close out our legacy system.	Building & Permitting & IT

Title 7: Public Health & Safety

Item	Description	Item Department
Review of Police Standard Operating Procedures	The Civil Service Board met on August 4th. Mary Daniels is serving as an advisor to the board during this review process. Board members and the advisor were provided with a notebook with 20 action items taken from the President's Task Force on 21st Century Policing, the Presidential Executive Order on Safe Policing, and the Eight Can't Wait list created by activists to reduce excessive force. The board was also given a copy of the Use of Force and Bias-Free Policing SOPs with any recommended changes. The board will review the material provided and be prepared to discuss at the next Civil Service Board meeting on September 1st.	Police

Title 8: Investment in Public Assets & Infrastructure

Item	Description	Item Department
Electric Undergrounding	Miles of Undergrounding performed Project G: 4.1 miles 88% complete Project I: 6.9 miles 35% complete Project W: 0.26 miles 75% complete TOTAL so far for FY 2020: 5.25 miles	Electric
Fairbanks Transmission	New underground transmission line is energized and active. Overhead electric wires and poles have been removed. The poles remaining are supporting Spectrum cables. Spectrum has started some work on the joint use attachments and is committed to completing by the end of October. Our Electric Utility will pull all the old poles as soon as Spectrum vacates. Street lighting on the South side of Fairbanks will begin in early October. Paving of Fairbanks is complete.	Electric
Lakemont Avenue	Scope to be determined. Work to be tentatively performed by new transportation planner position in conjunction with the Public Works and Planning Departments.	Planning & Transportation

Item	Description	Item Department
Lakes Health Analysis	The Natural resources division of Parks (where lakes management now resides) along with Public Works, are preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.	Parks
New York Avenue Streetscape	Signed plans and permits received. Currently pursuing bid for procurement of materials. Improvement highlights include pedestrian crosswalks, ADA compliant intersection improvements, and mast arms at Fairbanks and New York. Mast arm delivery is expected 3-6 months after purchase.	CRA
Parks and Recreation Bike Path and Green Spaces Plan	Will be part of the overall Transportation Master Plan being performed by the Planning and Public Works Departments.	Planning & Transportation



City Commission agenda item

item type Non-Action Items	meeting date August 26, 2020
prepared by Vanessa BaltaCook	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Presentation by Chris Castro on City of Orlando's Sustainability Initiatives

motion / recommendation

background

Presentation by Chris Castro, Director of Sustainability & Resilience of City of Orlando, on Orlando's sustainability initiatives at the request of Commissioner Todd Weaver.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Winter Park Aug 2020 - Orlando.pptx

ORLANDO: Sustainable & Resilient Urban Solutions for a 'Green and Equitable' Recovery



Chris Castro, LEED GA, CPB
Director, Office of Sustainability & Resilience
Future-Ready steering committee
City of Orlando



Director: Chris Castro

-

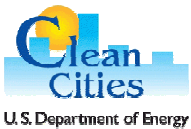




ENERGY SECURE CITIES
COALITION



A JOINT PROJECT of NRDC + IMT



U.S. Department of Energy



EPA's NATIONAL BUILDING COMPETITION



DISCLOSURE INSIGHT ACTION



GLOBAL COVENANT
of MAYORS for
CLIMATE & ENERGY



U.S. DEPARTMENT OF ENERGY



SECRETARIAT THE °CLIMATE GROUP



U.S. DEPARTMENT OF ENERGY



GCoM + Climate Mayors + WASI movement

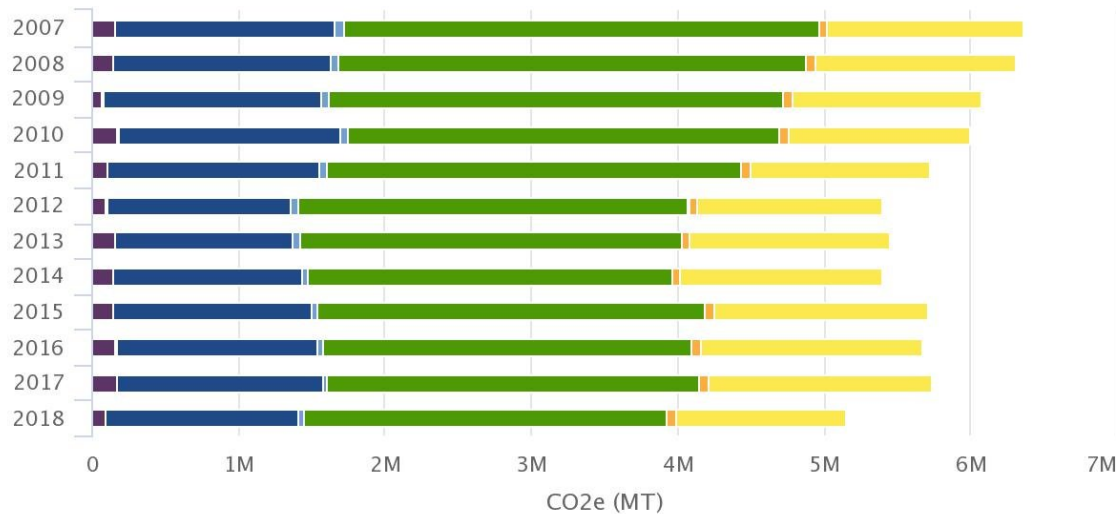
407 US #ClimateMayors, representing 70 million Americans, have committed to adopt, honor and uphold the climate goals of the Paris Agreement



CLIMATEMAYORS.ORG

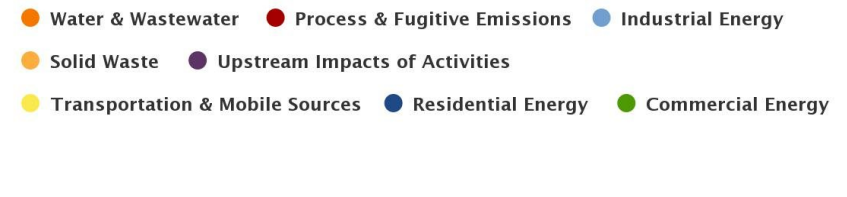
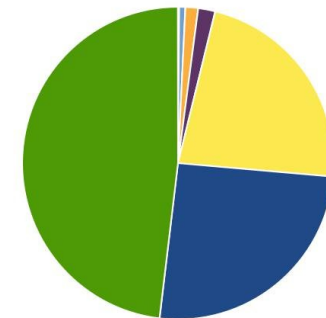


Orlando's Citywide yearly emissions by sector / source



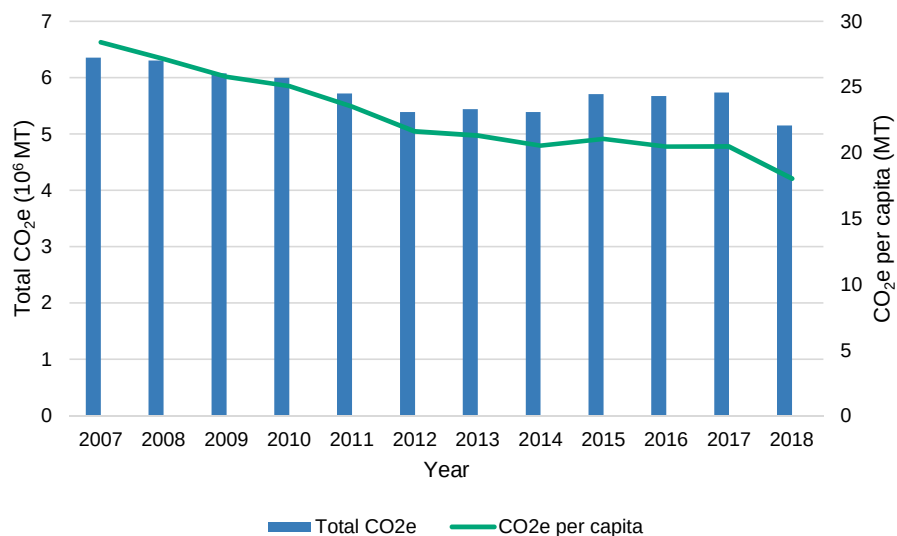
CO2e By Category

ClearPath
AN ICLEI USA TOOL

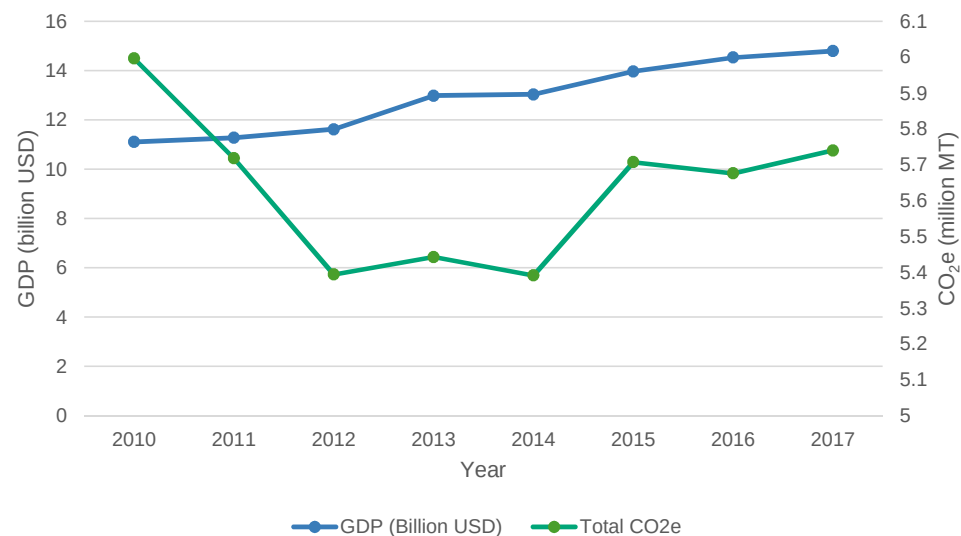


Other trends: Per capita and GDP comparisons

GHG Emissions (carbon dioxide equivalent)



GHG versus GDP



From 2007-2018, City of Orlando has seen:

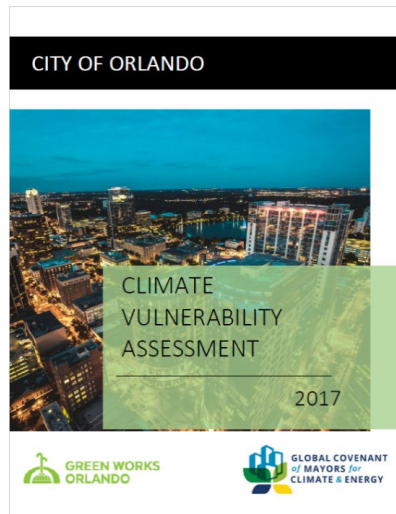
- 18.96% decline in total CO2e emissions
- 36.52% in per-capita CO2e emissions

Pathway towards Sustainability and Climate Resiliency

Municipal Operations
Sustainability Plan
(2012, updated in 2017)



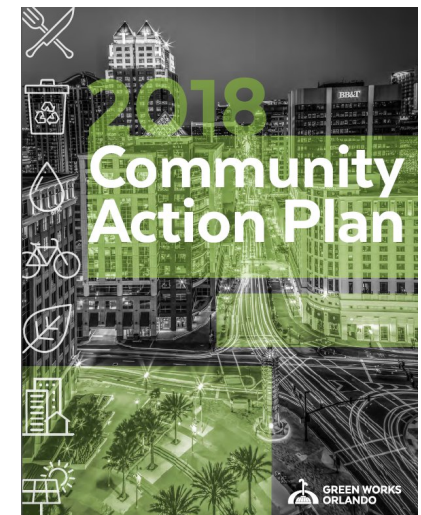
Climate Vulnerability Assessment
(2017)



Greenhouse Gas Inventory
(2007-present)

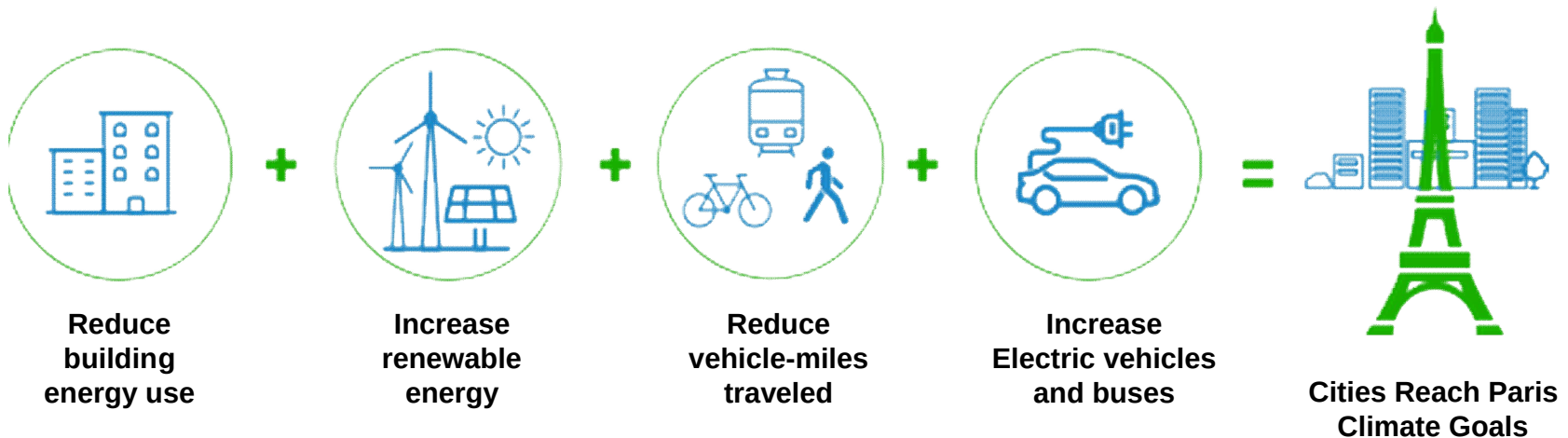


Community Sustainability
Action Plan
(2013, updated in 2018)



Orlando's Climate Action Strategy

Through the **American Cities Climate Challenge**, the City of Orlando has launched an effort to accelerate and deepen our climate actions to create the greatest climate impact through 2030 and showcase the benefits – **good jobs, cleaner air, and cost savings** – that climate solutions brings.







Mandatory LEED certification for City buildings



10

Municipal Energy Efficiency Program

- Our power bill is **\$19,000,000** per year
- Hired full-time **Energy Manager** in 2011 as result of EECBG during ARRA
- **Invested \$20+ million municipal green bond since 2016**
 - Phase I – 55 Buildings
 - Tracking at 23% EUI savings compared to 2011 baseline of 7.2M sf.
 - **\$2M per year in annual savings to pay debt**



SERVICE ADDRESS: 11401 BOGGY CREEK RD

CITY OF ORL WATER CONSERV I

Customer Reference: WAS0008_C

CURRENT CHARGES

OUC Electric Service

\$57,869.37

Totalizer Name: TOT00042 - Service Charge \$ 50.00

GSD Secondary Demand TOU Totalized (03/22 - 04/24)

Demand Charge 1,390.500 kW @ \$6.12 8,509.86

Demand Charge 1,196.100 kW @ \$1.88 2,248.67

On Peak

99,942 kWh @ \$0.04219 (Non-Fuel) 4,216.55

99,942 kWh @ \$0.05387 (Fuel) 5,383.88

Shoulder

92,302 kWh @ \$0.0322 (Non-Fuel) 2,972.12

92,302 kWh @ \$0.04111 (Fuel) 3,794.54

Off Peak

503,430 kWh @ \$0.02673 (Non-Fuel) 13,456.68

503,430 kWh @ \$0.03413 (Fuel) 17,182.07

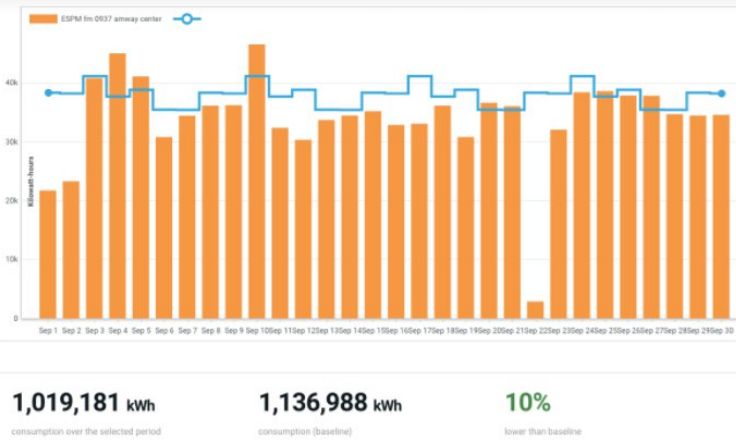
3 Channel(s) at \$25.00 75.00

(*\$16,385.48 of your Fuel Cost is exempt from Municipal Tax*)

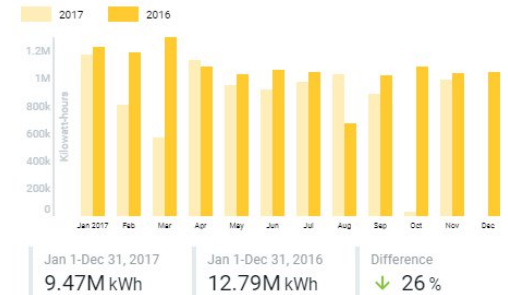




Municipal Energy Efficiency cont.



Year-over-Year Total Electricity Use / 2017 compared to 2016

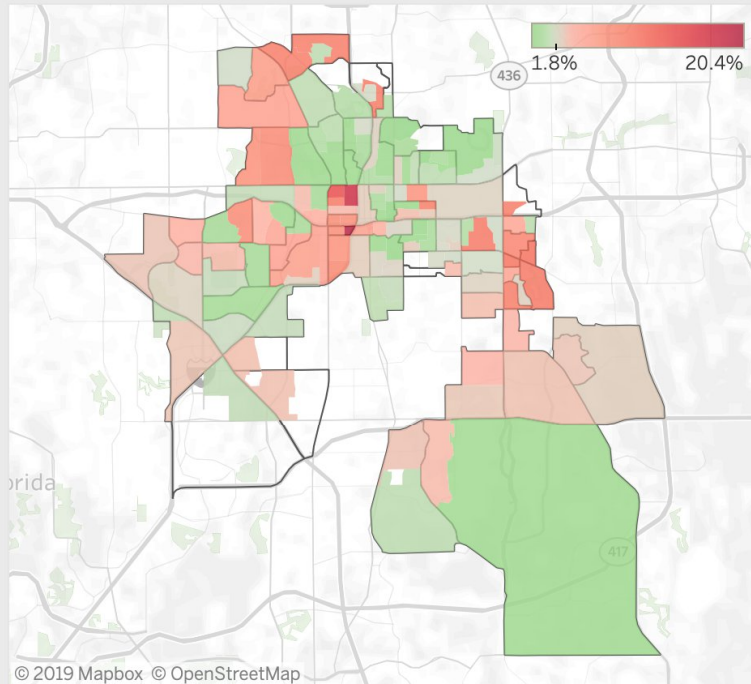


Amway Center's Electricity Use Post LED Retrofit
Last 12 months

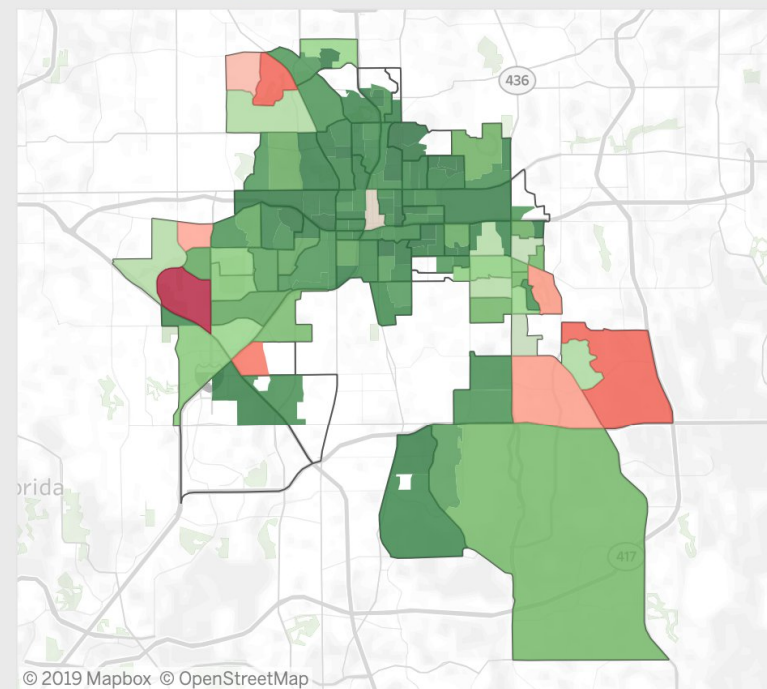


Energy and Water Equity Mapping

Electricity Burden

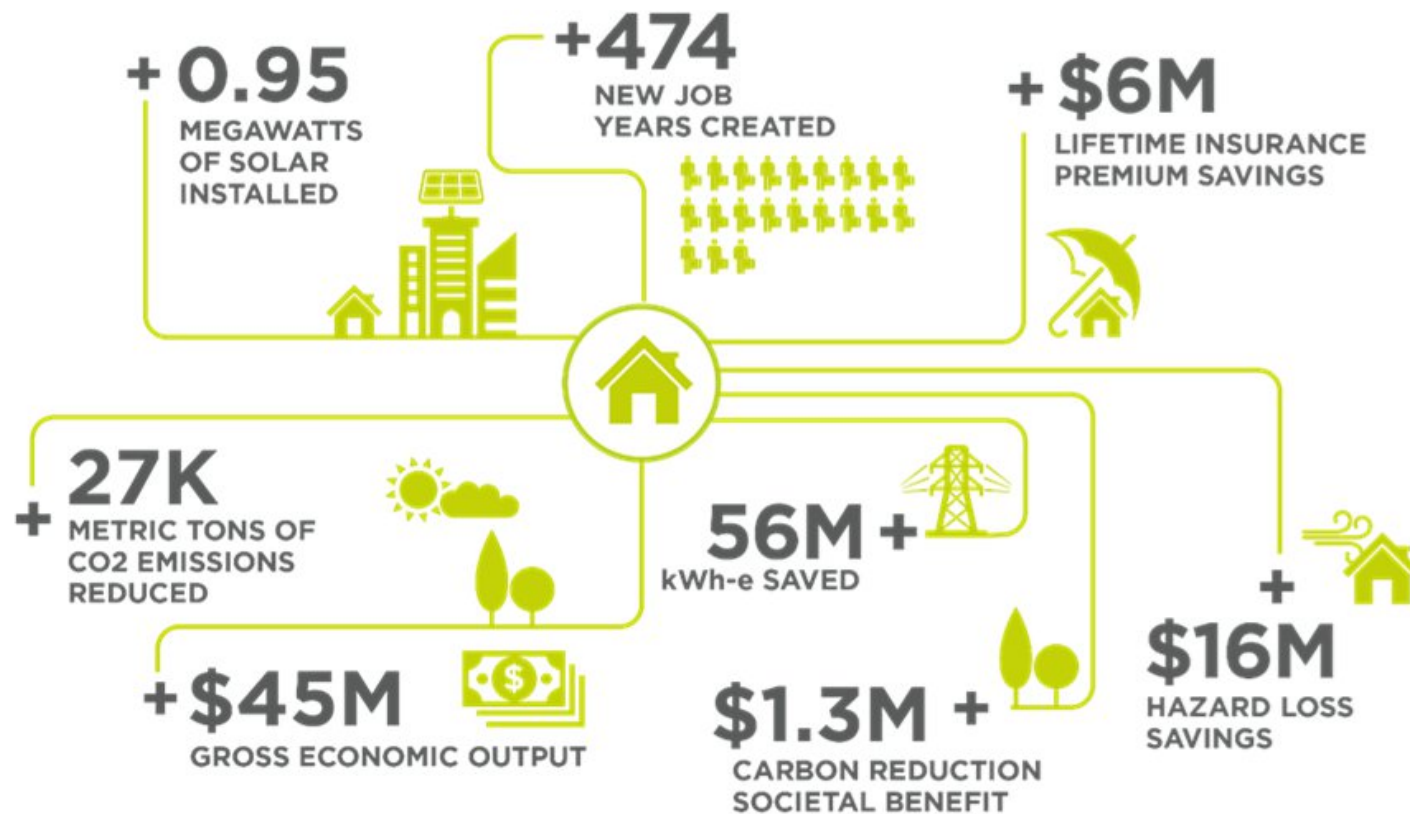


Households in Burden



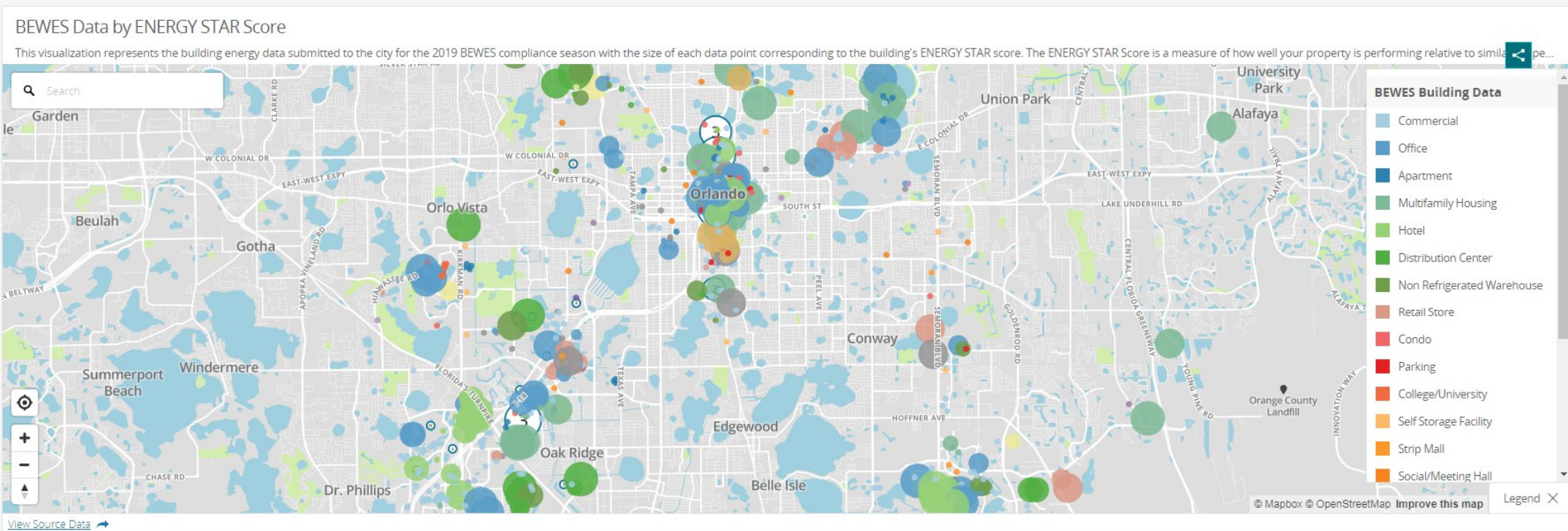
Enal

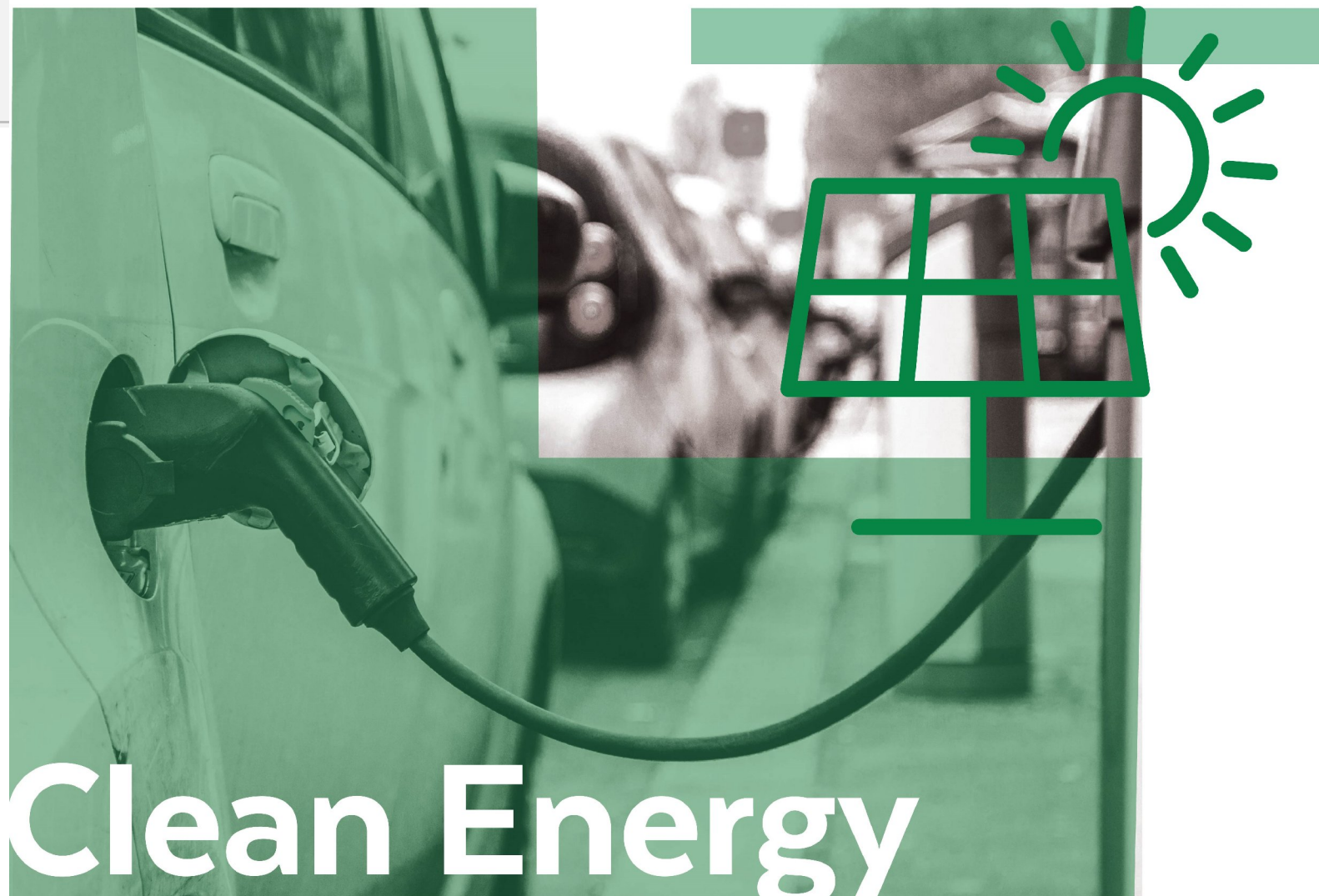
Estimated impact¹ of \$18M² in nearly 1,000 funded disaster resiliency, renewable energy, and energy efficiency property improvement projects across the Orlando Area.



¹Data based on University of Southern California Schwarzenegger Institute research, "Impacts of the Property Assessed Clean Energy (PACE) Program on the Economies of California and Florida," utilizing, in part, Ygrene's proprietary impact model. This represents estimated lifetime impacts of PACE projects completed by Ygrene from inception through October, 2019. The research report can be accessed here: <http://schwarzenegger.usc.edu/research>
²Represents rounded dollar amount of PACE contracts funded by Ygrene through October, 2019.

Building Benchmarking, Energy Audits, & Transparency Policy (BEWES)





Clean Energy



Orlando Energy Transformation

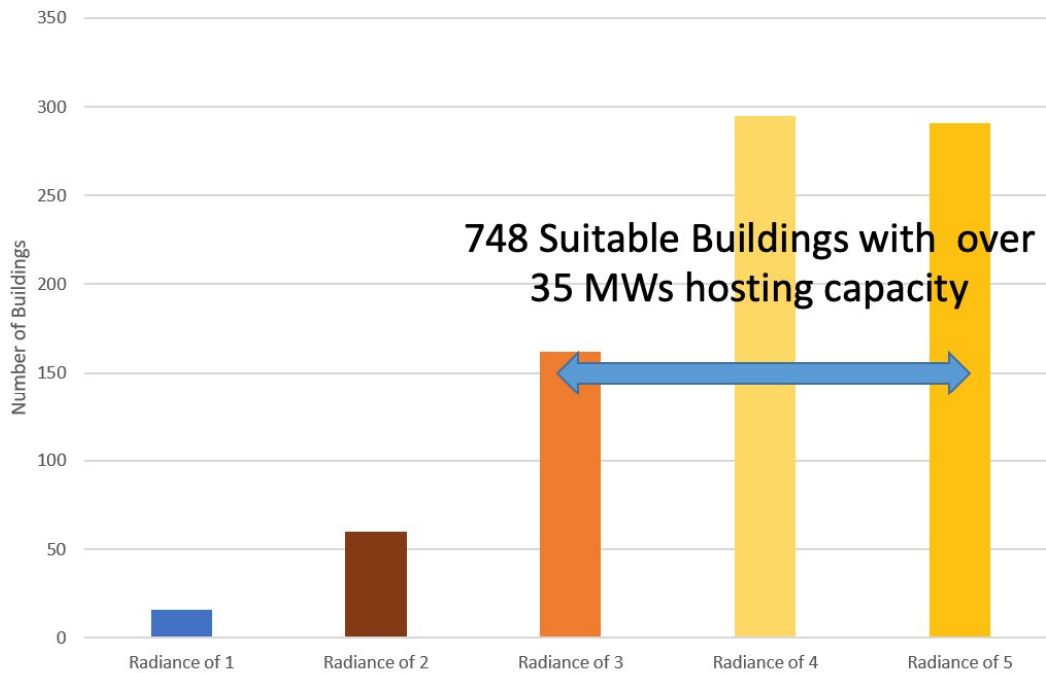




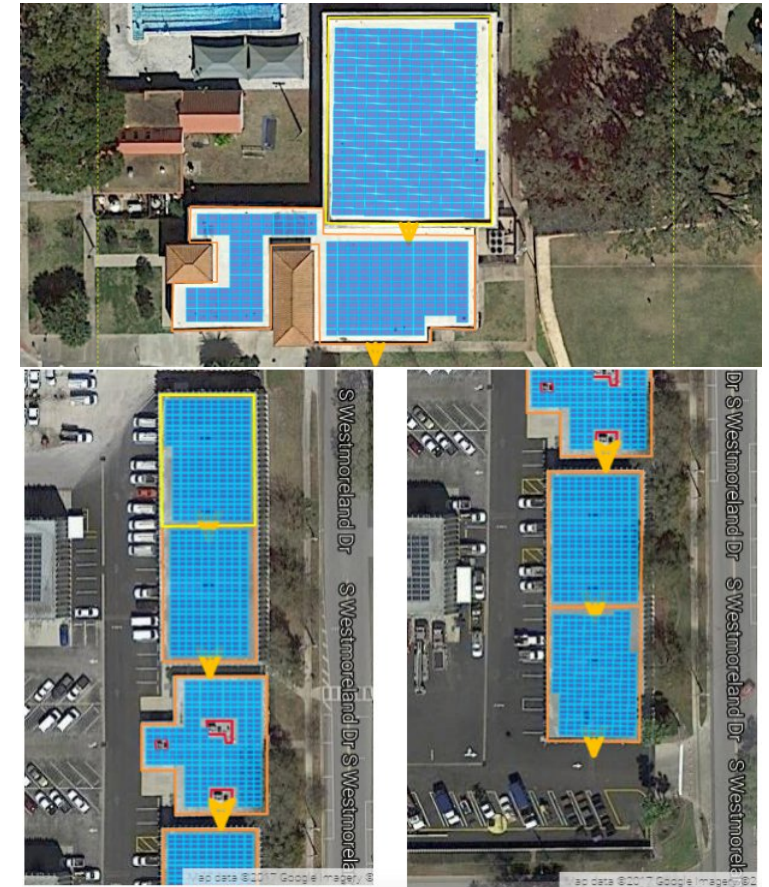
On August 8th, 2017, the City of Orlando adopted **100% Renewable Energy Policy**:
Municipal operations by 2030
Citywide by 2050



\$2.3M in Solar Project in 2020 – City Ops



Radiance Score combines current unobstructed rooftop potential with the likelihood for future obstructions. Current potentials are obtained via LIDAR/Satellite data in combination with NREL's PVWatts and SAM tools. Likelihood for future obstructions assessed by the team by observations of recent development trends, site reviews, and City of Orlando staff. Ultimately, two reviews were produced: a technical maximum and a technical recommendation

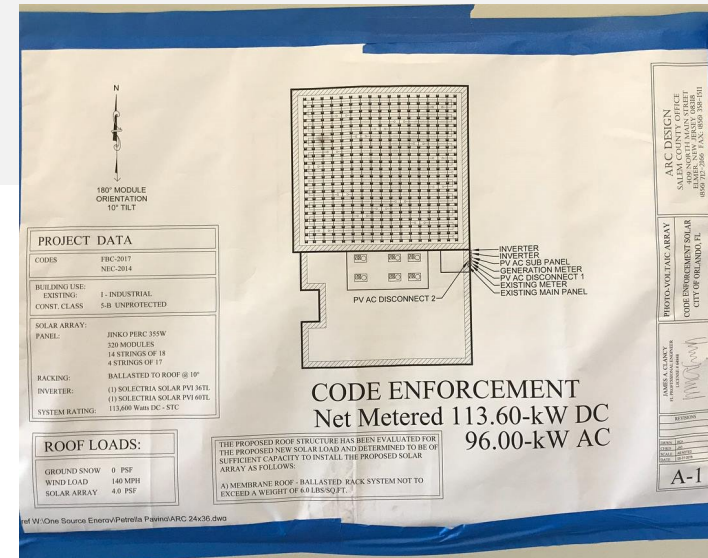


FLEET & FACILITIES COMPLEX



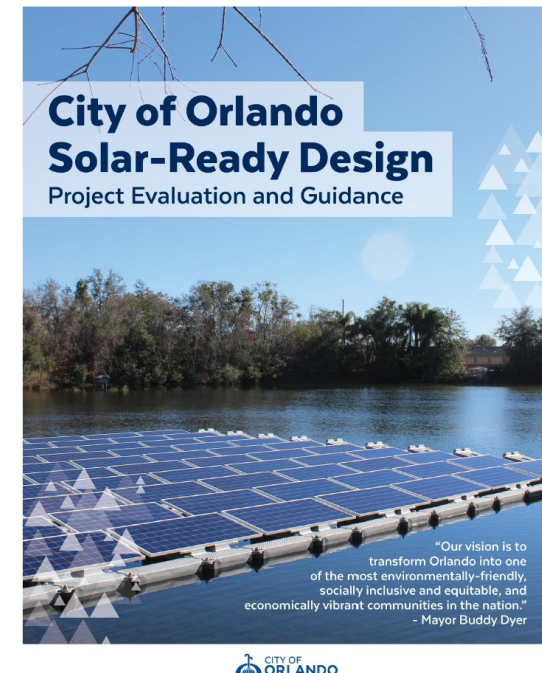
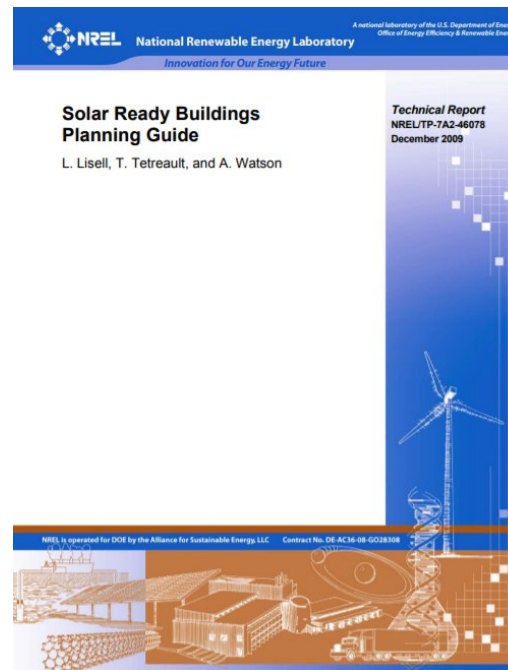


- New LEED-certified Records & Permit Building
- 114 KW solar PV
- First Net-Zero energy facility for Orlando
- \$112,000 net savings over the lifetime



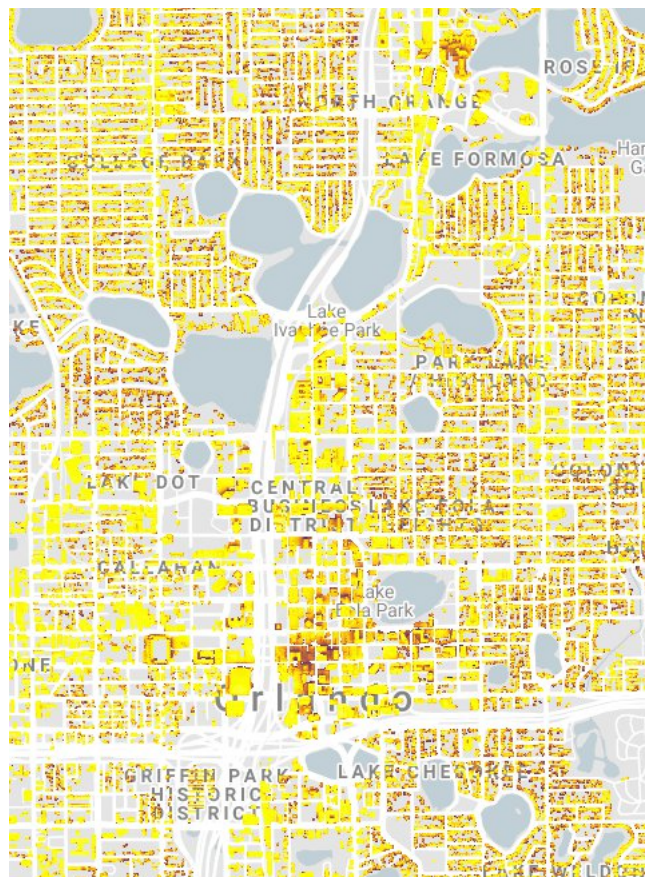
SOLAR & EV-READY GUIDELINES FOR CITY BUILDINGS

- Tailored “solar-ready” designs for Florida Building market
- Ensure proper weight load requirements for the roof
- Inverter pad placement
- Electrical panel capacity
- Conduit to the rooftop





Citywide Solar Potential Study – 4+ GW City-wide

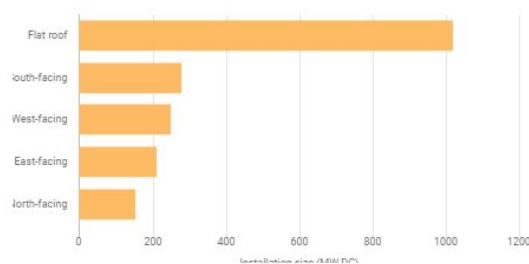


Overall

Total estimated size and solar electricity production of viable roofs for Orlando, FL

Roofs	Roofs	Roof space	Capacity	Electricity
92%	54.5K	135M sq ft	1.9K MW DC	2.6M MWh AC per yr

Total installation size (MW DC)



Project Sunroof

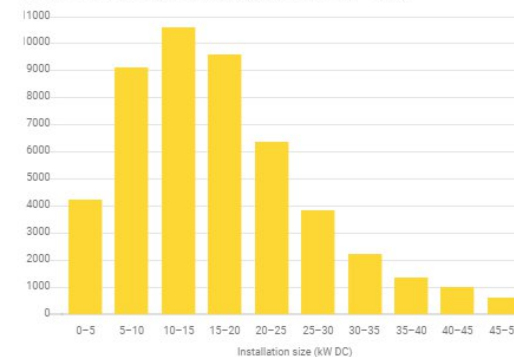


Per roof

Median estimated system size and solar electricity production per viable roof for Orlando, FL

Roof space	Capacity	Electricity
1.2K sq ft	16.3 kW DC	21.6K kWh AC per yr

Rooftop solar capacity distribution (number of roofs, < 50kW)





**SOLAR UNITED
NEIGHBORS**



Join Solar
United
Neighbors



Get expert
advice



Celebrate
saving with
solar

2019 Coop = 62 residents, 748 kW

2020 Coop currently open!

Avg. Price: \$1.87/watt - \$2.15/watt

SolarUnitedNeighbors.org/

ORLANDO SOLAR CO-OP

INFORMATION SESSIONS
WITH SOLAR UNITED
NEIGHBORS



Orlando Co-op Successes



7 co-ops



146 went solar



1.5 MW installed



\$3,308,962 invested
in local economy



1,100 educated



50.6 million lbs of
CO2e offset

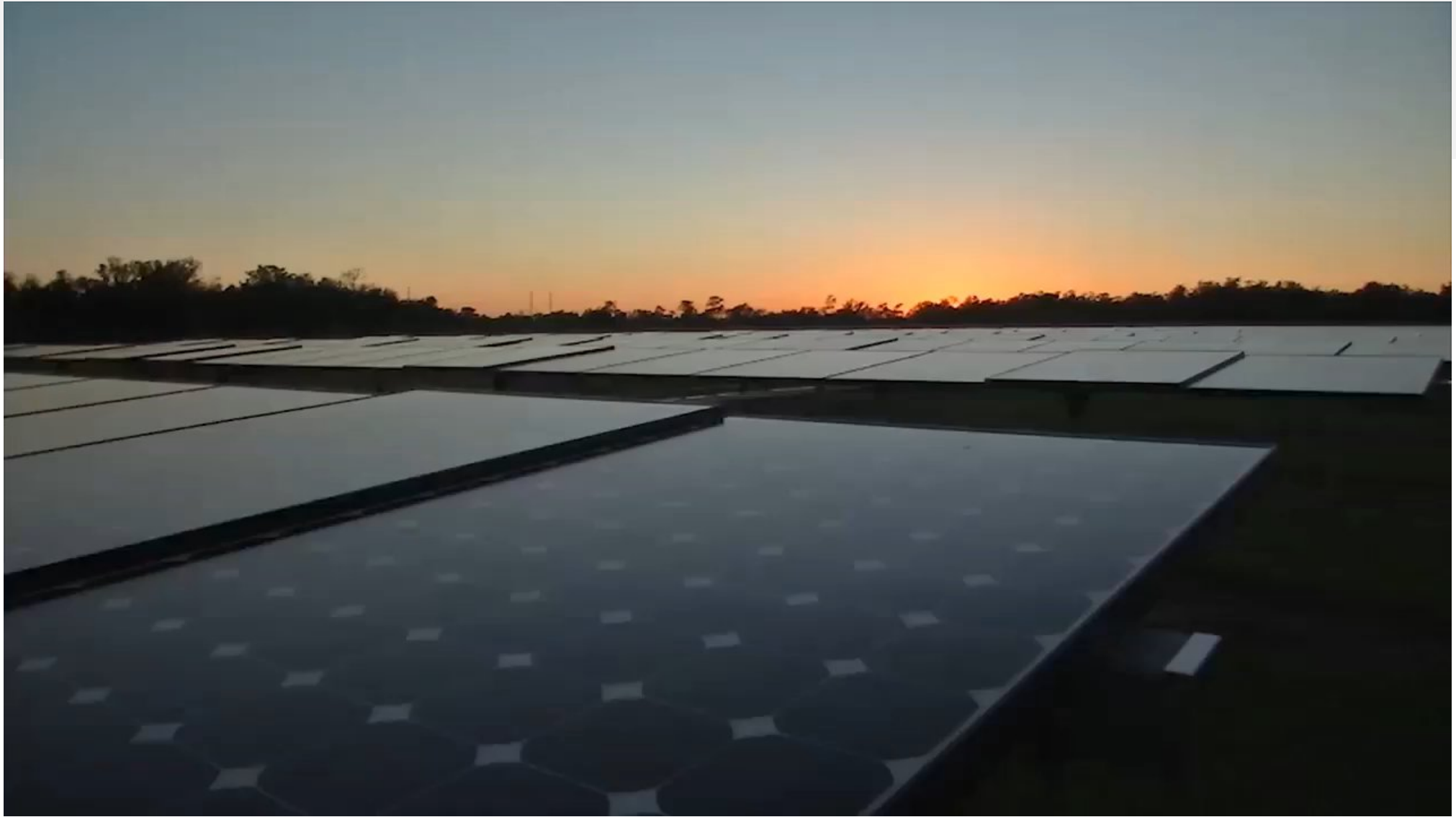


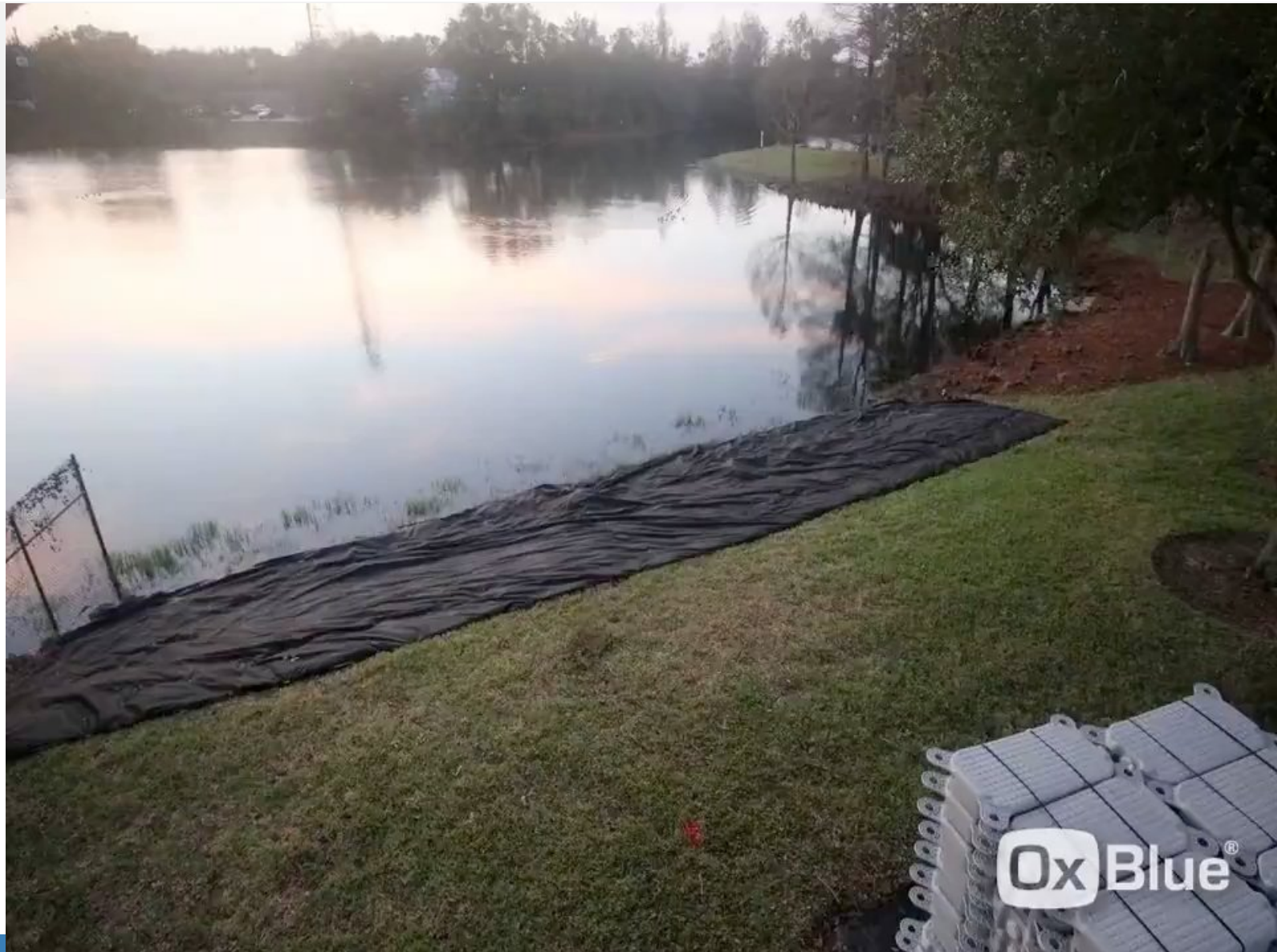
2020 Orlando Solar
Co-op Open Now!

 **SOLAR UNITED NEIGHBORS**

128 MW+ Community Solar program — 150MW in pipeline









Transportation



Alternative Transportation & Mobility

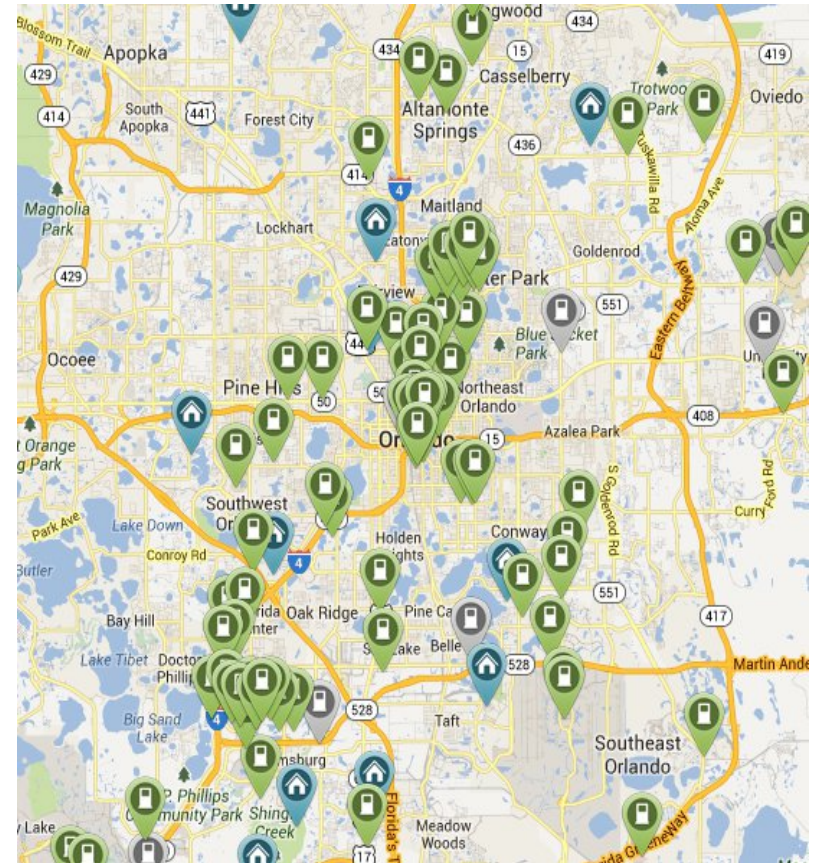
- 350 miles of sidewalks & bike paths
- E-Bike + E-Scooter Share
- SunRail Commuter Train
- Lymmo BRT (free)
- LYNX transit bus system
- AV shuttle pilots
- Virgin Train – coming soon!



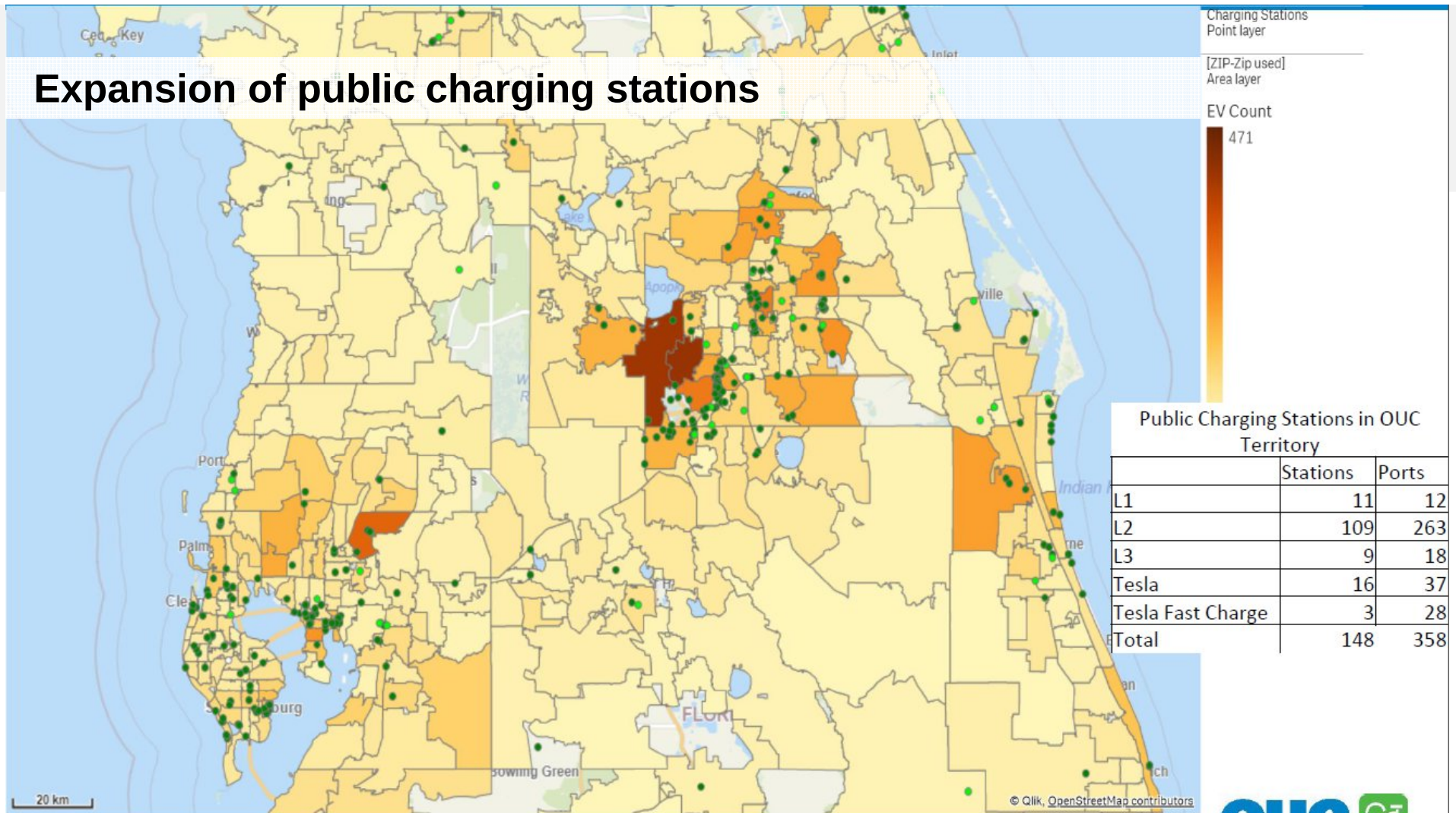


Municipal EV Fleet - ~3,000 vehicles

- **Goal:** 100% Electric and Alt. Fuel for all City Fleet by 2030
- **180+ EV & Hybrids in City Fleet**
 - 15 new Chevy Bolts EV's for City Hall motor pool
 - 15 Nissan Leafs
 - 4 EV Motorcycles for OPD
 - Solar golf cart pilots
- Submitted LOI for 100 F-150 EV Trucks
- **EV Purchasing Collaborative with Climate Mayors**



Expansion of public charging stations



* Currently showing a limited data set.

EV Charging Locations - City-Wid...
A map of the recommended locations to
implement public facing EV chargers
94 views

 Add layer  Share  Preview

▼ Styled by Commissioner

☐ Installed EV Chargers - City Use O...☐ UCF - Creative Village Options☐ Base map

Lymmo Electric Bus Expansion

- **Goal:** 100% of Lymmo BRT powered by zero-emission EV by 2025
- Adding 8 new EV buses in 2020
 - 100% Grapefruit, Lime, and partial Orange lines
- Buses #9 - #14 arriving in 2021



LYNX



metropolitan orlando
A REGIONAL TRANSPORTATION PARTNERSHIP

OUC 
The Reliable One

EV Readiness policy

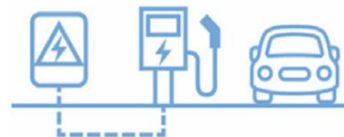
- An EV readiness ordinance requires a percentage of parking spaces built to include electrical infrastructure that enables future EV charging.
- There are different “levels” of EV readiness.
- Covered types can include:
 - Commercial, Multi-family, Single-family
 - New construction
 - Significant modifications



EV Capable: Install electrical panel capacity with a dedicated branch circuit and a continuous raceway from the panel to the future EV parking spot.



EV Ready: Install electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt charging outlet (typical clothing dryer outlet).

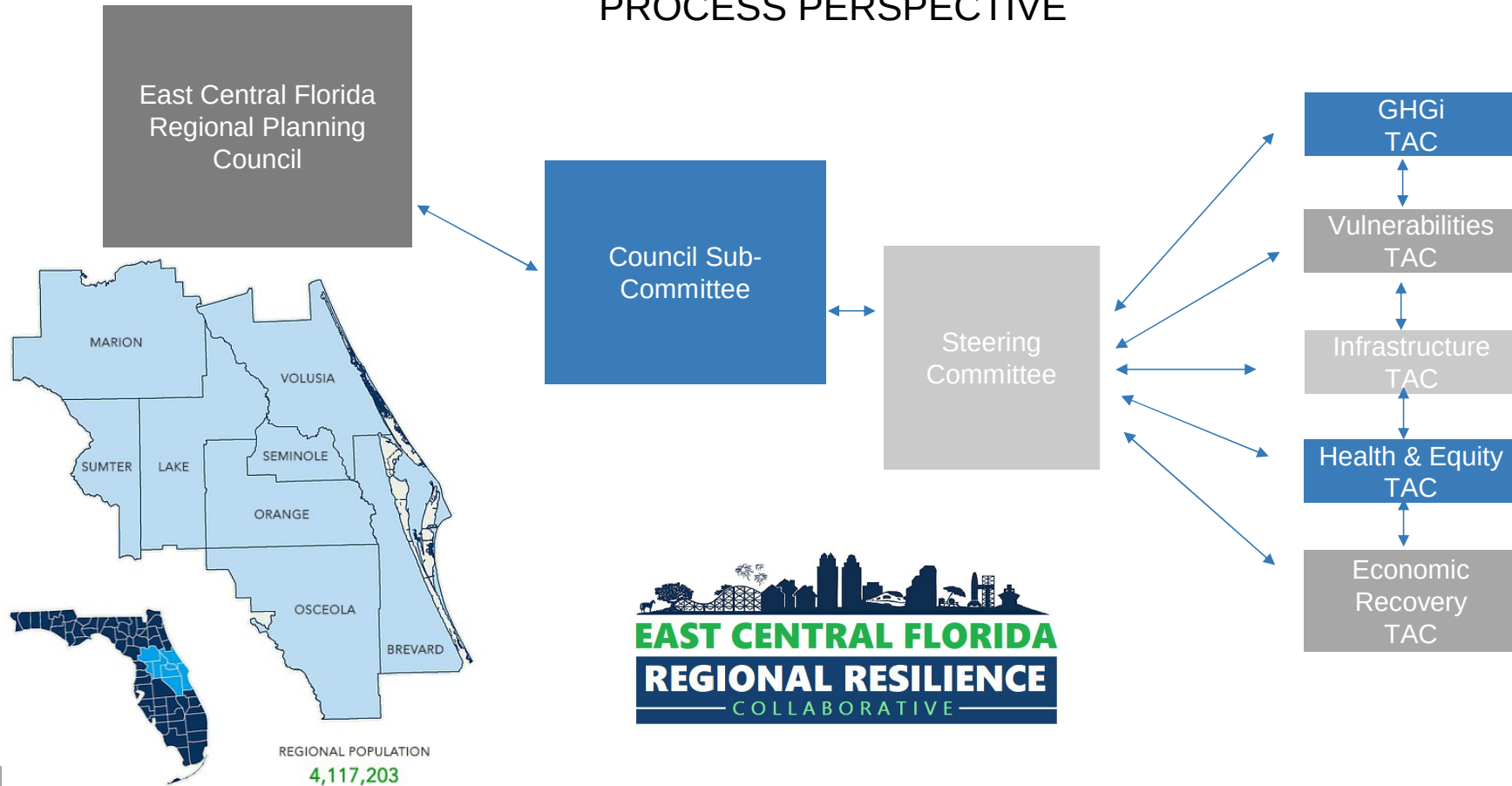


EVSE Installed: Install a minimum number of Level 2 EV charging stations.

Graphics: [Sacramento, CA](#). Definitions: [SWEEP](#).

East Central Florida Regional Resilience Collaborative (ECFR2C) Structure

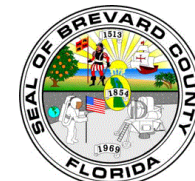
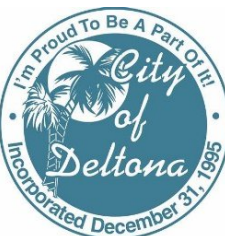
PROCESS PERSPECTIVE



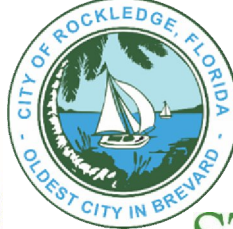
8/20/2020

35

Formalized Partners



**CITY OF
MOUNT
DORA**



**STETSON
UNIVERSITY**





Chris Castro, LEED GA, CPB
Director, Office of Sustainability & Resilience
City of Orlando



City Commission agenda item

item type Consent Agenda	meeting date August 26, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of regular meeting, August 12, 2020

motion / recommendation

Approve

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:
0081220.rs.pdf



City Commission Regular Meeting Minutes

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

Virtual Meeting

Present

Mayor Steve Leary
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Rene Cranis

1. Meeting called to order

The meeting was conducted via GoToWebinar.

Mayor Leary called the regular meeting of the City Commission to order at 3:45 p.m.

2. Invocation and Pledge of Allegiance

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

3. Approval of Agenda

4. Citizen Budget Comments

5. Mayor's Report

6. City Manager's Report

a. 90-day Report

b. CIP Report

c. Budget Update and Commission Work Sheet

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

d. Presentation - Winter Park Economic Study

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

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

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

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

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

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

7. City Attorney's Report

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

8. Non-Action Items

9. Citizen Comments (heard after Item 10)

10. Consent Agenda

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

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

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

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

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

There were no public comments.

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

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

9. Citizen Comments

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

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

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

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

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

11. Action Items Requiring Discussion

a. Purchase of 2410 Winter Park Road for Stormwater purposes

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

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

12. Public Hearings

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

Attorney Ardaman read the resolution by title.

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

Motion made by Commissioner Sullivan to adopt the ordinance on second reading, seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

- b. ORDINANCE 3179-20: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, DECLARING AND IMPLEMENTING A CONTINGENT TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS, CONDITIONAL USE APPLICATIONS, SITE PLANS, BUILDING PERMITS AND OTHER DEVELOPMENT APPLICATIONS THAT WOULD UTILIZE THE ORANGE AVENUE OVERLAY DISTRICT POLICIES, REGULATIONS, CODES, AND PROVISIONS APPROVED MARCH 9, 2020 BY WAY OF ORDINANCE 3166-20 (COMPREHENSIVE PLAN AMENDMENT) AND ORDINANCE 3167-20 (LAND DEVELOPMENT CODE AMENDMENT), PROVIDING THE TEMPORARY MORATORIUM TO BECOME EFFECTIVE IF THE CITY'S ORDINANCE 3170-20 (RESCISSION ORDINANCE) IS DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE NULL, VOID, OR OF NO EFFECT, OR IF ORDINANCE 3166-20 OR ORDINANCE 3167-20 ARE DETERMINED TO BE EFFECTIVE OR VALID; PROVIDING FOR EXTENSION OR TERMINATION OF THE TEMPORARY MORATORIUM BY ORDINANCE OR RESOLUTION; PROVIDING FOR CONFIRMATION AND READOPTION OF THE CITY OF WINTER PARK ORDINANCE 3170-20 (RESCISSION ORDINANCE); PROVIDING FOR NON-CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the resolution by title.

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

The following spoke in opposition to this ordinance:

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

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

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

c. Request of City of Winter Park for:

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

Attorney Ardaman read the ordinance by title.

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

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

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

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

There were no public comments.

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

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

d. Request for Voluntary Annexation of:

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

Attorney Ardaman read the ordinance by title.

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

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

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

There were no public comments.

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

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

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

13. City Commission Reports:

Commissioner Sullivan

No report

Commissioner DeCiccio

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

Commissioner Cooper

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

Commissioner Weaver

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

Mayor Leary

No report.

14. Summary of Meeting Actions

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

The meeting adjourned at 6:53 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



City Commission agenda item

item type Consent Agenda	meeting date August 26, 2020
prepared by Rene Cranis	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of work session, August 13, 2020

motion / recommendation

Approve minutes.

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

081320ws OAO Progress Point.pdf



City Commission Work Session Minutes

August 13, 2020 at 1:00 p.m.

Virtual Meeting

Present

Vice Mayor Carolyn Cooper
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Todd Weaver

City Manager Randy Knight
City Clerk Rene Cranis

Absent:

Mayor Steve Leary

Also present:

Bronce Stephenson, Director of Planning and Transportation
Allison McGillis, Senior Planner, City of Winter Park
Sarah Walter, Transportation Manager, City of Winter Park
Dr. Peter Lemieux
Thomas Zurcher & White, P.A.: Thomas Thomas and Carol Zurcher
GAI Consultants: Steven McDonald, Blake Drury, Laura Smith, Natalie Frazier
Kimley Horn: Mike Woodward

Meeting called to order

Vice Mayor Cooper called the work session to order at 1:03 p.m.

OA Discussion

a. Discussion with OAO Property/Business Owners

Dr. Peter Lemieux, 1185 Orange Avenue, commented on parking, stormwater and traffic issues and expressed concerns that traffic improvements that will restrict traffic flow and about increased density on each end of Orange Avenue. He spoke in favor of greenspace and parking on Progress Point and revitalization of Orange Avenue.

Mr. Thomas expressed concern about the lack of safety due to on-street parking and poor line of sight. He feels that to be successful, Orange Avenue needs to be a destination but it will not happen until traffic and safety improvements are implemented.

In-depth discussion was held on parking issues, potential traffic improvements and opportunities to purchase or lease parking spaces. In response to questions by Commissioner Cooper, panelists commented on the convenience of the potential locations of parking garages, density and height.

Mr. Stephenson asked if there is interest in subleasing owned parking spaces to other businesses during their non-operating hours. Dr. Lemieux replied yes and Ms. Zurcher stated that due to the nature of the business, tax season could prevent them from subleasing spaces after regular business hours but they could consider leasing for weekend use.

Vice Mayor Cooper called for a recess at 2:05 and reconvened the meeting at 2:15 p.m.

b. Kimley-Horn Traffic OAO Analysis

Discussion of data points used to measure potential build-out

Mrs. McGillis and Mrs. Walter explained the assumptions in the scope of work and reviewed the methodology to determine the FAR assumptions to calculate trip generation using the 45% build out scenario as defined in the scope of work. Mrs. McGillis pointed out that this only considers what is currently developed, not what is allowed under current regulations. Mrs. Walter summarized the results of the methodology and went through the calculations of how staff analyzed the 45% build out scenario. Discussion followed on the methodology and using a 45% versus 60% build out scenario.

Mr. Woodward explained the assumptions and spoke in favor of using a 60% build out scenario. Mrs. McGillis explained that this would provide more meaningful data.

Vice Mayor Cooper said the objective is to show reasonably anticipated traffic counts based on new development and recommended staff work with Mr. Woodward. The Commission discussed that the 60% build out scenario would be an acceptable analysis.

c. Discussion of Financial Analysis & Deliverables from GAI

Mr. McDonald gave a presentation on the proforma approach and reviewed development scenarios showing profit changes, value of FAR and cost per acre. Discussion followed on other scenarios and impact on the analysis. Commissioner Cooper stated the intent is to look at a typical scenario in an average development in order to determine value of enhancements or each percentage of FAR.

Ms. Smith reviewed the cost estimate approach and assumptions used and average total cost and range of total cost per 1% entitlement bonus. The cost ranges could be narrowed if the calculation for enhancements are modified. Discussion followed on different entitlement scenarios and creating reasonable and equitable entitlements.

Vice Mayor Cooper suggested that staff work with consultant to ensure that the assumptions are consistent with proposed OAO policies and to refine the definition of enhancements to reduce the range of value in order to provide a more predictable and reliable value. Further discussion ensued on value of different enhancements. Commissioner Cooper suggested using an average property size of 4 acres and cost of land.

Commissioner Sullivan reviewed a drawing of setbacks from the building line. After comments, Commissioner Sullivan stated that he would discuss this with staff. Commissioner Cooper suggested adding discussion of setback for different roads in a future work session.

Commissioner Cooper spoke on self-guided tours and that staff will be providing data relative to setbacks, open space, mix of uses and parking.

The work session adjourned at 4:00 p.m.

Steven Leary, Mayor

Attest:

City Clerk Rene Cranis



City Commission agenda item

item type Consent Agenda	meeting date August 26, 2020
prepared by Jennifer Maier	approved by Jennifer Maier, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following Piggyback Contracts:

1. Hawkins, Inc. - Hillsborough County Piggyback Contract - RFQ
#16709 Hydrofluosilicic Acid; Not to exceed \$75,000
2. Dade Paper & Bag LLC (Imperial Dade) - OMNIA Partners Piggyback Contract
- #R162101 Janitorial & Sanitation Products/Supplies/Services; Not to exceed \$75,000
3. Danus Utilities, Inc. - City of Clermont Piggyback Contract - RFB 17-040 Lift
Station Rehabilitation Services; Not to exceed \$400,000
4. Graybar Electric Company, Inc. - OMNIA Partners Piggyback Contract
- EV2370 Electrical, Lighting, Data Communications and Security Products
and Related Products, Services and Solutions; Not to exceed \$75,000

motion / recommendation

1. Commission approve the contract renewal though 7/31/2022 and authorize Mayor to execute renewal.
2. Commission approve the contract renewal though 5/21/2023 and authorize Mayor to execute renewal.
3. Commission approve the contract renewal though 8/7/2021 and authorize Mayor to execute renewal.
4. Commission approve the contract renewal though 1/31/2023 and authorize Mayor to execute renewal.

background

1. A competitive procurement process was followed to award this contract.
2. A competitive procurement process was followed to award this contract.
3. A competitive procurement process was followed to award this contract.
4. A competitive procurement process was followed to award this contract.

alternatives / other considerations

1-4. N/A

fiscal impact

1. Total expenditures included in approved FY20 budget. Future expenditures will only occur if approved in budget.
2. Total expenditures included in approved FY20 budget. Future expenditures will only occur if approved in budget.
3. Total expenditures included in approved FY20 budget. Future expenditures will only occur if approved in budget.
4. Total expenditures included in approved FY20 budget. Future expenditures will only occur if approved in budget.



City Commission agenda item

item type Action Items Requiring Discussion	meeting date August 26, 2020
prepared by Randy Knight	approved by
board approval	
strategic objective	

subject

Single Member Districts

motion / recommendation

Provide direction regarding potential charter amendment.

background

Changes to the City Charter may only be made through a vote of registered voters of Winter Park. Currently, the City Charter calls for the Mayor and Commissioners to serve at large (see below), meaning they run for office and represent the entire city.

Sec. 2.01. - Commission created; composition; designation; election generally.

There is hereby created a city commission to consist of five (5) members, one of whom shall have the title of "mayor." The other four shall be known and designated as "commissioners," one of whom shall be elected vice mayor as set forth in Section 2.06. The city commission shall be elected at large and hold office in the manner hereinafter provided, and shall constitute the governing body and authority of the city, with all the powers and privileges herein granted and provided.

In accordance with section 5.10(c) - Charter Review, The City commissioned a Charter Review Advisory Commission in 2019 to complete a full review of the Charter. The issue of modifying the commission composition from at large to single member districts was discussed but consensus was not achieved to recommend that change to the Commission to be added to the ballot. The City Commission further discussed this issue when evaluating the final report of the Charter Review Advisory Committee and adopting the ordinance to establish the ballot questions, and ultimately chose not to include on the ballot.

A group of citizens has expressed an interest in revisiting section 2.01 of the Charter to consider single member districts.

Section 5.10 Charter Amendments describes the two ways the Charter may be amended:

(a) Initiation by ordinance. The commission may by ordinance propose amendments to any part or all of this Charter, except Section 1.02 prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose. Amendment of Section 1.02, resulting from annexation done in accordance with general law, shall be by ordinance of the commission and shall not be subject to a vote of the electors except as provided by general law.

(b) Initiation by petition. The electors of the city may propose amendments to this Charter by petition signed by at least ten (10) percent of the total number of qualified voters registered to vote in the last regular city election.

The requirements for municipal redistricting are a function of the charter and local ordinance and compliance with court case holdings (federal & state) on factors to be considered in redistricting and compliance with equal protection standards and the Voting Rights Act.

In addition to the need to comply with equal protection standards and the Voting Rights Act, courts have generally held that when a city redistricts, the following factors should be considered:

- (1) Compactness;
- (2) Contiguousness;
- (3) Preservation of communities of interest;
- (4) Preservation of cores of prior districts;
- (5) Protection of incumbents;
- (6) Political Affiliation

Attached are Population by Census Block maps based on 2010 data. This data is currently being updated by the 2020 census but this data will not likely be available until after the March ballot.

Also attached, is an Excel spreadsheet and a map created in GIS to divide the City into quadrants (based on garbage and recycling routes) for illustrative purposes only. This would require adjustment to meet the criteria stated above. Additional scenarios can easily be modeled in the GIS system.

The timeline to initiate a charter question by petition for the March 2021 ballot would as follows:

Task	Deadline
Develop Charter Amendment Question, collect petitions of 10% of the total qualified voters (2237) and submit to Clerks office	November 13, 2020
Petitions to be verified by Orange County Supervisor of Elections office	November 16 – 30 th
First Reading of Ordinance	December 9, 2020
Second Reading of Ordinance	January 13, 2021
Deadline to submit ballot question to Orange County Supervisor of Elections	January 20, 2021
Question on the Ballot	March 9, 2021

Finally, you will also find a memo from the City Attorney's office addressing the question raised at the last commission meeting regarding petition requirements in light of COVID 19 procedures.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

2010 COWP Population by Census Block

ATTACHMENTS:

2010 Asian Population by Census Block

ATTACHMENTS:

2010 Black Population by Census Block

ATTACHMENTS:

2010 Hispanic Population by Census Block

ATTACHMENTS:

2010 White Population by Census Block

ATTACHMENTS:

2010 Demographics Sample Voting Quads

ATTACHMENTS:

Sample 4 Districts (Based on Garbage/Recycling Collection Map

ATTACHMENTS:

Memo from City Attorney

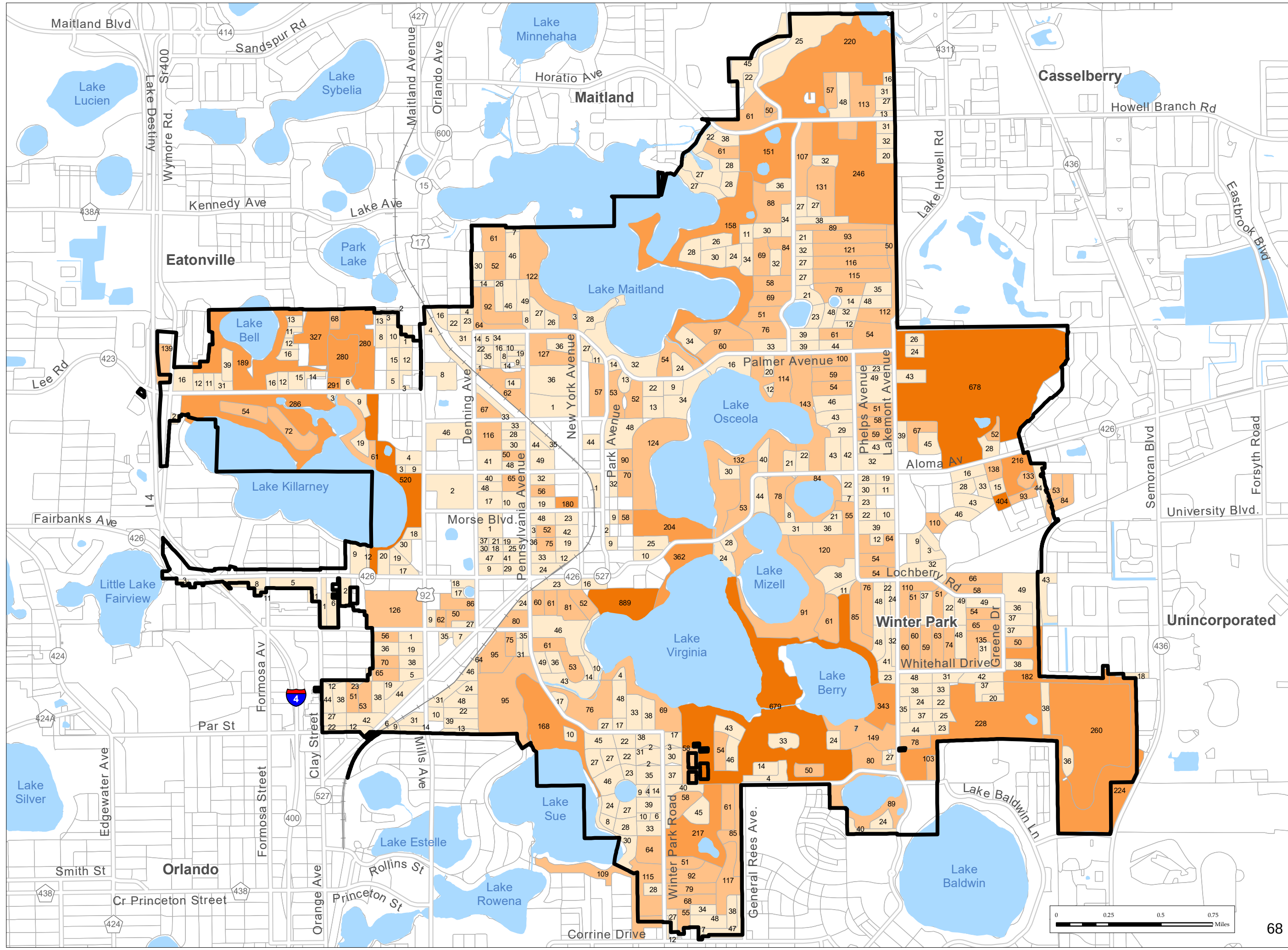
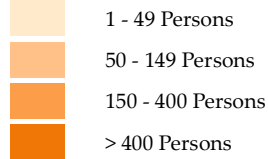


2010 TOTAL POPULATION BY CENSUS BLOCK

City of Winter Park
Florida

Legend

2010 Total Population

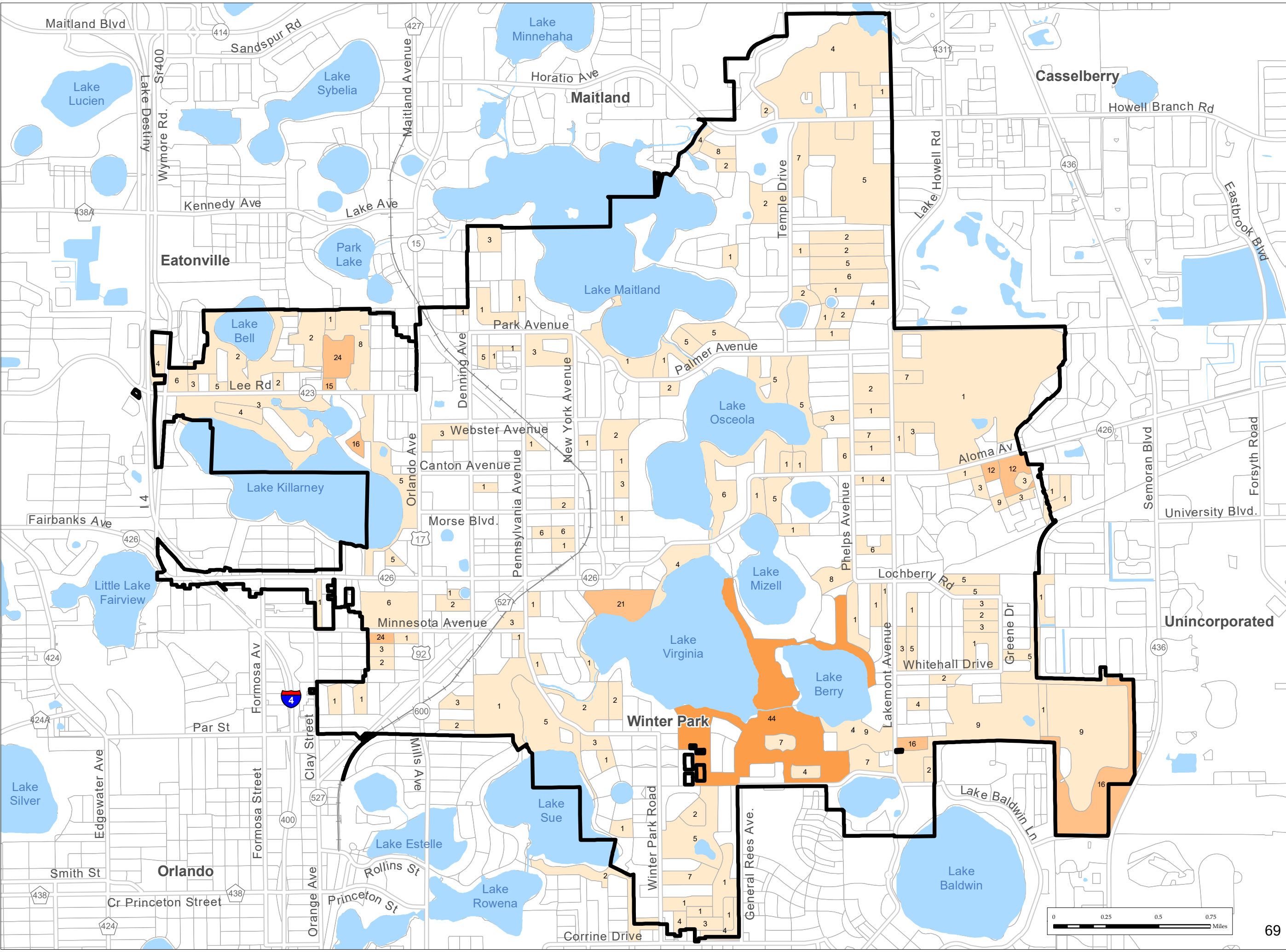
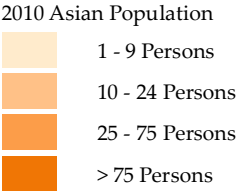




**2010 ASIAN
POPULATION
BY CENSUS BLOCK**

City of Winter Park
Florida

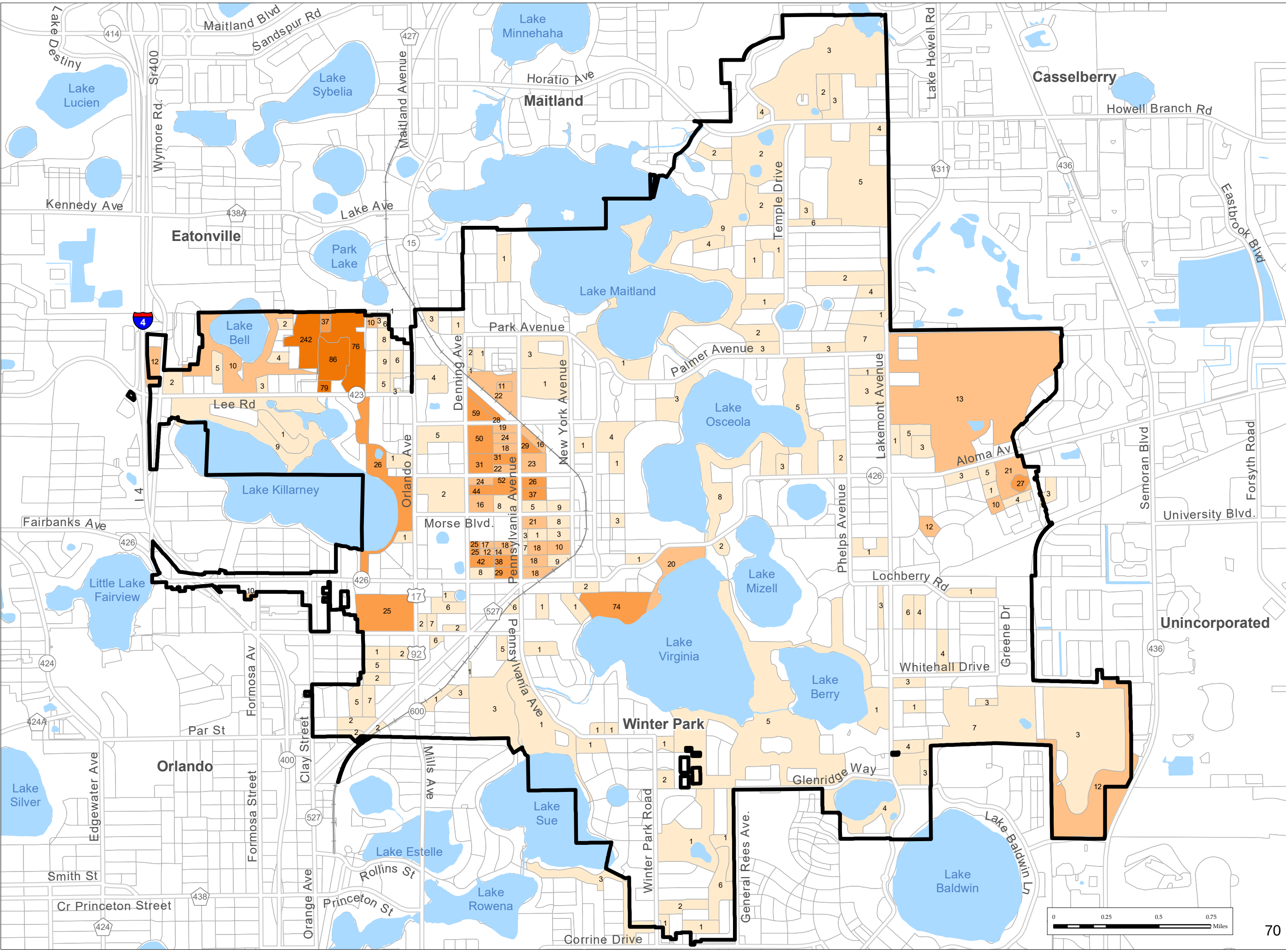
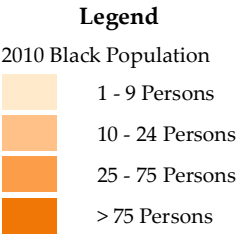
Legend





**2010 BLACK
POPULATION
BY CENSUS BLOCK**

City of Winter Park
Florida

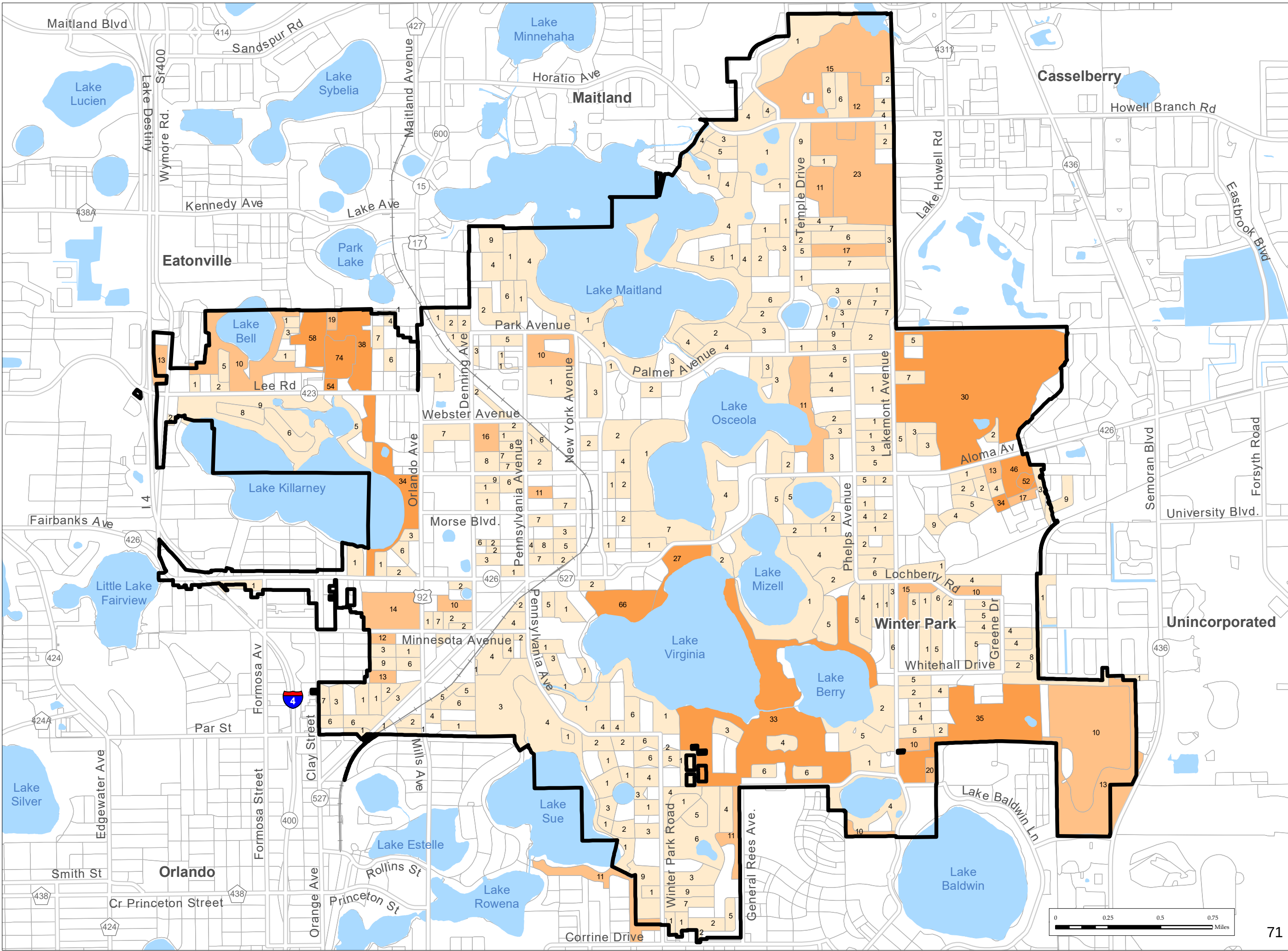
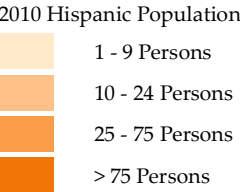




**2010 HISPANIC
POPULATION
BY CENSUS BLOCK**

City of Winter Park
Florida

Legend

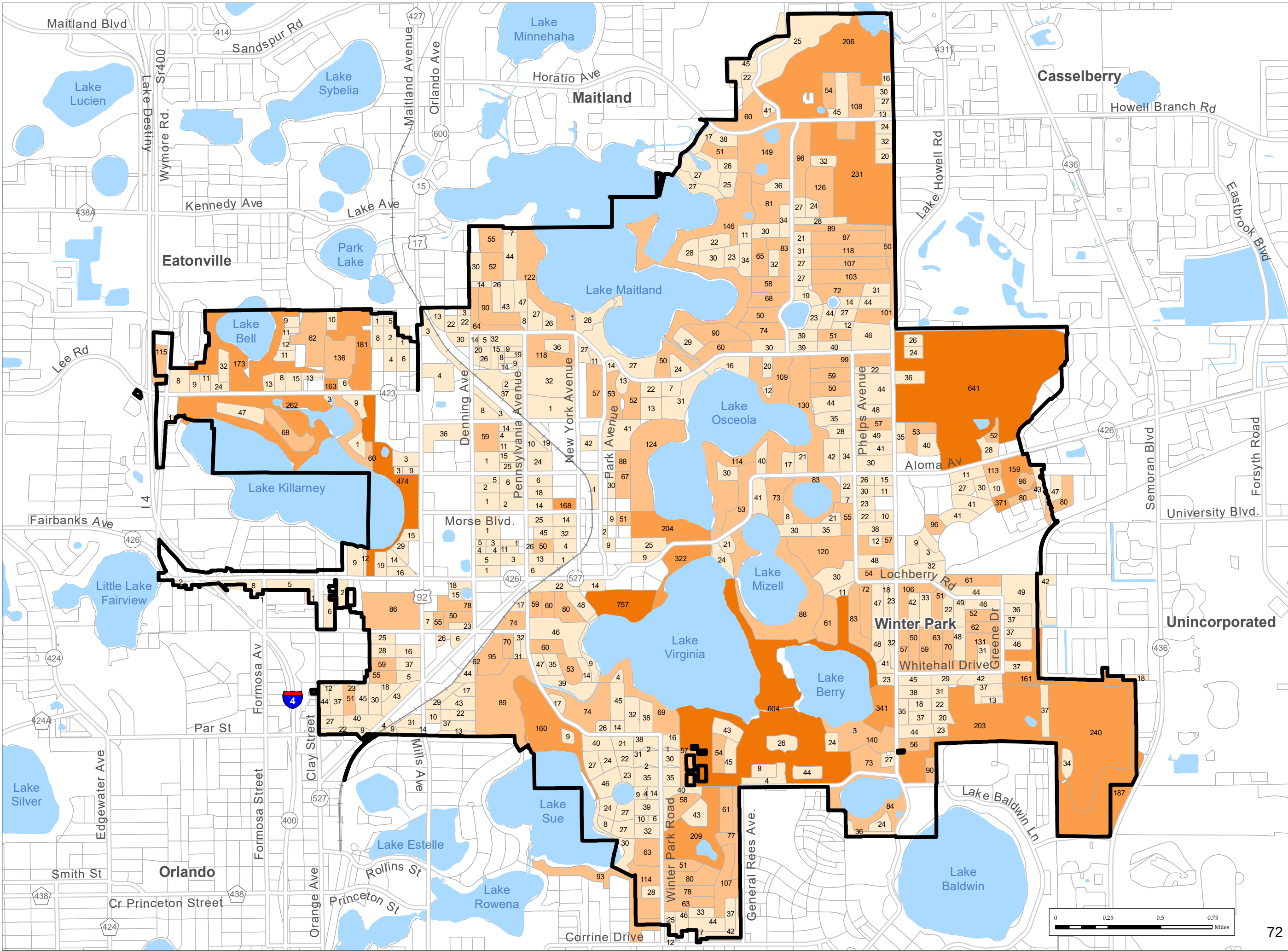
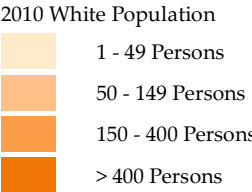




**2010 WHITE
POPULATION
BY CENSUS BLOCK**

City of Winter Park
Florida

Legend



**2010 City of Winter Park Population by Race
Sample Voting Districts**

	Total		District 1			District 2			District 3			District 4		
	Population	%	Population	% of District	% of Race	Population	% of District	% of Race	Population	% of District	% of Race	Population	% of District	% of Race
Asian	644	2.28%	153	2.19%	23.76%	131	1.83%	20.34%	125	1.83%	19.41%	235	3.25%	36.49%
Black	2,152	7.63%	1,653	23.68%	76.81%	118	1.65%	5.48%	230	3.37%	10.69%	151	2.09%	7.02%
White	24,495	86.88%	4,855	69.56%	19.82%	6,742	94.24%	27.52%	6,285	92.03%	25.66%	6,613	91.47%	27.00%
Other	902	3.20%	319	4.57%	35.37%	163	2.28%	18.07%	189	2.77%	20.95%	231	3.20%	25.61%
Total	28,193		6,980			7,154			6,829			7,230		
Ethnicity														
Hispanic	1,958	6.94%	610	8.74%	31.15%	391	5.47%	19.97%	426	6.24%	21.76%	531	7.34%	27.12%



SCENARIO 1
DISTRICTS WITH
POPULATION
SUMMARY

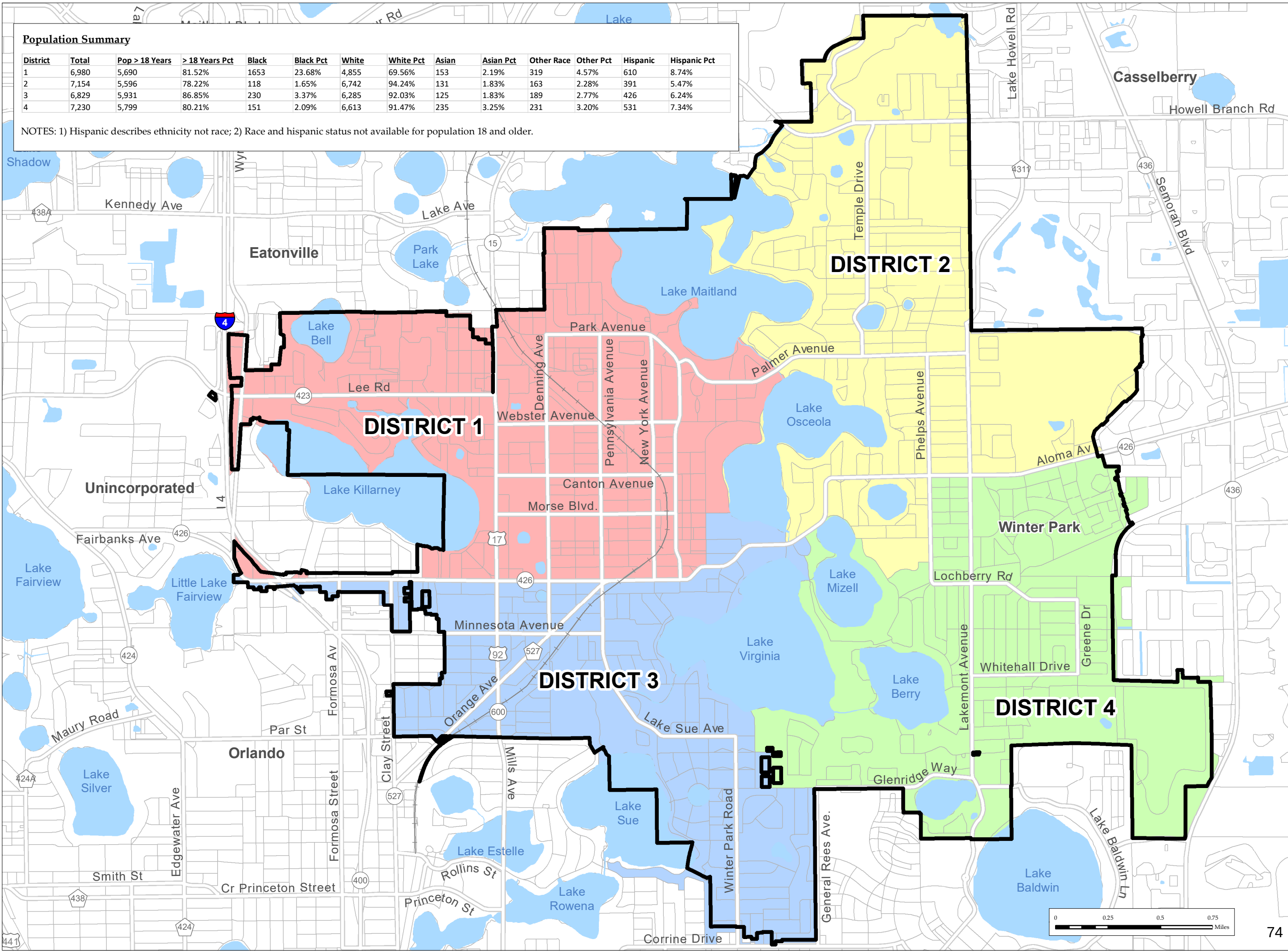
City of Winter Park
Florida

- Legend
- Scenario 1 Districts
- District 1
 - District 2
 - District 3
 - District 4

Population Summary

District	Total	Pop > 18 Years	> 18 Years Pct	Black	Black Pct	White	White Pct	Asian	Asian Pct	Other Race	Other Pct	Hispanic	Hispanic Pct
1	6,980	5,690	81.52%	1653	23.68%	4,855	69.56%	153	2.19%	319	4.57%	610	8.74%
2	7,154	5,596	78.22%	118	1.65%	6,742	94.24%	131	1.83%	163	2.28%	391	5.47%
3	6,829	5,931	86.85%	230	3.37%	6,285	92.03%	125	1.83%	189	2.77%	426	6.24%
4	7,230	5,799	80.21%	151	2.09%	6,613	91.47%	235	3.25%	231	3.20%	531	7.34%

NOTES: 1) Hispanic describes ethnicity not race; 2) Race and hispanic status not available for population 18 and older.



MEMORANDUM

TO: Kurt Ardaman
FROM: Lance King
DATE: 8/19/20
RE: Winter Park / City Charter Citizen Petition Amendment Process

Issue:

The City Charter, Sec. 5.10, allows for Charter amendment by citizen petition and prescribes the requirements for such petitions. Does this process apply, or can it be modified, in light of the COVID-19 pandemic?

Discussion:

Section 5.10(b) of the City Charter provides the following requirements for citizen Charter amendment petitions:

(b) Initiation by petition. The electors of the city may propose amendments to this Charter by petition signed by at least ten (10) percent of the total number of qualified voters registered to vote in the last regular city election.

(1) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. **Each signature shall be executed in ink or indelible pencil** and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed Charter amendment. The clerk or other official designated by the commission may, at an elector's request, issue the appropriate petition blanks to the elector at the elector's expense.

(2) Affidavit of circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, **that all the signatures were affixed in his presence**, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed Charter amendment.

Based on the above, there are two petition requirements that are potentially problematic in the age of COVID-19: 1) physical signatures and 2) physical presence between the petition circulator and signees.

The Governor and various State agencies have issued orders modifying certain political processes in light of the COVID-19 pandemic. For example, the Secretary of State issued an emergency order (1SER20-2) allowing electronic signatures for qualification petitions for candidates for state office, notwithstanding the physical signature requirements under Fla. Stat. 99.095. However, I am not aware of any order that would apply to or override the City Charter provisions at issue here.

Further, I have assessed the possibility that Florida Statutes allowing for electronic signatures could override the City Charter requirements. I have concluded that the relevant statutes do not apply to or override the Charter.

Fla. Stat. 668.50(7) provides that, “A record or signature may not be denied legal effect or enforceability solely because the record or signature is in electronic form.” However, the statute goes on to state that, “This section applies only to transactions between parties each of which has agreed to conduct transactions by electronic means.” Fla. Stat. 668.50(5)(b). The foregoing underlined language appears to limit the statute to matters that do not include City Charter amendments.

Another statute, Fla. Stat. 668.004, provides that, “Unless otherwise provided by law, an electronic signature may be used to sign a writing and shall have the same force and effect as a written signature.” Since the City Charter provision appears to trigger the “otherwise provided by law” exception and for other reasons, we believe the statute does not allow electronic signatures for citizens’ initiatives under the City Charter.

In sum, there appears to be no legal basis for varying the City Charter’s requirements re. physical signatures and physical presence by the petition circulator. The above analysis deals with citizen initiative requirements and not the City Commission’s separate authority to propose Charter amendments by ordinance and to submit such to referendum vote. *See* Sec. 5.10(a), City Charter.

Finally, under Section 5.06 of the City Charter, the citizen initiative process requires the City Clerk to determine the sufficiency of the citizens’ petition. If the City Clerk determines the petition insufficient and the petitioners’ committee timely requests the City Commission review the Clerk’s determination, the City Commission could overturn the Clerk’s determination of insufficiency. However, a Commission decision inconsistent with the Charter requirements could likely be challenged judicially.

S:\AKA\CLIENTS\Winter Park\General W600-26000\Charter Amendments\Memo re citizen petition process.docx



City Commission agenda item

item type Action Items Requiring Discussion	meeting date August 26, 2020
prepared by Bronce Stephenson	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Killarney Estates Traffic Improvements

motion / recommendation

Staff recommends the Commission approve the current test-fit design of the Killarney Estates area and surrounding roadways to completely separate the Commercial traffic from the neighborhood traffic. The final design will use a newly created parklet with shade trees and decorative planter bollards to ensure that the new design keeps traffic safely controlled. This current design has been test-fit in the field for a number of months and has had a positive transformational impact on the neighborhood.

background

The residents in the Killarney Estates neighborhood have been working for years to find relief on the ever-growing cut-through traffic that was impacting their neighborhood. They have come out in opposition to new commercial development/re-development in the area, asking that their issues be addressed prior to the new development being allowed. During a recent application for redevelopment of the former Ranch Mall site, Planning & Transportation staff committed to holding a meeting to address a strategy to solve the cut-through issues. A meeting was held where all members of the neighborhood were invited to provide ideas on how to solve the problems. The concept that was agreed to creates a complete separation of the Commercial traffic and the Residential traffic. It required compromise, as none of the residents would be able to access their homes from 17-92, as they had been able to in the past. On the other side, the Commercial traffic would be isolated to using 17-92 for their access, and Grove Ave at the rear of the properties, which would also allow an outlet onto westbound Fairbanks Ave. Traditionally, much of the commercial traffic had used the neighborhood streets as cut through access.

Staff agreed to create a test-fit of the proposed solution, which has been in place for months. Though there are many people that have moved barricades, driven across yards, and damaged city traffic control devices in order to keep cutting through, the overall results are very positive. Staff met onsite with neighbors many times and saw car after car cutting through a quiet neighborhood, driven mostly by mapping apps that led them to cut through and make illegal traffic maneuvers. Upon the most recent visit to the same location, the rush hour traffic consisted of the residents of the neighborhood safely riding bikes, running and walking their dogs.

It is the professional opinion of the Planning & Transportation Department that the current test-fit design

(in-place right now) safely achieves the intent of separating the residential and commercial traffic, which was the original intent of this process.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

2020.08.17_Current Test Fit.pdf

ATTACHMENTS:

2020.08.17_Requested Test-Fit Modification.pdf

ATTACHMENTS:

Killarney Petition Signatures.pdf

ATTACHMENTS:

KillarneyEstates Petition Signatures Map.pdf



LEGEND

● PLANTER BOLLARD

CURRENT TEST FIT

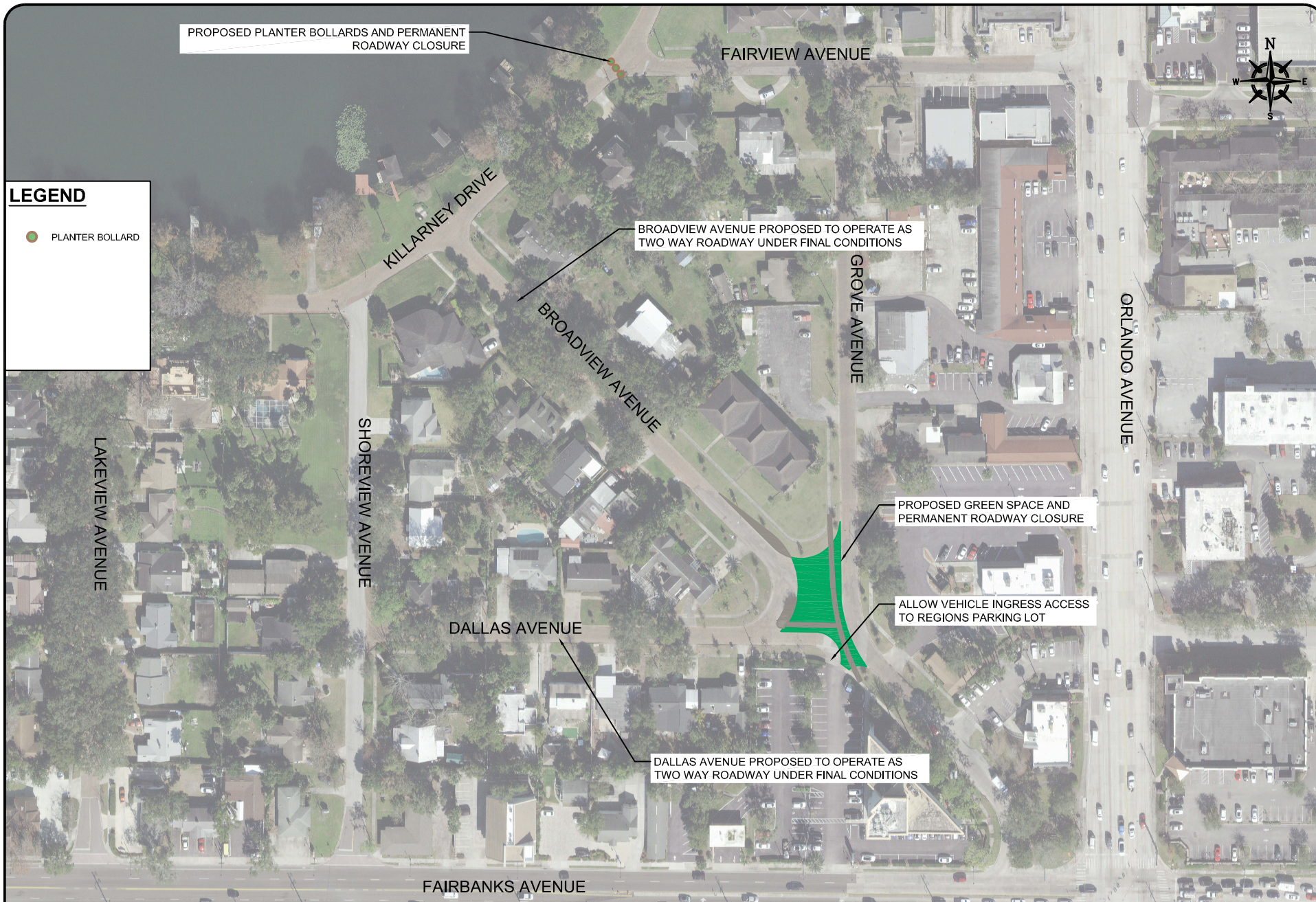
KILLARNEY NEIGHBORHOOD ROADWAY MODIFICATIONS

CONCEPTUAL FINAL LAYOUT - OPTION #2
 BROADVIEW AVENUE, DALLAS AVENUE &
 GROVE STREET

DATE 08/17/2020

SCALE 1" = 100'

FIGURE 3



REQUESTED TEST-FIT MODIFICATION

KILLARNEY NEIGHBORHOOD ROADWAY MODIFICATIONS

CONCEPTUAL FINAL LAYOUT - OPTION #1
 BROADVIEW AVENUE, DALLAS AVENUE &
 GROVE STREET

DATE 08/17/2020

SCALE 1" = 100'

FIGURE 2

Killarney Estates Neighborhood Traffic Pattern Improvement Petition:

The purpose of this petition is to inform the City of Winter Park government and planning that the following Killarney Estates neighborhood residents want to insure that “cut-thru” traffic is eliminated. The present provisional barriers, as of July 31, 2020, are working well to mitigate this problem. We are asking the City of Winter Park to install permanent barrier designs, including the agreed Parklet, so there is no opportunity for cut-thru traffic between residential and commercial properties.

Date	Print Name(s) of Residents	Address	Email and Text #	Signature
8/9	MARY BLACK	1334 DALLAS AVENUE	maryblackommccfl.net.com 407-346-2473	Mary Black
8/9	RYAN THOMAS	1317 Dallas Avenue	ryanrthomasfl@gmail.com 47-637-6527	Ryan Thomas
8/9	Howard Tooley	1317 Dallas Ave	howardtooley@gmail.com 813-214-2032	Howard Tooley
8/9	Jeffrey Gilbert	1316 Dallas Ave.	jeffgib80@gmail.com 404-550-7364	Jeffrey Gilbert
8/9	Cynthia Gray	1316 Dallas Ave.	4045207275	Cynthia Gray
8/9	NOAH SOVEN	500 Shoreview Ave.	786 5534567	Noah Soven

NOTE ①

Killarney Estates Neighborhood Traffic Pattern Improvement Petition:

The purpose of this petition is to inform the City of Winter Park government and planning that the following Killarney Estates neighborhood residents want to insure that "cut-thru" traffic is eliminated. The present provisional barriers are working well to mitigate this problem. We are asking the City of Winter Park to develop and install permanent barrier designs, including the agreed parklet, so there is no opportunity for cut-thru traffic between residential and commercial properties.

Date	Name(s) of Residents	Address	Email or Text #	Signature
8/9/20	JoAnna Burdette	350 Killarney Dr	407-242-7460	J Burdette
8/9/20	Adam Burdette	300 Killarney Dr	407-865-1105	Adam Burdette
8/9/20	MATTHEW MINEAR	451 BROADVIEW AVE	321-750-8366	Matthew Minear
8/9/20	BRUCE WATSON	441 BROADVIEW	419 651 9923	Bruce Watson
8/10/20	ALBAH MILLER	443 BROADVIEW	350 545 8778	Albah Miller
8/9/20	Chris Jennings	469 Shoreview Ave	407-912-6715	Chris Jennings
8/9/20	David Sutphin	350 Killarney Dr	407-461-7240	David Sutphin
8/9/20	Julie Sutphin	350 Killarney Dr	407-901-6122	Julie Sutphin
8/10/20	H.J. NORTHAM	320 KILLARNEY	407-227-2534	H.J. Northam
8/10	LINDA NORTHAM	320 "	407-619-6459	Linda Northam
8/10	H.J. NORTHAM	444 BROADVIEW	SAME	H.J. Northam
8/10	LINDA NORTHAM	"		Linda Northam
8/10	H.J. NORTHAM	120 BROADVIEW	SAME	H.J. Northam
8/10	LINDA NORTHAM	"	407-619-6459	Linda Northam
8/10	H.J. NORTHAM	O. BROADVIEW LOT	SAME	H.J. Northam
8/10	LINDA NORTHAM	"	407-619-6459	Linda Northam

3

JA

Killarney Estates Neighborhood Traffic Pattern Improvement Petition:

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[illegible]

Killarney Estates Neighborhood Traffic Pattern Improvement Petition:

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[illegible]

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[illegible]

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[illegible]

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[illegible]

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The purpose of this petition is to inform the City of Winter Park government and planning that the following Killarney Estates neighborhood residents want to insure that “cut-thru” traffic is eliminated. The present provisional barriers, as of July 31, 2020, are working well to mitigate this problem. We are asking the City of Winter Park to install permanent barrier designs, including the agreed Parklet, so there is no opportunity for cut-thru traffic between residential and commercial properties.

Date	Print Name(s) of Residents	Address	Email and Text #	Signature
8/16	Lotfi charfooui	337 Grove Ave	(charfaoui)	Lotfi I @ Gmail Com Lisff. btt
8/16	David Dickerson	1300 Fairview Ave	Dickens1@aol.com DICKERDL@ AOL.COM	[Signature]
8/16	Caleb Sutherland	523 Shoreview Ave	(386) 747-7304	[Signature]
8/16	Caleb Sutherland	519 Shoreview	(386) 747-7304	[Signature]
ADAM	STRESEN, ERIC (WIFE)			

Killarney Estates R1 Property Barriers to cut thru-traffic

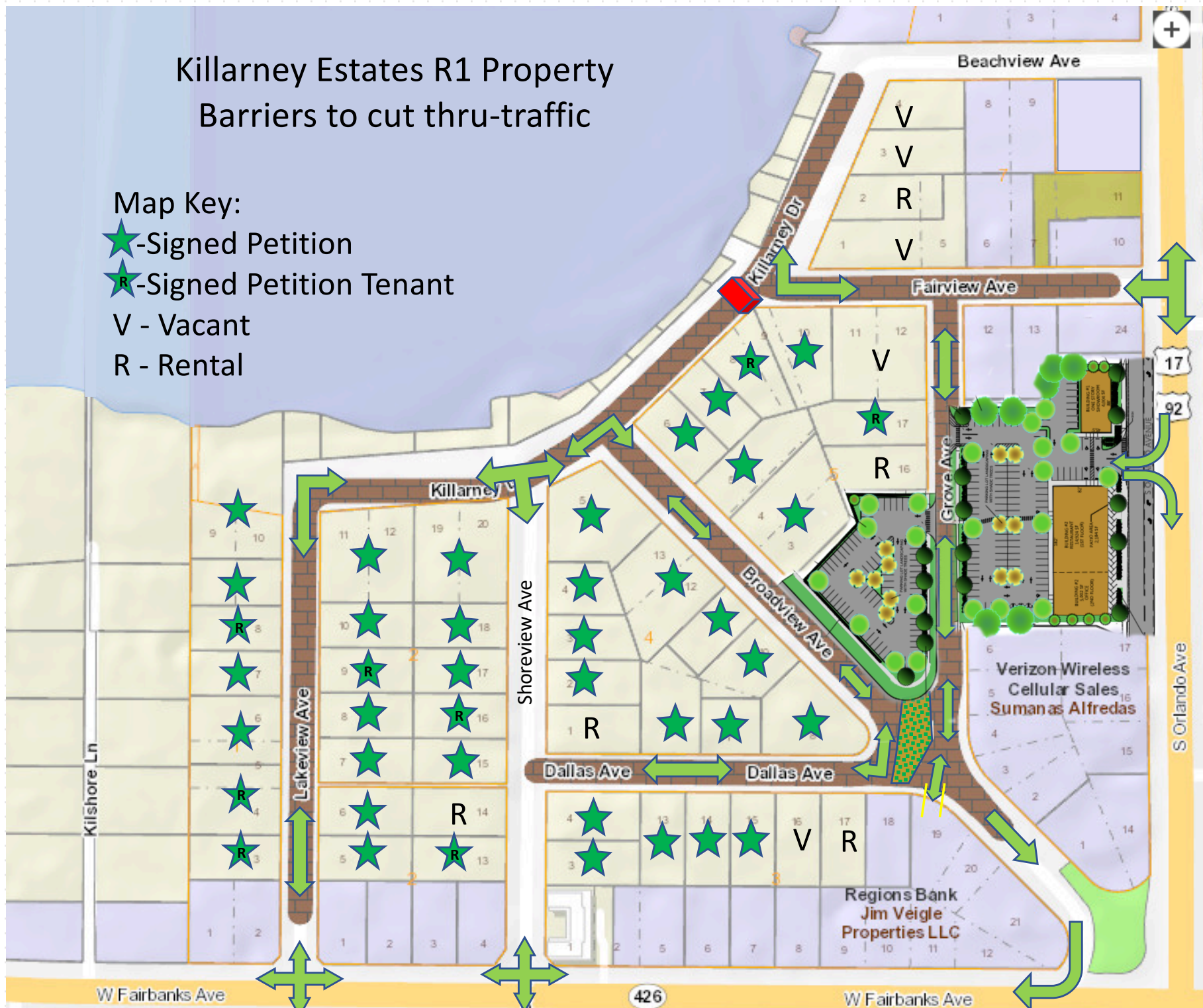
Map Key:

★-Signed Petition

★-Signed Petition Tenant

V - Vacant

R - Rental





City Commission agenda item

item type Action Items Requiring Discussion	meeting date August 26, 2020
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Discussion of Commission Budget Suggestions FY 21

motion / recommendation

Review and approve/reject staff and commission suggestions for budget adjustment.

background

Each year during the budget process, suggestions for changes to the proposed budget are brought forward by the Commission and staff. Attached to this item is a matrix of suggested changes that have been received as well as the staff options presented on how to address the revenue shortfall created by lower than expected state revenue estimates.

In addition to the items included on the matrix the CRA Agency at its August 12th meeting approved creating a business assistance fund of \$500k from cash reserves to address economic recovery solutions as the city emerges from the pandemic. Disbursal of these funds will still go through city board and CRA Agency approval processes. In addition, the CRA budget also included \$20k for the Woman's Club that was not included in the original proposed budget

alternatives / other considerations

fiscal impact

The state estimates will reduce revenues in the general fund by just under half of one percent or \$294k. Further revisions to state estimates are possible but no new data has been released as of 8/18/20.

ATTACHMENTS:

Commissioner_Matrix_and_Comments_FY21_-_final_pdf (1).pdf

Suggested City Commission & Staff Budget Adjustments FY 2021

Item	Proposer	Fund	Budget Amt	Budget Source	Comments	Staff Notes
Cover General Fund Revenue Shortfall	Staff	General Fund	\$294k	Capital Projects Transfer	NA	The proposed General Fund budget includes just under \$1.4 million in funding for capital projects. This is already reduced from prior years by approximately \$600k due to revenue constraints from the recession. Removing funds from here would reduce capital improvement and replacements to city buildings and facilities, IT equipment, and Parks enhancements.
				Reduce Reserves		With the proposed budget, the city is expected to have just over \$17 million in unencumbered reserves at the end of FY21. Removing the funds from reserves will drop the city's unencumbered reserves as a percent of reoccurring operating expenditures from 29.4% to 29%.
				Increase Property Taxes		The Commission provided flexibility in the tentative millage rate of up to 0.47 mills to deal with unexpected revenue shortfalls. To cover the shortfall with a property tax rate increase would take approximately 0.053 mills, generating \$298k for the General Fund and \$43k for the CRA. On a Winter Park home with a taxable value of \$300k, this would raise annual property taxes by just under \$16.
				Utilize Contingency		City budget policy calls for one half of one percent of revenues to be held in contingency. The proposed city budget includes \$350k in contingency funding. This was made available because no payment will be required for Commuter Rail obligations next year. These funds can be utilized to cover any revenue shortfalls. While the city would not meet policy guidelines, this may be a better alternative than trying to raise revenues or make additional budget cuts that reduce services.
Cover General Fund Revenue Shortfall	DeCiccio	General Fund	\$294k	Commuter Rail Contingency	Take the money from contingency since we do not need to pay for SunRail this year.	The General Fund has a contingency balance of \$350k, which is ample to cover the revenue shortfall due to lower expectations from State revenue estimates, while keeping \$56k in contingency.
Palmetto Road	DeCiccio	TBD	TBD	TBD	Complete Palmetto and make it a straight road from 1792 to Denning so as to ease traffic on Orange.	In order to properly budget for this project, design and quotes would need to be obtained. If this project is deemed to move forward and needs to be funded in FY21, General Fund reserves would be the most likely source. The City Commission can approve any project, including the use of reserves, at any regular meeting during the year.
Bike Path (Denning - 17/92)	DeCiccio	TBD	TBD	TBD	Provide a bike path to connect from Denning improvements to 1792	In order to properly budget for this project, design and quotes would need to be obtained. If this project is deemed to move forward and needs to be funded in FY21, General Fund reserves would be the most likely source. The City Commission can approve any project, including the use of reserves, at any regular meeting during the year.
Progress Point Park	DeCiccio	TBD	TBD	TBD	Build the Park on Progress Point for all to enjoy, especially now when so many are outdoors. That area has been blighted and not in use for too long.	In order to properly budget for this project, design and quotes would need to be obtained. If this project is deemed to move forward and needs to be funded in FY21, General Fund reserves or park acquisition/impact funds could be the source. It may also be possible that fund raising could support the construction of a park. The City Commission can approve any project, including the use of reserves, at any regular meeting during the year.
Development at Progress Point	DeCiccio	TBD	TBD	TBD	Allow for a building that will provide for small shops, ice cream, coffee etc. to activate the park at Progress Point and help to start new small businesses. This would provide jobs for the community	Staff would recommend that once the park design is completed, any recommendation for development on the remaining site is best achieved through creating a public solicitation with the desired parameters and reviewing the development community's responses. Land could be provided as either a sale of the remaining property or simply as a ground lease offering which would retain the property in city ownership, keep the City out of the job of managing commercial tenants and buildings, and generate income (both through a lease/sale and having the property active on the tax rolls).
Fairbanks Turn Lanes	DeCiccio	TBD	TBD	TBD	Allocate funds for turn lanes on Denning and Orange to ease traffic on Fairbanks and through the 5 point intersection at Orange.	In order to properly budget for this project, design and quotes would need to be obtained. If this project is deemed to move forward and needs to be funded in FY21, General Fund reserves would be the most likely source. The City Commission can approve any project, including the use of reserves, at any regular meeting during the year. As a note, the CRA does have \$1 million that was approved last budget year for traffic and stormwater improvements at Denning/Fairbanks.

Suggested City Commission & Staff Budget Adjustments FY 2021

Item	Proposer	Fund	Budget Amt	Budget Source	Comments	Staff Notes
Cover General Fund Revenue Shortfall	Sullivan	General Fund	\$294k	Water & Wastewater Utility Cash Reserves	Option 1: Transfer funds from the Water & Wastewater Utility to cover the revenue shortfall in the General Fund. The Water Utility has \$11.3 million cash reserves.	This would certainly be a method to cover the General Fund revenue shortfall while also not touching General Fund reserves, and would maintain the existing \$350k contingency currently in the General Fund. Though the Water Utility has significant cash on hand, this will be drawn down by more than half over the next couple years as obligations for capital share agreements for wastewater treatment plants, like Iron Bridge, are paid out. As the General Fund has available contingency to cover the revenue shortfall, staff would prefer to utilize those funds and reserve Water Utility funds for other projects or emergencies.
		Capital Projects Fund/ General Fund	294k	Capital Projects Transfer	Option 2: Reduce the General Fund transfer to capital projects by underfunding the facility replacement account for 2021. If necessary for the future, utilize reserves.	Staff does not recommend deferring major maintenance. The Facility Replacement Account is responsible for routine and emergency capital repairs and replacements to the city's numerous facilities. This is typically spent each year as demand often outweighs funding availability. Beyond routine painting and flooring work a number of larger projects are known to be on the horizon: City Hall roof replacement (\$150k - \$300k depending upon shingle or slate), three Addison AC units at \$75k each, the chiller at the old library is also close to end of life and will cost \$140k to replace or \$8k a month to rent, and repainting of Building 10 at the Compound (\$40k). Due to demands on this fund, staff would prefer to use General Fund contingency or reserves to cover this shortfall and leave these funds intact.
Defer Cemetery Improvements	Cooper	Cemetery Trust Fund	\$350k	Cemetery Trust Fund	Defer construction of columbariums at Pinneywood and Palm Cemetery. Un-encumbered funds from rollover available to spend in FY21 is \$150,000. Prior years CIP carried this project at \$650,000 total, now it is shown as \$1,450,000. What is growth? Recommend: This item be deferred until after the pandemic. FY21 Budget savings: \$350,000	Funding for Cemetery improvements are supported by the Cemetery Trust Fund and cancelation or deferment would not help any General Fund related projects or shortfalls. Funding allocated in the 5-Year CIP will allow for the columbarium improvements to be completed at Pinneywood and Palm Cemeteries as well as funding the shared maintenance facility that staff would propose be located on the Swoope property lot. Staff is still working with ACi and would like to bring this project concept back to the Commission for consideration.
Defer MLK Monitoring Station	Cooper	Capital Projects Fund	\$200k	Reimbursed from Orange County	Defer constructing replacement for air quality monitoring station at MLK Park until MLK Park Improvements are programed. Winter Park is required to pay and wait reimbursement OC. FY21 Budget savings: \$200,000	Deferring or cancelling will not provide any budget relief as this will be reimbursed by Orange County.
Facility Replacement Funding Account	Cooper	Capital Projects Fund/ General Fund	\$125k	General Fund Transfers	Average annual GF expenditures over the past 6 years is \$189,800 per year. (65% GF/\$292,000) Un-encumbered GF rollover funds account available in FY21 is \$168,350. (65%GF/\$259,000) Recommendation: Reduce this line item from \$325,000 to \$200,000 for FY21. This exceeds the average annual GF expenditures of \$189,000 and still maintains prior year un-encumbered rollover to build a replacement fund for future facilities. FY21 Budget savings: \$125,000	As recommended above, staff does not recommend deferring major maintenance.

Suggested City Commission & Staff Budget Adjustments FY 2021

Item	Proposer	Fund	Budget Amt	Budget Source	Comments	Staff Notes
Fire Safety Equipment	Cooper	Capital Projects Fund/ General Fund	\$100k	General Fund Transfers	No annual expenditures reported 2015-2019. FY20 actual expenditures reported \$58,000 + \$17,000 encumbrances. FY20 year-end estimate with encumbrances totals \$87,227. Un-encumbered funds from rollover available to spend in FY21 is \$272,000. Unencumbered funds from rollover exceed FY21 proposed budget of \$175,000. Recommendation: Apply \$272,000 un-encumbered rollover funds to purchase new station alarm @ cost ~\$320K. Recommendation: Reduce this item from \$175,000 to \$75,000. Providing funding for station alerting system in FY21. FY21 Budget savings: \$100,000	Station alerting is expected to cost \$300k - \$350k but no final bids have been received. The excess margin in this capital fund allow the Fire Department to smooth the cost of replacement of needed equipment over time. If this money is reduced and there is a need to replace existing life paks or other equipment, it would necessitate using reserves.
Parks Major Maintenance	Cooper	Capital Projects Fund/ General Fund	\$175k	General Fund Transfers	Average annual expenditures over the past 6 years is \$230,000 per year. Un-encumbered funds from rollover available to spend in FY21 is \$541,000. Parks Capital improvements from FY19 totaling \$360,000 were not accomplished. Why not? Funding the FY19 projects from the rollover would still leave \$181,000 in rollover. Parks Improvements in FY21 are estimated at \$335,000. Recommend: Use un-encumbered rollover funds for FY19 parks projects and the remaining unencumbered rollover to be applied to the FY21 projects which reduces the FY21 budget need from \$335,000 to \$160,000. FY21 Budget savings: \$175.	Of the carryforward fund balance currently available, there is \$30k of savings on the Kraft Azalea Arch project that could be reappropriated as well as \$164k that is earmarked for improvements to Dinky Dock which are now on hold until Rollins completes construction on their dorms. There is also \$40k held for concession stand improvements at Ward Park as well as obligations for improvements to be made with funding received from ROAR as well as the Winter Park Health Foundation. Like other capital improvement fund pools in the CIP, this fund also serves to perform budget smoothing for unforeseen costs and issues as they arise.
Freeze employee salaries @ FY20 Level	Cooper	General Fund	\$172k	General Fund	Page 18: WP is not furloughing or laying off any employees during this recession. Recommend a freeze on all raises excluding uniformed police officers & fire. The narrative explains, "budget includes all types of wages staying relatively unchanged with growth of 0.5%, with the increases in regular pay (\$263k)*, Commission pay (\$52k)." * Budget savings due to freezing salaries possible is \$172K. Note: the increased cost of healthcare (\$182K) is not being passed on to employees. FY21 Budget savings: \$172,000	The \$263k in GF wage increases is based on Fire union pay at 3.5% (per contract) and all other employees at 1% if they make more than \$75k and 2% if they make \$75k or less. Typically the city has provided up to a potential merit pay increase of 3.5% annually. If pay was frozen for all employees with the exception of Fire Union and sworn police positions, this would reduce the current budget by about \$72k in the General Fund. Freezing pay for all employees while allowing increases for public safety, could cause morale concerns.
Freeze City Commission salaries @ FY20 Level	Cooper	General Fund	\$52k	General Fund	Page 18: WP is not furloughing or laying off any employees. Budget includes all types of wages staying relatively unchanged with growth of 0.5%, with the increases in regular pay (\$263k), Commission pay (\$52k)	As this pay increase was part of a charter amendment and voted on by the citizens of Winter Park, this cannot be reduced.
Incentivize Voluntary Early Retirement	Cooper	Varies depending upon position	TBD	Varies depending upon position	While this may increase expenses this year it should be helpful in balancing future budgets. Merits financial analysis. (One week pay for every year with City. Verify.)	This would need to be crafted as a voluntary separation agreement and can certainly be reviewed by staff.
Suspend Lobbyist Services	Cooper	General Fund	\$60k	General Fund	The Federal Lobbyist was removed from this budget but the State Lobbyist remained. Recommend suspending State Lobbyist services until revenues stabilize. Expense estimate taken from 2016 budget as it was not separately visible in budget document.	The State Lobbyist has provided far more funding benefit than the cost of the annual \$60k contract. The State Lobbyist also assists with policy issues of benefit to the city.

Suggested City Commission & Staff Budget Adjustments FY 2021

Item	Proposer	Fund	Budget Amt	Budget Source	Comments	Staff Notes
Defer or Reduce Contribution to Dr Phillips Center	Cooper	General Fund/Designations Trust Fund	\$50k	General Fund Transfers	Reduce or defer the \$100,000 annual contribution to Orlando for the Dr Phillips Performing Arts Center. DPAC is keenly aware of the challenges presented by the pandemic as they have confirmed furloughs of 50 full-time staff (including two executive level positons) and 100 part-time employees as of June 1. Our contribution to DPAC is funded from non-ad valorem revenues, the very revenues that are seeing significant declines with more forecasted for next year. Request City Attorney to review our agreement and negotiate a deferral or reduction.	There is an interlocal agreement that funds the \$100k annual obligation to DPPAC and including FY 21, there are four more payments to be made. Staff has referred this proposal to the City Attorney for consideration.
Add Parking enhancements and road realignment on Progress Point	Cooper	Capital Project	TBD	TBD	Preparation of surface parking and realignment of Palmetto. Staff indicated they have the expertise in-house to accomplish this project. Engineering has been contracted. What is fiscal impact or can project be performed with existing manpower?	In order to properly budget for this project, design and quotes would need to be obtained. If this project is prioritized to move forward and needs to be funded in FY21, General Fund reserves would be the most likely source. The City Commission can approve any project, including the use of reserves, at any regular meeting during the year. The already approved Progress Point conceptual design will probably take 3-6 months. This design will not provide construction level plans. Any realignment of this roadway is likely to be a year away and would be considered as part of the FY22 budget.
Historic Winter Park Woman's Club Capital Improvement	Cooper	Designations Trust Fund Organizational Support	\$20k	Org Support Funding	The Woman's Club is requesting funding to complete exterior work on the National Historic Register building which will turn 100 years old in January, 2021. The building is a significant part of Winter Park's history. The cost of the exterior improvements total \$75,000. This \$20,000 contribution could be funded by savings from adjustments to DPAC full funding.	The CRA Agency has already approved the \$20k request from the Woman's Club.
Immediate Stormwater Improvements on significantly impacted properties on Orange Avenue	Cooper	Stormwater Fund	TBD	Stormwater Funds	Business owner is experiencing significant flooding. Staff indicated they could correct this drainage issue. What is fiscal impact of addressing this problem now? Can the project be performed with existing manpower?	This property's flooding concerns are a private property design issue. If the Commission wants the city to address this issue, a design solution would need to be completed and brought back to the Commission with estimated cost.
Orange/ Denning/Minnesota Intersection Improvement	Cooper	General Fund	\$25k	General Fund	To improve traffic flow, safety and prepare for future redevelopment on Orange Avenue, roundabout screening and detailed engineering of traffic solutions will be necessary. FDOT Safety Study estimated construction cost of Clay/Orange roundabout at \$1.1M without land acquisition. (Requested verification from staff.) KH will provide construction and acquisition cost estimates as part of their current SOW. Our out year CIP should include placeholder to address whatever solution is agreed upon. Cost here is to fund engineering of roundabout or intersection improvement in FY21.	Funding at \$25k seems insufficient to perform this work. Staff will need to solicit bids or obtain design quotes to determine actual design cost.

Suggested City Commission & Staff Budget Adjustments FY 2021

Item	Proposer	Fund	Budget Amt	Budget Source	Comments	Staff Notes
Provide Contingency for management response to unforeseen needs in FY21.	Cooper	General Fund	\$300k	General Fund	Pg 9: The city's budget policy calls for setting aside half of one percent in contingency as part of the annual budgeting process, or approximately \$300k. This is an appropriation of funds to cover unforeseen events that occur during the fiscal year....separate from the Commuter Rail Set-aside and the Fund Balance (Reserve). This budget was balanced in large part by the reduction in contingency set aside. (pg 43) The budget explains that 42% of the \$1.4M in reductions needed came from what would have been contingency. Over the past 10 years the average contingency included for unforeseen events during the year has averaged \$452,000 per year not including the Commuter Rail Set-aside.	Past contingencies were more than the policy amount in order to build reserves to the 30% level. Past contingencies have been added to fund balance, used for special projects at the direction of the Commission, and utilized for adjustments to state revenue estimates. The proposed budget includes a contingency of \$350k.
Transportation Impact Fee for Commercial Development	Cooper	General Fund	TBD	Permit Fee Revenues	Winter Park does not collect transportation impact fees, proportionate fair share contributions or multi-modal fees for impacts of new development on our roads or multi-modal facilities. Transportation Impact fees are collected by most municipalities. I have recommended implementation of an equitable procedure for developer contributions to transportation improvements each budget cycle for many years. It is time the City implement this initiative to addressing our transportation challenges. I have also recommended addition of a policy within the OAO to address this issue. I am recommending calculations be performed and procedures be written and approved for implementation of this fee following pandemic.	Consideration of a transportation or mobility impact fee is already underway. A scope amendment with Kimley Horn includes the following as one of their deliverables: Kimley-Horn will provide a summary on the differences between Proportionate Share, Transportation Impact Fees and Mobility Fees. The summary will focus on how the various strategies are applicable to key properties that may develop within the Orange Avenue Overlay District.
Establish Commercial Parks Usage (Impact) Fee	Cooper	General Fund	TBD	Impact Fee Revenues	Comprehensive Plan policy 6-3.1.1. requires "all new development" to pay its fair-share of the cost to acquire new parks. Currently the fee is only assessed on residential properties in excess of 10 units. The WRT, Analysis of Potential Impediments to Economic Development, in September 2013, recommended developing " a non-residential system development charge (SDC) allowing the city to require non-residential development to pay a fee or dedicate park land as a condition of building permit approval." (pg 32) I am recommending calculations be performed and procedures be written and approved for implementation of this fee following pandemic.	This has been reviewed before and is not very common with the exception of some places in California. Staff can certainly review and get back to the Commission with an update and best practices suggestion.
Increased Tow Fee if Auto Involved in Crime	Cooper	General Fund	\$100k	Fine & Forfeiture Revenues	WP police average 60 tows per year associated with criminal activities. Winter Spring's ordinance introduces new towing guidelines and fees. Winter Springs estimates 100-200K annual revenue. Apopka averages \$60K. Recommend we review and implement this increase immediately.	The Police Department is reaching out to our municipal neighbors to better understand their programs and how they are implemented. It may be difficult to collect on these type of fee, even if implemented.

Suggested City Commission & Staff Budget Adjustments FY 2021

Item	Proposer	Fund	Budget Amt	Budget Source	Comments	Staff Notes
Reconsider Fee for Removal of Healthy Trees	Cooper	General Fund	TBD	Tree Permitting Revenue	For the 5 years prior to the reduction of fees in WP's tree preservation ordinance in November 2012, our Tree Fund collected an average of \$100,000 per year...enough to plant 200 top grade oak trees. Recommend we direct staff to review compensation and define a fee that is fair to single family home owners but also provides reasonable but meaningful compensation for removal of healthy trees by home owners and developers. Recommend the new Tree Preservation Board be task with reviewing the diminished fee structure and amend as needed. I am recommending calculations be performed and procedures be written and approved for implementation of this fee following pandemic.	This issue is being taken to the newly formed Tree Preservation Board which will be reviewing the ordinance which includes the collection of fees.



City Commission agenda item

item type Public Hearings	meeting date August 26, 2020
prepared by Rene Cranis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park for:

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

motion / recommendation

Recommendation is to approve the Ordinance as presented.

background

The attached ordinance is revised based on action taken at First Reading to adopt Orange County fines. Changes are reflected in red.

All Cities and Counties participate in the National Pollution Discharge Elimination System imposed by Federal Law and administered in Florida by the Florida Department of Environmental Protection (FDEP). The overall goal is to reduce pollution of our waterways from point sources (sewer plants or factories) and from non-point sources (streets, storm drainage systems, other properties). A requirement of the NPDES program, is that FDEP requires counties and municipalities to have fertilizer regulation as an ordinance.

The concern is to control the flow of dissolved fertilizer after rain storms going directly into streams and lakes and to reduce the fertilizer runoff from properties that enter the streams and lakes via the storm sewer system. The goal is to reduce the amount of phosphorus and nitrogen intended to fertilize a lawn from fertilizing the weeds and algae in a lake. Thus the ordinance prohibits phosphorus, sets limits on the amount of nitrogen, prohibits fertilizing within 15 feet of a lake and prohibits application of fertilizer right before a forecast storm event such as a hurricane.

Currently, the City of Winter Park does not have such regulation and the City must adopt such regulation as a requirement of our NPDES permit. In essence these regulations already exist because in the County's ordinance, it states that "this ordinance is applicable throughout all of Orange County, except in municipalities that have minimum standards that are no less strict than their ordinance". Since FDEP requires that the City adopt an individual ordinance, the City Attorney recommends that we adopt Orange's County's, by reference as the easiest method of compliance.

Thus, it has been decided that for consistency, the best option for the City is to adopt the Orange County ordinance, by reference.

The City Attorney has prepared the proposed ordinance. Exhibit A is the County's ordinance.

Minutes from the July 21, 2020 Planning & Zoning Board Meeting:

- LDC #20-03 Request of the City of Winter Park for an Ordinance to adopt the Orange County Fertilizer Regulations, by reference.

Mr. Briggs explained that all Cities and Counties participate in the National Pollution Discharge Elimination System imposed by Federal Law and administered in Florida by the Florida Department of Environmental Protection (FDEP). The overall goal is to reduce pollution of our waterways from point sources (sewer plants or factories) and from non-point sources (streets, storm drainage systems, other properties). A requirement of the NPDES program, is that FDEP requires counties and municipalities to have fertilizer regulation as an ordinance.

The concern is to control the flow of dissolved fertilizer after rain storms going directly into streams and lakes and to reduce the fertilizer runoff from properties that enter the streams and lakes via the storm sewer system. The goal is to reduce the amount of phosphorus and nitrogen intended to fertilize a lawn from fertilizing the weeds and algae in a lake. Thus, the ordinance prohibits phosphorus, sets limits on the amount of nitrogen, prohibits fertilizing within 15 feet of a lake and prohibits application of fertilizer right before a forecast storm event such as a hurricane.

Currently, the City of Winter Park does not have such regulation and the City must adopt such regulation as a requirement of our NPDES permit. In essence these regulations already exist because in the County's ordinance, it states that "this ordinance is applicable throughout all of Orange County, except in municipalities that have minimum standards that are no less strict than their ordinance". Since FDEP requires that the City adopt an individual ordinance, the City Attorney

recommends that we adopt Orange's County's, by reference as the easiest method of compliance.

Staff recommendation was for approval.

No one from the public wished to speak. The public hearing was closed.

The Board discussed the matter and agreed with the Staff recommendation that adopting Orange County's ordinance was the best solution for compliance with the State requirements.

Motion made by Mr. Beitsch, seconded by Mr. Bornstein, for an Ordinance to adopt the Orange County Fertilizer Regulations, by reference.

Motion carried with a 7-0 vote.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

Ordinance re. fertilizer regulations revised 08_18_20.pdf

ATTACHMENTS:

Exhibit A.pdf

ATTACHMENTS:

Fertilizer State Statue.pdf

ORDINANCE 3180-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; ADDING A NEW SECTION 58-368 GOVERNING FERTILIZER USE WITHIN THE CITY; ADOPTING THE ORANGE COUNTY REGULATIONS PERTAINING TO FERTILIZER USE AND AUTHORIZING COUNTY AND CITY ENFORCEMENT THEREOF WITHIN THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Winter Park City Code currently contains no comprehensive regulations pertaining to fertilizer use within the City; and

WHEREAS, as a result of impairment of the City's surface waters, groundwater, and springs caused by excessive nutrients, the City has determined that the improper use of fertilizers on land creates a risk of contributing to adverse effects on surface and groundwater.

WHEREAS, this Ordinance regulates the proper use and application of fertilizer, training requirements, and restricted application periods in the City; and

WHEREAS, the City finds that it is in the best interests of the health, safety, and welfare of the residents of Winter Park and the general public that the City adopt and authorize enforcement of the fertilizer regulations contained within the Orange County Code, Chapter 15, Article XVII, within the boundaries of the City; and

WHEREAS, a copy of the Orange County Code, Chapter 15, Article XVII is attached hereto as Exhibit "A."

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

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. City Code Amendment. Chapter 58, Article V, Division 11 of the City Code is hereby amended to add a new Section 58-368 thereof, as follows:

Sec. 58-368. – Fertilizer Regulations.

(a) Adoption of County Regulations by Reference. Chapter 15, Article XVII of the Orange County Code, as amended from time to time, governing fertilizer use shall apply within the boundaries of the City. Further amendments to Chapter 15, Article XVII of the Orange County Code shall be automatically incorporated into this section by reference unless the City Commission elects to opt out of such amendments by adopting a resolution or ordinance so stating. Orange County and relevant personnel and agents thereof shall have the authority to enforce and administer Chapter 15, Article XVII of the Orange County Code as incorporated herein within the boundaries of the City. The City and relevant personnel and agents thereof shall have the authority to enforce and

administer Chapter 15, Article XVII of the Orange County Code as incorporated herein within the boundaries of the City using any enforcement mechanism available under this section, other provisions of City Code, County Code, or by law. It shall be unlawful for any person to violate any provision of this section, or any provision of any resolution enacted pursuant to the authority of this section.

(b) City Enforcement. Every City code compliance or code enforcement officer is authorized to enforce the provisions of this section. Any person who violates any provision of this section, or any provision of any resolution enacted pursuant to the authority of this section, shall be subject to the following penalties if enforcement action is taken by the City or its employees or agents:

(1) First violation: Written notice and warning;

(2) Second violation: **Fine of fifty dollars (\$50.00) except for commercial applicators it shall be five hundred dollars (\$500.00).**

(3) Third and subsequent violations: **Fine of one hundred dollars (\$100.00) except that for commercial applicators it shall be seven-hundred fifty dollars (\$750.00).**

In addition to the enforcement provisions provided in subsection (b), the City may avail itself of any other legal or equitable remedy available to it, including but not limited to, injunctive relief or the initiation of code enforcement proceedings with the remedies as prescribed by Chapter 162, Florida Statutes, in the enforcement of any provision of this section or any provision of any resolution enacted pursuant to the authority of this section. Any person violating this section shall be held liable for all costs incurred by the city in connection with enforcing this section, or any resolution enacted pursuant to the authority of this section, including but not limited to, attorneys' fees and costs.

SECTION 3. Codification. Exhibit "A" to this Ordinance is Chapter 15, Article XVII of the Orange County Code incorporated by reference in Section 2 of this Ordinance. Section 2 of this Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

FIRST READING: August 12, 2020

SECOND READING: August 26, 2020

ADOPTED this 26th day of August, 2020, by the City Commission of the City of Winter Park, Florida.

CITY COMMISSION
CITY OF WINTER PARK

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

Exhibit "A"

ARTICLE XVII. - FERTILIZER MANAGEMENT ORDINANCE

Sec. 15-800. - Findings and purpose.

As a result of impairment to the county's surface waters, groundwater, and springs caused by excessive nutrients, the county has determined that the improper use of fertilizers on land creates a risk of contributing to adverse effects on surface and groundwater. This ordinance regulates the proper use and application of fertilizer, training requirements, and restricted application periods in the county.

Orange County's Environmental Protection Division will provide to the board of county commissioners a summary of data collected and current research related to excessive nutrients for evaluation and consideration of ordinance revisions on or before December 31, 2019.

(Ord. No. 2017-14 , § 2, 6-20-17)

Sec. 15-801. - Definitions.

Apply or *application* means the physical deposit, placement, or release of fertilizer upon soil, turf, or landscape plants.

Applicator means any person who applies fertilizer.

Article means chapter 15, article XVII, of the Orange County Code of Ordinances, as amended, unless otherwise specified.

Best management practices (BMPs) means the practice or combination of practices based on research, field testing and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Commercial applicator means any person who applies fertilizer in exchange for money, goods, services or other valuable consideration and who is required by law, ordinance, or regulation to obtain an Orange County local business tax certificate.

Fertilizer means any substance or mixture of substances, excluding pesticides, organic composts, and fertilizer derived from biosolids, that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Guaranteed analysis means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Golf course means any public or private area of land designed and used exclusively for playing or practicing golf, including tees, fairways, greens, rough areas, hazards and driving ranges (stand-alone ranges or those associated with a golf course). A golf course shall also include the following uses if they are accessory to the above uses: clubhouses, and all facilities adjacent to and associated with the daily operations of the above-referenced areas. Golf-related structures or features on residentially zoned private land shall not constitute a golf course.

Groundcover means plants used in mass as alternative to turf or lawn and/or to create variety in landscape; usually not having a mature height over two (2) feet tall.

Landscape plants means any shrub, tree, or groundcover, excluding turf and vegetable gardens.

Person means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or any other legal entity, the United States of America, and the State of Florida and all political subdivisions, regions, districts, municipalities, and public agencies.

Restricted season means the period from June 1 through September 30.

Slow release means nitrogen in a form which delays its availability for plant uptake and use for an extended period after application, or which extends its availability to the plant longer than a readily available, rapid or quick-release product. This definition includes the terms "controlled release," "timed release," "slowly available," and "water insoluble."

Turf, sod , or lawn means a mat layer of monocotyledonous plants, including but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, or Zoysia.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 3, 6-20-17)

Sec. 15-802. - Applicability.

- (a) Consistent with section 704 of the Orange County Charter, this ordinance shall be applicable throughout all of Orange County, except in municipalities that have minimum standards for the regulation of fertilizer application that are no less strict than those in this article.
- (b) Any business that sells fertilizer shall post a notice provided by the county stating that the use of lawn and landscape fertilizers in the county is restricted in accordance with this chapter.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 4, 6-20-17)

Sec. 15-803. - Weather and seasonal restrictions.

- (a) No fertilizer containing nitrogen or phosphorus shall be applied to turf or landscape plants during a period for which the National Weather Service has issued any of the following advisories for any portion [of] the county: a severe thunderstorm warning or watch, flood warning or watch, tropical storm warning or watch, or hurricane warning or watch.
- (b) No person, except applicators certified pursuant to section 15-809 herein, shall apply fertilizer containing nitrogen or phosphorus to turf or landscape plants during the restricted season from June 1 through September 30.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 5, 6-20-17)

Sec. 15-804. - Fertilizer content; application rate.

- (a) No fertilizer shall be used unless labeled in accordance with state law.
- (b) No fertilizer containing phosphorus shall be applied to turf or landscape plants. Provided, however, where phosphorus deficiency has been demonstrated in the soil by a soil analysis test performed by a laboratory using University of Florida's Institute of Food and Agricultural Sciences ("UF/IFAS") approved methodology, phosphorus may then be applied at a rate no greater than one-quarter (0.25) of one (1) pound of phosphorus per one thousand (1,000) square feet per application, not to exceed one-half (0.5) pound of phosphorus per one thousand (1,000) square feet per year. Any person who obtains such a soil analysis test showing a phosphorus deficiency may apply phosphorus and shall provide the test results to the Orange County Environmental Protection Division, Attention: Manager within thirty (30) days of receipt of results.
- (c) No fertilizer containing nitrogen shall be applied unless at least fifty (50) percent of its nitrogen content is slow release as indicated on the Guaranteed Analysis label, with no more than one (1) pound total nitrogen per one thousand (1,000) square feet of area per application. This requirement shall change to at least sixty-five (65) percent slow release if the product is readily available on the local commercial market by July 1, 2020.
- (d) Notwithstanding subsection 15-804(c), commercial applicators may apply fertilizer at a rate that does not exceed one-half (0.5) of one (1) pound of readily available nitrogen per one thousand

(1,000) square feet of area, provided, however, that any application that exceeds one-half (0.5) of one (1) pound of nitrogen shall conform to subsection 15-804(c).

- (e) Notwithstanding any other provision of this section 15-804, fertilizers applied to turf must follow the guidelines found in Rule 5E-1.003, F.A.C., as it may be amended.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 6, 6-20-17)

Sec. 15-805. - Fertilizer-free zones.

- (a) No fertilizer shall be applied within fifteen (15) feet of any wetland or surface waters, including but not limited to a lake, pond, stream, water body, water course, or canal.
- (b) No fertilizer shall be deposited, washed, swept, or blown off, intentionally or inadvertently, onto any impervious surface, public right-of-way, public property, stormwater drain, ditch, conveyance, or water body. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or landscape plants or any other legal site, or returned to the original or other appropriate container.
- (c) A low-maintenance zone is strongly recommended, though not required, for all areas within ten (10) feet of the normal high water elevation of any lake, pond, stream, water body, water course or canal, or any wetland, excluding permitted stormwater ponds. Low-maintenance zones should be planted and managed in such a way as to minimize the need for watering, mowing, and other active maintenance. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent over-spray of aquatic weed control products in this zone.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 7, 6-20-17)

Sec. 15-806. - Mode of application.

Broadcast spreaders applying fertilizers must be equipped with deflector shields positioned to deflect fertilizer from all impervious surfaces, rights-of-way, stormwater drains, ditches, conveyances, and water bodies.

(Ord. No. 2009-26 , § 1, 10-6-09)

Sec. 15-807. - Grass clippings and vegetative material/debris.

Grass clippings and/or vegetative material/debris shall not be deposited, washed, swept, or blown off, intentionally or inadvertently, onto any impervious surface, public right-of-way, stormwater drain, ditch, conveyance, or water body.

(Ord. No. 2009-26 , § 1, 10-6-09)

Sec. 15-808. - Exemptions; exceptions.

- (a) Sections 15-805 through 15-810 of this article shall not apply to golf courses; provided, however, fertilizer shall not be applied to golf courses in excess of the provisions set forth in Rule 5E-1.003(3), F.A.C., as it may be amended.

- (b) This article shall not apply to any bona fide farm operation that the county is without authority to regulate with regard to fertilizer application pursuant to the Florida Right to Farm Act, F.S. (2016) § 823.14 et seq., or other applicable state law.
- (c) This article shall not apply to sports turf areas at parks and athletic fields.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 10, 6-20-17)

Sec. 15-809. - Training requirements; proof of compliance.

- (a) No commercial applicator shall cause fertilizer to be applied, except at his or her own residence, without a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agriculture and Consumer Services, as specified in section 15-809(c).
- (b) Each commercial applicator shall ensure that each applicator he or she employs has a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agriculture and Consumer Services prior to the application of fertilizer.
- (c) Possession of a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agriculture and Consumer Services or the Florida Department of Environmental Protection's *Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries* training by UF/IFAS shall suffice as evidence of completion of a county-approved best management practices training program.
- (d) Non-commercial applicators shall provide proof on an annual basis of successful completion of the online training "Orange County Fertilizer Application Education Course for Citizens" on the Orange County fertilizer web page.
- (e) Certified applicators must show proof of training on all vehicles used during applications.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 11, 6-20-17)

Editor's note— Ord. No. 2017-14 , § 11, adopted June 20, 2017, amended § 15-809 and in so doing changed the title of said section from "Commercial training requirements; proof of compliance" to "Training requirements; proof of compliance," as set out herein.

Sec. 15-810. - Commercial applicators; business tax certificate.

Prior to obtaining or renewing an Orange County local business tax certificate for a business that provides landscape services, each commercial applicator shall provide proof of successful completion from county-approved best management practices training programs within the previous three (3) years. Possession of a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agriculture and Consumer Services or the Florida Department of Environmental Protection's *Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries* training by UF/IFAS shall suffice as evidence of completion of a county-approved best management practices training program.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 11, 6-20-17)

Sec. 15-811. - Variances.

- (a) All requests for a variance(s) from the requirements of this article shall be made in writing to the Manager of the Orange County Environmental Protection Division. The manager may require the applicant for a variance to provide such information as necessary to carry out the purpose of this article. The manager may approve, approve with conditions or deny requests for variances. A

variance may be granted if strict application of the Orange County Fertilizer Management Ordinance would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant.

- (b) Variances may be issued by the manager only upon satisfaction of the following:
 - (1) A showing of good and sufficient cause by the applicant and that the cause is not self-imposed, and
 - (2) A determination by the manager that the variance is the minimum necessary to afford relief, and
 - (3) A determination by the manager that failure to grant the variance would result in a practical difficulty or a physical hardship affecting the applicant's economic use of the property, and
 - (4) A determination by the manager that the granting of the variance will not result in threats to the health, safety and welfare of the residents of the county or conflict with existing local laws or ordinances.
- (c) Any person aggrieved by the decision of the manager may appeal pursuant to the provisions of section 15-38.

(Ord. No. 2009-26 , § 1, 10-6-09)

Sec. 15-812. - Enforcement and penalty.

- (a) It shall be unlawful for any person to violate any provision of this article, except section 15-802(b), or any provision of any resolution enacted pursuant to the authority of this article. Every code enforcement officer is authorized to enforce the provisions of this article. Any person who violates any provision of this article, except section 15-802(b), or any provision of any resolution enacted pursuant to the authority of this article, shall be subject to the following penalties:
 - (1) First violation: Written notice.
 - (2) Second violation: Fine of fifty dollars (\$50.00), except for commercial applicators it shall be five hundred dollars (\$500.00).
 - (3) Third and subsequent violations: Fine of one hundred dollars (\$100.00), except for commercial applicators it shall be seven hundred fifty dollars (\$750.00).
- (b) In addition to the enforcement provisions provided, the county may avail itself of any other legal or equitable remedy available to it including, without limitation, injunctive relief, in the enforcement of any provision of this article or any provision of any resolution enacted pursuant to the authority of this article. Any person violating this article shall be held liable for all costs incurred by the county in connection with enforcing this article, or any resolution enacted pursuant to the authority of this article including, but not limited to, attorney's fees.

(Ord. No. 2009-26 , § 1, 10-6-09; Ord. No. 2017-14 , § 14, 6-20-17)

Secs. 15-813—15-819. - Reserved.

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The 2019 Florida Statutes

[Title XXIX](#)
PUBLIC HEALTH

[Chapter 403](#)
ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.—

(1) All county and municipal governments are encouraged to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface and groundwater quality.

(2) Each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to s. [403.067](#), shall, at a minimum, adopt the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. A local government may adopt additional or more stringent standards than the model ordinance if the following criteria are met:

(a) The local government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, and economically and technically feasible, that additional or more stringent standards than the model ordinance are necessary in order to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.

(b) The local government documents that it has considered all relevant scientific information, including input from the department, the institute, the Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation must become part of the public record before adoption of the additional or more stringent criteria.

(3) Any county or municipal government that adopted its own fertilizer use ordinance before January 1, 2009, is exempt from this section. Ordinances adopted or amended on or after January 1, 2009, must substantively conform to the most recent version of the model fertilizer ordinance and are subject to subsections (1) and (2), as applicable.

(4) This section does not apply to the use of fertilizer on farm operations as defined in s. [823.14](#) or on lands classified as agricultural lands pursuant to s. [193.461](#).

History.—s. 4, ch. 2009-199; s. 16, ch. 2012-83.



City Commission agenda item

item type Public Hearings	meeting date August 26, 2020
prepared by Vanessa BaltaCook	approved by Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	
Ordinance supports the City's Sustainability Action Plan objectives of increasing community food production to provide local food sources and grow a resilient, sustainable local food system.	

subject

Backyard Chicken Pilot Program Ordinance

motion / recommendation

Approve ordinance

background

At the April 8, 2020 City Commission Special Meeting Commissioner Weaver requested that a backyard chicken program be brought forward for further discussion, Mayor Leary said he would include the discussion under his report in the next meeting. Sustainability Program Staff drafted an ordinance based on backyard chicken program ordinances of cities of Orlando, Maitland and Longwood and requested program updates from each city. To date, the City of Orlando's Backyard Chicken Program has issued 75 permits (Pilot launched in 2012), the City of Maitland's Backyard Chicken Program has issued 10 permits (Pilot launched 2013) and the City of Longwood's Backyard Chicken Program has yet to issue a permit (Launched in 2018).

At the April 13, 2020 City Commission Regular Meeting, Commissioner Weaver spoke to the benefits of introducing a backyard chicken program including improving local food system resilience during unforeseen food shortages and advancing the City's Sustainability Action Plan Local Food & Agriculture goals of increasing local food consumption. The Commission discussed the drafted ordinance and based on this discussion the Commission requested that Sustainability Program staff work with the Keep Winter Park Beautiful & Sustainable Advisory Board and Planning and Zoning Board to bring back an ordinance to the Commission for consideration. This Ordinance addresses concerns brought by the City Commission during the April 13th meeting including:

- *Type of Program.* 24-month pilot program.
- Follow up inspections to ensure criteria being met
- *Number of Permits.* Maximum of 50 permits during pilot program.
- *Height Limit.* 6' height limit for accessory structure.
- *Allowable Zoning Designations.* Single-family residential only.
- *Completion date of Educational Class.* Completed within the last year.

This Ordinance also addresses concerns brought by the Keep Winter Park Beautiful and Sustainable Advisory Board at the board's July 13, 2020 Regular Meeting:

- *Animal Welfare.* Access to food and water at all times.
- *Disposal of waste materials (feed, manure and litter).* Composted or bagged and disposed of in the trash.
- *Prohibited areas.* Prohibited in front yards. Allowed in side and back yards.
- *Height Limit.* Increase height limit to 7' to allow for easy entry for cleaning.

As well as concerns brought by the Planning and Zoning Board at the board the board's August 4, 2020 Regular Meeting:

- *Prohibited areas.* Prohibited in front and side yards. Allowed only in back yards.
- *Number of Permits.* Maximum of 25 permits during pilot program
- *Neighbor consent.* Requiring consent/approval from abutting property owners.

During the August 18, 2020 Keep Winter Park Beautiful and Sustainable Advisory Board meeting, several board members expressed strong concerns with the amendments recommended by the Planning and Zoning Board and the impacts they would have on the success of the program.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

WP Ord - Backyard Chickens - Code of Ordinances - PZ Updates and Attorney.pdf

ATTACHMENTS:

Backyard Chickens Pilot Program for CC.pptx

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BACKYARD CHICKENS; ESTABLISHING REGULATIONS FOR THE ISSUANCE OF BACKYARD CHICKEN PERMITS AND THE KEEPING OF BACKYARD CHICKENS AS A PILOT PROGRAM; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR CONFLICTS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, there is increased interest in backyard and community food production to provide local food sources; and

WHEREAS, many communities in Florida and throughout the United States have been enacting regulations to compatibly integrate the keeping of backyard chickens into urban residential settings; and

WHEREAS, chickens can make good pets, and findings indicate that four are sufficient to meet the needs of the average family's egg consumption; and

WHEREAS, the City Commission of the City of Winter Park, Florida (the "Winter Park City Commission"), recognizes the desire of all residents to live in a clean environment free of excessive odor, noise, vermin and disease; and

WHEREAS, the Winter Park City Commission hereby finds and declares that this ordinance is in the best interest of the public health, safety, and welfare; and

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

SECTION 1. Recitals. The above recitals are incorporated herein by reference and form an integral part of this Ordinance.

SECTION 2. Portions of Chapter 18 and Chapter 58, Code of Ordinances of the City of Winter Park, Florida, 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.

SECTION 3. The allowance of chickens in single-family residential zoning designations (R-1A, R-1AA, R-1AAA) is hereby established as a pilot program of the City of Winter Park which will expire 24 months from the date of the adoption of this ordinance. At that time, City Commission shall analyze the impacts of the pilot program, both negative and positive, and determine if the pilot program shall be continued for an additional limited amount of time, or be incorporated permanently into the City Code, or be discontinued.

SECTION 4. Chapter 18, Animals, Article I, Subsection 18-16 "Keeping farm animals prohibited" is hereby amended and adding new Subsection 18-18 "General Conditions for the keeping of backyard chickens" as shown below:

Sec. 18-16 – Keeping farm animals prohibited.

It shall be unlawful to keep, harbor or maintain within the city limits any horse, mule, sheep, cattle, hog, pig, goat, geese, turkey, ~~chicken~~, livestock or other farm animals, including but not limited to grazing and browsing animals.

Sec. 18.18. – General Conditions for the keeping of backyard chickens pilot program.

Any person keeping chickens as an accessory to an occupied dwelling shall be subject to the following restrictions:

- 1) Permit Required. A Backyard Chicken permit (hereinafter “permit”), is required for the keeping of chickens. The permit is personal to the permittee and may not be assigned. If the person applying for the permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and written consent to the application. The fee for the permit will be set by Resolution of the Winter Park City Commission.
- 2) The applicant shall include written consents/approval of the keeping of chickens on their premises from all abutting property owner(s), or shall provide proof of the certified mailing of a notice, and copies of said notice(s) to all abutting property owner(s) which advises the abutting property owner(s) the applicant is applying for a permit from the City of Winter Park for the keeping of chickens on their premises, the abutting property owner may object to the applicant’s permit application, any objection must be received by the Building Official within 10 days of the mailing date of said notice, and failure to provide written objections to the Building Official within 10 days of the mailing of said notice will be deemed a statement of no objection for a permit being issued for the keeping of chickens to the applicant at their premises. Upon receipt of a permit application, the Building Official shall determine if the application is complete and contains the required consents/approvals and/or proof of the certified mailing of the required notices and that no written objections have been timely received from abutting property owners. For the purposes of this subsection, “abutting property owner(s)” means those private property owner(s) owning fee simple interest in property sharing a boundary line with the applicant’s property that is the subject of the application.
- 3) During the pilot program, City of Winter Park staff shall be permitted to perform follow-up inspections on the premises where permits have been issued for the keeping of chickens. Inspections shall be to ensure that all of the program criteria are being met. The City shall provide 48-hour notice to permit holders prior to performing inspections. Staff will keep a record of the progress and conditions for evaluation at the end of the 24-month program. In the event the City Commission does not act to continue the program prior to said termination date, all persons with backyard chickens shall be grandfathered and be able to keep their chickens so long as no new ones are added and the guidelines and regulations of the pilot as set forth herein are maintained.
- 4) Up to four chickens may be kept at an occupied single family residence upon receiving a permit from the City.
- 5) Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or fowl are not allowed.
- 6) Chickens are not allowed on duplex, triplex, townhomes, multifamily properties, community gardens, or any other uses.

- 7) Chickens must be secured within a covered chicken coop, chicken tractor, or fenced pen/run area at all times and are not allowed to run at large upon any public properties or off the premises of the owner. Chickens must have access to food and water at all times. The coop and pen/run area must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.
- 8) The coop and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from chickens, chicken manure, or other items associated with the keeping of chickens must not be perceptible at the property boundaries. Chickens must not be permitted to create a nuisance consisting of noise or pests, or contribute to any other nuisance condition.
- 9) No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.
- 10) Composting of chicken manure is allowed in an enclosed bin. The composting bin shall be kept at least 20 feet away from all property lines. Waste materials (feed, manure and litter) not composted must be bagged and disposed of in the trash.
- 11) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens is prohibited.
- 12) Chickens may not be slaughtered on premises.
- 13) Any person who violates any provision of the article will, upon conviction, be punished as provided in Section 1.7 of this Code. Additionally, the building official has the sole discretion to revoke the permit and require that the chickens be removed within 10 days if he or she determines that the permittee is in violation of the requirements of the Code.

SECTION 5. Chapter 58, Land Development Code, Article III, Zoning, Subsection 58-71(i) is hereby amended as follows by adding Subsection (11):

(11) Backyard Chicken Coop Accessory Structures.

- 1) Chicken coops, pens or chicken tractors must be located in the rear yard (behind the home) and be set back a minimum of ten (10) feet from the rear and a minimum of five (5) feet from the side lot lines. No coop will be allowed in any front or side yard.
- 2) The coop, pen, or chicken tractor must be a minimum of 20 feet from any pre-existing neighboring residential homes, at least 5 feet from the principal structure on the subject property, and at least 5 feet from any property line. The coop, pen, or chicken tractor may be placed 0 feet from the property line if placed adjacent to a 7' height masonry wall at property line at property in a non-residential zoning district. A 0 foot setback is allowed between a coop and another accessory structure on the subject property.
- 3) Chicken coops must be less than 50 square feet and may have an attached run. The coop must also be tied down for wind resistance.
- 4) The maximum height of a coop shall be seven (7) feet, as measured from the existing grade to the highest part of the coop.

- 5) An applicant for a permit must demonstrate compliance with the criteria in the Code in order to obtain a permit. The application for a permit must be submitted to the building official. Applicants must submit photos of the proposed site of the coop/run areas, a to scale survey/site plan of the subject property showing the location, and proof of successful completion of a University of Florida Agricultural Extension Service class or an equivalent class approved by the building official, completed within the last year.
- 6) A building official determination is required for a permit. The building official is authorized to implement reasonable rules and regulations regarding backyard chickens. The building official must not approve locations with outstanding code violations.
- 7) No more than 25 permits will be issued citywide. Permits will be issued on a first-come, first-served basis. If a participant chooses to leave the program, he/she must provide notice to the City. The City is then authorized to re-issue the permit to another qualified applicant. If a participant is removed from the program due to violations of the terms of this ordinance, his/her permit may also be re-issued to another qualified applicant.

SECTION 6. Chapter 1, General Provisions, Article II, Subsection 1-24 "Schedule of violations and penalties" is hereby amended as follows:

Sec. 1.24. – Schedule of violations and penalties.

(a) Civil infractions of city codes and ordinances for which citations may be issued include, but are not limited to:

Class	Civil Penalty	Violation	Ord. No.
<u>II</u>	<u>\$100.00</u>	<u>Compliance with backyard chicken restrictions</u>	<u>XX-XX</u>

SECTION 7. CONFLICTS. The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

SECTION 8. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Winter Park, Florida, to be amended as provided by this ordinance 132 and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 9. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 10. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are 143 severable.

SECTION 11. EFFECTIVE DATE. This ordinance is effective upon adoption.

DONE, THE FIRST READING, by the City Commission of the City of Winter Park, Florida, at a regular meeting, the _____ day of _____, 2020.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Winter Park, Florida, by the City Clerk of the City of Winter Park, Florida, the _____ day of _____, 2020.

**DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON FINAL
PASSAGE**, by an affirmative vote of a majority of a quorum present of the City Commission of
the City of Winter Park, Florida, at a regular meeting, the _____ day of _____,
2020.

Steve Leary, Mayor

ATTEST:

City Clerk

Backyard Chicken Pilot Program Ordinance



Backyard Chicken Pilot Program Ordinance



April 13, 2020 Commission Meeting

Sustainability Staff provided draft ordinance based on Orlando and Maitland Ordinances; Commission provided feedback (i.e., 50 permits, 6' height limit, 2 yr.pilot program, code compliant lots) and asked it be reviewed by KWPB&S, P&Z and be brought back to Commission

July 13, 2020 KWPB&S Board Meeting

Sustainability Staff provided updated draft ordinance based on Commission's discussion; Board recommended ordinance with amendments (i.e., access to food/water at all times, clarify waste materials must be composted or bagged and trashed; prohibited in front yards only; increased height limit to 7'); Board also discussed screening/fencing but agreed it should not be included as an amendment.

August 4, 2020 Planning & Zoning Board Meeting

Sustainability Staff provided updated draft ordinance based on KWPB&S Board meeting; Board recommended ordinance with amendments (i.e., prohibit in side and front yards; decrease # of permits to 25; require neighbor consent)

Basics:

- 24-month Pilot Program
- Permit required (Building official)
- Requires neighbors consent
- Requires Photos/Site Plan of Coop
- Follow-up Inspection
- 25 permit maximum
- Max 4 chickens per household
- Single Family Homes Only
- Prohibited in Front and Side Yards
- Max Height 7'
- Personal Use Only
- No slaughtering on premises
- Requires proof of UF/IFAS Class Completion

Reasons to keep urban backyard chickens



Why Chickens?

- Have a steady supply of fresh eggs
- Have the knowledge of where your eggs came from
- Keep a “peck”-uliar pet
- An “eggs”-cellent opportunity to help teach kids responsibility
- Produce a valuable manure for composting

Topics covered in the UF/IFAS Extension class:

- Chicken Nutrition
- Local Ordinance Requirements
- Biosecurity (Keeping you and your birds healthy)
- Egg Production
- Proper Coop Construction

Neighboring Programs



➤ Update from neighboring cities

- Orlando-75 permits issued (pilot 2012, ordinance 2016)
- Maitland-10 permits issued (2013, ordinance 2014)
- Longwood-0 permits (ordinance 2018)

➤ Similarities in ordinances

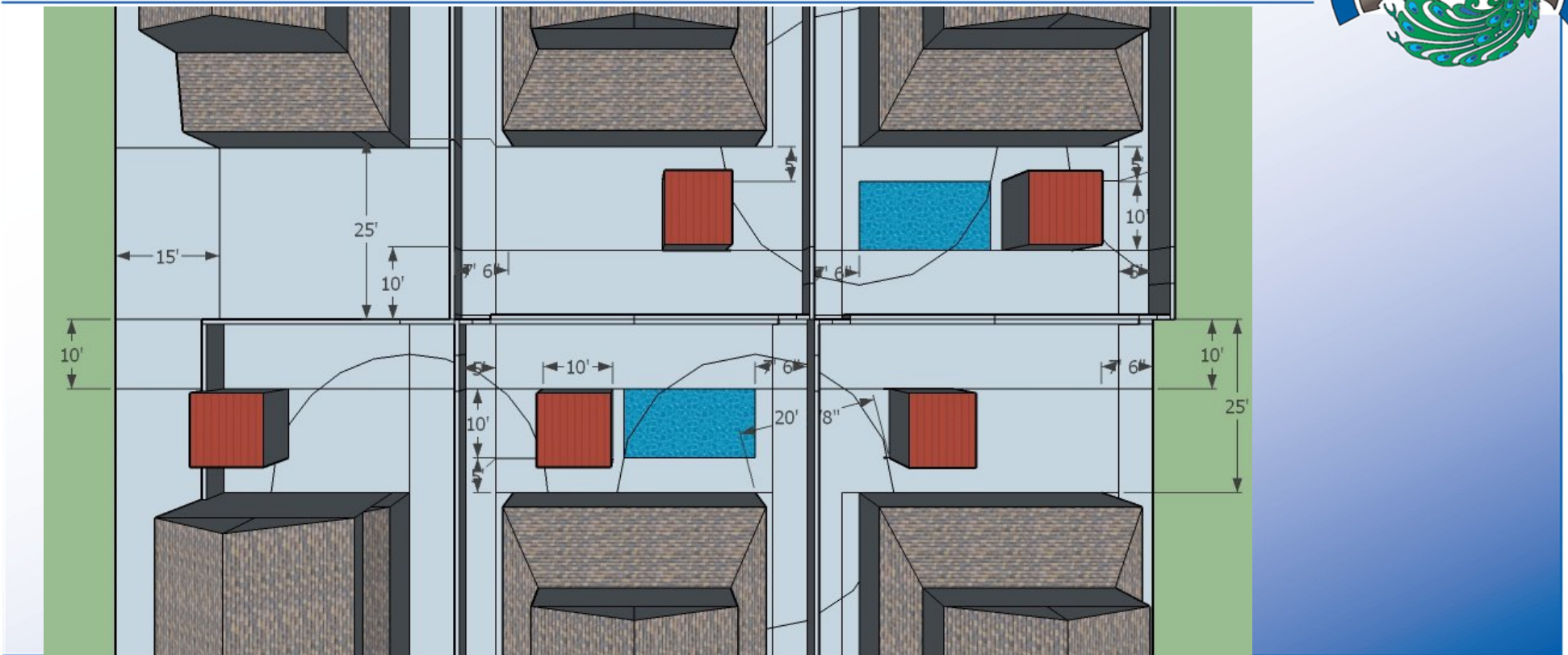
- Rear yard; \$50 permit fee; chicken-care class requirement; site plan approval; first-come, first served; max # of chicken: 4; single-family residences only; PROHIBITED: selling eggs/chickens, slaughtering on premises; roosters + other poultry/fowl

➤ Difference between ordinances

- Max. # of permits (Orlando-100, Maitland/Longwood-50)
- Maitland ord. includes language on follow up inspection, coop height, chicken feed storage and square footage per bird, disposal of deceased chickens
- Distance from neighboring res. structure (Orlando 20', Maitland/Longwood 25'), distance from property line (Orlando 5', Maitland 7.5'), max size of coop (Orlando 50 sqft, Maitland/Longwood 100sqft), max height



Possible Setback Scenarios Based on 50ft wide lots-plan view



Possible Setback Scenarios Based on 50ft wide lots-perspective

