



city commission agenda

August 12, 2020
3:30 PM
Virtual meeting

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

Virtual City Commission public comment procedures:

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

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

Reverend F. Stuart Shelby, All Saints Episcopal Church

Pledge of Allegiance

3. Approval of Agenda

4. Citizen Budget Comments

5. Mayor's Report

6. City Manager's Report

- | | |
|--|------------|
| a. 90-Day Report | 1 minute |
| b. CIP Report | 1 minute |
| c. Budget Update and Commission Work Sheet | 5 minutes |
| d. Presentation - Winter Park Economic Study | 30 Minutes |

7. City Attorney's Report

8. Non-Action Items

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 Work Session, July 20, 2020** 1 minute
- b. Approve the minutes of Regular Meeting, July 22, 2020** 1 minute
- c. Approve the minutes of Work Session, July 23, 2020** 1 minute
- d. Approve the following piggyback contract** 1 minute
 - 1. Airgas USA, Inc. - City of Melbourne Contract # 03-016-0-2020-AV - Liquid Oxygen; \$180,000
- e. Approve the following purchase** 1 minute
 - 1. Felix Associates of Florida - After the fact Change Order for additional costs to mill and overlay side streets along Fairbanks Avenue; \$123,110.33
- f. Approve the following Contract item** 1 minute
 - 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 minute
 - 1. Scope of Work for Progress Point Conceptual Design and Greenway Connection Plan and authorize the City Manager to execute a contract with ACi Architects; not to exceed \$160,000.

11. Action Items Requiring Discussion

- a. Purchase of 2410 Winter Park Road for Stormwater purposes** 10 minutes

12. Public Hearings

- a. Request of the City of Winter Park for:** 15 minutes
Ordinance amending Chapter 62 of the City Code providing for regulations regarding construction and

related noise. (Second Reading)

b. Request of the City of Winter Park for: 20 minutes

An Ordinance declaring and implementing a contingent temporary moratorium on the acceptance, processing, and consideration of applications for development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District policies, regulations, codes, and provisions approved March 9, 2020 by way of Ordinance 3166-20 (Comprehensive Plan amendment) and Ordinance 3167-20 (Land Development Code amendment), providing the temporary moratorium to become effective if the city's Ordinance 3170-20 (rescission ordinance) is determined by a court of competent jurisdiction to be null, void, or of no effect, or if Ordinance 3166-20 or Ordinance 3167-20 are determined to be effective or valid; providing for extension or termination of the temporary moratorium by ordinance or resolution; providing for confirmation and re-adoption of the City of Winter Park Ordinance 3170-20 (rescission ordinance). (Second Reading)

c. Request of the City of Winter Park for: 15 minutes

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

d. Request for Voluntary Annexation of: 10 minutes

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

13. City Commission Reports

14. Summary of Commission 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	8/12/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Reverend F. Stuart Shelby, All Saints Episcopal Church

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	8/12/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

90-Day Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

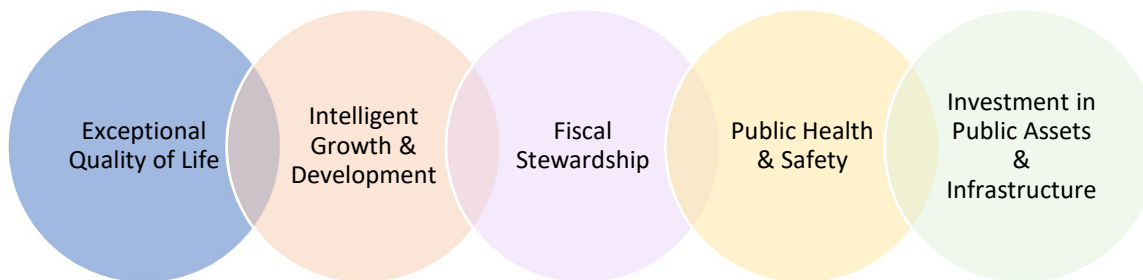
Description	Upload Date	Type
90-day Report 8_12	8/5/2020	Backup Material



90-Day Report

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

City of Winter Park Strategic Objectives



Upcoming Commission Items

Title 1: Fiscal Stewardship

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

Title 2: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Chicken Ordinance	An Ordinance to Amend the Land Development Code to specify coop accessory structure regulations for backyard chickens in the Chapter 58, subsection 58-71(i); Amend Chapter 18, Subsection 18-16 to allow the keeping of backyard chickens; and adding Subsection 18-18, "General Conditions for the keeping of backyard chickens pilot program", to allow up to 50 permits of up to four hens per household.	Building & Permitting	Aug
Fertilizer Ordinance	Ordinance to adopt the Orange County Fertilizer Regulations, by reference.	Sustainability & Planning	Aug
Turf & Fill Ordinance	Ordinance to adopt regulations for the consideration of artificial turf as an impervious surface and to regulate the amount of fill added to residential lots.	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

Title 3: Investment in Public Assets & Infrastructure

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

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. Staff has requested and is refining the scope with Geosyntech. This process will progress to the entire city as the CRA portion is completed.	Stormwater	Oct

Additional Items of City Interest

Title 4: 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	Concrete to construct the library raked auditorium is completely poured and the library bench wall, that creates both the interior and exterior surface with integrated bench is 90% complete. The site storm piping is 100% complete and site work continues with the installation of sewer and water services. At the events center, the foundations are complete and the steel for the bench wall is complete. Casting of the events center bench wall will commence upon completion in the Library expected within the week. Steel and precast are currently in production and erection of the steel on the library is scheduled to begin the third week in August at which time the building will begin to take shape.	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. CRA has ability to address some improvements at this site with potential funding as part of the CRA CIP.	Parks
Public Art for I-4	Design selection by the Public Art Advisory Board was approved by the City Commission and the winning company, RLF, will finalize construction costs and options to bring the project in at the \$150k budget. This public art project, paid for by FDOT, is planned to be installed at the NE corner of W. Fairbanks and I-4.	Administration

Title 5: Intelligent Growth & Development

Item	Description	Item Department
City Hall Audio Visual and Broadcast System	The City Hall AV system needs to upgrade and modernize to: accommodate remote Commissioner participation, provide closed captioning to comply with ADA requirements, allow for effective audience overflow, and improve user experience.	IT
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 mid-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 6: Public Health & Safety

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

Title 7: Investment in Public Assets & Infrastructure

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

Item	Description	Item Department
Lakemont Avenue	Scope to be determined. Work to be tentatively performed by new transportation planner position in conjunction with the Public Works and Planning Departments.	Public Works
Lakes Health Analysis	The Natural resources division of Parks (where lakes management now resides) along with Public Works, are preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.	Parks
New York Avenue Streetscape	Signed plans and permits received. Currently assessing contract process for procurement of materials. Construction meetings will begin thereafter. Improvement highlights include pedestrian crosswalks, ADA compliant intersection improvements, and mast arms at Fairbanks and New York.	CRA
Parks and Recreation Bike Path and Green Spaces Plan	Will be part of the overall Transportation Master Plan being performed by the Planning and Public Works Departments.	Public Works



city commission **agenda item**

item type	City Manager's Report	meeting date	8/12/2020
prepared by	Budget and Performance Measurement	approved by	
board approval	final vote		
strategic objective			

subject

CIP Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

CIP Report

Upload Date

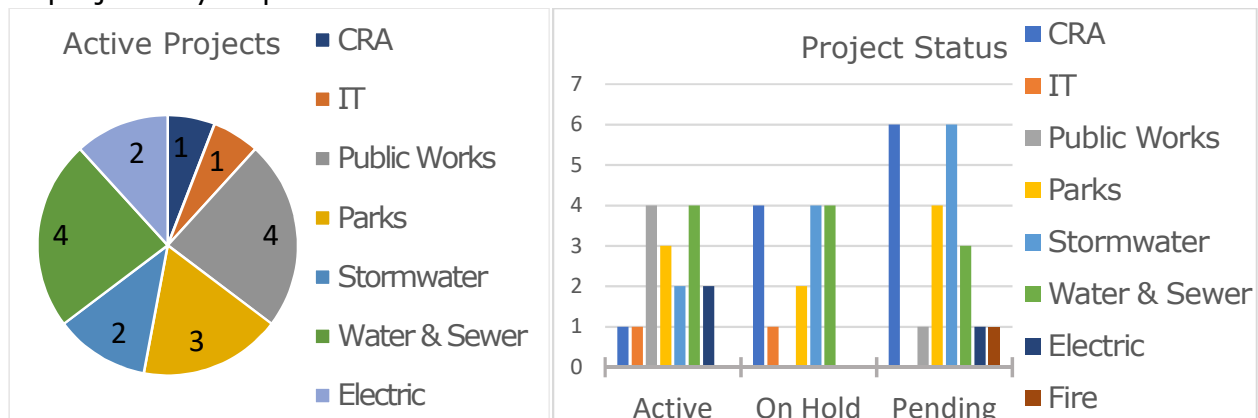
7/30/2020

Type

Cover Memo



This report is updated monthly to monitor active capital projects occurring throughout the city and to provide information about recently completed projects. These are aligned with the city's strategic objectives and covers any project where implementation is currently underway. The below chart and graph show the count of projects by Department.



Note: Active projects have begun construction. On Hold projects have stopped work for further review, planning, and approval. Pending projects are still in the planning, purchasing, and approval process.

Active Projects with Tasks

Title 1: Exceptional Quality of Life Objective

Project	Project Tasks	Division
Bicycle & Pedestrian Improvement	Construction of sidewalk on Dundee is underway. Soliciting interest from property owners to install sidewalks on Garden Dr.	Public Works
Dinky Dock Renovations	Beach rehab/dredge and parking improvements on hold for Rollins construction to complete. Swimming pier and boardwalk repair and renovation began July 20 out of necessity.	Parks
Library	Concrete to construct the library raked auditorium is completely poured and the library bench wall, that creates both the interior and exterior surface with integrated bench is 90% complete. The site storm piping is 100% complete and site work continues with the installation of sewer and water services. At the events center, the foundations are complete and the steel for the bench wall is complete. Casting of the events center bench wall will commence upon completion in the Library expected within the week. Steel and precast are currently in production and erection of the steel on the library is scheduled to begin the third week in August at which time the building will begin to take shape.	Public Works

As of 8/12/20, pg1

Project	Project Tasks	Division
Showalter Improvement	Improvements to sound quality and control are being made in an effort to reduce the impact on residents from events.	Parks
Winter Park Sports Complex	Continuing restoration of the area between Ward Park and the Center for Health and Wellbeing. Pond dredging has been completed and Parks and Recreation Department have begun procurement and pre-project tasks. Completion is set for Sept. 2020.	Parks

Title 2: Fiscal Stewardship Objective

Project	Project Tasks	Division
ERP Software Project	Last phase of system migration is underway.	IT

Title 3: Intelligent Growth & Development Objective

Project	Project Tasks	Division
CRA Small Projects	Parking sensors on the 4th floor of the Park Place Garage are deployed. Prototype for 5th floor sensor is in development. Digital signage is approved by the Morse Genius Foundation to show real time availability of public spaces. Installation to occur within the coming weeks.	CRA
Lift Station R&R	Installing backup generator at 3 lift stations. Package lift station equipment for Ranger Lift station Replacement received; construction work anticipated to begin in 1-2 months. Lake Fairview LS Rehabilitation complete.	Water & Sewer

Title 4: Investment in Public Assets & Infrastructure

Project	Project Tasks	Division
Alum Station Upgrades	Last phase of telemetry being installed at Lake Mizell.	Stormwater
Electric Undergrounding Project	Project G 88% complete, H complete, I 35% complete, M complete, & W 75% complete.	Electric
Facility Capital Improvements	Still assessing planned replacements for HVAC units in Buildings 10,11, &12 at Central Compound. Painting of Public Safety Building is 95% complete. WPF 61 door are complete. Renovation of City Hall complete. Cady Way pool office flooring complete, Tennis Center flooring is complete, City Hall permitting flooring is 95% complete. Next up for flooring is 2nd floor Lobby and Chapman room, Community Center Dance Floor, Public Safety Beary Room.	Public Works
Fairbanks Underground Project	New underground transmission line is energized and active. Overhead electric wires and poles have been removed. The poles remaining are	Electric

As of 8/12/20, pg2

Project	Project Tasks	Division
	supporting Spectrum cables. Spectrum has started some work on the joint use attachments. Paving of Fairbanks is underway.	
Meter Data Management Upgrade	Implementation of new cloud based software and integration with Tyler will take 8 to 12 months.	Water & Sewer
Sewer Mains R&R	Minor work continues rehabilitating manholes and lining sewer mains.	Water & Sewer
Sharon Place Drainage Improvements	Installation of storm pipe is complete. Roadway restoration is 95% complete. Working on modifying one inlet location and punch list repair items on asphalt paving and restoration.	Stormwater
Signalization Upgrade	Developing City Wide traffic signal interconnection and communication system. Currently upgrading traffic controllers to a new system that communicates with FDOT and Orange County systems.	Public Works
Upgrade Water Mains	Albert Lee Ridge/Lake Bell subdivision Water Main Replacement complete. Lake Knowles Terrace, Flora Park, Winter Park Heights and Conwill Estates subdivision planned for water main upgrades starting in 1-2 months.	Water & Sewer

Major Non-City ROW Work

TECO Gas

The utility will be working in Winter Park for the next several months to locate, repair, and replace gas mains along Palmer Ave and side streets. Their work is estimated to complete this summer 2020.

Recently Completed Projects

Community Redevelopment Agency

In partnership with local telecommunications company, Frog, the CRA launched free wi-fi in both Central and Shady Parks. This public service provides speeds up to 300mbps and offers a safe place to connect during this difficult time.

Public Works

The Public Works Facility Replacement division replaced the bay doors at Fire Station 61. The new doors offer improved response times to open and close, clarity and visibility, and garage safety and security. This facility replacement is an Investment in Public Assets and Infrastructure.

Parks & Recreation

The Parks department completed capital upgrades to the Cady Way pool for the strategic objective to provide an Exceptional Quality of Life to residents and visitors of the amenity. Upgrades include heating, fencing, landscaping, and facility maintenance.



city commission agenda item

item type	City Manager's Report	meeting date	8/12/2020
prepared by	Assistant City Manager	approved by	City Manager
board approval	N/A final vote		
strategic objective	Fiscal Stewardship		

subject

Budget Update and Commission Work Sheet

motion / recommendation

background

The FY 21 proposed budget was provided to Commissioners in early July. Departments provided operational overviews on July 8 & 20 and the tentative millage rate was established on July 22. The next step in the process is to gain additional feedback from the Commission on potential modifications to the budget and receive information from the State regarding state shared revenues estimates (sales tax being the largest component).

State projected revenues were received and fell short of staff estimates for General Fund revenues by \$294K or 0.49%.

Included in this packet, is a spreadsheet for Commissioners to complete in preparation for a further discussion of modifications to the FY 2021 budget to be held on August 26. Commissioners are asked to submit their recommendations on or before **Monday, August 17.**

alternatives / other considerations

fiscal impact

Reduction in proposed FY 2021 General Fund revenues of \$294K.

ATTACHMENTS:

Description	Upload Date	Type
Commission Suggestion Worksheet 2021	8/4/2020	Backup Material

**City of Winter Park
2021 Proposed Budget
Recommendations from Commission**

Department/ Description	Recommendation	Fund (if known)	Financial Impact Decrease/(Increase)	Commissioner Comments	Operational Impact (to be completed by staff)
Suggestions					
Address \$293,854 (0.49%) net revenue shortfall from proposed budget due to State revenue estimates being lower than staff estimates. Some options are presented in the Recommendation column to the right. Any combination of these options can be used to cover the shortfall.	Delay projects	General Fund			The proposed General Fund budget provided \$1,380,000 to fund projects in the capital improvement plan. These projects are identified on pages 359 and 360 of the proposed budget doc presented to the Commission on July 8. Projects could be delayed until financial conditions improve or postponed if necessary.
	Reduce reserves				If the full \$293,854 net revenue shortfall were funded from reserves, the estimated percentage of expenditures in reserves at the end of FY 2021 would be reduced from 29.43% to 28.98%
	Increase property taxes				An increase in the millage rate of 0.0457 would be necessary to provide an additional \$293,854 in General Fund revenue. The tentative millage cap set by the Commission on July 22 was 0.47 mills higher than the current operating millage rate of 4.0923.
	Other				
	Sub-total		\$ -		

Note: for any questions regarding completion of this form, please contact Randy, Michelle, Peter or Wes



city commission **agenda item**

item type	City Manager's Report	meeting date	8/12/2020
prepared by	Assistant City Manager	approved by	City Manager
board approval	N/A final vote		
strategic objective	Fiscal Stewardship, Public Health and Safety		

subject

Presentation - Winter Park Economic Study

motion / recommendation

background

Betsy Gardner Eckbert, President/CEO, Winter Park Chamber of Commerce will present an economic impact study commissioned by THRIVE, a Winter Park organization developed to assist in the recovery of COVID 19. The Study was conducted by the Balmoral Group.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Thrive Letter

Executive Summary

Upload Date

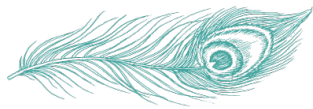
7/31/2020

7/31/2020

Type

Cover Memo

Cover Memo



THRIVE

July 29, 2020

Mr. Randy Knight, City Manager
City of Winter Park
VIA EMAIL

Dear Mr. Knight:

On behalf of the THRIVE Winter Park steering committee, I submit herewith the Executive Summary of our recent Economic Impact study.

The study was funded by a generous \$30,000 grant from the Edyth Bush Charitable Foundation and was commissioned to measure economic impacts to Winter Park and immediate trade flow boundaries following the emergence of the COVID 19 pandemic. A team of economists led by Winter Park resident Valerie Seidel at the Balmoral Group (a Winter Park consulting firm) used economic modeling tools to measure impacts, evaluate the effects of PPP dollars and begin to look at mitigation strategies that may enable rapid recovery.

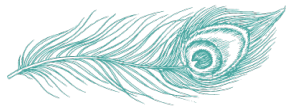
We look forward to presenting these peer-reviewed findings at the August 12 City Commission meeting and thank you for allocating space on the agenda.

More information on THRIVE, including its steering committee members, is attached.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Betsy", with a long, sweeping horizontal line extending to the right.

Betsy Gardner Eckbert



THRIVE

The Winter Park Chamber of Commerce has partnered with community business leaders to create the THRIVE Winter Park initiative. THRIVE Winter Park is a hyper-local charitable response to the financial impacts of COVID-19 on residents and small businesses in Winter Park to enable and accelerate the city's recovery after the pandemic.

Thrive Winter Park is housed at the Winter Park Chamber of Commerce's 501-c-3 foundation and is designed to fulfill three goals:

1. Meet immediate needs in our community, like supporting restaurants to bring meals to hospital workers
2. Evaluate emerging needs and build recovery models
3. Build capacity for a robust recovery

The Thrive Winter Park Steering Committee includes:

Larry Adams, ACI

Rick Baldwin, Baldwin Brothers Funerals & Cremations

James Barnes, Jr., Jambarco

Justin Birmele, AdventHealth

William (Billy) Bishop, Bishop Beale Duncan

Ansley Butts, Monkee's of Winter Park

Mike Carolan, Winderweedle, Haines, Ward & Woodman, P.A.

John Caron, EIA Social Enterprise Fund I, Tijuana Flats

Grant & Peg Cornwell, Rollins College

H. Craig Delongy, John Craig Clothier

Betsy Gardner Eckbert, Winter Park Chamber of Commerce

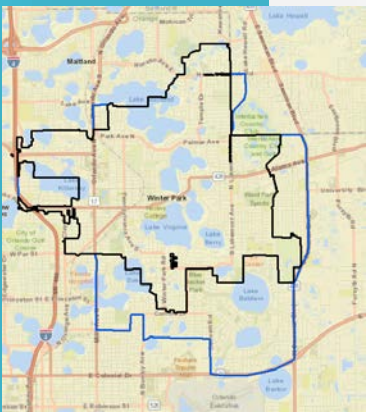
Lawrie Platt Hall, Platt Hall and Associates

Jane Hames, Embassy Consultants
Frank Hamner, Frank Hamner, PA
Carroll Hanley Goggin, DBG Promotions
Michelle Heatherly, Demetree Global
Charlene Hotaling, Seacoast Bank
Tracy Klingler, Frank
Mike Lombardi, Lombardi's
Lawrence Lyman, Tactical Electronics
Patty Maddox, Winter Park Health Foundation
Debbie Magruder, Full Sail University
Jesse Martinez, The Alford Inn at Rollins
Joanne McMahon, JM Hospitality
David Odahowski, Edyth Bush Charitable Foundation
John Riley, Legacy Fund
Jason Rottenberg, Arsenal Venture Partners
Bill Segal, William Segal Inc
Sam Stark, Rollins College
Harold Ward, Winderweedle, Haines, Ward & Woodman, P.A.

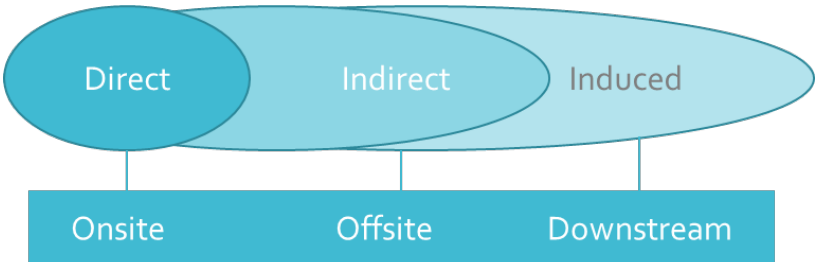
Executive Summary



Preliminary Results: COVID Impacts, Winter Park community



- Surveyed 100 business owners/operators mid-May 2020
- Modeled 4 sectors
 - Restaurant/Retail
 - Construction/Professional Services
 - Health/Education
 - Finance/Information
- Model captures Direct, Indirect, Induced effects



- Estimated lost revenues from the four sectors: \$491M
- Estimated total impacts: \$799M (annualized)
- Estimated employment losses (annualized): 5,429
- Estimated PPP Impacts: saved more than 3,000 jobs, \$400M avoided losses
- Local Tax Impacts: \$9.3 M
 - Property: \$2.64M
 - Revenue loss-driven taxes: \$3.86M
 - Generalized GDP loss-driven: \$2.83M
- All estimates are considered lower bound and conservative
- For context: Orange Co: Est \$27B impacts, 391K jobs (15% of total employment)



city commission **agenda item**

item type	Consent Agenda	meeting date	8/12/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of Work Session, July 20, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of Work Session, July 20, 2020

Upload Date

7/23/2020

Type

Backup Material



City Commission Work Session Minutes

July 20, 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 Clerk Rene Cranis

Meeting called to order

Mayor Leary called the work session to order at 3:30 p.m.

Fiscal Year 2021 Budget

Commissioner Sullivan asked about the millage rate. Mr. Knight stated the tentative millage rate will be set in the July 22nd meeting. The budget was developed with the same rate as the last 13 years. This was discussed further after department presentations.

Department Budget Presentations

Water and Wastewater:

Director David Zusi reviewed the department's mission statement, program summary, service area and facilities. He summarized key performance indicators which exceed industry standards. He explained that the operations budget was increased to purchase new water meters. He reviewed the organizational chart and level of service of each division. Completion of automatic meter system technology and ERP integration, continued infrastructure improvements and completion of GIS field mapping data collection are some of the goals for FY 21. He highlighted projects completed in FY 20 including solar panels at Aloma water treatment plant and ongoing upgrades of pipe. Strategic items include continued infrastructure improvements and reorganization of meter services. The pandemic/recession caused a reduction in commercial utility revenue but an increase in residential revenue. He provided an update on water disconnects and payment arrangements.

Electric Utility:

Director Dan D'Alessandro reviewed the department's mission and program summary. He summarized key performance indicators including service average interruption duration, which is the lowest in the state, undergrounding, rates and debt service. Accomplishments in FY 20 include completion of Fairbanks Avenue undergrounding and other projects that were accelerated due to reliability issues, beginning GIS mapping of the system, development of storm plan and new technology. He addressed the spending summary stating that the budget reduction is largely due to negotiation of bulk power contracts with a 55% reduction in KW charges since 2009. Goals for FY 21 include 5 miles of undergrounding, completion of GIS mapping and update of processes, policies and technology. He reviewed the status of

undergrounding projects and cost of service study. Standardizing decorative LED streetlights will be considered as undergrounding moves toward completion. As a result of the pandemic/recession, contractors and the city have changed how they work in groups with city staff required to wear a mask and work on a two-person team.

Public Works:

Director Troy Attaway reviewed the department's divisions and responsibilities. Among the accomplishments for FY 20 were management of the Library and Events Center project, completion of the golf course parking lot, several drainage and road projects, St. Andrews trail design, Ward Park trail system, implementation of the train Quiet Zone, Ward Park trail system and facilities improvements. He reviewed the reasons for increases in the stormwater division budget for FY 21. Some capital projects for FY 21 are the Library and Events Center, paving, traffic signal interconnection, Ward Park stormwater pond, 17-92, and Fawsett and Kings Way drainage. Strategic items include continued maintenance of lakes, storm drains, roads and sidewalks, and traffic signals. He said the city continues to look at opportunities to save money through contractors.

Information Technology:

Director Parsram Rajaram reviewed the department's mission statement, responsibilities and key performance indicators for uptime and fiber installation. He summarized accomplishments for FY 20 relating to network infrastructure, security, compliance, enterprise resources, GIS, website and virtual work environment. He reviewed the spending summary, organizational chart and level of service. Goals for FY 21 will address technology infrastructure, smart city initiatives, virtual work environments and innovation and implementation. Major projects for FY 21 include expansion of fiber network, Commission chamber audio visual system, expansion of GIS capabilities and conversion to new utility billing software. The pandemic/recession required enabling and organizing remote environments for meetings and city staff members. He summarized the importance of IT services, infrastructure and security.

Building and Permitting:

Director George Wiggins reviewed the mission, program summary and key performance indicators for inspections and plan review. FY 20 accomplishments include new permitting software and phone call routing systems, virtual inspections, renovated office space and updated applications and forms. He reviewed the spending summary which shows an anticipated reduction in personnel costs, the organizational chart and level of service. Goals for FY 21 include continued training, implementation of Energov and 2020 Florida Building Code, and update the Sustainability Action Plan. The pandemic/recession resulted in accelerated movement to electric submittal and review of permitting documents, remote inspections and minor reduction in permits with a more significant reduction in value/permit. However, major construction projects are planned for Edyth Bush Foundation, Winter Park Hospital, and office and retail at Ravaudage.

Mayor Leary left the meeting at 5:16 and Vice Mayor Cooper led the meeting. She declared a recess until 5:32 p.m.

Questions/Answers

Vice Mayor Cooper asked that staff make a humanitarian effort to avoid service disconnects to its customers. Mr. Zusi stated the city is working with customers to develop a repayment plan to avoid service disconnection. He responded to questions explaining meter replacement and well head protection.

Commissioner Sullivan asked for clarification on the monthly electric charge. Mr. D'Alessandro stated that charge covers cost of doing business and that rates will be reviewed and likely increased after the cost of service study is completed. Mr. Knight stated that there are no rate changes proposed for FY 21. Commissioner Sullivan said he feels the fixed charge should not be increased.

Commissioner DeCiccio asked about the budget shortfall. Mr. D'Alessandro said staff anticipates that the shortfall can be absorbed within the budget. Mr. Knight explained that part of the shortfall is due to the fuel recovery cost that was returned to customers in one month (due to COVID19) rather than over a 12-month period and that the savings from the bulk power agreements will help to rebuild the cash shortfall from FY 2019.

Vice Mayor Cooper asked for the timeline for removal of the Spectrum poles along Fairbanks Avenue. Mr. D'Alessandro stated that Spectrum is not required to remove poles but staff is working with them to remove them quickly. She asked about using CRA funds for undergrounding within the CRA. Mr. D'Alessandro said it will be counter-productive to their current direction.

Commissioner Sullivan commented on run-off of fertilizer into lakes and enforcement of the ordinance prohibiting fertilizer near lakes. Mr. Attaway said staff will address run-off if they witness application in violation of the ordinance and he will remind staff to be aware when they are out.

Commissioner DeCiccio asked for clarification on personnel expenditures. Mr. Attaway explained that vacant positions have been funded and that two transportation positions moved to the new Planning and Transportation Department.

Peter Moore, Division Director of Office and Management and Budget, stated that some facility maintenance functions have been brought back in-house after having been performed by a contractor which resulted in an increase in personnel expenditures but was offset by a decrease in contractual services.

Commissioner Weaver asked for an update on the Arbor Park drainage project. Mr. Attaway stated the project and paving was completed last week and only landscaping needs to be replaced.

Vice Mayor Cooper asked if this resolved the flooding. Mr. Attaway said flooding is reduced and there should not be any problem in all but intense storms. Vice Mayor Cooper added that flooding occurs on the dentist property on Orange Avenue.

Vice Mayor Cooper suggested that funding for some infrastructure improvements on Orange Avenue should be in the capital plan.

Vice Mayor Cooper asked for an update on adaptive signalization. Mr. Attaway explained staff has been looking at options to improve traffic flow in the Aloma corridor between Phelps and

St. Andrews. Staff became aware of adaptive traffic signal controls but found later that FDOT had removed previously installed devices. Staff is working with FDOT to control these intersections through its traffic management center.

Commissioner DeCiccio asked whether additional IT staff is needed to ensure continued smooth operation. Mr. Rajaram said that remote work has created additional work and that he continues to discuss staffing with management. Commissioner DeCiccio expressed her concern about the impact to security.

Commissioner DeCiccio asked about staffing in Police Department. Chief Deal said the budget is sufficient but there are nine police officer vacancies. They are experiencing difficulty finding qualified applicants partially because academies have been closed due to COVID19. They are currently processing 11 candidates and have scheduled a civil service exam this week. He stated that patrol will be impacted as school resource officers return to the schools in August.

Vice Mayor Cooper asked for additional information on the vacant frozen positions. Mr. Knight stated the frozen positions are those that were vacant at the time the budget was prepared. Any of these positions may be opened and substituted for a newly vacant position that may be less critical.

Chief Deal stated that with upcoming retirements in the next few years he is preparing and mentoring staff for promotion to replace retiring lieutenants and division chiefs.

Commissioner Sullivan asked about the decrease in revenue. Mr. Knight stated there is a \$3 million budget shortfall for FY 20 and a \$1.4 million decrease going into FY 21 budget, which was significantly less than anticipated. Commissioner Sullivan stated that in order make up for the \$3 million decrease, the millage would have to be increased. Given the unknown impact of the pandemic, he feels revenues will continue to decrease. He asked for input on increasing the millage rate.

Commissioner Weaver asked whether the absence of the 15 positions equal to \$3M shortfall? Mr. Knight explained that the shortfall is met in the proposed budget partially by reducing contingency. Mr. Moore said the positions equal approximately \$500,000 in the general fund. Mr. Knight added that vehicle replacement fund was reduced by \$200,000 and will have to be accommodated in future years.

Commissioner Weaver pointed out that the tentative millage rate is actually a maximum and would not prevent the Commission from adopting a lower millage rate.

Commissioner DeCiccio asked if there is any money for traffic improvements such as turn lanes, Palmetto Avenue realignment and other improvements that will alleviate traffic on Orange Avenue. Mr. Knight advised that no money is included in 5-year capital plan for those specific projects or Progress Point; however, an increased millage rate would be a way to generate funds to complete those projects sooner.

Vice Mayor Cooper said she is opposed to raising the millage rate during the pandemic. She said there may be rollover funds available from previous years. She feels that transportation issues need to be addressed and supports a city-wide impact fee to fund improvements.

Commissioner Weaver agreed that a pandemic may not be appropriate time to increase the millage rate; however, having a higher cap on property taxes should be considered due to the

unknown impact of the pandemic. He feels it is prudent to have the option to increase the millage rate, but is not in favor of increasing taxes.

Mr. Knight stated that the millage rate set in the July 22nd meeting is tentative and the maximum and would allow time to receive estimates from the state regarding sales and gas tax revenues before setting the final millage rate in September. He pointed out that a rate above the current rate will be advertised as an increase.

Vice Mayor Cooper commented on the possibility of taxing of internet purchases. She suggested that there may be a need to extend the CRA. She asked about the financial commitment to Dr. Phillips Center. Mr. Knight said the commitment was for ten years with five or six years remaining. She said that other revenue opportunities should be considered such as commercial park usage fee, fire service fee, transportation impact fee and proportionate fair share for transportation issues.

Commissioner Cooper asked the Commission to review the OAO schedule that was distributed and provide comments. Posting this schedule will show transparency and a genuine commitment to adopt the OAO.

Mr. Knight thanked the department heads for their work on the budget and presentations.

The work session adjourned at 6:55 p.m.

City Clerk Rene Cranis



city commission **agenda item**

item type	Consent Agenda	meeting date	8/12/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of Regular Meeting, July 22, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of July 22, 2020

Upload Date

8/4/2020

Type

Backup Material



City Commission Regular Meeting Minutes

July 22, 2020 at 3:30 p.m.

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

Present

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

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

1. Meeting called to order

The meeting was conducted via GoToWebinar.

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

2. Invocation and Pledge of Allegiance

Mark Freid, President of Think Creative, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

Motion made by Commissioner DeCiccio to approve the agenda, seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

4. Citizen Budget Comments

No comments.

5. Mayor's Report

Mayor Leary appointed Jeffrey Sievers to the Transportation Advisory Board.

6. City Manager's Report

Commissioner Cooper asked about the availability of CARES funding. Mr. Knight explained that the city is not pre-approved but is following guidance on eligible expenses. The city is preparing to submit its first request but can submit additional requests until the October deadline.

Commissioner Cooper suggested that the City Manager send a letter to Spectrum to encourage expeditious removal of their poles on Fairbanks Avenue. Approved by consensus.

Commissioner Cooper asked for e-mail addresses of businesses in OAO and the results of parking survey of OAO businesses. Mr. Knight said he will send them this week.

Mayor Leary asked for the topic of the work session tomorrow. Mr. Knight stated that development of Progress Point property and potential grant funding for the park will be discussed. Several members of the community will be presenting ideas for discussion.

Commissioner Sullivan said there was consensus that the city retain ownership and feels that the city is in a position to set parameters for development.

Commissioner Cooper said that she anticipates refinement of ideas previously discussed by the Commission and sees this as the step before going to market but does not take the place of going to market.

Mayor Leary said he feels this should be looked at as part of the OAO discussions to determine the needs for the corridor.

Commissioner DeCiccio commented on ideas that have been presented and said this a preliminary look at what could be developed and is a step in the right direction.

Discussion followed on issues surrounding Progress Point, parameters (density, parkland, parking, stormwater) and timing.

7. City Attorney's Report

Attorney Ardaman reported that the lawsuits regarding the OAO rescission ordinance are in the discovery phase.

Commissioner Cooper asked if appropriate notice was made for the moratorium ordinance. Attorney Ardaman stated he believes the process and notices were appropriate.

Bronce Stephenson, Director of Planning and Transportation, stated that notices were not sent to property owners but a display ad was published in the newspaper which meets notification requirements. Mr. Ardaman stated that city-wide notice is not required for this ordinance.

8. Non-Action Items

a. Commissioner Sullivan presentation on 100% renewable energy by 2050

Commissioner Sullivan presented the Ready for 100% program which sets the goal of 100% renewable energy by 2050. He spoke on different types of renewable energy and reviewed the city's current efforts and programs and benefits of the city's participation. Commissioner Cooper said she would like a cost analysis and input from the KWPB and Sustainable Board and to develop reasonable goals for renewable energy.

9. Citizen Comments (heard after Item #12c)

10. Consent Agenda

- a. Approve the minutes of June 8, 2020
- b. Approve the following contract items:
 1. Jacobs Engineering Group Inc. - RFQ-17-2010 - Task Order 2020-04 - Design and Permitting Support for SR 434 Water Main and Force Main Replacement; \$99,468
 2. Fishback Dominick - RFP-16-2015 - Attorney Services; \$500,000
- c. FY 20 Budget Amendment

Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner Weaver. There were no public comments. Motion carried unanimously with a 5-0 vote.

11. Action Items Requiring Discussion (Heard after Citizen Comments)

12. Public Hearings

- c. RESOLUTION 2233-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RESTATING AND ACCEPTING PRIOR RESOLUTION NO. 2129-13 REGARDING RULES FOR THE CONDUCT OF CITY COMMISSION MEETINGS AND DECORUM, AS WELL AS OTHER SUBJECTS ADDRESSED IN THAT RESOLUTION, AND SUPPLEMENTING AND AMENDING THAT PRIOR RESOLUTION TO ADD OTHER POLICY ADDITIONS AND MODIFICATIONS PREVIOUSLY ADOPTED OR DISCUSSED BY THE COMMISSION OUTSIDE OF THE RESOLUTION PROCESS.

Attorney Ardaman read the resolution by title.

Motion made by Commissioner Cooper to adopt the resolution as presented with two additions that were left out that had been previously approved: ensuring that all members of the Commission are invited to participate in any meeting of City commissioners, and that all minutes, including CRA Agency minutes, are brought to the Commission within the same time period as other minutes.

Attorney Ardaman advised that in order to call a meeting to be attended by two or more commissioners, the Sunshine Law requires notice of the meeting, that they are open to the public, and that minutes are taken. There is no requirement that all commissioners must attend a meeting. Adoption of this resolution establishes a commission rule that all commissioners must be invited to attend and be able to participate.

Commissioner Weaver suggested that this be extended to all public meetings including other outside meetings, not just city commission meetings.

Mr. Ardaman stated that there is no exception in the Sunshine Law for attending outside meetings and requires public notice of commissioners in attendance. Any meeting where city business is discussed and attended by more than one commissioner requires posting, public access and minutes. After discussion, he urged the commission to avoid participating in any discussion of city business with fellow commission members at any meetings.

Motion seconded by Commissioner Sullivan.

Motion made by Mayor Leary to amend the motion changing the word “participate” to “attend.” Motion failed for lack of second.

Mickey Grindstaff asked for clarification on the redline version in the meeting packet. Mr. Knight explained the resolution presented shows only changes made as a result of commission discussions in the July 8th meeting. The resolution in the packet for July 8th meeting shows the changes made from the prior resolution.

Commissioner Weaver commented on the rule relating to engaging in a conversation with a citizen making a public comment. Mayor Leary advised that the presiding officer has the leeway to respond to questions and address items for clarification.

After discussion, Mr. Ardaman stated that no person, other than the Commission is permitted to enter into a debate or discussion without the permission of the presiding officer. He clarified that a commissioner must ask the presiding officer to ask a question of a speaker.

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

9. Citizen Comments

Lawanda Thompson, 664 Lyman Avenue, commented on sale of properties multiple times in an attempt to hide ownership which she feels is deceptive. She feels that anyone holding public office should disclose ownership of properties and investment in projects that may not be in the best interest of the community.

Mayor Leary declared a recess at 4:58 and reconvened the meeting at 5:13 p.m.

11. Action Items Requiring Discussion (Heard after 5:00 p.m.)

a. Budget Discussion and Set Tentative Millage Rate

Mr. Knight advised that the proposed budget is based on the current millage rate of 4.0923 and that there was discussion in the July 20th work session on setting a higher maximum rate which would provide the option to reduce the rate when the budget is adopted.

Motion made by Mayor Leary to set the tentative millage rate at the current rate of 4.0923; seconded by Commissioner Cooper.

Motion made by Commissioner Sullivan to amend the motion to set the tentative millage rate at 4.3279; seconded by Commissioner DeCiccio. (Withdrawn later in discussion.)

Commissioner Sullivan said his recommended millage rate would provide approximately \$3 million in revenue and give the flexibility to reduce the rate at the time of budget adoption. This would also allow time for the city to receive sales tax and state revenue sharing data.

After clarification that Commissioner Sullivan's proposed millage rate would generate an additional \$1.6 million, **Commissioner Sullivan withdrew his motion with acceptance by Commissioner DeCiccio.**

Motion made by Commissioner Sullivan to set the tentative millage rate at 4.5623, seconded by Commissioner DeCiccio.

Peter Moore, Division Director of Office of Management and Budget, stated that a millage rate of 4.5611 will generate just over \$3 million in additional tax revenue.

Commissioner Weaver said he wants to avoid an economic hardship that may result from the ongoing pandemic and hurricane and therefore supports setting a higher cap on the millage rate but favored maintaining the current rate if additional revenue is not needed.

Commissioner DeCiccio agreed with Commissioners Sullivan and Weaver and added that the city needs to continue to provide extraordinary level of service to maintain quality of life.

In response to questions by Commissioner Cooper, Mr. Knight explained that some positions were frozen at the beginning of pandemic and some positions have been filled based on need. Police officer positions are being phased in to accommodate training. He added that additional budget cuts were to the contingency and vehicle replacement funds. Mr. Moore added that funding was reduced for the federal lobbyist and travel and training budgets and frozen positions equate to about \$500,000 reduction.

Commissioner Cooper said she could support increase as what she considers an “insurance policy” but would not support a higher millage rate unless she sees a significant reduction in service.

Mayor Leary opposed a higher millage rate stating that staff recommended balanced budget at the current millage rate without sacrificing city services.

Lawanda Thompson, 664 Lyman Avenue, expressed her disappointment in the intent to raise the millage rate and said that if it is raised, funds should be used to help residents with utility or food expenses.

Upon a roll call vote to set the tentative millage rate at 4.0923, Mayor Leary voted yes and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted no. Motion failed with a 1-4 vote.

Upon a roll call vote to set the tentative millage rate at 4.5623, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

12. Public Hearings (continued)

a. City of Winter Park request for:

An Ordinance declaring and implementing a contingent temporary moratorium on the acceptance, processing, and consideration of applications for development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District policies, regulations, codes, and provisions approved March 9, 2020 by way of Ordinance 3166-20 (Comprehensive Plan amendment) and Ordinance 3167-20 (Land Development Code amendment), providing the temporary moratorium to become effective if the city’s Ordinance 3170-20 (rescission ordinance) is determined by a court of competent jurisdiction to be null, void, or of no effect, or if Ordinance 3166-20 or Ordinance 3167-20 are determined to be effective or valid; providing for extension or termination of the temporary moratorium by ordinance or resolution; providing for confirmation and re-adoption of the City of Winter Park Ordinance 3170-20 (rescission ordinance). (First Reading)

Attorney Ardaman read the ordinance by title.

In response to Commissioner Cooper, Mr. Ardaman stated that notice was appropriate and timely.

Mr. Stephenson commented on the Planning and Zoning Board's discussion of this ordinance stating that there was confusion on the effect of the moratorium. Some members felt this was an inappropriate use of a moratorium and was not in the Board's purview. All public comment was in opposition to the moratorium and the Board voted unanimously with a 7-0 vote to recommend denial of the moratorium to the commission.

Commissioner Cooper said she would like to have had time to listen to the recording of the meeting in order to understand the vote. Commissioner Weaver agreed.

Motion made by Commissioner Weaver to table to next Commission meeting, August 12 at 5:01 p.m. Motion to table failed for lack of a second.

Commissioner Cooper asked whether the Planning and Zoning Board had a clear understanding that the reason for the moratorium is due to two law suits and if those lawsuits are successful, the city may or may not have time to adopt the new changes to the OAO. Mr. Stephenson stated that the city attorney explained the situation to the Board.

Commissioner Weaver pointed out that this moratorium does not preclude redevelopment under current code provisions. Mr. Stephenson stated that was clarified in the P&Z meeting.

Motion made by Commissioner Cooper to approve the ordinance as written on first reading; seconded by Commissioner Sullivan.

The following spoke in opposition to ordinance:

- Michelle Heatherly, resident and representing Demetree Global
- Mickey Grindstaff, representing four Demetree entities and city resident
- Frank Hamner, 1010 Wymore Road
- Michael Carolan, 2312 Randall Road
- Betsy Gardner Eckbert, President and CEO of Winter Park Chamber of Commerce
- Julie Von Weller, Williams Drive

The following spoke in favor of the ordinance:

- Lawanda Thompson, 664 W. Lyman Avenue

Mr. Stephenson clarified that a display ad was placed in the newspaper, which meets legal requirements. Mr. Ardaman stated that from a legal standpoint, notice requirements were met without mailed notice to property owners.

Mayor Leary commented on his reasons for denying this ordinance including economic slow-down and said he feels jobs and security will be provided as well as additional commercial tax revenue to the city.

Motion made by Mayor Leary to deny the ordinance. Motion failed for lack of second

Upon a roll call vote on the motion to approve the ordinance on first reading, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Mayor Leary voted no. Motion carried with a 4-1 vote.

b. City of Winter Park request for:

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

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to approve the ordinance removing 62-97(b) Waivers for Construction Activities, on first reading; seconded by Commissioner Weaver.

George Wiggins, Director of Building and Permitting Services, explained that this provision codifies a long-term practice to allow early morning large concrete pours that will impede access or roads. It also allows for after-hours emergency repairs.

Commissioner Cooper said she feels it is too vague the way it is written.

Mayor Leary suggested adopting the ordinance at first reading and direct staff to bring back alternative language for second reading.

There were no public comments.

Upon a roll call vote of the motion to approve the ordinance as amended on first reading, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Mayor Leary left the meeting at 6:56 pm. Vice Mayor Cooper chaired the meeting.

13. City Commission Reports:

Commissioner Sullivan

- Requested a progress report from KWPB and Sustainable on Sustainable Action Plan, cost information from staff and UAB to adopt Ready for 100%, and staff to prepare resolution to adopt the Ready for 100% program after staff information is received and review by boards. Approved by consensus.
- Commented on a proposed charter amendment for single member districts which was provided to him by a resident and asked staff to assist citizens to craft ordinance to move forward with a charter amendment.

Mr. Knight advised that the Commission has the option to either wait for the citizen's petition or to initiate adoption of an ordinance to place an amendment on the ballot. However, city staff cannot provide legal advice on content of amendment. After discussion, consensus was for the amendment to proceed by petition with staff providing data.

Commissioner DeCiccio

- Commented on suggestions by Park Avenue restaurant owners to allow restaurants to put tables on the street in the area reserved for food pick-up in the evening, close Park Avenue on Friday and Saturday evenings or to make Park Avenue traffic one-way and asked for staff to explore the options to help restaurants. Consensus was to have staff look at options and to provide cost for closing Park Avenue.

Commissioner Weaver

- Expressed his concern about closing Park Avenue, staff time and expense and loss of on-street parking. He suggested making Park Avenue one-way moving north and placing barriers blocking the parking spots in front of restaurants to provide additional outdoor dining and still provide parking in front of other businesses. Consensus was to have staff to look at along with Commissioner DeCiccio's suggestion.
- Suggested that Chris Castro, City of Orlando Director of Sustainability speak at a future commission meeting. Approved by consensus.
- Stated that Suntech has offered to give a demonstration in the city of solar powered battery tools. At the Vice Mayor Cooper's suggestion, he stated he would discuss this with city staff and possibly bring it to the KWPB and Sustainable Board.
- Asked that a map showing where frog internet has integrated in the city and expansion plans be provided to citizens and business owners.
- Commented on the Library and Events Center preliminary landscape design. He said that landscape architect Stephen Pategas has reviewed the design and provided comments regarding mulch, trees with large root systems and looked at long-term maintenance. Mr. Pategas has offered to work with city staff but believes commission approval is required to interact with staff. After discussion, consensus was for staff to review and send summary comments to the commission to determine whether to make any changes to the approved plan.

Vice Mayor Cooper

- Commented on the opportunities to serve on Florida League of Cities legislative committees.
- Asked for an update on the extension of Executive Order to allow virtual public meetings. Mr. Knight said he is not aware of any extension but he will call the city's lobbyist.
- Reminded the commission to review the OAO adoption schedule before it is made public.
- Asked that the commission to think about the realignment of Palmetto Avenue and develop a list of parameters for the development of Progress Point to discussion in tomorrow's work session.

14. Summary of Meeting Actions

- Provide e-mail addresses of Orange Avenue business owners to the Commission.
- Provide information Orange Avenue parking survey.
- City Manager to send a letter to Spectrum to expedite removal of poles on Fairbanks.
- Adopted resolution on Commission meetings with amendments.
- Set tentative millage rate at 4.5623.
- Approved OAO moratorium ordinance on first reading.
- Approved noise ordinance on first reading with the deletion of waivers for construction activities. Staff to develop language regarding waivers for second reading.
- Provide progress report on Sustainability Action Plan from KWPB and Sustainable Board. Utilities Advisory Board to prepare cost information to participate in Ready for 100

Program. Draft resolution to participate in Ready for 100 Program for consideration after review by boards.

- Provide data for petition initiative for charter amendment to establish single-member districts.
- Staff to explore to assist restaurants and provide options for consideration.
- Invite Chris Castro from City of Orlando to make presentation at a future meeting.
- Provide service area map for Frog internet.
- Provide Stephen Pategas' comments on his review of the Library and Events Center landscape plan with the understanding that any changes require Commission approval.
- Obtain status of extension of Executive Order regarding virtual meetings.

The meeting adjourned at 7:40 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis



city commission **agenda item**

item type	Consent Agenda	meeting date	8/12/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of Work Session, July 23, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of July 23, 2020

Upload Date

8/4/2020

Type

Backup Material



City Commission Work Session Minutes

July 23, 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 Attorney Kurt Ardaman
City Clerk Rene Cranis

Absent:

Mayor Steve Leary

Also present:

Larry Adams
Steve Goldman
Jim Huckeba, city's lobbyist

Ray Waugh
Bob Bendick

Meeting called to order

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

OA Discussion

Mr. Stephenson stated that the two property/business owners Lamont Garber and Bill Sullivan were unable to attend.

Steve Goldman advised that this plan, created by a group of architects and park and landscape designers, will draw more people to the area if park and adjacent buildings are designed correctly and used Park Avenue as an example.

Mr. Goldman stated that the goal was to create a space that connects to MLK park and Mead Garden and an area for people to congregate which would help businesses along Orange Avenue. He added that the City should explore possibilities of creating a non-profit similar to the Dr. Phillips Center model to manage the buildings and parking structure. He discussed the return on investment benefits and stated the next step is to begin preliminary engineering and design.

Mr. Adams showed an aerial view of the existing property and stated the specific location was an important place that needed something that could be driven as a public component. He presented concepts which will draw people to the area including cafes, markets, rooftop dining, bike trail and outdoor events. He stated there is interest from the public to be involved to create, sponsor and develop events and work with the City on the next steps. He reviewed the process and deliverables to create a vision, schematic designs and engineering plans, receive public, create guidelines and an action plan and then issue a request for proposals. He addressed the realignment of Palmetto Avenue which will allow for a parking garage, a promenade connecting the park to adjacent properties, additional greenspace and a trail with

a buffer to the Sunrail tracks. The scope of work is estimated at \$150,000, including civil engineering drawings for Palmetto and site prep work, and will be completed in 3-5 months.

Commissioner Sullivan recalled that at the May 4th meeting regarding Progress Point, there was a general consensus that the City retain ownership and control. He urged the Commission to develop parameters and then move forward. He supported the idea of a non-profit managing the development of the site and the proposal for an integrated structure of city parks that ties greenspaces together. He asked Mr. Adams to clarify how input is planned.

Mr. Adams suggested holding public forums with a presentation of the conceptual plan and allow public comment and also an online survey. Mr. Goldman added that input should be solicited from businesses that may be interested in leasing the spaces.

Commissioner DeCiccio asked if the study was adequate to prepare the city to apply for grants. Mr. Bendick said he is unsure but it would be a good segue to the grant but it unlikely that legislation would pass before the next congressional recess in August. He provided information on other potential grants. Commissioner DeCiccio stated that it was critical to move forward.

Commissioner Weaver stated that he is supportive of the park as focal point for redevelopment along Orange Avenue and would like staff to provide the anticipated maintenance costs for the park. He felt that consideration should be given to the use of the area south of the relocated Palmetto Avenue for stormwater management which should exceed existing state or local requirements.

Commissioner Cooper said that her understanding was the deliverable would help to apply for significant grant dollars for the entire greenway and she now understands that the focus is solely on Progress Point.

Director of Planning and Transportation Bronce Stephenson explained that the initial parking analysis was based on code and staff will provide the parking survey data received thus far to the Commission. He responded to questions providing additional details on the parking survey/responses. Discussion was held on parking needs and inclusion in the scope of work assessing parking requirements, leasable spaces, and parking availability and needs of larger properties.

Mr. Adams expanded on the SOW with respect to leasing the buildings and parking requirements. He said he will be compiling data on the interest and the concept of uses and discussed the application and testing of data.

Director of Public Works Troy Attaway provided information on stormwater drainage issues and opportunities. Discussion was held regarding the ACi scope of work and whether the design and engineering included was adequate to move forward with the realignment of Palmetto Avenue. Mr. Waugh stated that the SOW contains construction and permitting documents for the process of moving Palmetto Avenue as well as options for design of additional stormwater potential devices, connections and associated cost.

Commissioner Sullivan asked if it was possible to place a SunRail Station on this property. Commissioner Weaver spoke with Metroplan officials and there is a very slim possibility of a station since it is less than one mile than the downtown station.

Commissioner Cooper questioned whether the deliverable for the SOW will give drawings adequate to pursue grants solely for the Progress Point property as opposed for the entire

greenway. Mr. Stephenson stated that staff has some of the criteria prepared and can create the conceptual designs and could partner with the team to create a greenway design.

In response to questions regarding the cost of including the entire greenway versus just Progress Point in the SOW. Mr. Bendick stated that the legislation had not been passed yet for stimulus funding, but felt a conceptual plan of greenway that would connect and expand to central park would stage the city for opportunities.

Mr. Huckeba stated that a conceptual plan was a start. He explained that there could be a number of grant opportunities coming up in the next few months and stated the guidance is issued with the Notice of Funding Opportunity will dictate the criteria for each grant.

Mr. Adams answered Mr. Sullivan's question regarding the cost to include the entire greenway in the SOW. He stated the cost would increase by \$10,000 to include the greenway.

The following development parameters were discussed:

- Approximately 1.5 acres of contiguous park space.
- No residential on property
- City must retain in perpetuity and control.
- Stormwater requirements to exceed regulations
- Contribute to parking needs of small businesses in the area
- Maximize private investment while implementing city program
- Maximum 20,000 square foot footprint for buildings, two-story buildings
- Bike path
- Realignment of Palmetto

Commissioner Cooper asked if it was necessary that lots be brought down to street level. Mr. Goldman stated that the end result would have a much better feel if the lot is not flat. After discussion, Mr. Adams asked for flexibility to use topography as part of the study. Staff responded to questions regarding lot elevation, ADA requirements, bike path and sidewalks.

Commissioner Cooper asked Mr. Knight what is needed to allow the City to move forward. He stated funding for the scope needs to be addressed. He explained the rules for using the Parks Acquisition Fund and impact fees. He believes the scope falls under park acquisition because the property is not a park at this time, the City owns the land and it is being converted into a new park for the City.

Commissioner DeCiccio clarified that the total cost of the scope was \$160,000 with addition of greenway plan, which she feels is money well spent.

Mr. Stephenson suggested that once design is approved that all the land not used for parking be rezoned to Parks and Recreation.

Consensus was to place the scope on the next meeting agenda.

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

City Clerk Rene Cranis



city commission **agenda item**

item type	Consent Agenda	meeting date	8/12/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following piggyback contract

1. Airgas USA, Inc. - City of Melbourne Contract # 03-016-0-2020-AV - Liquid Oxygen; \$180,000

motion / recommendation

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

background

1. The originating agency followed a competitive procurement process to award this contract.

alternatives / other considerations

1. N/A

fiscal impact

1. Total expenditures included in approved FY20 budget and in proposed FY21 budget.



city commission **agenda item**

item type	Consent Agenda	meeting date	8/12/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following purchase

1. Felix Associates of Florida - After the fact Change Order for additional costs to mill and overlay side streets along Fairbanks Avenue; \$123,110.33

motion / recommendation

1. Commission approve item as presented.

background

1. Change Order was required immediately due to project schedule.

alternatives / other considerations

1. N/A

fiscal impact

1. Expenditures included in approved budget.



city commission **agenda item**

item type	Consent Agenda	meeting date	8/12/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

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

motion / recommendation

1. Commission authorize an additional \$250,000 for City Attorney services for FY 2020.

background

1. A formal solicitation was issued to award this contract.

alternatives / other considerations

1. N/A

fiscal impact

1. Estimated cost in excess of 2020 budgeted funds. Expenditures to be funded through reserves.



city commission agenda item

item type	Consent Agenda	meeting date	8/12/2020
prepared by	Planning	approved by	City Manager
board approval	final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development, Investment in Public Assets and Infrastructure, Fiscal Stewardship, Public Health and Safety		

subject

Approve the following

1. Scope of Work for Progress Point Conceptual Design and Greenway Connection Plan and authorize the City Manager to execute a contract with ACi Architects; not to exceed \$160,000.

motion / recommendation

Staff recommends approval of the creation of a Scope of Work for a conceptual design of Progress Point and a regional Greenway Connectivity Plan (further defined herein), authorizing the City Manager to execute a contract with ACi Architects for an amount not to exceed \$160,000.00.

background

The City Commission has continued to have discussions on the Orange Avenue Overlay. As a part of these ongoing discussions, the city has been contacted by a group of citizens concerning the development of park space and activation of Progress Point. The City Commission held a work session on July 23rd to discuss Progress Point. The following bullet points were discussed by the Commission at the work session to be part of the scope developed:

- Approximately 1.5 acres of contiguous park space.
- No residential uses allowed.
- City shall retain ownership.
- Stormwater retention provided on the site would exceed requirements to allow for more regional treatment and retention.
- Contribute to parking needs of small businesses in the area in the form of a parking structure.
- A business/financial model will be developed
- Maximum 20,000 square foot footprint for buildings, maximum of two-story buildings.
- The proposed "Rail Trail" would be constructed on the site, meeting the standards of the previously considered OAO language.
- Realignment of Palmetto to be considered and encouraged where appropriate.

Additionally, as a part of the Scope, a regional Greenway Trail Plan will be developed to place the city in a better position to apply for regional, State and Federal grants for bicycle and pedestrian connectivity improvements.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description	Upload Date	Type
Worksession Minutes - 7.23.20	8/4/2020	Backup Material
ACi Presentation - 7.23.20	8/4/2020	Backup Material



City Commission Work Session Minutes

July 23, 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 Attorney Kurt Ardaman
City Clerk Rene Cranis

Absent:

Mayor Steve Leary

Also present:

Larry Adams
Steve Goldman
Jim Huckeba, city's lobbyist

Ray Waugh
Bob Bendick

Meeting called to order

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

OA Discussion

Mr. Stephenson stated that the two property/business owners Lamont Garber and Bill Sullivan were unable to attend.

Steve Goldman advised that this plan, created by a group of architects and park and landscape designers, will draw more people to the area if park and adjacent buildings are designed correctly and used Park Avenue as an example.

Mr. Goldman stated that the goal was to create a space that connects to MLK park and Mead Garden and an area for people to congregate which would help businesses along Orange Avenue. He added that the City should explore possibilities of creating a non-profit similar to the Dr. Phillips Center model to manage the buildings and parking structure. He discussed the return on investment benefits and stated the next step is to begin preliminary engineering and design.

Mr. Adams showed an aerial view of the existing property and stated the specific location was an important place that needed something that could be driven as a public component. He presented concepts which will draw people to the area including cafes, markets, rooftop dining, bike trail and outdoor events. He stated there is interest from the public to be involved to create, sponsor and develop events and work with the City on the next steps. He reviewed the process and deliverables to create a vision, schematic designs and engineering plans, receive public, create guidelines and an action plan and then issue a request for proposals. He addressed the realignment of Palmetto Avenue which will allow for a parking garage, a promenade connecting the park to adjacent properties, additional greenspace and a trail with

a buffer to the Sunrail tracks. The scope of work is estimated at \$150,000, including civil engineering drawings for Palmetto and site prep work, and will be completed in 3-5 months.

Commissioner Sullivan recalled that at the May 4th meeting regarding Progress Point, there was a general consensus that the City retain ownership and control. He urged the Commission to develop parameters and then move forward. He supported the idea of a non-profit managing the development of the site and the proposal for an integrated structure of city parks that ties greenspaces together. He asked Mr. Adams to clarify how input is planned.

Mr. Adams suggested holding public forums with a presentation of the conceptual plan and allow public comment and also an online survey. Mr. Goldman added that input should be solicited from businesses that may be interested in leasing the spaces.

Commissioner DeCiccio asked if the study was adequate to prepare the city to apply for grants. Mr. Bendick said he is unsure but it would be a good segue to the grant but it unlikely that legislation would pass before the next congressional recess in August. He provided information on other potential grants. Commissioner DeCiccio stated that it was critical to move forward.

Commissioner Weaver stated that he is supportive of the park as focal point for redevelopment along Orange Avenue and would like staff to provide the anticipated maintenance costs for the park. He felt that consideration should be given to the use of the area south of the relocated Palmetto Avenue for stormwater management which should exceed existing state or local requirements.

Commissioner Cooper said that her understanding was the deliverable would help to apply for significant grant dollars for the entire greenway and she now understands that the focus is solely on Progress Point.

Director of Planning and Transportation Bronce Stephenson explained that the initial parking analysis was based on code and staff will provide the parking survey data received thus far to the Commission. He responded to questions providing additional details on the parking survey/responses. Discussion was held on parking needs and inclusion in the scope of work assessing parking requirements, leasable spaces, and parking availability and needs of larger properties.

Mr. Adams expanded on the SOW with respect to leasing the buildings and parking requirements. He said he will be compiling data on the interest and the concept of uses and discussed the application and testing of data.

Director of Public Works Troy Attaway provided information on stormwater drainage issues and opportunities. Discussion was held regarding the ACi scope of work and whether the design and engineering included was adequate to move forward with the realignment of Palmetto Avenue. Mr. Waugh stated that the SOW contains construction and permitting documents for the process of moving Palmetto Avenue as well as options for design of additional stormwater potential devices, connections and associated cost.

Commissioner Sullivan asked if it was possible to place a SunRail Station on this property. Commissioner Weaver spoke with Metroplan officials and there is a very slim possibility of a station since it is less than one mile than the downtown station.

Commissioner Cooper questioned whether the deliverable for the SOW will give drawings adequate to pursue grants solely for the Progress Point property as opposed for the entire

greenway. Mr. Stephenson stated that staff has some of the criteria prepared and can create the conceptual designs and could partner with the team to create a greenway design.

In response to questions regarding the cost of including the entire greenway versus just Progress Point in the SOW. Mr. Bendick stated that the legislation had not been passed yet for stimulus funding, but felt a conceptual plan of greenway that would connect and expand to central park would stage the city for opportunities.

Mr. Huckeba stated that a conceptual plan was a start. He explained that there could be a number of grant opportunities coming up in the next few months and stated the guidance is issued with the Notice of Funding Opportunity will dictate the criteria for each grant.

Mr. Adams answered Mr. Sullivan's question regarding the cost to include the entire greenway in the SOW. He stated the cost would increase by \$10,000 to include the greenway.

The following development parameters were discussed:

- Approximately 1.5 acres of contiguous park space.
- No residential on property
- City must retain in perpetuity and control.
- Stormwater requirements to exceed regulations
- Contribute to parking needs of small businesses in the area
- Maximize private investment while implementing city program
- Maximum 20,000 square foot footprint for buildings, two-story buildings
- Bike path
- Realignment of Palmetto

Commissioner Cooper asked if it was necessary that lots be brought down to street level. Mr. Goldman stated that the end result would have a much better feel if the lot is not flat. After discussion, Mr. Adams asked for flexibility to use topography as part of the study. Staff responded to questions regarding lot elevation, ADA requirements, bike path and sidewalks.

Commissioner Cooper asked Mr. Knight what is needed to allow the City to move forward. He stated funding for the scope needs to be addressed. He explained the rules for using the Parks Acquisition Fund and impact fees. He believes the scope falls under park acquisition because the property is not a park at this time, the City owns the land and it is being converted into a new park for the City.

Commissioner DeCiccio clarified that the total cost of the scope was \$160,000 with addition of greenway plan, which she feels is money well spent.

Mr. Stephenson suggested that once design is approved that all the land not used for parking be rezoned to Parks and Recreation.

Consensus was to place the scope on the next meeting agenda.

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

City Clerk Rene Cranis

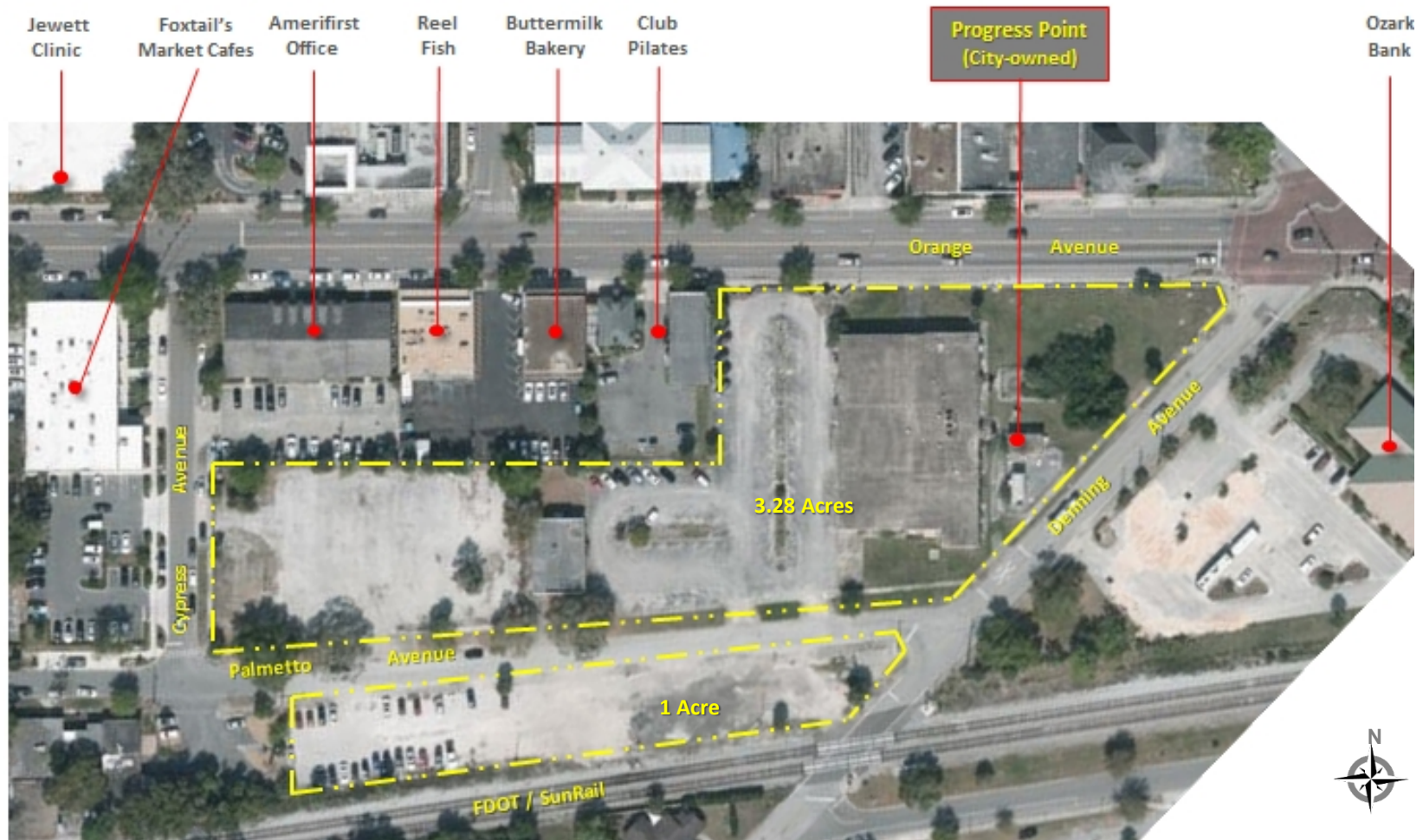
A Path to Success

PROGRESS POINT – A PUBLIC REDEVELOPMENT VISION



Goal: To create a beautiful central public space for the Orange Avenue district that will give people a reason to go there even if they don't have specific need to visit a particular business.

Existing Conditions



PROGRESS POINT – A public redevelopment vision



Activating the Park

A beautiful park where there's a collection of cafés,
food markets, rooftop dining, convenient parking, bike
trail, ice cream parlor, outdoor movie events –
Then you have a great public space.

Activating the Park



Activating Park with a Café - Food - Third Space Culture



Food Courts

Activating Park with a Café - Food - Third Space Culture



Multiple Vendors

Activating Park with a Café - Food - Third Space Culture



The “Third Space“

Activating Park with a Café - Food - Third Space Culture

Rooftops Extend Park Experience

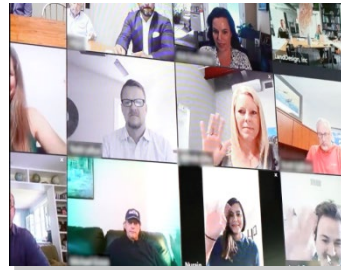


A Shared Process

City-Community-Private

TODAY

Est. 3-5 months



PARK
VISION

PROGRAM
SCHEMATIC DESIGN
CIVIL ENG. DOCUMENTATION

PUBLIC & DEVELOPER
INPUT

GENERAL
REDEVELOPMENT
GUIDELINES
&
ACTION PLAN

REQUEST
FOR
PARTNERSHIPS

Tasks/Deliverables

PUBLIC & DEVELOPER INPUT:

High-level assessment of public & developer drivers.

PROGRAM:

Written summary of the City's requirements for:

- Park
- Future Buildings
- Supporting Infrastructure (parking, roadway, trails, utilities)

PRELIMINARY SCHEMATIC DESIGN OPTIONS:

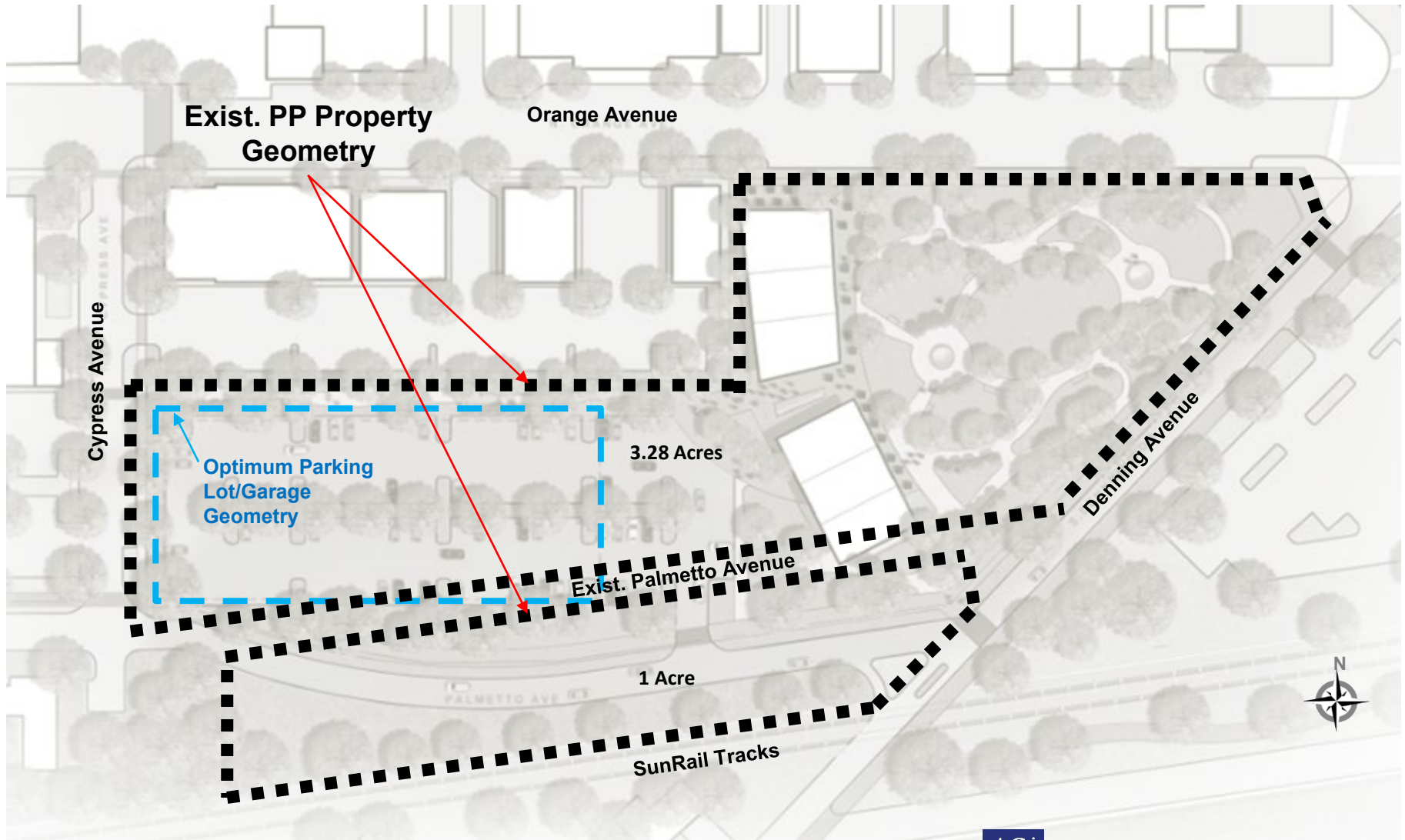
Preliminary design options illustrating scale & relationship of Project components consisting of:

- Site Plan (w/options)
- Site Sections, Massing & Yield
- 3D Visualization
- Budget

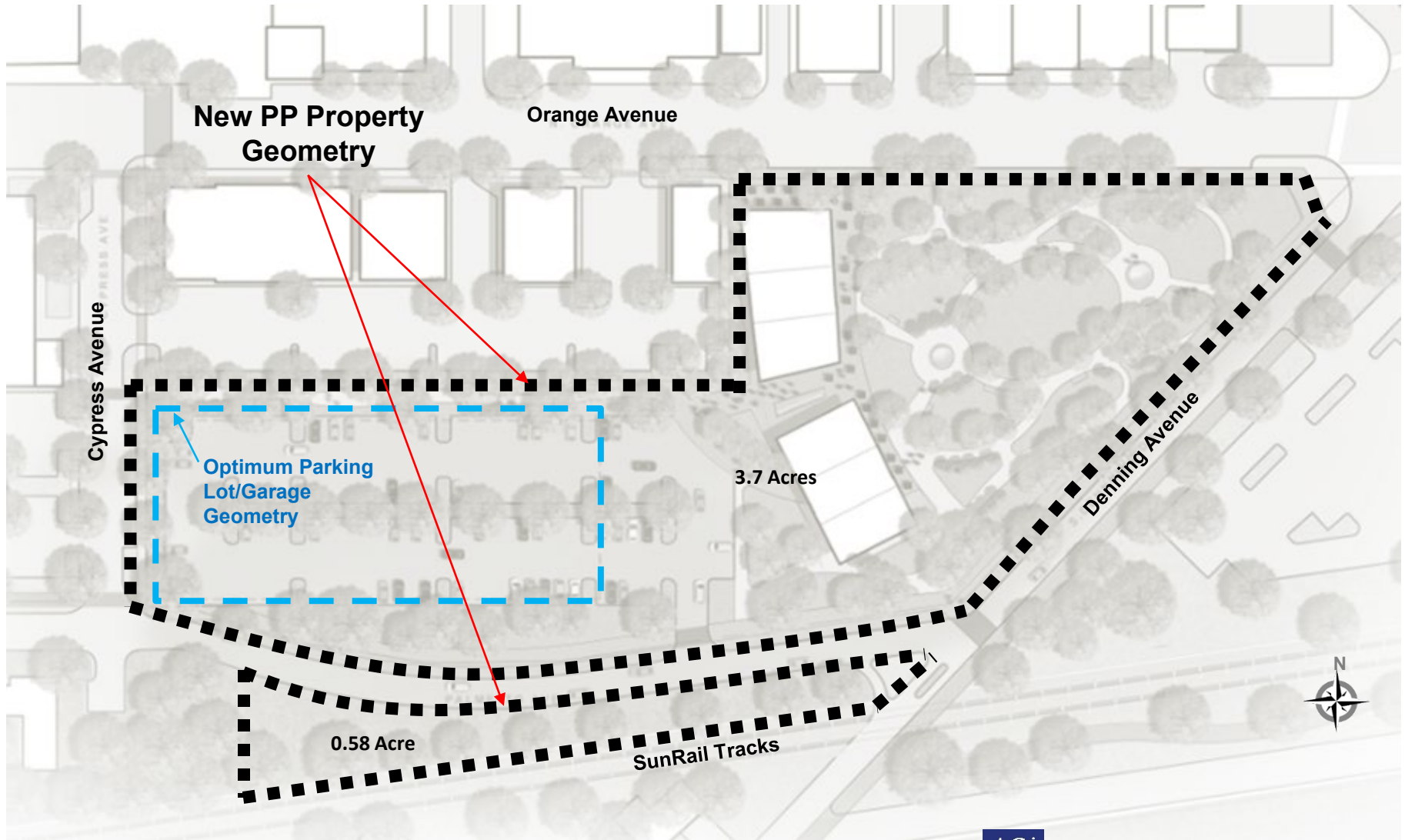
CIVIL ENGINEERING DOCUMENTATION:

**Palmetto Roadway Re-alignment
Site Grading/Drainage/Utilities/Parking
Budget**

Palmetto Realignment = Increased Value “BEFORE”



Palmetto Realignment = Increased Value “AFTER”



Scope of Work Budget/Schedule

PROGRAM:	Written summary of the City's requirements for: - Park - Future Buildings - Supporting Infrastructure (parking, roadway, trails, utilities)
PRELIMINARY SCHEMATIC DESIGN OPTIONS:	Preliminary design options illustrating scale & relationship of Project components consisting of: - Site Plan (w/options) - Site Sections & Elevations - 3D Visualizations - Budget
PUBLIC & DEVELOPER INPUT:	Review of preliminary market data, program, design options for public input.
CIVIL ENGINEERING DOCUMENTATION:	Palmetto Roadway Re-alignment/Parking Site Grading/Drainage/Utilities Budget
REDEVELOPMENT GUIDELINES & ACTION PLAN:	Presentation to Commission for Final Review/Approval of findings & next steps.
TOTAL SCOPE OF WORK:	\$ 150,000
ESTIMATED SCHEDULE:	3-5 MONTHS

Thank you for listening !



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	8/12/2020
prepared by	Public Works	approved by	N/A
board approval	N/A final vote		
strategic objective	Intelligent Growth and Development, Investment in Public Assets and Infrastructure, Public Health and Safety		

subject

Purchase of 2410 Winter Park Road for Stormwater purposes

motion / recommendation

Approval of Purchase

background

Currently there are drainage problems along Winter Park Road between Norris Avenue and Parkland Drive (see pictures attached following intense downpour several years ago). Since this is the low point along Winter Park Road, there is approximately 60 acres flowing to this point. During intense storm events, the drainage system is overwhelmed and spreads into the travel lanes and front yards of the residents in this block. During several past storm events, water flowed onto/into the garage of 2410 and 2412 Winter Park Road.

The City has performed some work providing sidewalk and driveway improvement to limit the spread of the water onto private property. During our investigation and modeling of the problem, it became apparent that, even if the collection system were expanded with more inlets and curbing along the road, the downstream pipe system is undersized to handle the size of the winter park drainage basin flowing to this point. Preliminary investigations were undertaken to estimate the cost of enlarging the downstream pipe system. Since this system is over 1500 feet long to Lake Sue and traverses through several private yards crossing 3 separate jurisdictional boundaries(Winter park, Orange County and Orlando), the feasibility of performing this pipe upgrade is highly questionable. The City then estimated the cost to provide detention volume to lessen the peak flow rate using underground methods in the city owned rights-of-way. The estimated cost to provided adequate underground detention storage is in excess of \$3 million and was beginning to be funded in the stormwater 5 year CIP.

The City then observed a large (double lot) ideally located for surface detention that had changed hands in the past 2 years. As this area is experiencing significant redevelopment, it was very likely this lot was destined for the same. The City has reached out the current owners and has negotiated an agreeable purchase price of

\$600,000, which is fair market value for this size lot in this neighborhood. Purchasing this lot and performing approximately \$300,000 of inlet and piping improvements will solve this ongoing problem for now and the future and will provide a natural park setting for the neighborhood (see statement from Darryl Hoffman of J.L.L, the City's real estate partner regarding market price of lot). As this area will function as a detention system, it will not be a pond that stores water for more than 30 minutes after a storm event. It will function more like a "surge tank" to reduce the peak flows during the most intense part of the storm. Since the wet season groundwater is over 6 feet below the ground surface (from recent borings in the area), this area will be dry even with the proposed grade being lowered approximately 3' below the road level. This area will be grassed and trees will be planted throughout the lot along with a sidewalk walking path as shown in exhibit "A." In summary, we feel the acquisition of this lot will provide effective and efficient drainage improvements with minimal future maintenance efforts (as compared to underground storage) along with a neighborhood park and green space for passive recreation. Furthermore, this project will provide some level of stormwater treatment by removing sediment and debris from a portion of the basin, furthering our goals of improving stormwater quality and water quality improvement in our City's lakes

alternatives / other considerations

Perform pipe system improvements to Lake Sue with an estimated cost exceeding \$1.5 mil and complexity of dealing with 4 jurisdictional agencies including the SJRWMD. Provide necessary detention volume in underground vaults in the city's right-of-way with an estimated cost exceeding \$3 mil. This option has fairly significant future maintenance component to clean and ensure storage areas don't get filled with debris. The City could simply perform some inlet, curbing and minor collection system improvements which would help the problem, however there would still be occasional events when the downstream pipe system is over capacitated allowing water to stage in the roadway and/or private property at a cost of approx. \$300k.

fiscal impact

Expend \$600,000 plus normal property closing costs to purchase the lot from stormwater funds. Immediate benefits can be attained by demolishing the existing structure and excavating the detention area at the approximate cost of \$50,000. Development of the lot and drainage connections to fully utilize this detention area will cost approximately \$300,000 to be funded in future years of Storm C.I.P.

ATTACHMENTS:

Description	Upload Date	Type
Exhibit A	8/5/2020	Backup Material



Jones Lang LaSalle Brokerage, Inc.
Tenant Advisory Services
250 S. Orange Ave., Suite 700P
Orlando, FL 32801
tel +1 407 982 8550 | fax +1 407 982 8560

August 5, 2020

To whom it may concern:

The below chart highlights property sales in the Winter Park Road Corridor that were executed in the calendar year of 2020 which would be considered “lot sales” or properties valued on the “land value” vs. the value of the land plus any improvements to the property. These properties are or will be slated for potential redevelopment into newly constructed single-family homes. What the chart will show is that the average \$/acre on the properties is approximately \$2MM/acre. However, within the comparable set, the most “like” properties are likely the Spring and Stonehurst properties which frame an average \$/acre of approximately \$1.75MM/acre. With the subject parcel’s contract price at approximately \$1.6MM/acre, the acquisition can and should be viewed as an “at market” transaction.

Address	Lot Size	Price	Price/Acre	Date	Year Built
2410 Winter Park Road	0.37	\$600,000	\$1,621,622	-	1966
1601 Highland	0.15	\$518,000	\$3,453,333	5/29/2020	1941
1430 Glencoe	0.30	\$629,000	\$2,096,667	2/3/2020	1952
2815 Norris	0.24	\$480,000	\$2,000,000	4/7/2020	1953
181 Spring	0.29	\$540,000	\$1,862,069	2/21/2020	1957
1923 Stonehurst	0.43	\$675,000	\$1,569,767	6/3/2020	1956
250 Glenridge	0.53	\$750,000	\$1,415,094	5/23/2020	1957
AVERAGE PRICE/ACRE			\$2,066,155		

Thank you.

Darryl Hoffman



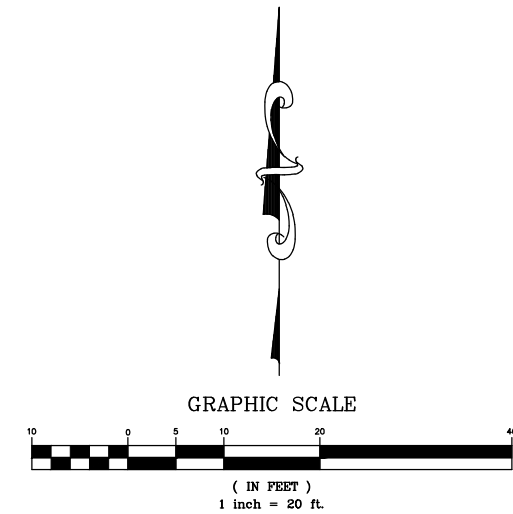








- NOTES:**
 1. EXISTING FEATURES SHOWN ARE APPROXIMATED BASED UPON FIELD OBSERVATIONS AND AERIAL PHOTOGRAPHY.
 2. THIS PLAN IS CONCEPTUAL AND NOT FOR CONSTRUCTION.



City of Winter Park
 401 S. Park Avenue
 Winter Park, FL 32789
 (407) 599-3399

2410 WINTER
 PARK ROAD
 DRAINAGE
 IMPROVEMENTS

Drawn By: BLP
 Checked By: MN
 Approved By: TRA

Revised By:
 Revision/Date

EXHIBIT A

CONCEPTUAL -
 NOT FOR
 CONSTRUCTION



Existing Street View



Proposed Pond / Park Street View



city commission agenda item

item type	Public Hearings	meeting date	8/12/2020
prepared by	Building	approved by	City Attorney
board approval	N/A final vote		
strategic objective	Public Health and Safety		

subject

Request of the City of Winter Park for:

Ordinance amending Chapter 62 of the City Code providing for regulations regarding construction and related noise. (Second Reading)

motion / recommendation

Adopt Ordinance as revised

background

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

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

The provision regarding waivers for construction activities has been changed to Limited Allowances for Construction Activities and the changes are reflected in the attached ordinances. (To distinguish the changes since the last meeting, new strikeouts appear in red and new additions are in blue.)

alternatives / other considerations

Make no changes to current Noise Ordinance.

fiscal impact

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

ATTACHMENTS:

Description	Upload Date	Type
Revised Ordinance	8/5/2020	Ordinance
Revised Ordinance - redline from first reading	8/5/2020	Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING ARTICLE IV OF CHAPTER 62 OF THE CITY'S
CODE OF ORDINANCES, PROVIDING FOR REGULATIONS
REGARDING CONSTRUCTION AND RELATED NOISE;
PROVIDING FOR CONFLICTS, CODIFICATION,
SEVERABILITY, AND AN EFFECTIVE DATE.**

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

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

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

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

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

Chapter 62. Offenses and miscellaneous provisions.

DIVISION 2. - NOISE AND DISTURBANCE CONTROL

Sec. 62-97. - Specific prohibitions.

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

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

(11) Construction activities on ~~Sunday~~ weekends and holidays. Operating or permitting the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, ~~or other~~ construction appliance or machine, or construction materials or equipment delivery between ~~9:00~~ 6:00 p.m. on Saturday and 7:00 a.m. on the following Monday or at any time on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day or Christmas Day so as to create a noise disturbance across a residential or commercial real property line.

b) Limited Allowances for Construction Activities. When any of the following conditions exist, the City Manager or his or her designee may waive applicable portions of the Noise prohibitions listed under Section 62-97 of this code concerning construction activities:

- i. the construction activities, if conducted within permitted hours, are of a nature or type that will unduly impede, disturb, or interfere with transportation networks, vehicular or pedestrian traffic, or parking, or other logistical operations ordinarily occurring during permitted hours;
- ii. the work is emergency work or repairs, including, but not limited to, work that must be completed as quickly as possible to avoid injury or damage to persons or property, including, but not limited to, emergency utility work to restore electricity, water, sewer, or other service; or
- iii. the work, if not completed, commenced, or finished outside of permitted hours, will be damaged or otherwise destroyed by expected inclement weather conditions.

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

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

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

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

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

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING ARTICLE IV OF CHAPTER 62 OF THE CITY'S
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REGARDING CONSTRUCTION AND RELATED NOISE;
PROVIDING FOR CONFLICTS, CODIFICATION,
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Sec. 62-97. - Specific prohibitions.

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

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

(11) *Construction activities on ~~Sunday~~weekends and holidays.* Operating or permitting the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, ~~or other~~ construction appliance or machine, or construction materials or equipment delivery between 9:00 ~~6:00~~ p.m. on Saturday and 7:00 a.m. on the following Monday or at any time on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day or Christmas Day so as to create a noise disturbance across a residential or commercial real property line.

b) ~~(1) Waivers for Construction Activities—Limited Allowances for Construction Activities.~~ To conduct construction activities likely to create a noise disturbance as identified in subsections (9) and (11) of this Section 62-97 during prohibited time periods or on prohibited days, a property owner or contractor of record may obtain a waiver by demonstrating the existence of one or more of the following special construction circumstances. When any of the following conditions exist, the City Manager or his or her designee may waive applicable portions of the Noise prohibitions listed under Section 62-97 of this code concerning construction activities:

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

~~(b)~~ ii. the work is emergency work or repairs, including, but not limited to, work that must be completed as quickly as possible to avoid injury or damage to persons or property, including, but not limited to, emergency utility work to restore electricity, water, sewer, or other service; or

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

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

~~The owner or contractor must also provide such information to the City as part of the waiver application prior to proceeding with any such otherwise prohibited construction activity. Failure to follow through with the prescribed notice and mitigation measures may result in a revocation of the waiver.~~

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

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

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

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

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

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

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk



city commission agenda item

item type	Public Hearings	meeting date	8/12/2020
prepared by	Assistant City Manager	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of the City of Winter Park for:

An Ordinance declaring and implementing a contingent temporary moratorium on the acceptance, processing, and consideration of applications for development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District policies, regulations, codes, and provisions approved March 9, 2020 by way of Ordinance 3166-20 (Comprehensive Plan amendment) and Ordinance 3167-20 (Land Development Code amendment), providing the temporary moratorium to become effective if the city's Ordinance 3170-20 (rescission ordinance) is determined by a court of competent jurisdiction to be null, void, or of no effect, or if Ordinance 3166-20 or Ordinance 3167-20 are determined to be effective or valid; providing for extension or termination of the temporary moratorium by ordinance or resolution; providing for confirmation and re-adoption of the City of Winter Park Ordinance 3170-20 (rescission ordinance). (Second Reading)

motion / recommendation

Approve the Ordinance as presented.

background

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

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description

Upload Date

Type

OA0 Moratorium Ordinance w Confirmation of Rescission Ordinance	6/16/2020
OA0 Rescind Ordinance - Exhibit A	6/15/2020

Ordinance
Ordinance

ORDINANCE NO. ____

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

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

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

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

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

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

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

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

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

WHEREAS, due to pending litigation challenging the adoption of Ordinance 3172-20 (Rescission Ordinance), the City finds it prudent and necessary to place a contingent temporary moratorium on the acceptance, processing, and consideration of applications for development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District policies, regulations, codes, and provisions contained within the now rescinded and repealed Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code Amendment) in order to avoid prejudice to any of the landowners in the Overlay area and to avoid any assertion that any property owner or developer relied upon the provisions of Ordinance 3166-20 and Ordinance 3167-20; and

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

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

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

WHEREAS, the City desires to place the property owners, tenants, businesses, residents and other members of public and all parties on notice that the City is creating a contingent temporary moratorium on the acceptance, processing, and consideration of applications for development orders, conditional use applications, site plans, building permits and other development applications that would utilize the Orange Avenue Overlay District policies, regulations, codes and provisions concerning properties located within the Orange Avenue Overlay District as such are contained in the now rescinded/repealed Ordinance 3166-20 (Comprehensive Plan Amendment) and/or Ordinance 3167-20 (Land Development Code Amendment); and

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

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

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

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

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

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

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

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

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

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

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

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

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

FIRST READING this _____ day of _____, 2020.

SECOND READING this _____ day of _____, 2020.

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

**CITY COMMISSION
CITY OF WINTER PARK**

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

EXHIBIT “B”
Orange Avenue Overlay District

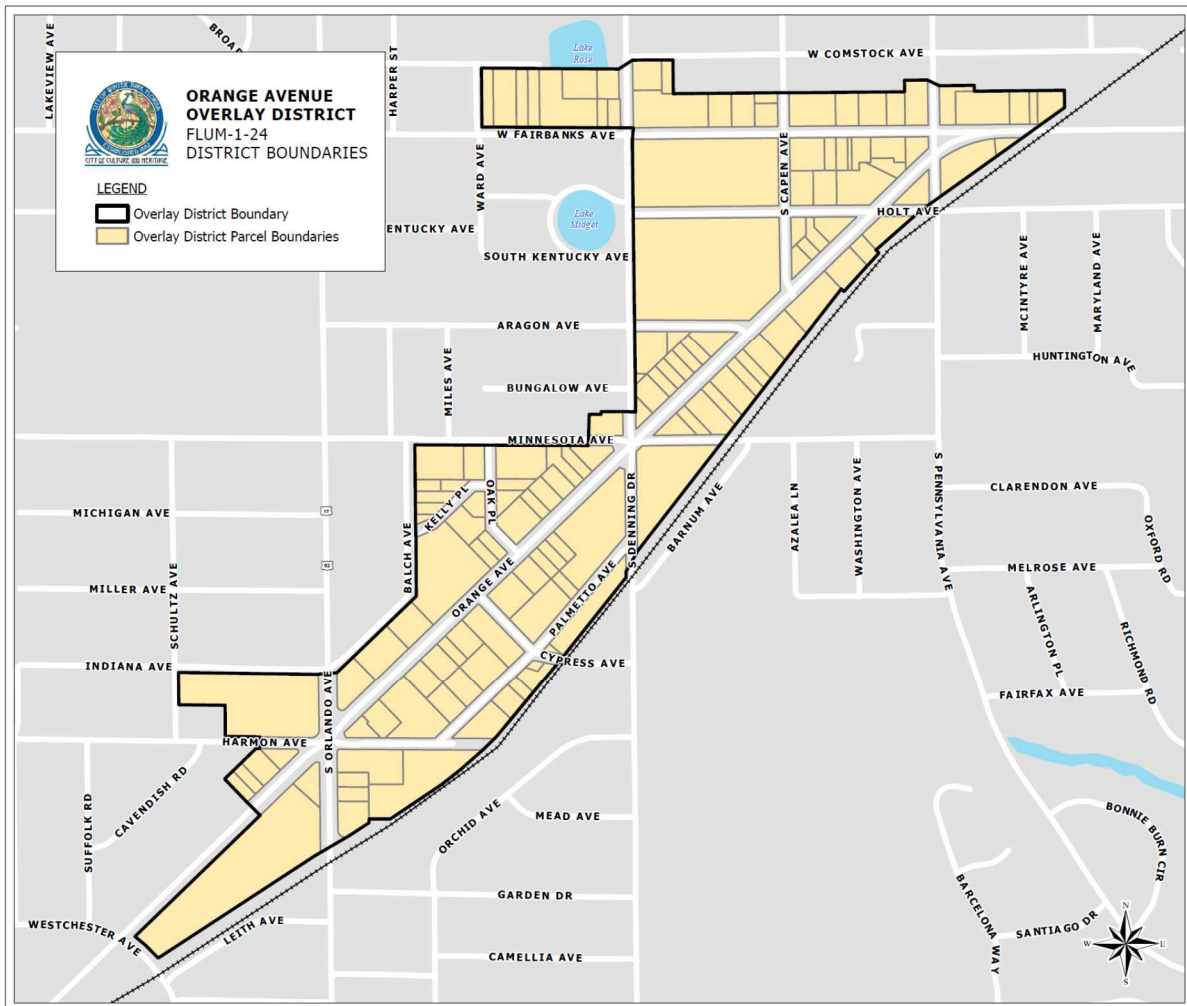


EXHIBIT "A"

ORDINANCE 3172-20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

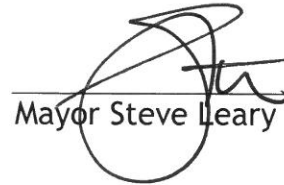
SECTION 2. Rescind. That Ordinances 3166-20 and 3167-20 adopted on March 9, 2020 are hereby rescinded (repealed) and are null and void.

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

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

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

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



Mayor Steve Leary

Attest:



Rene Cranis, City Clerk



city commission agenda item

item type	Public Hearings	meeting date	8/12/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development, Public Health and Safety		

subject

Request of the City of Winter Park for:

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

motion / recommendation

Recommendation is to approve the Ordinance as presented.

background

All Cities and Counties participate in the National Pollution Discharge Elimination System (NPDES) 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 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

N/A

fiscal impact

N/A

ATTACHMENTS:

Description

Fertilizer Ordinance

Upload Date

7/24/2020

Type

Ordinance

Exhibit A
Fertilizer State Statute

7/24/2020
7/24/2020

Exhibit
Backup Material

ORDINANCE NO. _____

**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: A second violation shall be a class I violation as provided in Chapter 1, Article II, code enforcement with a civil penalty of \$60.00 per violation paid to the City; however, commercial applicators shall be penalized as a class II violation as provided in Chapter 1, Article II, code enforcement with a civil penalty of \$100.00 per violation paid to the City.

(3) Third and subsequent violations: Successive repeated violations shall be a class IV penalty as provided in Chapter 1, Article II, code enforcement with a civil penalty of \$300.00 per violation paid to the City.

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: _____, 2020

SECOND READING: _____, 2020

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

CITY COMMISSION
CITY OF WINTER PARK

Steve Leary, Mayor/Commissioner

ATTEST:

Rene Cranis, City Clerk

S:\AKA\CLIENTS\Winter Park\General W600-26000\Fertilizer Ordinance\Ordinance re. fertilizer regulations 01-16-2020.docx

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.

Select Year: 2019 ▼ Go

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.

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city commission agenda item

item type	Public Hearings	meeting date	8/12/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

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 owners. (First Reading)

motion / recommendation

Approve the annexation Ordinance as presented.

background

This public hearing is for a voluntary annexation of seven (7) properties on Kentucky Avenue, measuring approximately 1.1 acres total. These properties are being voluntarily annexed into the City by the property owners.

The Kentucky Avenue properties are all interconnected and consolidated in ownership with the adjacent properties that front on West Fairbanks Avenue. This annexation will allow for commercial redevelopment of the properties from Fairbanks Avenue back to Kentucky Avenue. This annexation provides a more uniform city limit line. The City already provides the potable water and sanitary sewer to these properties. Any future development will go through the regular Winter Park development approval process. The property owner realizes that it would be extremely cumbersome for them to get permits for new building projects on a site that is one-half in the City and one-half in the County.

Ultimately, annexing these properties and having the entire Fairbanks/Kentucky tract of land within one jurisdiction will allow for better coordination of the development of these parcels and gives Winter Park better control of how these properties will be developed.

Once these properties are annexed the city staff will come back with Ordinances to establish the Comprehensive Plan Future Land Use and Zoning designations. However, that cannot be done until the property is officially annexed and must have a recommendation from the Planning and Zoning Board. Thus, those will be on a

future Commission agenda.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Annex Ordinance

Kentucky Annex Transmittal Package

Annex Map

Upload Date

7/29/2020

7/29/2020

7/29/2020

Type

Ordinance

Backup Material

Backup Material

ORDINANCE ____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.1+/- ACRES OF REAL PROPERTY LOCATED AT 2269/2267/2265/2263/2261/2259/2257 KENTUCKY AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owners of seven (7) parcels have requested the City enact a voluntary annexation for 2269/2267/2265/2263/2261/2259/2257 Kentucky Avenue, as also identified by Orange County Tax Parcel ID #s: 11-22-29-6180-01-320, 11-22-29-6180-01-330, 11-22-29-6180-01-340, 11-22-29-6180-01-350; 11-22-29-6180-01-360; 11-22-29-6180-01-370; 11-22-29-6180-01-380; 12-22-29-5000-03-061, and 12-22-29-5000-03-081.

WHEREAS, the Subject Properties being annexed comprise approximately 1.1 acres; and

WHEREAS, the City of Winter Park has determined that the Subject Properties are reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Properties will not result in the creation of an enclave and that the Subject Properties and Right-of-Way meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Properties and has conducted the required public hearing prior to the adoption of this Ordinance.

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

SECTION 1: *Recitals.* The above “Whereas” clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

SECTION 2: *Property Annexed.* That, after conducting a public hearing and having found that the Owners’ petition for voluntary annexation of the Subject Properties meets the prerequisites and standards for annexation under general law, the Subject Properties identified as 2269 Kentucky Avenue 11-22-29-6180-01-320; 2267 Kentucky

Avenue 11-22-29-6180-01-330; 2265 Kentucky Avenue 11-22-29-6180-01-340; 2263 Kentucky Avenue 11-22-29-6180-01-350; 2261 Kentucky Avenue 11-22-29-6180-01-360; 2259 Kentucky Avenue 11-22-29-6180-01-370 and 2257 Kentucky Avenue 11-22-29-6180-01-380 and as legally defined and graphically shown on the map and sketch attached hereto as Exhibit "A" are hereby annexed into the municipal boundaries of the City of Winter Park.

SECTION 3: *Effect of Annexation.* That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Properties as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective after its adoption at its second reading.

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

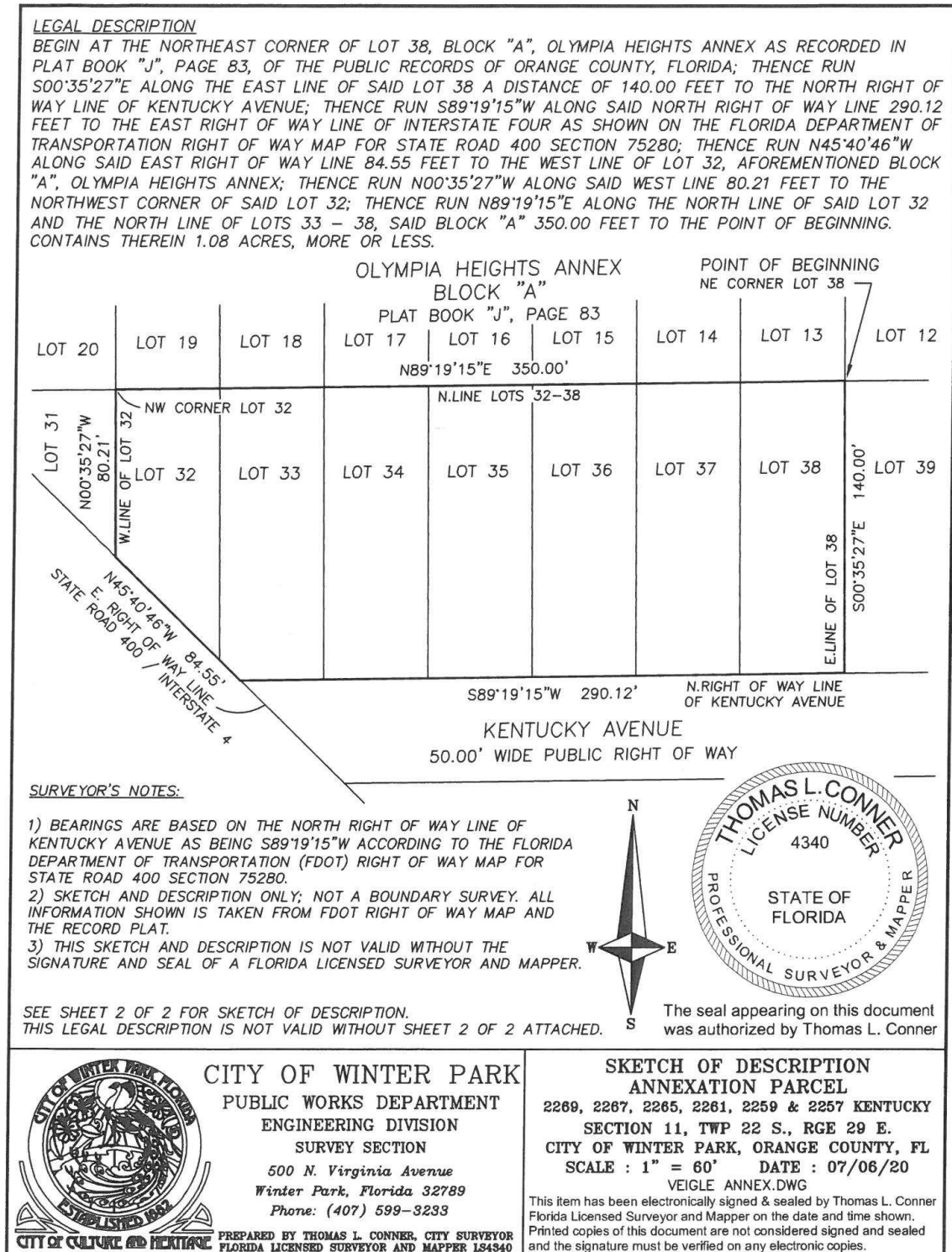
APPROVED:

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

Exhibit "A"





Annexation Request Kentucky Avenue

City of Winter Park
Florida



WP Boundary



Proposed Annexations





401 South Park Avenue • Winter Park, Florida 32789

407-599-3234 • 407-599-3436 fax
cityofwinterpark.org

July 16, 2020

VIA CERTIFIED MAIL

Orange County Board of County Commissioners
201 S Rosalind Ave., 5th Floor
Orlando, Florida 32801

RE: Notice of Intent to Annex Property – Section 171.044(6), Fla. Stat.
2269/2267/2265/2263/2261/2259/2257 Kentucky Avenue.
Orange County Tax Parcel Identification #s: 11-22-29-6180-01-320, 11-22-29-6180-01-330,
11-22-29-6180-01-340, 11-22-29-6180-01-350; 11-22-29-6180-01-360; 11-22-29-6180-01-370;
11-22-29-6180-01-370.

Dear Board of County Commissioners:

In accordance with Section 171.044(6), Florida Statutes, this correspondence shall serve as the City of Winter Park's notice to the Orange County Board of County Commissioners of the City of Winter Park's intent to voluntarily annex those certain lands, as generally described above, as approximately 1.1 +/- acres of land. A draft of the proposed annexation Ordinance along with a legal description and map of the areas subject to the proposed annexation is enclosed for your information.

The intended 1st reading of the annexation Ordinance is during the City of Winter Park City Commission meeting on Wednesday, August 12, 2020 followed by the intended 2nd reading, public hearing and adoption at the City of Winter Park City Commission meeting on Wednesday, August 26, 2020.

Sincerely,

Randy Knight
City Manager

Enclosures:

cc: Chris Testerman, Assistant County Administrator

ORDINANCE ____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.1+/- ACRES OF REAL PROPERTY LOCATED AT 2269/2267/2265/2263/2261/2259/2257 KENTUCKY AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owners of seven (7) parcels have requested the City enact a voluntary annexation for 2269/2267/2265/2263/2261/2259/2257 Kentucky Avenue, as also identified by Orange County Tax Parcel ID #s: 11-22-29-6180-01-320, 11-22-29-6180-01-330, 11-22-29-6180-01-340, 11-22-29-6180-01-350; 11-22-29-6180-01-360; 11-22-29-6180-01-370; 11-22-29-6180-01-380; 12-22-29-5000-03-061, and 12-22-29-5000-03-081.

WHEREAS, the Subject Properties being annexed comprise approximately 1.1 acres; and

WHEREAS, the City of Winter Park has determined that the Subject Properties are reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Properties will not result in the creation of an enclave and that the Subject Properties and Right-of-Way meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Properties and has conducted the required public hearing prior to the adoption of this Ordinance.

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

SECTION 1: *Recitals.* The above "Whereas" clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

SECTION 2: *Property Annexed.* That, after conducting a public hearing and having found that the Owners' petition for voluntary annexation of the Subject Properties meets the prerequisites and standards for annexation under general law, the Subject Properties identified as 2269 Kentucky Avenue 11-22-29-6180-01-320; 2267 Kentucky

Avenue 11-22-29-6180-01-330; 2265 Kentucky Avenue 11-22-29-6180-01-340; 2263 Kentucky Avenue 11-22-29-6180-01-350; 2261 Kentucky Avenue 11-22-29-6180-01-360; 2259 Kentucky Avenue 11-22-29-6180-01-370 and 2257 Kentucky Avenue 11-22-29-6180-01-380 and as legally defined and graphically shown on the map and sketch attached hereto as Exhibit "A" are hereby annexed into the municipal boundaries of the City of Winter Park.

SECTION 3: *Effect of Annexation.* That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Properties as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective after its adoption at its second reading.

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

APPROVED:

Steve Leary, Mayor

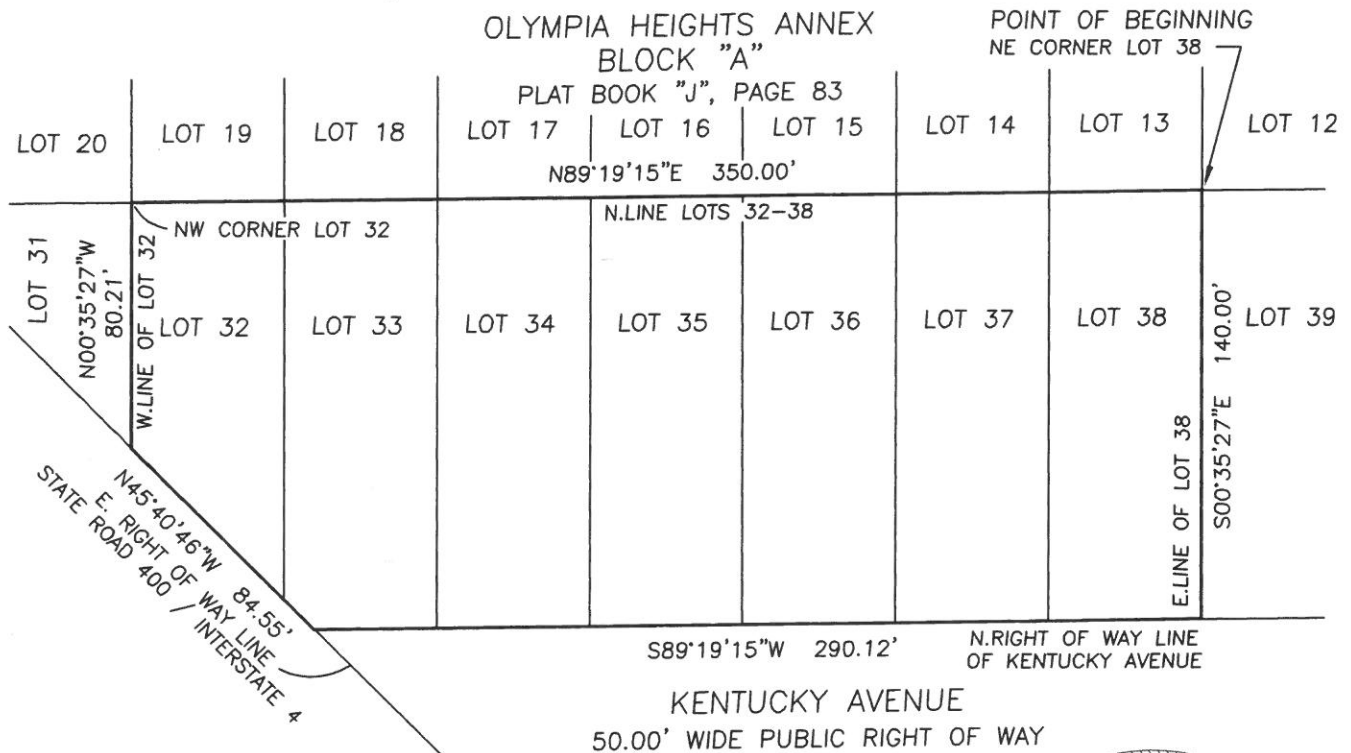
ATTEST:

Rene Cranis, City Clerk

Exhibit "A"

LEGAL DESCRIPTION

BEGIN AT THE NORTHEAST CORNER OF LOT 38, BLOCK "A", OLYMPIA HEIGHTS ANNEX AS RECORDED IN PLAT BOOK "J", PAGE 83, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN $S00^{\circ}35'27''E$ ALONG THE EAST LINE OF SAID LOT 38 A DISTANCE OF 140.00 FEET TO THE NORTH RIGHT OF WAY LINE OF KENTUCKY AVENUE; THENCE RUN $S89^{\circ}19'15''W$ ALONG SAID NORTH RIGHT OF WAY LINE 290.12 FEET TO THE EAST RIGHT OF WAY LINE OF INTERSTATE FOUR AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD 400 SECTION 75280; THENCE RUN $N45^{\circ}40'46''W$ ALONG SAID EAST RIGHT OF WAY LINE 84.55 FEET TO THE WEST LINE OF LOT 32, AFOREMENTIONED BLOCK "A", OLYMPIA HEIGHTS ANNEX; THENCE RUN $N00^{\circ}35'27''W$ ALONG SAID WEST LINE 80.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 32; THENCE RUN $N89^{\circ}19'15''E$ ALONG THE NORTH LINE OF SAID LOT 32 AND THE NORTH LINE OF LOTS 33 - 38, SAID BLOCK "A" 350.00 FEET TO THE POINT OF BEGINNING. CONTAINS THEREIN 1.08 ACRES, MORE OR LESS.

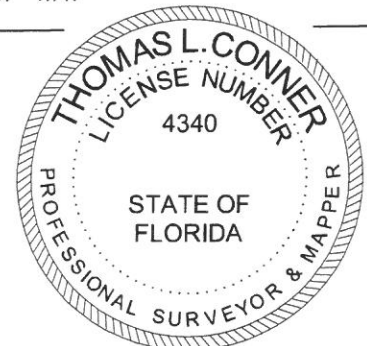
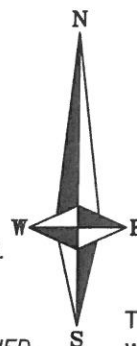


SURVEYOR'S NOTES:

- 1) BEARINGS ARE BASED ON THE NORTH RIGHT OF WAY LINE OF KENTUCKY AVENUE AS BEING $S89^{\circ}19'15''W$ ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT OF WAY MAP FOR STATE ROAD 400 SECTION 75280.
- 2) SKETCH AND DESCRIPTION ONLY; NOT A BOUNDARY SURVEY. ALL INFORMATION SHOWN IS TAKEN FROM FDOT RIGHT OF WAY MAP AND THE RECORD PLAT.
- 3) THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.

THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT SHEET 2 OF 2 ATTACHED.



The seal appearing on this document was authorized by Thomas L. Conner



CITY OF WINTER PARK

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
SURVEY SECTION

500 N. Virginia Avenue
Winter Park, Florida 32789
Phone: (407) 599-3233

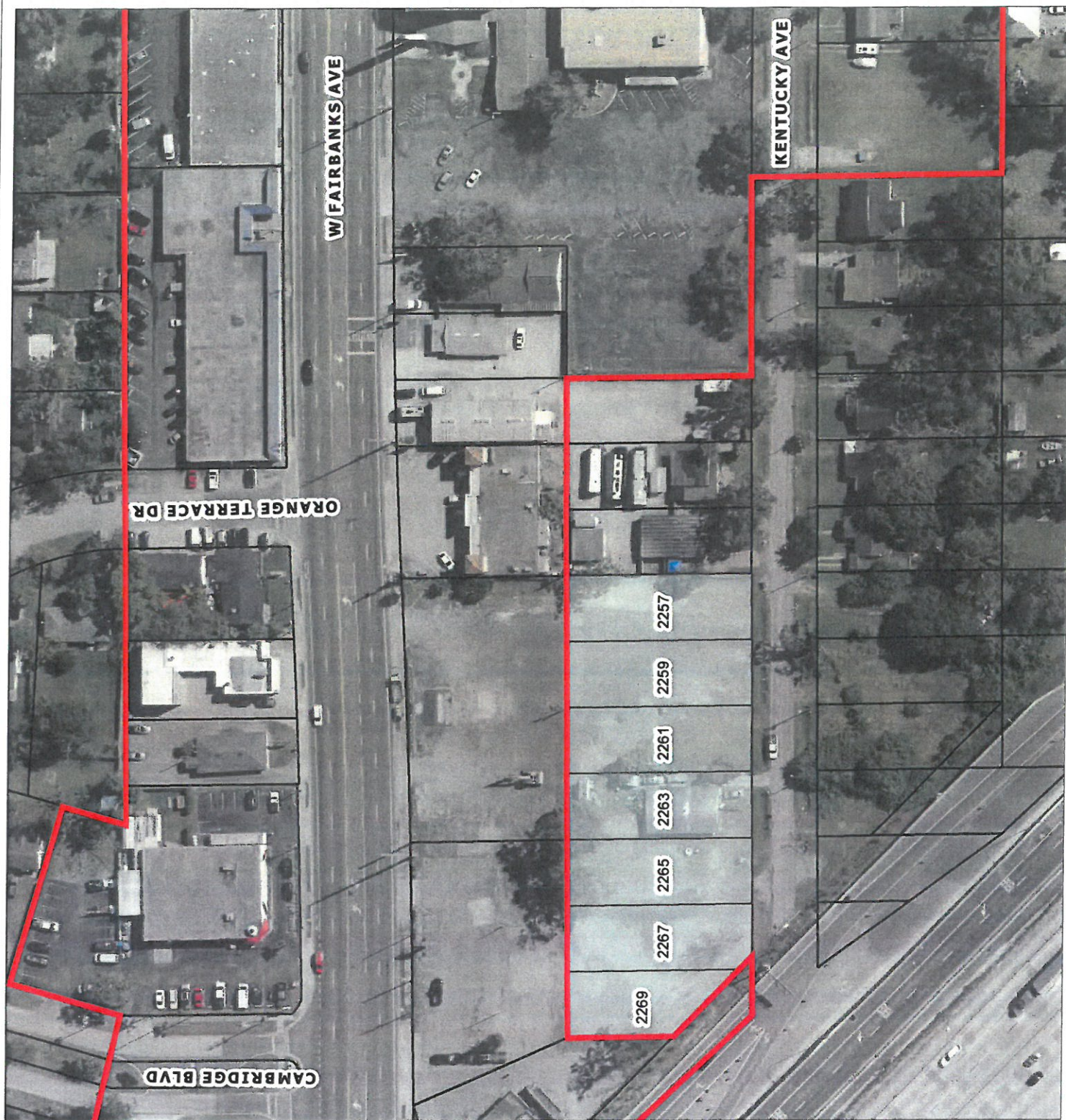
PREPARED BY THOMAS L. CONNER, CITY SURVEYOR
FLORIDA LICENSED SURVEYOR AND MAPPER LS4340

SKETCH OF DESCRIPTION ANNEXATION PARCEL

2269, 2267, 2265, 2261, 2259 & 2257 KENTUCKY
SECTION 11, TWP 22 S., RGE 29 E.
CITY OF WINTER PARK, ORANGE COUNTY, FL
SCALE : 1" = 60' DATE : 07/06/20

VEIGLE ANNEX.DWG

This item has been electronically signed & sealed by Thomas L. Conner Florida Licensed Surveyor and Mapper on the date and time shown. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



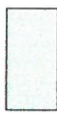
Annexation Request

Kentucky Avenue

City of Winter Park
Florida

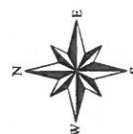


WP Boundary



Proposed Annexations

Exhibit "A"



NOTICE OF ANNEXATION

NOTICE is hereby given that public hearings will be held by the Winter Park City Commission on Wednesday, July 22, 2020 at 3:30 p.m. and on Wednesday, August 12, 2020 and on Wednesday, August 26, 2020 at 3:30 pm in the Winter Park Community Center, 721 W. New England Avenue, Winter Park, Florida, or by virtual meeting to consider the following:

ORDINANCE NO. 3181-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.1+/- ACRES OF REAL PROPERTY LOCATED AT 2269/2267/2265/2263/2261/2259/2257 KENTUCKY AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.



The complete legal description as well as a complete copy of this proposed Ordinance No. 3165-20 may be obtained and inspected at the office of the City Clerk at 401 S. Park Avenue, Winter Park, Florida during regular business hours. All interested parties are invited to attend and be heard. Additional information is available in the City Clerk's office so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the meeting.

NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/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.

Rene Cranis, City Clerk

Publish: Sunday, July 26, 2020 and Sunday, August 2, 2020, Orlando Sentinel

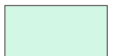


Annexation Request Kentucky Avenue

City of Winter Park
Florida



WP Boundary



Proposed Annexations

