



City Commission Regular Meeting

Agenda

July 27, 2022 @ 3:30 pm

City Hall - Commission Chambers
401 S. Park Avenue

welcome

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

assistance & appeals

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

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

-
1. **Meeting Called to Order**
 2. **Invocation**
 - a. [Melissa Elders, Action Church](#) 1 minute

Pledge of Allegiance
 3. **Approval of Agenda**
 4. **Citizen Budget Comments**
 5. **Mayor Report**
 - a. [Recognition of Winter Park High School Athletes](#) 15 minutes
 - Boy's Volleyball team became State Champions in May.
 - Girls Crew team became National Champions in May and placed second in the Henley Royal Regatta in June.
 - b. [Green Business Award: Cypress Bank](#) 10 Minutes
 - c. [Establishment of Auditor Selection Board](#) 1 minute
 6. **City Manager Report**
 - a. [Meet Your Department: Public Works](#) 10 minutes
 7. **City Attorney Report**
 8. **Non-Action Items**
 - a. [Board Appointment: Transportation Advisory Board - Mayor Anderson](#) 1 minute
 - b. [Budget Presentations:](#) 40 minutes
 - Electric Utility
 - Water and Wastewater Utility
 9. **Public Comments | 5 p.m. or soon thereafter**

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

(Three minutes are allowed for each speaker)
 10. **Consent Agenda**
 - a. [Approve the minutes of the regular meeting, July 13, 2022](#) 1 minute
 - b. [Approve the minutes of the work session, July 14, 2022.](#) 1 minute

- c. [Approve the following piggyback contracts:](#) 1 minute
1. Danus Utilities Inc. - City of Clermont Contract #RFB 17-040 - Lift Station Rehabilitation Services; Amount: \$500,000 for services on an as-needed basis through the duration of the term of the contract.
 2. Fausnight Stripe & Line, Inc. - Seminole County Contract #IFB-603176-18/BJC - Roadway Markings, Striping & Brick Surfacing; Amount: \$100,000 for services on an as-needed basis through the duration of the term of the contract.
 3. Public Consulting Group, Inc. - Palm Beach County Contract #19-20-SS - PEMT Assistance; Amount: \$20,000 for services on an as-needed basis for the remainder of the contract term through August 19, 2024.
 4. CDW Government - NASPO Contract #AR3227 43220000- NASPO-19-ACS - Data Communication Products & Services; Amount: \$250,000 for goods and services on an as-needed basis for the remainder of the contract term through September 30, 2024.
- d. [Approve the following contracts:](#) 1 minute
1. DRMP, Inc. - RFQ20-18 - Professional Survey Consulting Services; Amount: \$150,000 for services on an as-needed basis for the current term of the contract.
 2. Parsons Transportation Group, Inc. - FY22-31 - Water & Wastewater Engineering Services; Amount: \$250,000 for services on an as-needed basis for the current term of the contract.
- e. [Approval of Interlocal Agreement with the Town of Eatonville allowing Winter Park to execute Safe Routes to School - Hungerford work plan in the Eatonville rights of way.](#) 1 minute

11. Action Items Requiring Discussion

- a. [Public Art Dedicated Funding Source](#) 10 minutes
- Public Art Fund Guidelines
 - Board Member Ideas for Use of Public Art Funds
- b. [Budget Discussion & Set Tentative Millage Rate](#) 15 minutes
- c. [Progress Point Park Plan and Design](#) 30 minutes

12. Public Hearings: Quasi-Judicial Matters

(Public participation and comment on these matters must be in-person.)

- a. Request of Marilyn King for: 15 minutes
- Subdivision approval to split the property at 358 Virginia Drive, zoned R-1AA, and
 - Resolution to designate the property at 358 Virginia Drive to the Winter Park Register of Historic Places

13. Public Hearings: Non-Quasi Judicial Matters
(Public participation and comment on these matters may be virtual or in-person.)

- a. Ordinance amending Chapter 58 “Land Development Code” Article III, “Zoning Regulations” Section 58-72 “Office (O-1) District” and Section 58-76 “Commercial (C-3) District” so as to amend the development standards regarding setbacks. (1st reading) 20 minutes
- b. Ordinance codifying the charter amendments approved by referendum on March 8, 2022. (1st reading) 15 minutes
- c. Ordinance amending Chapter 114, Lakes and Waterways, modifying maximum boat length. (1st reading) 10 minutes

14. City Commission Reports

15. Summary of Meeting Actions

16. Adjournment



City Commission **agenda item**

item type	Invocation	meeting date	July 27, 2022
prepared by	Kim Breland	approved by	
board approval			
strategic objective			

subject

Melissa Elders, Action Church

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Mayor Report	meeting date July 27, 2022
prepared by Craig O'Neil	approved by
board approval	
strategic objective	

subject

Recognition of Winter Park High School Athletes

item list

- Boy's Volleyball team became State Champions in May.
- Girls Crew team became National Champions in May and placed second in the Henley Royal Regatta in June.

motion / recommendation

Winter Park High School Girls' Crew and Boy's Volleyball teams will be recognized for their achievements.

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Mayor Report	meeting date July 27, 2022
prepared by Victoria Tabor	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Green Business Award: Cypress Bank

motion / recommendation

background

The Green Business Recognition Program acknowledges local businesses who have made substantial efforts in implementing environmentally sustainable practices. Recognition is given to those companies who can display eco-conscious building, food, mobility, and waste diversion choices.

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Mayor Report	meeting date July 27, 2022
prepared by Wes Hamil	approved by Wes Hamil, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Establishment of Auditor Selection Board

motion / recommendation

Approve the recommended board members, or other persons if desired, and select a member of the Commission to serve as chair of the Auditor Selection Board.

background

The City's Charter requires the Commission to establish an Auditor Selection Board consisting of five members. One member of this board shall be a city commissioner who will be appointed by the commission and serve as chair of the board. The remaining four members shall be residents of the City who have the qualifications of electors therein and are not city employees. This board shall be charged with the responsibility to solicit proposals to the City Commission and to evaluate the proposals received. The Auditor Selection Board shall submit its recommendation to the City Commission which shall then select an auditor(s) and award contract(s) to audit the financial statements of the City and the CRA for terms not to exceed three years.

The following residents are qualified to serve on the Auditor Selection Board and have agreed to do so if approved by the City Commission:

Mike Baldwin, CPA

David Moore, retired financial advisor

Cecilia Kelly, CFO for Dr. Phillips Center for the Performing Arts

Paula Satcher, CPA

alternatives / other considerations

Audits of the City's and CRA's financial statements are required by Florida Statute 218.391.

fiscal impact

An estimate of the annual audit fees has been included in the proposed budget for FY 2023.



City Commission **agenda item**

item type City Manager Report	meeting date July 27, 2022
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Meet Your Department: Public Works

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Non-Action Items	meeting date July 27, 2022
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Board Appointment: Transportation Advisory Board - Mayor Anderson

motion / recommendation

background

Mayor Anderson will report his appointment to the Transportation Advisory Board.

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type	Non-Action Items	meeting date	July 27, 2022
prepared by	Rene Cranis	approved by	
board approval			
strategic objective			

subject

Budget Presentations:

item list

- Electric Utility
- Water and Wastewater Utility

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Consent Agenda	meeting date July 27, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, July 13, 2022

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC20210713Minutes.pdf](#)



City Commission Regular Meeting Minutes

July 13, 2022 at 3:30 p.m.

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

Present

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

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:51 p.m.

2) Invocation

The invocation was provided by Wes Hamil, Director of Finance, followed by the Pledge of Allegiance.

3) Approval of Agenda

Motion made by Mayor Anderson to approve the agenda; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

4) Citizen Budget comments

5) Mayor Report

Mayor Anderson referred to Vision image that shows values important to residents, specifically history and heritage and village ambience and small town feel which he believes ties in with consideration of the budget and also proactive growth/future which is being addressed by Economic Develop Advisory Board through a study which initially shows that the Winter Park is in a good position for the long-term and has a strong commercial revenue base.

Commissioner Sullivan said he understands the city's 2016 vision plan was accepted but not adopted and suggested considering adopting the statement. Mayor Anderson said he feels this will be part of strategic discussions.

6) City Manager Report

a. Presentation of the 2022 - 2023 Budget and 5-Year Capital Plan

Mr. Knight gave a presentation on the FY 23 proposed budget explaining growth and inflation and the impact on the budget and city operations. He noted that the millage

rate, proposed to remain the same, is the second lowest in Orange County with debt service and the lowest excluding debt service. He highlighted major items that impacted the budget including the purchase of the Winter Pines Golf Course noting that the city did not budget profits from the Golf Course. Other major items include the addition of a pilot program for community service officer in the Police Department, smart technology, Climate Action and Resiliency plan, increased library support and expansion of historic home rehabilitation program.

He highlighted major items in the budget and explained increases in utility fees, including mandatory water and wastewater fees, and limited increase in solid waste collection and fuel adjustments for electric. He showed a comparison of electric utility rates and explained potential changes to rates. He stated organizational support to the Library increased and support designated for other organization has remained the same but based on the calculation of the amount provided to other organizations, \$30k remains to be allocated by the Commission. The CRA budget also includes organizational support. He summarized the 10-Year Pro-forma and reviewed the budget schedule with tentative millage rate being set July 27th and final adoption of the budget on September 28th.

Mayor Anderson explained the calculation of property taxes and noted that in 2021, 26% of a property owner's total tax bill was for Winter Park property taxes with the remaining portions for Orange County, OC School Board and city debt service.

Mr. Knight responded to questions. He recited the list of organizations and support recommended in the budget. He said staff expects the Winter Park Golf Course profit is expected to be around \$300k, but is a conservative estimate due to lack of data under the city's ownership.

7) City Attorney Report

Attorney Ardaman addressed the suit filed by Florida CIS WP and Palladio Condominium Owners Association. He summarized the solid waste ordinance as it relates to the suit and noted that the terms of the settlement agreement were discussed in executive sessions.

Attorney Jeffrey Jontz said that Florida CIS and Palladio COA filed suit to set aside the easement agreement for a compactor enclosure at the north end of Center Street. He outlined the terms of the settlement agreement requiring, in part, that the owner to remove the enclosure, repair curbs and return the site to its original configuration. The city will waive claim to recoup permit fees previously waived and when complete will record a termination of easement if all terms of agreement are fulfilled. Attorney Ardaman clarified that the locations of new compactors will be on the plaintiff's property not on the street.

Motion made by Mayor Anderson to approve the settlement agreement; seconded by Commissioner DeCiccio.

There were no public comments.

Motion made by Commissioner Weaver for the city itself to extract from agreement and go back to status quo. Motion failed for lack of second.

Upon a roll call vote on the motion to approve, Commissioners Sullivan, DeCiccio, and Cruzada and Mayor Anderson voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote.

8) Non-Action Items

9) Public Comments | 5 p.m. or soon thereafter (taken after the recess)

10) Consent Agenda

- a. Approve the minutes of the regular meeting, June 22, 2022
- b. Approve the minutes of the work session, June 23, 2022
- c. Approve the following formal solicitation:
 1. Tom's Sod - IFB20-22 - Purchase, Delivery & Installation of Sod for City Facilities; Amount: \$200,000
- d. Approve the following contracts:
 1. Electric Supply of Tampa - IFB16-19 - Purchase & Delivery of Conduit/Pipe; Amount: \$500,000 for goods on an as-needed basis.
 2. Gresco Utility Supply - IFB16-19 - Purchase & Delivery of Conduit/Pipe; Amount: \$100,000 for goods on an as-needed basis.
 3. Electric Supply of Tampa - IFB20-19 - Electric Utility O&M Materials; Amount: \$150,000 for goods on an as-needed basis.
 4. Howard Industries, Inc. - IFB8-20 - Single-Phase Transformers; Amount: \$500,000 for goods on an as-needed basis.
- e. Approve the following piggyback contracts:
 1. Tyco Integrated Security, LLC - Sourcewell Contract #030421-TIS - Facility Security Equipment, Systems & Services; Amount: \$250,000 for services on an as-needed basis through April 22, 2025.
 2. Lytx, Inc. - GSA Contract #GA-35F-0623S - Video Subscription Services for Fleet Vehicles; Amount: \$100,000 for services on an as-needed basis through July 15, 2023.

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

A recess was held from 4:47 p.m. to 5:00 p.m.

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

Karen Jacobs, 2411 Galley View Drive, introduced Gabriel, foreign exchange student from France, who thanked city staff for the tour of Police Department and complimented the commission on the beautiful city.

Lawanda Thompson, 664 W. Lyman, president of Equity Council, spoke about hardships of Hannibal Square residents and need for a community garden to help feed residents. She provided information on efforts to assist residents and urged the commission to have a CSA (Community Supported Agriculture) garden instead of learning garden in MLK Park to help feed people in the community. She said she would like to give a more formal presentation in a future meeting.

Barbara Chandler supported Ms. Thompson's request for a community garden and spoke about the need to help provide food to families.

Ms. Thompson submitted a statement of support from Ms. Maria Bryant.

Commissioner Weaver supported the concept and asked Ms. Thompson how much land is needed. She said a tour with Parks and Recreation Director Jason Seeley is planned for the Parramore CSA as an example. Discussion followed on the appropriate size, alternate locations such as Mead Garden and concerns crossing major roads.

Mayor Anderson said there is a desire to learn more while discussing the budget, MLK Park and Shady Park. Ms. Thompson invited a member of the commission on the tour.

11) Action Items Requiring Discussion

a. Special Event Banner Policy Modification

Mr. Ardaman summarized recent legislation regarding display of banners and in light of the U.S. Supreme Court's decision, recommended revisions to the city's banner policy. He read the changes to the policy which states that the program is not intended to serve as a forum for free expression by the public but to encourage the public to work with the city to assist in the promotion of events and outlined the banner requirements.

Motion made by Commissioner Weaver to approve the revised policy; seconded by Commissioner DeCiccio.

Mr. Knight noted that Assistant Division Director of CRA and Economic Development Kyle Dudgeon is responsible for approving the requests and that controversial requests are discussed with city manager.

Bonnie, Jackson, Temple Trail, showed a banner – Choose Life, Celebrate Family - that she requested to display but has not received a response which she feels is an act of censorship. She feels certain views are being suppressed by the commission and asked for approval of her banner.

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

12) Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)

- a. Request of Charles Veigle, Sr. and Kathleen Greene for:
ORDINANCE 3247-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE DESIGNATION OF OFFICE TO SINGLE FAMILY ON THE PROPERTY AT 2525 AUDREY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.
ORDINANCE 3248-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP TO CHANGE FROM OFFICE (O-1) ZONING TO SINGLE FAMILY RESIDENTIAL (R-1AA) ZONING ON THE PROPERTY AT 2525 AUDREY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. (2nd reading)

Attorney Ardaman read the ordinances by title.

Motion made by Commissioner DeCiccio to approve the ordinances on second reading; seconded by Commissioner Sullivan. There were no public comments. **Upon a roll call vote to approve the Comp Plan amendment, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson vote yes. Motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner Weaver to approve the rezoning ordinance; seconded by Commissioner DeCiccio. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson vote yes. Motion carried unanimously with a 5-0 vote.

13) Public Hearings: Non-Quasi-Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)

14) City Commission Reports

Commissioner Sullivan -

- Advised that the League of Women Voters of Orange County provided presentations from circuit judge candidates and urged voters view the presentations found on the League's website.
- Spoke about his previous request to take legal steps to curb potential gun violence and consider some critical gun safety steps that are currently illegal and pre-empted. He stressed the importance to create more awareness of weapons and spoke about

the Second Amendment and design and danger of automatic weapons that have been used in mass shootings. He asked that the city resolve to the Florida legislature to allow the city to enact ordinances regarding gun safety.

Commissioner Weaver expressed concern about police safety. He feels there is no logical reason a civilian needs an assault rifle and supported any action.

Mayor Anderson said he has this a jurisdictional issue and this is not a jurisdiction that has the authority to act.

Commissioner Sullivan said the city can take action that is not pre-empted, i.e. shooter safety, create information clearinghouse, and red flag law on dangerous persons. He distributed copies of permissible actions.

Commissioner DeCiccio-

- Read an e-mail from a resident regarding the lack of available handicapped spaces during today's League of Women Voters event. She asked for enforcement of handicapped parking and whether more handicapped spaces can be added.

Police Chief Tim Volkerson advised that handicapped parking is enforced by the Police Department but handicapped status may not be visual and may be tied to the vehicle registration which can be checked by the officer at the time.

Mr. Knight noted that the city is not limited to number of spaces; however, extra spaces limits the use of parking.

Mayor Anderson suggested that enforcement on the days of these meetings and perhaps consider limiting attendance. Mr. Knight said they are working with the Library and League to address parking issues.

- Showed images and advised of peacocks becoming territorial on roads.

Commissioner Cruzada -

- Advised that a community meeting on the rezoning of the property at 2300 S. Semoran is scheduled for July 19th at 6 p.m. at Glenridge Middle School.

Commissioner Weaver -

- Addressed the request for a community garden request and asked if there is sufficient room. Mr. Seeley said it depends on the requested size. He spoke about the proposed learning garden and presented options such as sharing the 8-10 pots at the community center used by seniors. After discussion, Commissioner Weaver was designated to tour the Parramore garden with Ms. Thompson and Mr. Seeley.

Mayor Anderson -

- Thanked staff for delivering a balanced budgets and expansion/improvement of quality of service.

15) Summary of Meeting Actions

- Received budget presentation.
- Approved the Consent Agenda.
- Approved settlement agreement with Florida CIS WP and Palladio COA.
- Directed staff to work with Ms. Thompson to explore community garden options.
- Approved the revised banner policy.
- Adopted comp plan and rezoning for 2525 Audrey Avenue.
- Designated Commissioner Weaver to tour the Parramore community garden.

16) Adjournment

The meeting was adjourned at 6:05 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date July 27, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, July 14, 2022.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC20220714wsMinutes.pdf](#)



City Commission Work Session Minutes

July 14, 2022 at 3:30 p.m.

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

Present

Mayor Phil Anderson (arrived at 1:03); Vice-Mayor Todd Weaver; Commissioners Marty Sullivan, Sheila DeCiccio and Kris Cruzada; City Manager Randy Knight; City Clerk Rene Cranis.

1) Call to Order

Vice-Mayor Weaver called the meeting to order at 1:00 p.m.

2) Discussion Item(s)

a. Fiscal Year 22-23 Department Budget Presentation

Mr. Knight stated six departments will be making presentations with remaining in upcoming regular meetings or another work session.

Police Department Chief Volkerson presented organizational chart, which was changed to adding back Deputy Chief position and two Captain positions. He presented performance indicators showing reduction in response times attributable to full staffing and crime statistics, traffic crashes. He reviewed accomplishments for FY 22 - staffing, training (CIT training), traffic enforcement and reaccreditation (excelsior accreditation) and FY 23 goals including adding community service officer (non-sworn) program and increasing community engagement. He advised of future years' expenditures. He responded to questions regarding speeding on Brewer curves and was asked if a motorcycle officer's is an option. Chief Volkerson said he is opposed to motorcycles for safety reasons.

Mr. Knight explained that Commission can send comments to staff and will be provided with a spreadsheet to make and submit questions.

Director of Building and Permitting Gary Hiatt explained levels of service and key performance indicators. He summarized permit and inspection activity and statistics and larger projects underway. He presented last year's accomplishments including an upgraded permitting system, improved automated permitting process and internship programs and next year's goals including certification of permit technicians and state certifications for some inspectors and provided the construction outlook for FY 23. He thanked other departments for their support of their division.

Commissioner Sullivan asked about a training plan for employees to keep certification and add to their certifications and whether it affects retention. Mr. Hiatt said that employees receive additional pay for attaining additional certifications. Recruitment and retention are problematic for all agencies.

Clarissa Howard, Director of Communications, explained the department's mission and organizational chart. She reviewed their levels of service. She outlined Prior year accomplishments including video series "Meet Your Department" and other events promoted. She reported on social media follower demographics and top social media and video posts. She provided next year's goals including community alliances, communication support to city advisory boards, and branding.

Commissioner DeCiccio commended Communication staff on their work.

Commissioner Sullivan asked if putting more money into arts and culture would give a return to city businesses. Mrs. Howard responded that the city is participating in a nationwide arts and culture study. She explained that the \$30,000 in the budget is purely for marketing and added that the city does provide additional support.

Director of Natural Resources and Sustainability Gloria Eby explained organizational chart, levels of service, key performance indicators for sustainability (recycling, residential audits) and Lakes for clarity and nutrients and aquatic plants. She highlighted previous year's accomplishments and outlined next year's goals to implement additional sustainability programs, implementation of sustainability action plan, technology and process improvement. She explained basis for increased personnel and operating expenses from prior years. She provided information on major projects including Howell Branch Preserve, studies, education and programs.

Commissioner Weaver asked what the capital outlay funds would cover and department funding sources. Ms. Eby explained that the funds are coming out of the stormwater fee and is needed for improved equipment and technology. Mr. Knight added that the Lakes Division is predominantly funded by stormwater utility and sustainability is funded from general fund.

Staff responded to questions regarding statistics on recycling and charging station locations and costs. Mr. Knight will look at improper use of charging stations and enforcement. Mrs. Eby is actively looking for grants to expand program.

Director of Planning and Transportation Jeff Briggs spoke about the large amount of customer service and increased responsibility and work managing zoning matters. He provided details on the budget, the largest portion being staff costs. He reported a decrease in planning matters which will refocus efforts on updating city codes and regulations including single-family zoning and lakefront homes. He noted that comp plan amendments will begin next year with re-adoption due in February 2024. He

responded to questions explaining that improvements on state roads have to be coordinated with FDOT and is pushing for study on Brewer Curves.

Acting Director of Public Works Don Marcotte explained the department's organizational chart and responsibilities and key performance indicators for each division. He listed engineering projects with design and construction done primarily in house and listed accomplishments for each division. He showed map showing the areas with stormwater treatment. He noted the budget was impacted in increased supply costs. He reviewed capital projects and costs and major projects. Staff responded to questions stating that projects could be impacted by supply costs. Mr. Marcotte said that staff training and certification is encouraged and receive additional pay based on certification and education. He reported on relationship with other local agencies. Mr. Knight stated that the city also has interlocal agreements with other agencies.

Commissioner Weaver commended staff of the maintenance of sidewalks and roads but there are construction projects that have created dips in roads. Mr. Marcotte said there are standards but he will look into issues.

Mayor Anderson displayed the 10-Year Proforma and spoke about the contingency fund balance and the need to consider how short and long-term expenditures impact the contingency fund over time and discussion followed.

3) Adjournment

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date July 27, 2022
prepared by Michael Hall	approved by Jennifer Maier, Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following piggyback contracts:

item list

1. Danus Utilities Inc. - City of Clermont Contract #RFB 17-040 - Lift Station Rehabilitation Services; Amount: \$500,000 for services on an as-needed basis through the duration of the term of the contract.
2. Fausnight Stripe & Line, Inc. - Seminole County Contract #IFB-603176-18/BJC - Roadway Markings, Striping & Brick Surfacing; Amount: \$100,000 for services on an as-needed basis through the duration of the term of the contract.
3. Public Consulting Group, Inc. - Palm Beach County Contract #19-20-SS - PEMT Assistance; Amount: \$20,000 for services on an as-needed basis for the remainder of the contract term through August 19, 2024.
4. CDW Government - NASPO Contract #AR3227 43220000-NASPO-19-ACS - Data Communication Products & Services; Amount: \$250,000 for goods and services on an as-needed basis for the remainder of the contract term through September 30, 2024.

motion / recommendation

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

background

1-4: A formal solicitation process was conducted by the originating agency to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budget.



City Commission **agenda item**

item type Consent Agenda	meeting date July 27, 2022
prepared by Michael Hall	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following contracts:

item list

1. DRMP, Inc. - RFQ20-18 - Professional Survey Consulting Services; Amount: \$150,000 for services on an as-needed basis for the current term of the contract.
2. Parsons Transportation Group, Inc. - FY22-31 - Water & Wastewater Engineering Services; Amount: \$250,000 for services on an as-needed basis for the current term of the contract.

motion / recommendation

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

background

- 1: A formal solicitation process was conducted to award this contract.
- 2: Water & Wastewater Engineering Services for Water and Wastewater Utility.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budget.



City Commission **agenda item**

item type Consent Agenda	meeting date July 27, 2022
prepared by Brenda Moody	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Public Health and Safety	

subject

Approval of Interlocal Agreement with the Town of Eatonville allowing Winter Park to execute Safe Routes to School - Hungerford work plan in the Eatonville rights of way.

motion / recommendation

Approval of Agreement

background

In 2018, the city originally applied for a Safe Routes to School Grant from FDOT for two schools, Hungerford and Aloma Elementary. Winter Park resident children attend both of these schools and the grant would provide for the installation of proper sidewalks and pedestrian crossings along the route.

In the interim, Orange County made the improvements proposed in the plan, which included sidewalk ramps and a flashing light on Scarlet but the improvements leading from Margaret Square to Hungerford Elementary remain in need. The actual work to be done is in the rights-of-way belonging to the Town of Eatonville which would require an Interlocal Agreement for Winter Park to subcontract work in another jurisdiction. The grant funding includes design, geotech, survey and construction as well as public notice materials.

The grant cannot be simply transferred to Eatonville, FDOT does not transfer grants from one approved entity to another therefore if Winter Park does not facilitate the project, the funding will be removed. The Town of Eatonville has approved the terms of the agreement and route for the project in a Town Council meeting on July 19, 2022 and pending approval by Winter Park City Commission is prepared to sign.

alternatives / other considerations

fiscal impact

There is no match required of this grant.

ATTACHMENTS:

[Interlocal Agreement - Town of Eatonville - SRTS - v2 - 5-2-2022 -.pdf](#)

ATTACHMENTS:

[SRTS FDOT map Hungerford.pdf](#)

ATTACHMENTS:

[Hungerford SRTS Scope of Work.docx](#)

INTERLOCAL AGREEMENT
between
CITY OF WINTER PARK, FLORIDA
and
TOWN OF EATONVILLE, FLORIDA
regarding
SAFE ROUTES TO SCHOOL GRANT IMPROVEMENTS

THIS INTERLOCAL AGREEMENT (“AGREEMENT”) is made and entered into by and between the **City of Winter Park, Florida**, a municipal corporation created and existing under the laws of the State of Florida, with its primary offices located at 401 S. Park Avenue, Winter Park, FL 32789 (the “City”) and the **Town of Eatonville, Florida**, a municipal corporation created and existing under the laws of the State of Florida, with its primary offices located at 307 East Kennedy Boulevard, Eatonville, Florida 32751 (the “Town”), both of which will be collectively referred to as the “Parties” and each of which may be referred to as “Party.”

RECITALS

WHEREAS, the City and the Town possess the governmental, corporate, and proprietary authority pursuant to § 166.021, Florida Statutes, to enter into contractual agreements for a valid municipal purpose; and

WHEREAS, the City and the Town have authority pursuant to § 163.01, Florida Statutes, to enter into interlocal agreements with one another to provide for facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and developments of their local communities; and

WHEREAS, the City has been awarded a Safe Routes to School Grant (“Grant”) from the Florida Department of Transportation (“FDOT”) for the purpose of constructing infrastructure benefiting school-age students residing within the City and traveling to their

respective district schools; and

WHEREAS, the Grant funds are to be used, in part, for improvements to or the construction of certain pedestrian infrastructure serving Hungerford Elementary School (“School”), some or all of which is to be located within the jurisdictional boundaries of the Town; and

WHEREAS, students residing within the jurisdictional boundaries of both the City and the Town attend the School, and ensuring the safety of students walking to and from such School by improving the pedestrian infrastructure serving such School constitutes a valid municipal purpose for both the City and the Town; and

WHEREAS, the purpose of this Agreement is to provide for the City’s construction and improvement of sidewalk and crosswalk infrastructure located within the rights of way owned or otherwise controlled by the Town; and

WHEREAS, the Town desires to permit the City, including its employees, contractors, and agents, to enter into and make pedestrian infrastructure improvements to certain Town rights of way as set forth in the Safe Routes to School Grant Project No. 443395-1 and described in **Exhibit A** attached hereto and incorporated herein (*i.e.*, the “Project”).

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree as follows:

1. Recitals. The foregoing recitals are true and correct and are hereby incorporated herein by reference.

2. Scope of Project. The scope of the Project is as described in **Exhibit A**, the Aloma Hungerford Elementary Schools Safe Routes to School Project 443395-1. The terms of this Agreement are limited only to those portions of the Project that will be implemented within

or upon the real property or rights-of-way owned or otherwise controlled by the Town, which portions will hereinafter be referred to as the “Infrastructure Improvements.” The purpose of this Agreement is to facilitate the Project utilizing the Grant funds received from FDOT, and the validity of this Agreement is contingent such receipt of funds from FDOT to complete the Project. If, for whatever reason, the City does not receive sufficient Grant funds from FDOT to complete the Project or FDOT requests the refund or repayment of such funds, the City will be under no obligation whatsoever to undertake, complete, or otherwise continue the Project, and this Agreement will be deemed null, void, and of no effect.

3. City Obligations. The City will be solely responsible for the construction and installation of the Infrastructure Improvements. In installing or constructing such Infrastructure Improvements, the City will be solely responsible and liable for the procurement, hiring, and supervision of all contractors engaged to perform work or services in connection with the installation and construction of the Infrastructure Improvements, and the Town will have no responsibility or liability therefore. In addition to the foregoing, the City will require each contractor the City hires or otherwise engages to perform work in connection with the Infrastructure Improvements to acquire and maintain a general liability insurance policy naming the Town and the City as co-insured/certificate holders with amounts no less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; certificates of motor vehicle liability with Symbol 1 coverage in the minimum amount of \$1,000,000 per person and \$2,000,000 per accident; and a certificate of workers’ compensation insurance meeting Florida statutory requirements.

4. Town Obligations.

Recognizing the benefit to be provided by the City’s installation and construction of the Infrastructure Improvements, the Town agrees to authorize the City to enter upon and utilize

those rights of way and real property owned or otherwise controlled by the Town at no cost for the purpose of allowing the City to construct and install the Infrastructure Improvements. The Town further agrees to waive all Town permitting fees, right of way utilization fees, and all other review and permitting fees for and in any way related to the Project or the installation of the Infrastructure Improvements. The authorization granted by the Town to the City pursuant to this Agreement will be in the form of a license and provide the City with any and all necessary rights and privileges for such time as may be necessary to complete the Infrastructure Improvements.

5. Miscellaneous.

5.1. Validity. The City and the Town each represents, warrants, and covenants to and with the other that each has the requisite authority and power under Florida law to enter into this Agreement. The City and Town further acknowledge the validity and enforceability of this Agreement and waive any future right of defense based on claim of illegality, invalidity, or unenforceability of any nature. Also, the City and the Town each hereby represents, warrants, and covenants to and with one another that this Agreement has been duly approved by each Party's respective governing body and that this Agreement constitutes a legal, valid, and binding contract enforceable against each of the respective Parties in accordance with the terms and conditions contained herein.

5.2 Indemnification / Sovereign Immunity. Each Party agrees to indemnify, defend, and hold harmless the other party from any third-party claims, actions, liabilities, losses, expenses, damages, fees, costs, or fines, including costs and attorney's fees at trial and appeal, (for personal injury or property damage) to the extent arising from each Party's own acts or omissions. Regardless of the foregoing, each Party expressly retains all rights, benefits and immunities of the doctrine of sovereign immunity, including any

limited waiver of sovereign immunity as set forth in § 768.28, Florida Statutes, and nothing in this Agreement may be interpreted or construed as requiring either Party to waive any defense of sovereign immunity or one Party to indemnify or otherwise insure the other Party for the other Party's own negligence in contravention of § 768.28(19), Florida Statutes. Furthermore, nothing in this Agreement may inure to the benefit of any third party for the purpose of allowing any claim against each of the Parties, which claim would otherwise be barred under the doctrine of sovereign immunity or by operation of law. This section survives the expiration and termination of this Agreement.

5.3 Ambiguities. Both Parties have been allowed equal input regarding the terms and wording of this Agreement and have had the benefit of consultation with their respective legal counsel prior to its execution, and no language herein may be construed for or against either party.

5.4 Headings. The headings or captions of sections or subsections used in this Agreement are merely for the convenience of the parties for reference only and are not intended to define or limit their contents, nor are they intended to affect the construction of or to be taken into consideration in the interpretation of this Agreement.

5.5 Severability. If any term of this Agreement is to any extent illegal, invalid, or otherwise incapable of being enforced, such term will be excluded to the extent of such invalidity or unenforceability; all other terms will remain in full force and effect; and, to the extent permitted and possible, the invalid or unenforceable term will be deemed replaced by a term that is valid and enforceable and comes closest to expressing the intention of such invalid or unenforceable term. If application of this severability provision materially and adversely affects the substance and purpose of the Agreement,

the adversely impacted Party may terminate this Agreement without penalty by submitting 30 day written notice to the other Party setting forth the nature of the adverse effect and announcing its intention to terminate the Agreement.

5.6. Governing Law; Venue; Attorney's Fees and Costs.

a. This Agreement will be governed by and construed in accordance with laws of the State of Florida.

b. Venue for and jurisdiction over any action arising out of or related to this Agreement will, if in state court, be in the Circuit Court for the Ninth Judicial Circuit in Orange County, Florida, or, if in federal court, be in the Middle District of Florida, Orlando Division.

c. If a Party deems it necessary to take legal action to enforce any provisions of this Agreement, each Party will bear its own attorney's fees and costs at both the trial and appellate levels, except as may otherwise be expressly required to the contrary herein (*e.g.*, § 5.2. Indemnification/Sovereign Immunity).

5.7 Entire Agreement. This Agreement, together with any exhibits, amendments, and addenda duly incorporated herein or added hereto, constitutes the entire Agreement between the Parties regarding the subject matter hereof. Any prior oral or written agreements or understandings of any kind between the Parties relating to the subject matter hereof are null and void and of no further effect.

5.8. Amendments. This Agreement may be amended only by a written instrument duly approved by the City Commission of the City and the Town Council of the Town, and executed by the authorized officers of each Party.

5.9 No Waiver of Regulatory Jurisdictions. Neither this Agreement, nor

any provision hereof, may be construed as a waiver of any regulatory jurisdiction of the City or Town that exists on the Effective Date or at any other time thereafter.

5.10 Assignment. Neither Party may sell, assign, or transfer this Agreement or any interest it may have hereunder without the prior written approval of the other Party, which approval will not be unreasonably withheld, and provided that any such assignment will not unreasonably interfere with the rights of the non-assigning Party hereunder. Regardless of the foregoing, this Agreement is an interlocal agreement under Florida Law, and this Agreement may not be assigned to any entity not otherwise authorized or eligible to enter into an interlocal agreement pursuant to § 163.01, Florida Statutes. All covenants, terms, conditions, and provisions of this Agreement are binding upon the parties hereto and shall extend to and be binding upon the successors and permitted assigns of the parties hereto.

5.11 No Third-Party Beneficiaries. This Agreement is solely for the benefit of the Parties hereto, and no rights or cause of action may accrue upon or by reason hereof, to or for the benefit of, any third party not a Party hereto.

5.12. Notices. Any notice required to be given or otherwise given by one Party to the other must be in writing and will be deemed delivered when given by hand delivery; five (5) days after being deposited in the United States Mail, postage prepaid, certified or registered; or the next business day after being deposited with a recognized overnight mail service; and addressed as follows:

If to the City: Director, Public Works
 City of Winter Park
 401 South Park Avenue
 Winter Park, Florida 32789

With a copy to: City Manager
 City of Winter Park
 401 South Park Avenue
 Winter Park, Florida 32789

If to the Town: Director, Public Works
 307 E. Kennedy Boulevard
 Eatonville, Florida 32751

In all cases, notices will be deemed delivered to a Party only upon delivery of copies to the persons indicated above in the same manner as for the Party being notified. Either Party may change its designated official or address for receipt of notice by giving notice of such change to the other Party in writing.

6 Effective Date. This Agreement will become effective after approval by the governing boards of each Party on the date of execution by the City and the date of execution by the Town, whichever date of execution is later (“Effective Date”).

**[REMAINDER OF PAGE INTENTIONALLY BLANK –
SIGNATURE PAGE TO FOLLOW]**

IN WITNESS WHEREOF, the parties have executed this Interlocal Agreement between the City of Winter Park, Florida and the Town of Eatonville, Florida regarding Safe Routes to School Grant Improvements as of the day and year indicated below.

CITY OF WINTER PARK, FLORIDA

By: City Commission

By: _____
Phillip Anderson, Mayor

Date: _____

ATTEST:

By: _____
Rene Cranis, City Clerk

TOWN OF EATONVILLE, FLORIDA

By: Town Council

By: _____
Angie Gardner, Mayor

Date: _____

ATTEST:

: _____
Veronica King, Town Clerk



5' sidewalks on both sides of the street. Circles indicate crosswalks.

Hungerford Elementary Schools Safe Routes to School Project 443395-1

Description:

Provide safe routes to Elementary and Hungerford Elementary School by installing sidewalks and pedestrian crosswalks in various and appropriate locations that facilitate the access to the school. These sidewalks will coincidentally also improve access to the Denton Johnson Community Center.

Scope of Work:

The routes have been determined. Design of the actual sidewalks and crosswalks will be required as well as construction specifications.

Where possible, 5' sidewalks are preferable. Crosswalks with signalization is also preferred.

Hungerford Elementary School:

- Improve crosswalk at Kennedy Boulevard and College Avenue with RFB's
- Improve/install sidewalk on both sides of College Avenue from Kennedy Boulevard to Ruffel Street
- Improve/install sidewalk both sides of Ruffel Street from College Avenue to West Avenue
- Improve/install sidewalk both sides at S. West Avenue from Fitzgerald Drive to Ruffel Street
- Install and repair sidewalk on North and South sides of Fitzgerald Drive from West Avenue to Jonotey Drive
- Install crosswalk west of Jonotey Drive at Fitzgerald Drive
- Repair and widen sidewalk both side of Jonotey Drive
- Install missing sidewalk on South side of Monroe Avenue Legend in front of Apartments
- Install crosswalk with RFB's near bus stop at Monroe Avenue and Margaret Square Apartments.



City Commission agenda item

item type Action Items Requiring Discussion	meeting date July 27, 2022
prepared by Craig O'Neil	approved by Clarissa Howard, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Quality of Life	

subject

Public Art Dedicated Funding Source

item list

- Public Art Fund Guidelines
- Board Member Ideas for Use of Public Art Funds

motion / recommendation

City staff is seeking direction from the City Commission as it relates to the Public Art Advisory Board's proposal for a Public Art Dedicated Funding Source. Uses for the funding is included in the attached documents to further the city's public art efforts.

background

The Public Art Advisory Board has created a public art funding plan for City Commission consideration. Many cities and counties in Florida and throughout the country have programs such as this to fund public art initiatives.

alternatives / other considerations

fiscal impact

Proposed:

10,000+ sq. ft. commercial projects to pay:

- New Construction
 - \$.50 per sq. ft. *
- Renovations
 - \$.25 per sq. ft. *
- Paid upon receipt of permit

*They have a choice to contribute to the Public Art Fund OR install public art of the same

value on-site.

ATTACHMENTS:

[Winter Park Public Art Fund Guidelines - MS Word revised2 - clean.pdf](#)

ATTACHMENTS:

[Board Member Ideas for Use of Public Art Funds FINAL 06.22.pdf](#)

City of Winter Park

Public Art Fund Overview and Guidelines

Funding

The Public Art Fund in the City of Winter Park is a special revenue fund where public art fees are collected during the permitting process for new construction and renovations of existing structures.

As stated in the Public Art Program Ordinance no. **???**, all development, redevelopment, remodeling, or conversions greater than ten thousand (10,000) square feet in gross floor area that are located in non-residential zoning districts, mixed use zoning districts, or multi-family zoning districts (but limited to those encompassing more than two units) as of the effective date of this section, are required to participate in the public art program.

When construction is phased, the aggregate gross square footage of the entire project or development must be added together to determine whether the ten thousand (10,000) square foot threshold is reached.

Contributors to the City of Winter Park Public Art Fund

All development, redevelopment, remodeling, or conversions consisting of more than ten thousand (10,000) square feet in gross floor area, which are located in non-residential, mixed use, or multi-family zoning districts (excluding multi-family units consisting of two or less units) are subject to the public art program and the requirements of Chapter 5 of the City's Code of Ordinances.

When construction is phased, the aggregate gross square footage of the entire project or development must be added together to determine whether the ten thousand (10,000) square foot threshold is reached and the development, redevelopment, remodeling, or conversion is required to participate in the city's public art program.

Recognition for Contribution to the Public Art Program

The city and/or the Public Art Advisory Board will publicly recognize contributors to the Public Art Fund with a plaque near a city-owned artwork or on the city website Public Art page.

What is public art?

Public art is artworks displayed in publicly accessible places and buildings. Up until the mid-20th century, public art such as sculptures, mosaics, carvings, and handmade building elements were normal parts of a building. To restore these lost aesthetic qualities and flourishes, more than 350 American states, counties, and cities require public art to be included or otherwise accounted for in public and/or private construction. Today, public art has evolved to include sculptures, interactive artworks, digital projections and murals, plus the full range of works produced by artists for buildings, streetscapes, and landscapes.

Who manages the Public Art Program?

The non-quasi-judicial Public Art Advisory Board with city staff liaison(s) manages the program. The board solicits and approves artwork proposals and makes final selections to recommend to the City Commission for final approval for purchases and commissions of new public art in Winter Park. The City Manager or his/her designee may authorize expenditures of twenty thousand dollars (\$20,000) or less in furtherance of the Public Art Program, with final approval of all artworks being determined by City Commission. All public art program expenditures in excess of twenty thousand dollars (\$20,000) must receive prior approval from the city commission.

What qualifies as public art?

Many kinds of artistic creations by professional artist that meet the city's guidelines may qualify as public art. The Public Art Advisory Board must evaluate the artist first and then the artwork. In general, selected artists must have experience in public art and be recognized via museum exhibitions, publications, and other cultural institutions. Reproductions of original artwork, unlimited copies of art, or mass-produced art objects do not satisfy this program unless otherwise approved by the City Commission. No matter the quality, items designed by the architects or other designers on construction projects will not satisfy this program.

What types of public art does the city prefer?

The first criterion for any public art is the finest artwork available that is appropriate to the particular location. Artwork types may include sculptures, interactive artworks, fountains and/or water features, mosaics, urban furnishings, hybrid formats, traditional design, and contemporary design public art, which meet the following guidelines.

- Must be of exceptional quality and value.
- Must be deemed appropriate by the city and supportive of its vision, values, history, cultural diversity, and goals.
- May serve to further the goal of promoting a broad range of artistic styles from traditional to contemporary, maintaining an overall balance within the city.
- Must be compatible with the neighborhood and not injurious to the neighborhood or detrimental to the public welfare.

- Must not propose any safety hazard to the public.
- May be of experimental nature such as a combination of visual and performative forms.
- May be permanent or semi-permanent work.

What construction projects must pay the art fee or install artworks?

All construction projects in non-residential zoning districts with more than ten thousand (10,000) square feet of estimated gross floor area of new, redeveloped, remodeled, and/or converted space are subject to the requirements of the city's public art program. When construction is phased, the aggregate gross square footage of the entire project or development must be added together to determine whether the ten thousand (10,000) square foot threshold is reached.

How much will the program cost the property owner?

The owner may either pay a fee in furtherance of the public art program or cause artwork of equivalent value to be installed upon the property. If the owner pays the fee to the City of Winter Park Public Art Fund, the amount is \$0.50 per square foot in new construction and \$0.25 per square foot in renovations.

If the owner opts to cause the installation of on-site artwork, the owner must also spend \$0.50 per square foot in new construction or \$0.25 per square foot in renovations.

The amounts identified above are for fiscal year 2022/2023. Every two years thereafter on October 1, the figures may be adjusted pursuant to the recommendations of the Public Art Advisory Board or City Manager's office to the City Commission.

When does the property owner pay the fee?

The property owner must pay the art fee to the city, or pay into the escrow fund for the installation of art in connection with the project before a building permit may be issued. At any time thereafter, the property owner may abandon the artwork purchase process and contribute the escrowed monies to the Public Art Fund. If approval and installation of the artwork does not occur pursuant to the timetables prescribed by the city's ordinance, then escrowed funds will be automatically transferred to the city's Public Art Fund.

Is the property owner required to have public art on his/her property?

No, the developer may opt to contribute the entire art fee to the Public Art Fund for artworks on public lands in the city. The city and the Public Art Advisory Board will publicly recognize contributors to the Public Art Fund with a plaque near a city-owned artwork or on the city website Public Art page.

If the owner wants artwork, where is the artwork located on the property?

Up to 80% of the art budget must be spent for artworks clearly visible from the public sidewalk or public space. Unless otherwise approved by the city, any remainder must be located in areas of the building or site that are clearly visible only during business hours. The artwork locations must be proposed by the owner, reviewed by the Public Art Advisory Board, and then forwarded to the City Commission for final approval.

How does artwork on private property get selected?

First, the property owner should meet with the Public Art Advisory Board and city staff liaison(s) to discuss the project as early as possible in the planning and design process. Details regarding site, cost and artwork quality will be discussed. Once a proposal is agreed upon and a site(s) determined, the property owner can choose from two methods. The owner can ask the Public Art Advisory Board to assist with its selection method, or the owner can directly propose an artist and work of art. In both cases, the selected artist must meet the adopted guidelines of the city's Public Art Program and the Public Art Advisory Board. Regardless, the City Commission and owner must approve the final artist and work of art.

What if the property owner and the PAAB cannot agree on an artwork?

If no agreement is reached on the artwork(s) as between the PAAB and the property owner, the property owner can end the selection process and contribute the art fee to the Public Art Fund or the owner may seek final approval from the City Commission regardless of the recommendation of the Public Art Advisory Board.

How much time does the owner have to propose and install artworks?

Unless extended by the city, the owner has six (6) months from the issuance of the building permit to secure the approval of the Public Art Advisory Board and City Commission on proposed artwork(s). The owner then has six (6) months from the issuance of the certificate of occupancy to install the artwork. If either deadline is missed without a granted extension, the art fee money in escrow may be deposited in the Public Art Fund. With the contribution to the Public Art Fund, the owner has no responsibility to install artwork(s).

Who owns the artwork on private property?

The property owner owns the artwork.

Who is responsible for the maintenance of the artwork on private property?

The property owner is responsible for maintenance of the artwork when such is located or otherwise installed on private property.

DRAFT

Public Art Advisory Board Ideas for Use of Public Art Funds

June 2022

- Maintain existing collection, update framing, weatherproofing, solar lighting etc.
- Acquisition/installation of new public art at strategic locations including:
 - o Progress Point Park
 - o Library & Events Center
 - o MLK, Jr. Park walkways (meandering sidewalk toward Lake Rose)
 - o SunRail corridor
 - o East Morse Blvd. near Scenic Boat Tour
 - o City golf courses
 - o Old library building re-use
 - o Entrance corridors into city limits
- New varieties of public art such as murals, video projections, painted intersections, light-based, city alley enhancement and activation, mosaics, etc.
- Dedicated budget for future landmark acquisitions.
- Elevate the excellence, scale/scope and impact of art presented (including performance art), collaboration with other arts organizations, and development of media/promotional tools to extend reach and community engagement over time.
- Enhance calls for artists, stipends, fees and commissions to attract artists of proven or emerging potential and broaden the range of diversity and community representation.
- Promote awareness and significance of public art.
 - o Public artist lectures.
 - o WP public art app, QR code to maps & walking tour, audio & artist profiles
 - o Expand capacity of advisory board through paid collaboration with experts/professionals (ex: curator for new library/events center, tech experts to digitize artworks for online app, collection inventory/exhibition, data analysts for research.
 - o Engagement of skilled volunteers and community members on ad hoc sub-committees for short term project or event-based purposes.
 - o Develop streamlined tools/best practices to leverage data on WP public art to determine its current success/reach/impact. And guide creation of new programs/policies.
 - o Increase use of high-tech tools and art media.
 - o Digital art works and art projections with educational info on individual works.
- Celebration of new art installations with dedication ceremonies, public events, advertising.
- Reimplement art exhibitions on the scale of city's previous *Art on the Green* initiatives.
- Data collection for best practices, strategic planning, and new program creation. See Bloomberg advocacy: [Arts Data in the Public Sector: A new guide for cities to leverage data about arts & culture](#).



City Commission agenda item

item type Action Items Requiring Discussion	meeting date July 27, 2022
prepared by Peter Moore	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Budget Discussion & Set Tentative Millage Rate

motion / recommendation

Adopt a tentative millage rate of 4.0923 mills. Adopt a voted debt service millage of 0.2647 mills required to service debt on the General Obligation Bonds, Series 2017 & 2020 (Library & Events Center Bonds).

background

The Commission must adopt and submit the tentative millage rate to the Property Appraiser by July 31st. This is the rate the Property Appraiser will use in preparing the "Notice of Proposed Property Taxes" to all property owners in August 2022. Once the tentative millage rate is set, it may not be exceeded unless an extensive notification to property owners is undertaken. The final millage can be lower than the tentative millage without additional notification requirements. The proposed budget presented to the Commission on July 13th was based on keeping the current operating millage at 4.0923. This would mark the 15th year that the rate has remained unchanged. The combined operating and debt service millage represents a decrease (0.56%) from the combined millage in FY22 as taxable values have risen which reduces the millage necessary to fund the debt payments. Winter Park currently holds the lowest operating millage (including accounting for library millage) of any major jurisdiction in Orange County, and is the only municipality to not raise its millage rate since the great recession.

alternatives / other considerations

If the Commission chooses, it can adjust the millage rate within certain voting approval requirements at various millage thresholds. Below are the simple majority, super majority, and unanimous voting millage thresholds. Dollars are expressed as gross tax revenue and do not include discounts, collection loss, or interest.

Millage Thresholds	Rate	Tax Revenue
--------------------	------	-------------

Tentative Millage Rate	4.0923	31,174,299
Rolled-Back Rate	3.8076	29,005,513
Majority Vote	6.4710	49,294,745
Super Majority Vote	7.1181	54,224,220
Unanimous Vote	10.0000	76,177,941

fiscal impact

Property tax revenue is the single largest contributor to General Fund revenues (43% of total revenues) and is the historical driver of revenue growth rates for the General Fund. Small adjustments to the rate can have large impacts on total revenues. As a simple way of considering incremental changes, every ¼-mill increase or decrease in the rate would change annual revenue by \$1.8 million. Of the typical property owner's annual property tax bill, about 26% of what is paid comes to support city services. The remaining 3/4 is dedicated to the Orange County School Board and to the County.

The total voted debt service levy of 0.2647 mills equates to just under \$80 per year for a home with a taxable value of \$300k.



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date July 27, 2022
prepared by Jason Seeley	approved by Jason Seeley, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Exceptional Quality of Life, Fiscal Stewardship	

subject

Progress Point Park Plan and Design

motion / recommendation

Approval of design concept and recommendations related to add alternate options and final design notes.

background

ACi/Land Design have completed park and re-alignment of Palmetto Ave designs. Over the course of the design period there have been significant changes in the cost of materials and construction that requires staff, PRAB, and Commission to reconsider certain elements of the design in order to keep project within budget.

ACi/Land Design and City staff have worked closely to create a base level design that meets budget, but this required certain elements of the design/features be scaled back/eliminated.

Design for park along with add alternates was presented to the PRAB at June meeting with PRAB selecting the following elements from the add alternate list as priorities that should be considered by Commission for funding.

- Upgraded Orange Ave Trellis -\$150,000
- Public Restrooms - \$425,000
- Shade Canopies - \$10,000
- Brick Sidewalks (not necessarily full brick but brick accents at strategic locations in park) - Full Brick - \$420,000/Projected Cost for modified hardscape - \$150,000

alternatives / other considerations

- Accept base design with no add alternates
- Accept base design with some recommended add alternates
- Accept base design with add alternates and phase in conjunction with available funding

fiscal impact

The current base design fall within the approved budget for the project at this time, but incorporation of add alternates could result in project coming in over proposed budget and require additional funding. Provided attachment provides an itemized summary of all projected costs and add alternate options.

ATTACHMENTS:

[Progress Point Budget Summary.docx](#)

ATTACHMENTS:

[Progress Point June 2022.pdf](#)

Progress Point Budget and Add Alternate Prioritization

Base Budget Projections from ACi/Land Design

- **Civil** – 1,311, 119
- **Park** – 1, 211, 987
- **Total** – **2,523,106**
- **Contingency (20%)** - \$504,621
- **Base Budget** – **3,027,727**

Base Budget Includes:

- Reduced Trellis
- Concrete replace brick for sidewalks
- No spray play feature
- No restroom
- Asphalt replace brick on Palmetto
- 20% reduction in landscape materials
- 1 Traditional Fountain

Add Alternates for Consideration:

- Interactive Spray Feature - \$500,000
- Brick Sidewalks - \$420,000
- Public Restroom - \$425,000
- Trellis Upgrade - \$150,000
- Brick Palmetto - \$247,000
- Cabanas (4 x 10x10) - \$10,000
- Decorative/Architectural boulders - \$19,200
- Maintain original budget for landscape materials - \$56,028

City - Consultant Review

- Purpose
- Overview Park & Infrastructure
- Budget
- Next Steps

Progress Point Park
Final Permit Documents Review



AG Architects & Land Design

PROJECT DELIVERY PROCESS



JUN 2021



OCT 2021



OCT 2021



APR 2022



COMMISSION
FINAL REPORT

COMMISSION APPROVED DESIGN &
BUDGET ADJUSTMENT

REVIEW 50% DESIGN/ENGINEERING
PERMIT DOCS
CITY ADMIN
PARKS & REC BOARD (2X)

FINAL DESIGN/ENGINEERING
PERMIT DOCS



OCT 2021

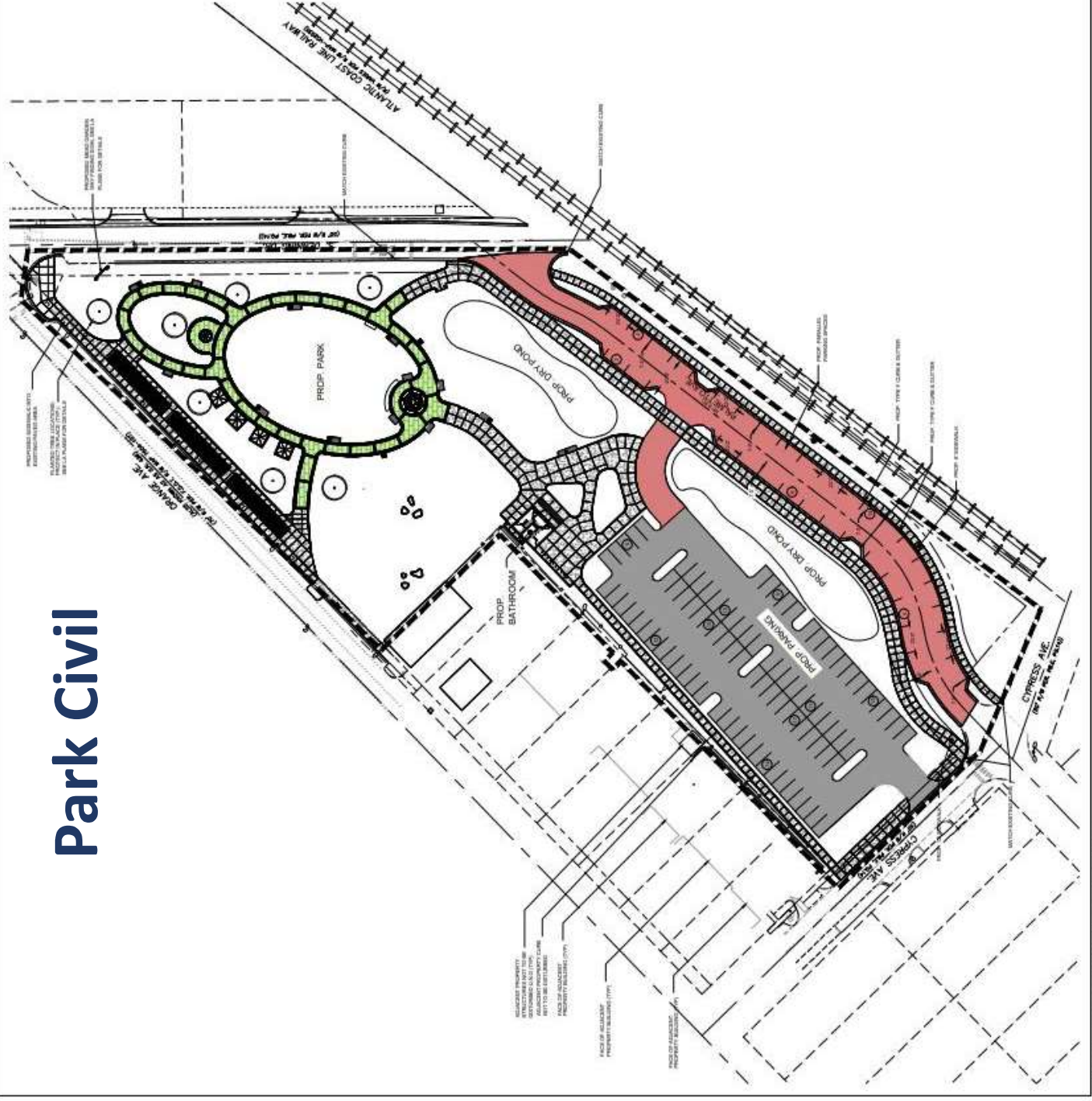


**COMMISSION APPROVED DESIGN &
BUDGET ADJUSTMENT**

Park	
Arrival/Parking	
Palmetto/N Denning	
Public Restrooms (add)	
Total	\$ 3.0M



	PROPERTY SOLIDITY ROW		PROPOSED ROADWAY SIDE PAVEMENT		ACCESSIBLE PARKING CURB
	CONSTRUCTION LIMITS		PROPOSED ASPHALT PAVEMENT		PARKING CURB
	EASEMENT		PROPOSED CONCRETE PAVEMENT		
	SIGHT DISTANCE				



SITE DEVELOPMENT SUMMARY:

STIP AREA	2.93 ACRES
TOTAL SITE	(127.614 SQ FT)
PARCEL ID:	
12-22-20-6650-01-180	
12-22-20-6800-01-330	
12-22-20-6800-01-340	
ZONING:	C-1
FUTURE LAND USE:	OFFICE/PROFESSIONAL
BUFFER:	REAR/BUFFER 1'
BUILDING SQUARE FOOTAGE:	
GRD388: 14,099	
NET 11,124S	
BUILDING HEIGHT:	MAX 10' 0"
MAXIMUM PROPOSED MAX. #	
SOLID WASTE:	TRASH CHAMBERS
PARKING:	CAR PARKING
REQUIRED 20 SPACES	ALLOWED 20 SPACES
ADDITIONAL 20 SPACES	ADDITIONAL 20 SPACES
BIKE PARKING:	10% OF CAR PARKING
PROPOSED 13	
GLASS BY:	DATE:
DATE:	DATE:

Park Landscape



Tree Plan

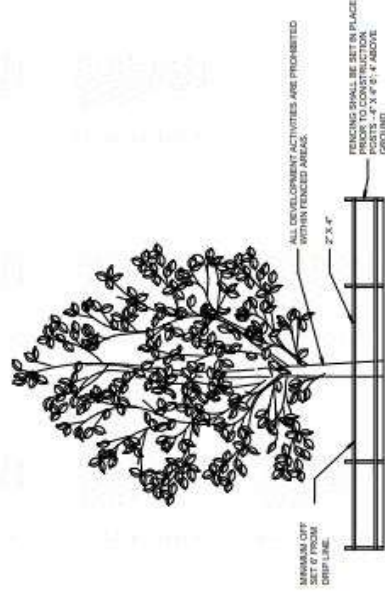
GENERAL LEGEND

- LIMIT OF WORK
- CONTROL JOINT
- EXPANSION JOINT
- PLANTING AREA
- TREES TO BE REMOVED
- TREE PROTECTION FENCE

PHASE 1 TREE KEY

TREE TAG	COMMON NAME	COMMON NAME
1	ACACIA	ACACIA
2	ACACIA	ACACIA
3	ACACIA	ACACIA
4	ACACIA	ACACIA
5	ACACIA	ACACIA
6	ACACIA	ACACIA
7	ACACIA	ACACIA
8	ACACIA	ACACIA
9	ACACIA	ACACIA
10	ACACIA	ACACIA
11	ACACIA	ACACIA
12	ACACIA	ACACIA
13	ACACIA	ACACIA
14	ACACIA	ACACIA
15	ACACIA	ACACIA
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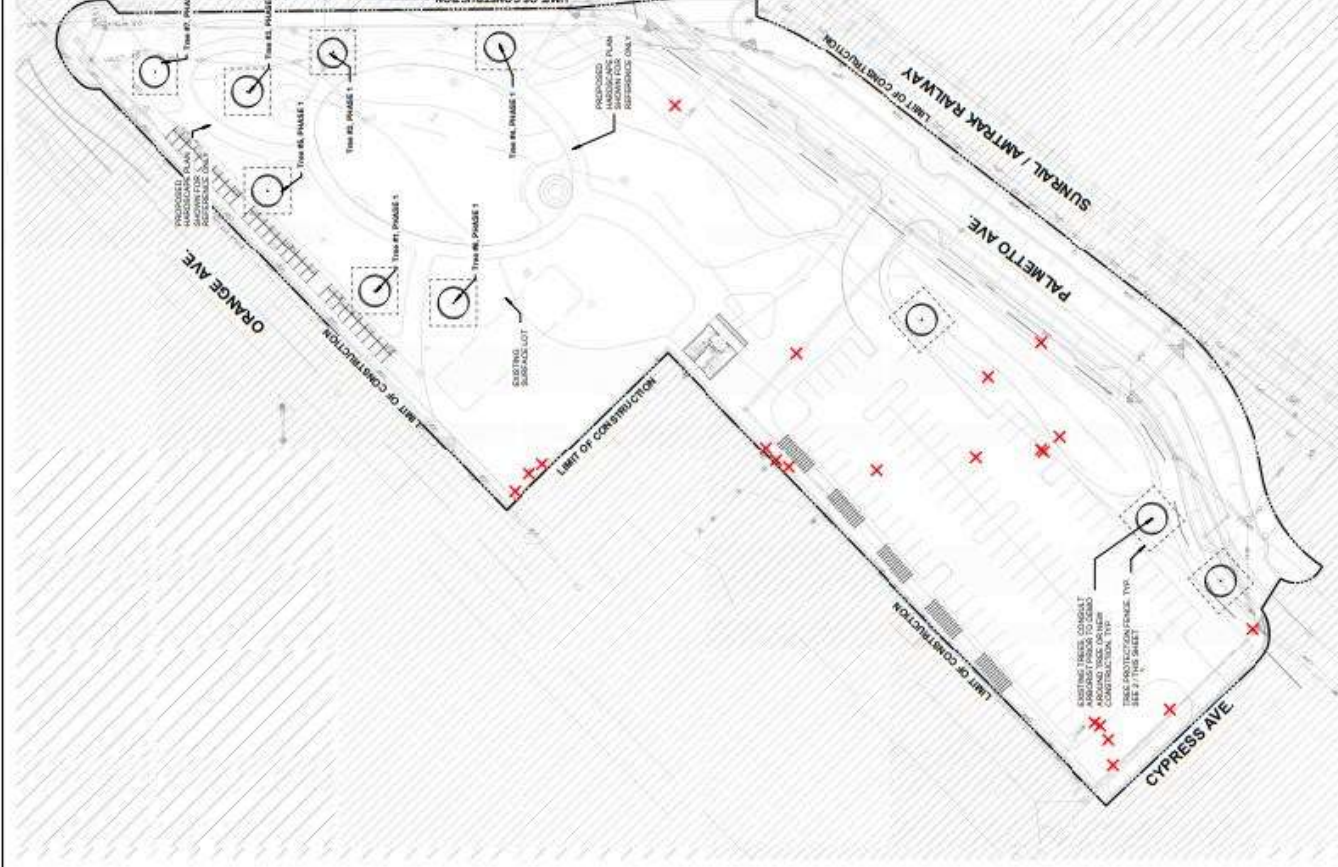
NOTES:
 1. TREE PROTECTION BARRIERS TO BE INSTALLED FOR ALL TREES TO BE REMOVED.
 2. TREE PROTECTION BARRIERS TO BE INSTALLED FOR ALL TREES TO BE REMOVED.
 3. TREE PROTECTION BARRIERS TO BE INSTALLED FOR ALL TREES TO BE REMOVED.



NOTES:
 1. TREES SHALL BE AT LEAST 4' ABOVE GROUND AND MIN. OF 2' BELOW GRADE.
 2. EACH TREE PROTECTION AREA SHALL HAVE A MINIMUM OF TWO SIGNS ATTACHED TO THE FENCE WHICH SHALL FACE TO THE EXTERIOR OF THE TREE PROTECTION AREA.

2 TREE PROTECTION DETAIL

1 L0.03 EXISTING TREE PROTECTION



GENERAL LEGEND

-----	LIMIT OF WORK
-----	CONTROL POINT
-----●-----	EXPANSION JOINT
⊙	PLANTING AREA



P-101
PP CONCRETE (2008 PS)

P-102
POSTTENSION BRICK PAVING

P-103
ACCENT PAVING

G-101
PP PT PLASTER (2008)

G-102
PP AC PLASTER (2008)

[illegible]

WALL KEY	
KEY	TYPE

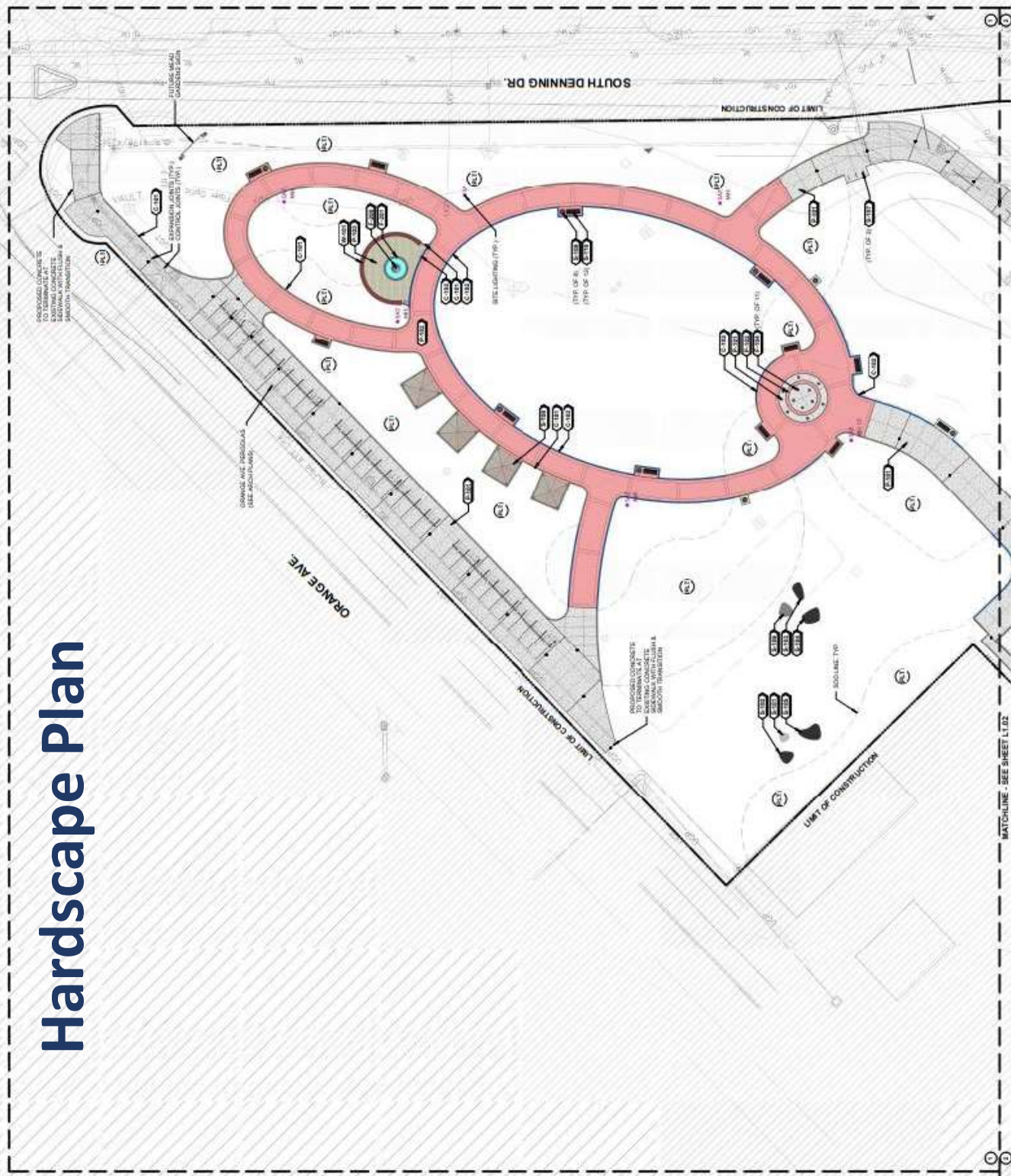
COLUMN KEY		TYPE
KEY		

FOUNTAIN KEY

2008	POOL SURROUND
2009	FOUNTAIN LIGHTING

KEY	TYPE	INTERPRETING AND EVALUATING

KEY	TYPE	TYPE
100-104	100-104	100-104
105-109	105-109	105-109
110-114	110-114	110-114
115-119	115-119	115-119
120-124	120-124	120-124
125-129	125-129	125-129
130-134	130-134	130-134
135-139	135-139	135-139
140-144	140-144	140-144
145-149	145-149	145-149
150-154	150-154	150-154
155-159	155-159	155-159
160-164	160-164	160-164
165-169	165-169	165-169
170-174	170-174	170-174
175-179	175-179	175-179
180-184	180-184	180-184
185-189	185-189	185-189
190-194	190-194	190-194
195-199	195-199	195-199
200-204	200-204	200-204
205-209	205-209	205-209
210-214	210-214	210-214
215-219	215-219	215-219
220-224	220-224	220-224
225-229	225-229	225-229
230-234	230-234	230-234
235-239	235-239	235-239
240-244	240-244	240-244
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295-299	295-299	295-299
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305-309	305-309	305-309
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390-394	390-394	390-394
395-399	395-399	395-399
400-404	400-404	400-404
405-409	405-409	405-409
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415-419	415-419	415-419
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430-434	430-434	430-434
435-439	435-439	435-439
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460-464	460-464	460-464
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475-479	475-479	475-479
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490-494	490-494	490-494
495-499	495-499	495-499
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505-509	505-509	505-509
510-514	510-514	510-514
515-519	515-519	515-519
520-524	520-524	520-524
525-529	525-529	525-529
530-534	530-534	530-534
535-539	535-539	535-539



MATCHLINE - SEE SHEET 1.02

Traditional Fountain

Orange Avenue Trellis

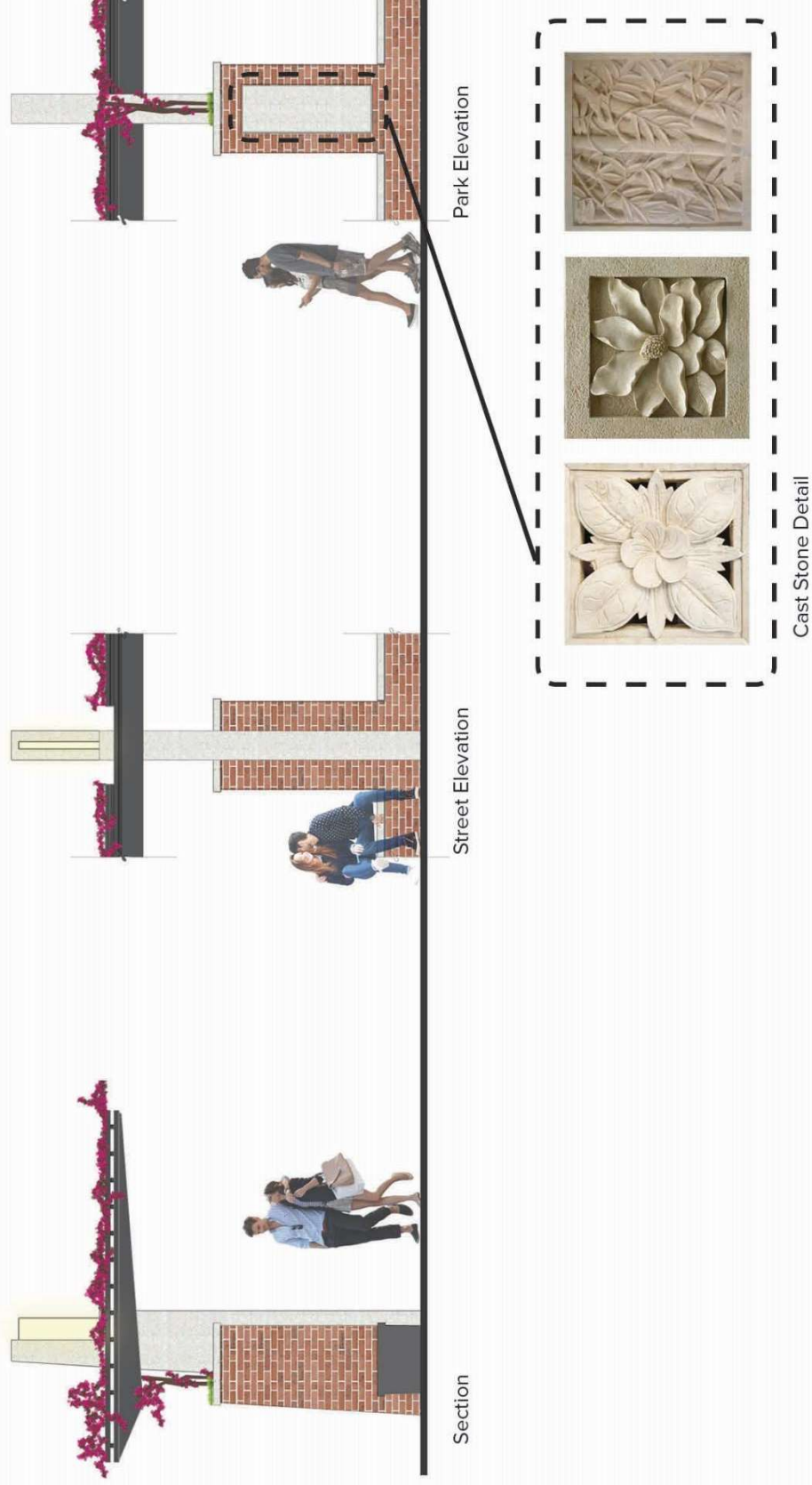


Enlarged Elevation



N. Orange Ave Pergola Elevation

Orange Avenue Trellis/Bus Stop



Reduced Cost Orange Avenue Trellis



N. Orange Ave Pergola Elevation VE Option

Public Restrooms

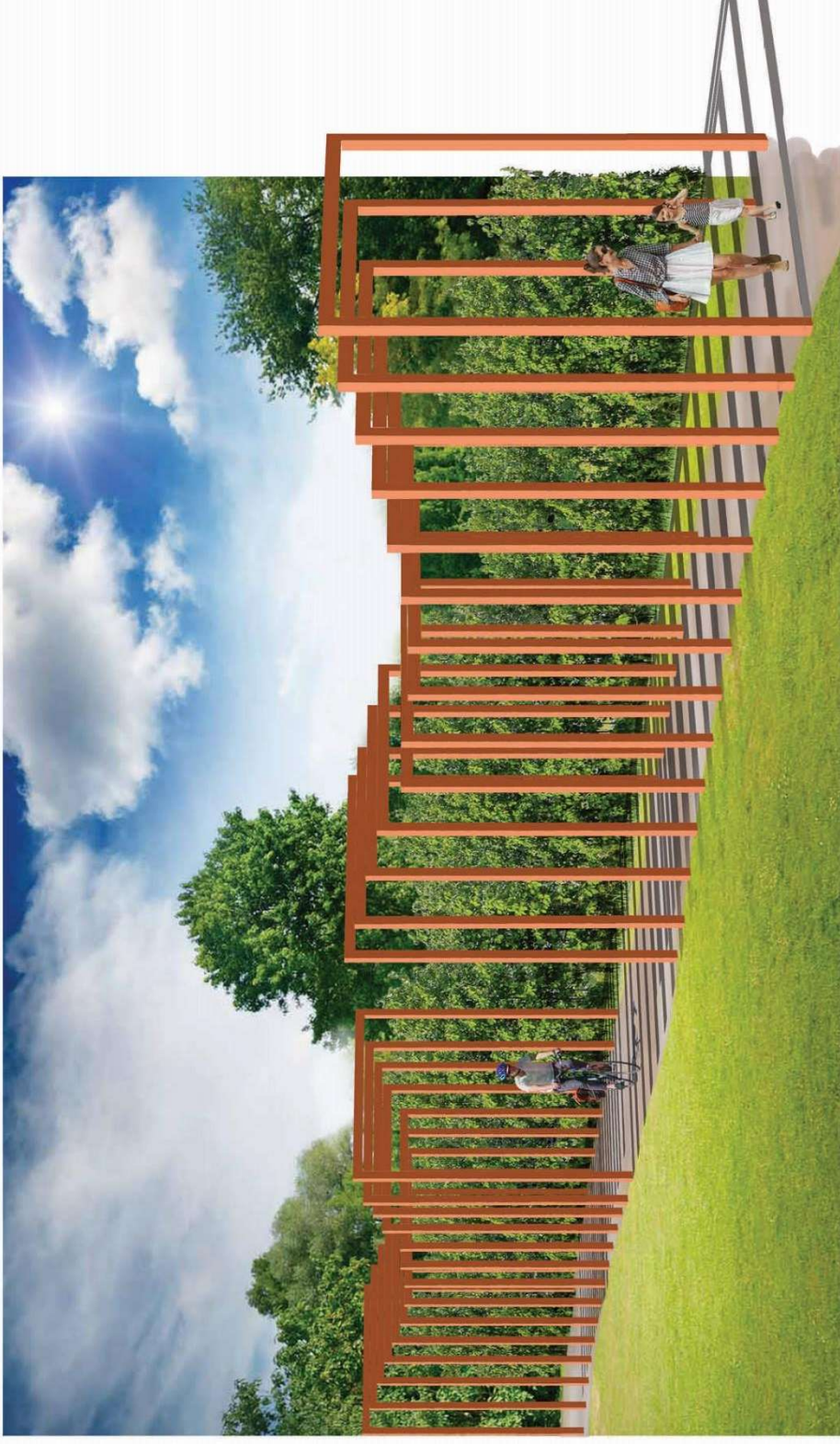
with Solar Panels



Side Elevation

Promenade Walk

Trellis drawn as Alternate - not included in Current Estimate



Perspective View

CONSTRUCTION INFLATION ALERT

Two years after the coronavirus pandemic struck, the U.S. construction industry is still experiencing multiple impacts. Unprecedented increases in materials costs, supply-chain disruptions, and an increasingly tight labor market have made life difficult for contractors and project owners alike.

Although the overall economy posted exceptionally strong growth in 2021 and appears to be headed for further expansion, the construction industry has experienced a much more uneven recovery. Until recently, lagging demand for numerous types of nonresidential construction prevented many contractors from fully passing on their added costs. Successive outbreaks of COVID-19 have disrupted production and delivery of goods, labor availability, and the mix of projects. This combination of supply chain bottlenecks, unpredictable costs and delivery times, and smaller order sizes increases the need for contractors to become more efficient and profitable.

This report is intended to provide all parties with better understanding of the current situation, the impact on construction firms and projects, its likely course in the next several months, and possible steps to mitigate the damage. The document will be revised to keep it timely as conditions change; download it at AGC Construction Inflation Alert | Associated General Contractors of

Please send comments and feedback to AGC of America's chief economist, Ken Simonson, ken.simonson@agc.org.

www.aqac.org

External Cost Impacts

Record cost increases

Contractors experienced record increases for materials costs in 2021. While some costs have subsided in recent months, others have continued to rise or have become volatile in both direction—a trend in its own way.

Around the middle of each month, the Bureau of Labor Statistics (BLS) posts production-price indexes (PPI) for thousands of products and services at around the 100 level. Most of these are based on the prices that sellers say they charged for a specific item on the 15th day of the preceding month. Producers include manufacturers and fabricators, intermediaries such as steel service centers and distributors, and providers of various random items, changes to truckloads.

BLS aggregates these prices into index numbers that cover an entire category of products, such as a weighted average of all concrete products, as well as indexes for the mix of goods and services purchased by industries such as construction. The index readings themselves do not translate into a price found in the market, but the percentage change in an index number from one period to another indicates the amount of price increase or decrease that has occurred.

The 20% tax applies to new residential construction in a weighted average of the goods and services purchased for every type of new construction other than housing. It does not include a contractor's own labor costs, equipment purchases, or direct imports but does cover an importer's or distributor's mark-up or imported goods.

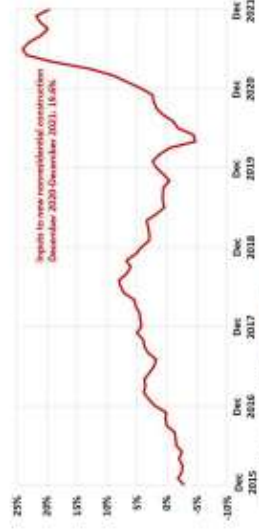
This index rose by a record amount in 2021. As shown in Figure 1, the index soared 26.3% from June 2020 to June 2021 before moderating slightly. From December 2020 to December 2021, the increase was 10.0%—a huge jump from the 1.4% increase in 2020 and the 1.8% increase in 2019.

24.1% The producer price index soared 24.1% from June 2020 to June 2021. By December, the increases had moderated slightly but still totaled 18.6% for the year.

Fleuret J

change in prices for inputs to construction

Year-over-year change in FY 2020 - 2021 not successfully resolved



Abstract



2022 CONSTRUCTION INFLATION ALERT | 3

No category of construction has escaped the extreme cost escalation. Big commercial, healthcare, industrial, power and communications, educational, nonresidential structures; and for single- and multifamily construction, these impact cost indexes ranged from 24.6% for new multifamily construction

Contributors to n

What has contributed to these extreme cost increases? In brief, nearly a decade of pandemic-related supply chain issues, inflation, and a global energy crisis have all contributed to the cost increases. In December 2021, the PP for food mill products more than doubled, reaching 1.1¢/lb. In January 2022, the PP for plastic construction products, 34.0¢, aluminum mill shavings, 26.0¢, and architectural coatings (paints), 20.7¢, lumber and plywood, 17.8¢.

Even items that did not end the year with double-digit gains had unusual increases. For example, the PP for glass, which was up 8.5% from December 2020 to December 2021, that largest gain in 25 years for any glass also posted a 8.5% gain from November 2020 to November 2021.

In addition to materials that go into structures, prices for items and services soared. For instance, contractors pay for huge amounts of diesel fuel—some contractors' own trucks and offroad equipment, as well as indirectly in the fuel surcharges for implied deliveries of goods and equipment, and the fuel and equipment. The ENR for diesel fuel spiked 34.9% from December 2007, and the index for truck transportation of freight climbed 2.7%.

Comicon also paid much more for equipment and parts. The PPI for construction equipment jumped 10.1% in 2011, and the index for truck and bus (including automatic transmission) rose 1.2%.

As shown in Table 1, all of the

Table 1

Price increases for consumers

Construction materials

Shovel with products.

Plastic construction products
Aluminum wall shapes
Copper and brass wall shapes
Exterior products
Furniture and kitchen
Architectural coatings
Asphalt felt and coatings
Specialty construction:
Diesel fuel
Truck transport all freight
Construction machinery and equipment
Truck and off-road tires



Potential Reductions

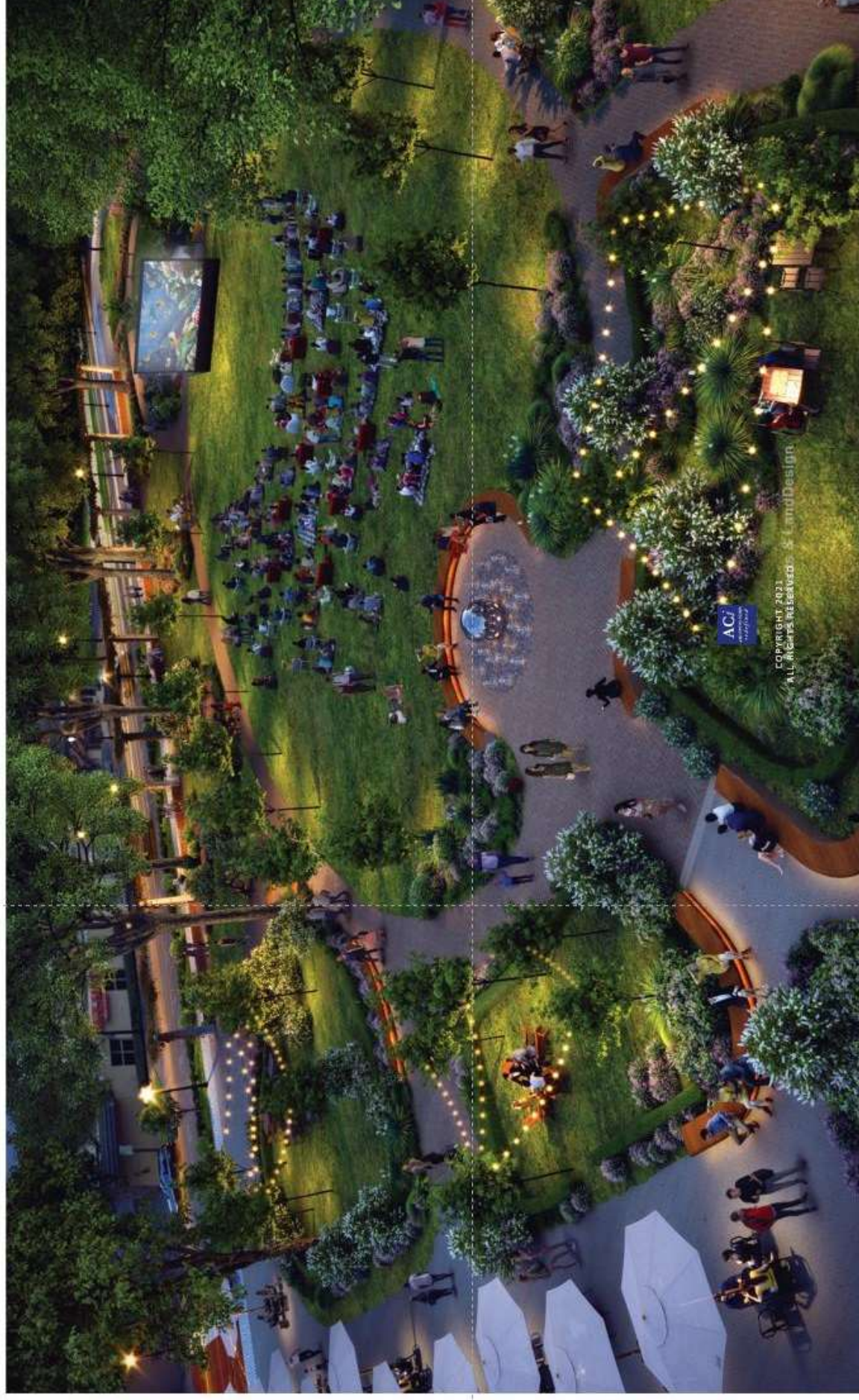


POTENTIAL BUDGET REDUC

- 1 REMOVE BRICK PAVERS
- 2 REMOVE INTERACTIVE FOUN
- 3 REMOVE SCULPTURAL STON
- 4 REDUCE LIGHTING BUDGET
- 5 REDUCE LANDSCAPE BUDGE
- 6 REMOVE CABANAS
- 7 REDUCE ORANGE AVE TRELL
- 8 REMOVE PUBLIC RESTROOM
- 9 CIVIL
- 10 SELF PERFORM w/CM-GC

MASTER REDEVELOPMENT PLAN & SCHEMATIC DESIGN

DESIGN ILLUSTRATION - Park Nighttime Event Gathering



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LandDesign

MASTER REDEVELOPMENT PLAN & SCHEMATIC DESIGN

DESIGN ILLUSTRATION - Orange Avenue Looking Southeast to Park Arrival Plaza, Pergola Shade Trellis, Seating Walls, New Park "Community Outdoor





City Commission agenda item

item type Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)	meeting date July 27, 2022
prepared by Jeffrey Briggs	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Request of Marilyn King for:

item list

- Subdivision approval to split the property at 358 Virginia Drive, zoned R-1AA, and
- Resolution to designate the property at 358 Virginia Drive to the Winter Park Register of Historic Places

motion / recommendation

The Planning and Zoning Board voted 6-0 to recommend approval of the Subdivision request and the Historic Preservation Board voted 7-0 to recommend approval of the Historic Designation.

background

Marilyn King (owner) is requesting to subdivide the two platted lots (Lots #2 & #7) at 358 Virginia Drive, in order to develop a new single-family home on the south portion of the property while maintaining the existing home and designating it as a historic landmark.

You will see that the existing home at 358 Virginia Drive is primarily on the northern platted lot. The southern portion of the property fronts onto East Lake Sue and the majority of that platted lot would be the new homesite.

Zoning Test:

The property when subdivided would have the existing home lot at 358 Virginia Drive with 112 feet of frontage and 23,299 square feet of land area. The new lot fronting on East Lake Sue Avenue would also have 112 feet of frontage and 15,333 square feet of land area. The R-1AA zoning requires a minimum of 100 feet for interior lots, as well as 10,000 square feet of lot area. Both lots then exceed the minimum requirements for both lot

width and lot area and no lot dimension variances are requested. The new lot line would be created five feet from the existing guest house structure and create a non-conforming setback. However, this setback variance only affects these two properties and no other variances are requested for any of the existing or future improvements.

Justification for the Lot Setback Variance

The applicant has offered to designate the existing home on the Winter Park Register of Historic Places. The existing Monterrey Mission style home built in 1941 typifies the elegant luxury homes of that era. City's subdivision code specifically provides allowances for variances when they result in the designation and preservation of historic homes.

That code section is cited below.

Sec. 58-376 (f) Historic homes and live oak trees. The planning and zoning board and the city commission may consider the preservation and protection of historic homes and/or the preservation and protection of historic or specimen live oak trees as a special condition and circumstance pursuant to subsection (a)(1) for the purposes of granting variances to minimum lot sizes in conjunction with subdivisions or lot splits. In considering the preservation of an existing building, the historic preservation board shall first determine that the building is recommended for inclusion on the Winter Park Register of Historic Places and such listing and inclusion shall be required as a condition of such lot size variance and related subdivision or lot split approval. In consideration of the preservation of historic live oak tree(s), any such variance approval and related subdivision or lot split approval shall be conditioned upon the granting of a tree preservation easement to the city, with terms acceptable to the city, to ensure the preservation of such tree(s).

Lot Conformance to Subdivision Code Test:

The Subdivision Code or Lot Conformance Test in the Subdivision Regulations is intended to determine if the proposed lots are comparable to the existing neighboring lot size and character, which the Code defines as the other properties within a 500-foot radius. This is a large 38,362 square foot (0.89 acre) property, so even with the property split, the two lots are quite large. The existing house will continue to be on a 23,029 square foot lot.

The new lot will be 15,333 square feet in size. Both have 112 feet of lot width. There are 68 other homes within this immediate 500-foot radius neighborhood, with the same R-1AA zoning (see attached map). The average lot width is 88-feet, and the median lot width is 70-feet. The average lot size is 13,393 square feet, and the median lot size is 9,801 square feet. Both proposed lots exceed those sizes.

Development Plans:

No changes are planned for the existing home. Once designated as historic, any significant changes to the exterior would need to be approved by the Historic Preservation Board following notice and public hearing. The site plan and elevations for the new home are included in the packet which depict a two-story, 4,398 square foot home, which is a floor area ratio of 28.7% versus the code maximum of 33%. The

impervious coverage shown is 6,734 sf which is 43.7% versus the maximum of 50%. The home is specifically located in order to save three major live oak trees on the property.

Storm Water Improvements:

The new lot sits in a location where significant storm water flows down Winter Park Road and also down East Lake Sue Avenue, all headed for one street inlet that connects via pipe running through this subject property on the way to the lake. The volumes of water during the heaviest rain events has, on occasion, overwhelmed the drainage system and flooded this property. Also, the City has no easement for the existing pipe. The Public Works staff has agreed to rebuild that inlet to open it wider to convey more water and to enlarge the storm pipe linking the inlet to the main drainage line. In return the applicant will grant the city an easement for the existing storm pipe. Work on that project is expected to begin in the fall of 2022.

Summary:

Because both lots conform to the Zoning Test, and both lots conform to the Subdivision Code Test, and because of the applicant's willingness to designate the existing house to the Winter Park Register of Historic Places, staff is recommending approval of this request and the setback variance requested.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Resolution_358 Virginia Drive.doc](#)

ATTACHMENTS:

[Map and aerial.pdf](#)

ATTACHMENTS:

[Pictures of 358 Virginia Drive.pdf](#)

ATTACHMENTS:

[Site Plans for 358 Virginia lot split.pdf](#)

ATTACHMENTS:

[Subdivision test map.pdf](#)

ATTACHMENTS:

[Letters of Support.pdf](#)

RESOLUTION _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 358 VIRGINIA DRIVE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

WHEREAS, there is the desire foster awareness and civic pride in the accomplishments of the past; and

WHEREAS, the Winter Park Historic Preservation Board has determined and recommended that the property at 358 Virginia Drive with the existing home built in 1941 is an example of the architecture popular during that period.

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

SECTION 1. That the City Commission of the City of Winter Park hereby designates 358 Virginia Drive as a historic resource on the Winter Park Register of Historic Places, which shall be limited to Lots 2 and 7, (less the south 136.90 feet of Lot 7), Block B, Shadow Hill per Plat Book "Q", Page 65 of the Public Records of Orange County.

SECTION 2. That the City Commission of the City of Winter Park in consideration of this voluntary request for historic designation of this property has approved the lot split of the south 136.90 feet of Lot 7, Block B, Shadow Hill per Plat Book "Q", Page 65 as a separate buildable single family lot for the purpose of building a new single family home and has also granted the variances necessary for the setback of the existing guest house at 358 Virginia Drive to be five (5) feet from the rear property line and for that guest house to have the ability to be a legal rental studio apartment, at any time of choosing by the owner. Such new lot shall also be entitled to the full floor area ratio for that property.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this ____ day of _____ 2022.

Phillip Anderson, Mayor

ATTEST:

City Clerk

OCA Web Map

Florida turnpike

Interstate 4

Toll Road

Major Roads

Public Roads

Gated Roads

Road Under Construction

Proposed Road

Brick Road

Block Line

Lot Line

Residential

Agriculture

Commercial/Institutional

Governmental/Institutional/Misc

Commercial/Industrial

Vacant Land

Agricultural/Cutlidge

Hydro

Waste Land

Parks

Lakes and Rivers

Building

Block Number

6 Lot Number

06060 Parcel Number

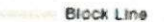
3106 Parcel Address

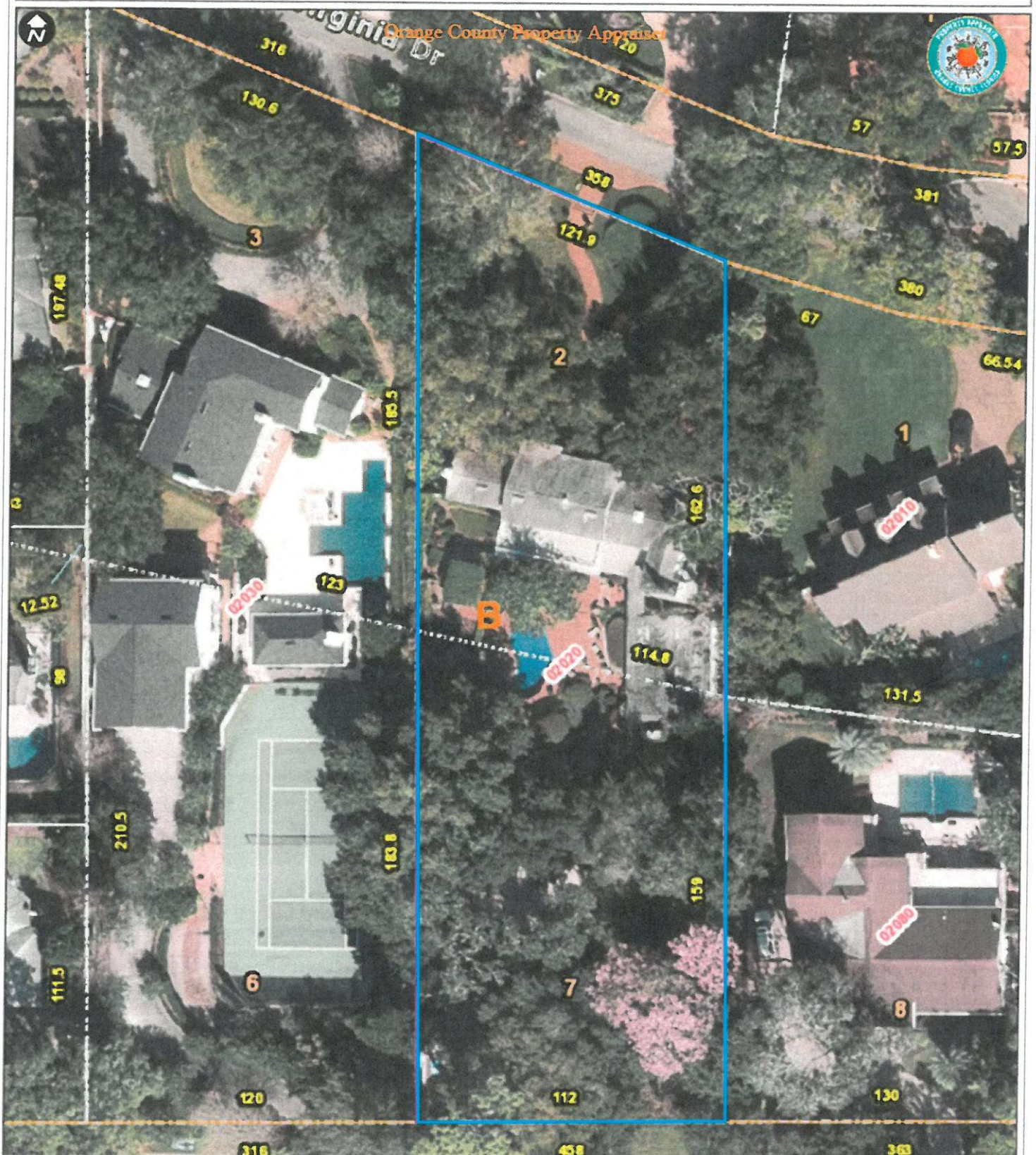
111.9 Parcel Dimension

Orange County Property Appraiser



OCA Web Map

 Florida turnpike	 Major Roads	 Proposed Road	 Residential	 Commercial/Industrial/Vacant Land	 Parks	 Lot Number
 Interstate 4	 Public Roads	 Brick Road	 Agriculture	 Agricultural/Cutlery	 Lakes and Rivers	 Parcel Number
 Toll Road	 Gated Roads	 Block Line	 Commercial/Institutional	 Hydro	 Building	 Parcel Address
 Road Under Construction	 Lot Line	 Lot Line	 Governmental/Institutional/Misc	 Waste Land	 Block Number	 Parcel Dimensions



Created: 6/8/2022 12:06 Aerial 2020

This map is for reference only and is not a survey





Joe Knight
Landscape Architect
148-437-7131
148-437-7132
148-437-7133
148-437-7134
148-437-7135

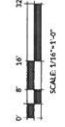
DATE	1/11/22
BY	JKN
CHECKED	
DATE	
BY	
CHECKED	
DATE	
BY	
CHECKED	
DATE	

Site Plan
THE MARILYN KING RESIDENCE
Prepared for: Marilyn King
Winter Park, Florida

DESIGNED BY	J. KNIGHT
DATE	1/11/22
PROJECT NO.	148-437-7131
SCALE	1/8"=1'-0"
DATE	1/11/22
BY	JKN
CHECKED	
DATE	
BY	
CHECKED	
DATE	

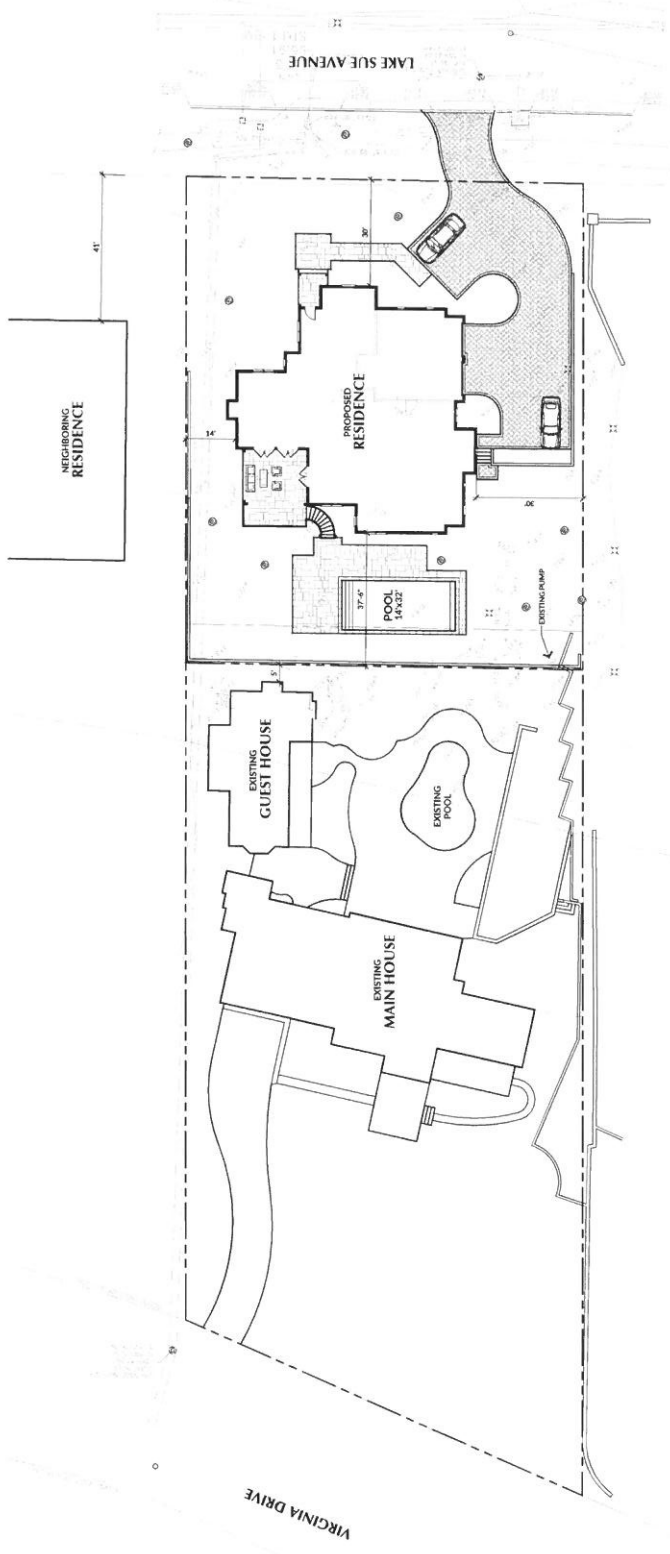
SP-1

1 sheet



IMPERVIOUS CALCULATIONS

TOTAL SITE AREA	13,333.33 SF
EXISTING IMPERVIOUS AREA	2,400.00 SF
PROPOSED IMPERVIOUS AREA	2,400.00 SF
FRONT YARD	2,400.00 SF
REAR PORCH AND STEPS	2,400.00 SF
TOTAL IMPERVIOUS AREA	4,800.00 SF





LOT CONFORMANCE TO SUBDIVISION CODE TEST

358 Virginia Drive

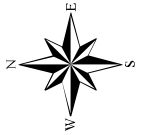
City of Winter Park
Florida

LEGEND

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

NOTES

- Average Lot Width = 88 ft
- Median Lot Width = 70 ft
- Average Lot Size = 13,932 sq ft
- Median Lot Size = 9,801 sq ft



Dear Jeff,

This letter is written in support of Marilyn King's request to split her lot and to build a new home on the back of her property facing Lake Sue Avenue. I live two doors away from her at 1551 Laurel Road. I am sure that the Virginia cul de sac next to my property will remain as tranquil as it has always been.

Any alteration to the intersection of Winter Park Road and Lake Sue Avenue is bound to be an improvement. Since I have passed through this stop sign at least twice a day for twenty-one years, I am convinced that encouraging motorists to notice and actually make a stop at the signs would be a very welcome development.

As you know from our distant days of working together on the Winter Park Historic Preservation Task Force, and later, Board, I am an advocate of historic preservation. Thoughtful subdivision, however, is a tradition in the growth of our town, especially when the original structure can be allowed to remain, ideally in its original use and surrounded by adequate space.

If there is one thing I have learned in the fifty some years I have known Marilyn, it is that she can be depended upon to create beauty in her surroundings and promote the well-being of her community. I hope she will be able to continue as our good neighbor.

With best regards,

Bonnie Trismen

Leila E. Trismen
1551 Laurel Road
Winter Park, FL 32789

Jeffrey Briggs

From: Nancy Lilley <nlilley01@gmail.com>
Sent: Friday, July 1, 2022 3:12 PM
To: Jeffrey Briggs
Subject: [External] Request by Marilyn King to Subdivide Property

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

Hi Jeff,

I'm writing in support of Marilyn King's request to subdivide her property, located at 358 Virginia Drive, into two single-family home lots. I also support her desire to designate her existing home, 358 Virginia Drive, as a historic landmark on the Winter Park Register of Historic Places together with variances for setbacks related to splitting the property into two lots. In my opinion, these requests represent a well thought out and carefully developed plan that will blend well with the existing neighborhood.

As a personal friend of Marilyn's and resident of the neighborhood, I know the care Marilyn has taken in designing and selecting a highly regarded contractor to build her new home. Her new home is appropriately scaled to the size of the newly created lot and will be a very attractive addition to the neighborhood. I was also very happy to learn that Marilyn has decided to designate her existing home a historic landmark. The home not only has an interesting history but has been beautifully maintained to preserve its historic architectural features and design.

I strongly support both requests!

Regards,

Nancy Lilley
221 E Kings Way
Winter Park, FL

Sent from my iPad

Jeffrey Briggs

From: Cynthia Wood <cynthiarw@yahoo.com>
Sent: Tuesday, July 5, 2022 3:19 PM
To: Jeffrey Briggs
Subject: [External] Planning and Zoning Approval 358 Virginia Drive

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

To: Jeffrey Briggs, Principal Planner, City of Winter Park

Please convey to Planning and Zoning and other appropriate City Boards our full and enthusiastic support of the historic designation, variances, and lot split requested by Marilyn King, 358 Virginia Drive. Our property adjoins the King property, and we have been neighbors for 35 years.

Please feel free to contact us if there are questions or you need additional information.

Sincerely,
Cynthia and Philip Wood
380 Virginia Drive
Winter Park, FL 32789

(Cynthia Wood (407)718-5983)



City Commission **agenda item**

item type Public Hearings: Non-Quasi Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)	meeting date July 27, 2022
prepared by Allison McGillis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning Regulations" Section 58-72 "Office (O-1) District" and Section 58-76 "Commercial (C-3) District" so as to amend the development standards regarding setbacks. (1st reading)

motion / recommendation

Staff and P&Z Board recommendation is for approval of the Ordinance as presented.

background

This zoning text amendment is to amend the front setback for properties fronting on Fairbanks Avenue with Office (O-1) zoning, and rear setbacks for properties that are not abutting residential properties with Office (O-1) and Commercial (C-3) zoning citywide.

Front Setback Analysis

This amendment to change the front setback along Fairbanks Avenue in O-1 from 15 feet on the north side and 20 feet on the south side of Fairbanks Avenue to 10 feet on both sides will bring the front setbacks consistent along both sides of the street. Furthermore, this change was implemented in 2017 for properties along Fairbanks Avenue with C-3 zoning, but was overlooked for O-1 properties since there are far less properties with O-1 zoning fronting on Fairbanks Avenue.

The original desire for the larger front setback was when the city thought that additional easement on private property was needed for the electrical undergrounding project, but that is not the case and therefore the front setback along Fairbanks Avenue should be consistent on both sides of the street and the same as C-3 zoned properties.

Rear Setback Analysis

This amendment also includes a change the rear setback for properties zoned C-3 and O-1 from 30 feet to 10 feet, if the rear of the property is not abutting a residentially zoned property and if the building is oriented towards the front of the lot.

The original intent for the increased rear setback was to encourage development at the front of the lot with parking in the rear, and to provide a larger buffer when adjacent to residential properties. However, if the lot is not abutting residential, requiring a 10-foot setback (same as the front) is more reasonable. Also, sometimes with smaller lots that do not have much width, the larger 30-foot setback creates a problem in the rear of the lot. This amendment will allow a building to be oriented along one side of the lot and span the entire length of the lot (if not abutting residential) and still keep the majority of the parking lot hidden from the front.

Side Setback Analysis

The last portion of this amendment includes a removal of a section in the development standards for both O-1 and C-3, which permits a person constructing a building in either zoning district to combine the minimum side yard setbacks and provide them on only one side of the lot with approval from the Planning & Zoning Board. The procedure to do this is to submit a site plan showing the locations of the proposed building as well as the location of existing adjacent buildings to the Planning & Zoning Board for approval, as long as the property is not adjacent to a residentially-zoned parcel. The effect of striking this section gives this side setback variance authority back to the Board of Adjustments, the Board who normally approves this type of side setback variance.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance Amending O-1 C-3 setbacks.docx](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE"
ARTICLE III, "ZONING REGULATIONS" SECTION 58-72
"OFFICE (O-1) DISTRICT" AND SECTION 58-76 "COMMERCIAL
(C-3) DISTRICT" SO AS TO AMEND THE DEVELOPMENT
STANDARDS REGARDING SETBACKS; PROVIDING FOR
CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE
DATE.**

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance;

WHEREAS, the City Commission hereby 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, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-72 "Office (O-1) District" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-72. Office (O-1) district.

(f) Development standards.

(1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards. The front setback from all streets shall be a minimum of ten feet from the property line and a minimum of 15 feet on Orlando Avenue ~~and on the north side of Fairbanks Avenue and 20 feet on the south side of Fairbanks Avenue.~~ For properties along Orange Avenue, the front setback may be reduced to the average front setback of the existing buildings within that block if approved by the city commission. Side yard setbacks shall be a minimum of five feet from each property line unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot setback shall be observed. The rear setback shall be a minimum of 30 feet from the property line. The rear setback may be reduced to 10 feet from the property line

if the rear yard does not abut a residentially zoned property, and if the building is oriented towards the front of the property. However, within the Hannibal Square Neighborhood Commercial District area, as set forth in this section, new buildings shall have a required ten-foot front setback and may be permitted zero-foot side setbacks unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot side setback shall be observed. For any required front setback, the distance may be increased upon the determination by the public works director and police chief that a traffic sight distance safety problem may exist, to the extent required to remedy the problem.

~~(2) If a person constructing a building within this district desires to combine the minimum side yard setbacks and provide them on only one side of the lot, a site plan showing the locations of the proposed building as well as the location of existing adjacent buildings must be submitted to the planning and zoning commission for approval prior to the issuance of a building permit. This reduction to the required side setback, however, shall not be permitted if adjacent to a residentially-zoned parcel.~~

SECTION 2. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-76 "Commercial (C-3) District" is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-76. Commercial (C-3) district.

(e) Development standards.

(1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards. The front setback to all streets shall be a minimum of ten feet from the property line and a minimum of 15 feet on Orlando Avenue. For properties along Orange Avenue, the front setback may be reduced to the average front setback of the existing buildings within that block if approved by the city commission. Side yard setbacks shall be a minimum of five feet from each property line, unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot setback shall be observed. The rear setback shall be a minimum of 30 feet from the property line unless the rear yard abuts a residentially zoned parcel, then a 35-foot setback shall be observed. The rear setback may be reduced to 10 feet from the property line if the rear yard does not abut a residentially zoned property, and if the building is oriented towards the front of the property. However, within the Hannibal Square Neighborhood Commercial District area, as set forth in this section, new buildings shall have a required ten-foot front setback and may be permitted zero-foot side setbacks, unless the parcel shares a common line with a residentially-zoned parcel, then a 15-foot setback shall be observed. For any required front setback, the

distance may be increased upon the determination by the public works director and police chief that a traffic sight distance safety problem may exist, to the extent required to remedy the problem.

~~(2) If a person constructing a building within this district desires to combine the minimum side yard setbacks and provide them on only one side of the lot, a site plan showing the locations of the proposed building as well as the location of existing adjacent building must be submitted to the planning and zoning commission for approval prior to the issuance to a building permit to ensure sufficient compatibility with adjacent properties. This reduction to the required side setback, however, shall not be permitted if adjacent to a residentially-zoned parcel.~~

SECTION 3. CODIFICATION. Section 1 and Section 2 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

SECTION 4. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 5. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this ____ day of _____ 2022.

By: _____
Mayor Phil Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk



City Commission **agenda item**

item type Public Hearings: Non-Quasi Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)	meeting date July 27, 2022
prepared by Jeffrey Briggs	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance codifying the charter amendments approved by referendum on March 8, 2022. (1st reading)

motion / recommendation

The Planning and Zoning Board recommended approval.

background

On March 8, 2022, the voters approved by referendum, Charter amendments that require approval by a minimum of four (4) votes for certain types of land development matters involving amendments to the Comprehensive Plan and/or Zoning Regulations. These provisions were effective immediately upon adoption.

While these provisions exist within the City Charter, they are not readily apparent for anyone reading the Chapter 58 Land Development Code provisions, which outline the procedures for amendments to the Comprehensive Plan or Zoning regulations. In order for these rules to be more readily apparent, and to avoid inconsistency (city charter says one thing but zoning code says another), it is desirable to codify these provisions within the city code sections concerning amendments to the Comprehensive Plan (Section 58-7) and Zoning Regulations (Section 58-89).

The staff has taken the verbiage directly from the Charter Amendment Ordinance. If there are any interpretation questions that arise in the future, those will be dealt with at that time.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance Codifying Charter Amendments_final version.docx](#)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE
I, "COMPREHENSIVE PLAN" AND ARTICLE III, "ZONING
REGULATIONS" TO CODIFY THE APPLICABLE CITY CHARTER
AMENDMENTS ADOPTED ON MARCH 8, 2022 REGARDING
SUPERMAJORITY VOTES NEEDED FOR CERTAIN
COMPREHENSIVE PLAN AMENDMENTS AND ZONING
REGULATION AMENDMENTS. PROVIDING FOR CODIFICATION,
SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the purpose of providing reference to the amendments to the city charter approved by voter referendum on March 8, 2002 via the codification of such matters in the land development code for ease of access for such matters to the public and in protection of due process and general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance.

WHEREAS, the City Commission hereby 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 and is intended to promote, enable and facilitate economic competition;

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan", of the City of Winter Park Land Development Code is hereby amended by adding a new subsection 58-7 "Supermajority Voting Requirement", as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-7. – Supermajority Voting Requirement.

Pursuant to Section 2.08(c) of the City Charter, the affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters:

(a) Comprehensive plan future land use map amendment or change in use of park land to a use that is not a recreational or park use;

(b) Comprehensive plan future land use map amendment or change in use of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district;

(c) Comprehensive plan future land use map amendment of lakefront property from a residential use to a commercial use, mixed-use, medium-density residential use, or high-density residential use;

(d) Approval of a comprehensive plan future land use map amendment that changes the use of property from a residential category to a non-residential category, except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use;

(e) Approval of a comprehensive plan text or map amendment or land development code amendment that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five (25) percent from the existing maximum allowed residential units per acre or floor area ratio; in evaluating floor area ratio increases for the purposes of this provision, parking garage square footage is included;

(f) Approving a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-89 of the City of Winter Park Land Development Code is hereby amended by amending subsection 58-89 (g) as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.

(g) *Commission decisions.* The decision of the planning and zoning ~~commission~~ board and the city commission may be made to affirm or deny the original request of the applicant or it may modify the request to approve a portion of the request or alternative version of the zoning text or map amendment. The planning and zoning ~~commission~~ board may recommend and the city commission may impose conditions upon the approval of a zoning amendment. Such conditions may not restrict the range of permitted uses within a zoning district but such conditions may restrict or impose requirements upon the development or use of such land such as limitations on building size, height, setbacks or other site design or building design or use features,

The decision of the city commission on any zoning text or map amendment shall be by ordinance. Pursuant Section 2.08(c) of the City Charter, the affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters:

(i) A rezoning or change in use of park land to a use that is not a recreational or park use;

(ii) A rezoning or change in use of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district;

(iii) A rezoning of lakefront property from a residential use to a commercial use, mixed-use, medium-density residential use, or high-density residential use;

(iv) A zoning map amendment that changes the use of property from a residential category to a non-residential category, except that this subsection does not apply to changes from a residential use to a public, quasi-public or recreational use;

(v) A zoning map or text amendment or land development code amendment that increases the maximum allowed residential units per acre (density) or floor area ratio (intensity) by more than twenty-five (25) percent from the existing maximum allowed residential units per acre or floor area ratio; in evaluating floor area ratio increases for the purposes of this provision, parking garage square footage is included;

(vi) Approving a development order authorizing development within "wetlands" as defined by Florida Statutes or the Florida Administrative Code.

SECTION 3. CODIFICATION. Section 1 and Section 2 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

SECTION 4. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 5. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, on this ____ day of _____ 2022.

By: _____
Mayor Phil Anderson

ATTEST:
By: _____
Rene Cranis, City Clerk



City Commission **agenda item**

item type Public Hearings: Non-Quasi Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)	meeting date July 27, 2022
prepared by Victoria Tabor	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance amending Chapter 114, Lakes and Waterways, modifying maximum boat length. (1st reading)

motion / recommendation

background

For the Chain of Lakes only, City Code of Ordinances currently allows pontoon boats and sail boats to be 24 feet in length however motorboats are restricted to 21 feet. To provide consistency and accommodate newer and modern boat lengths, staff is recommending increasing the boat length to 24 feet (registered length) and a 8.5 feet width (beam). On June 14, 2022, Lakes and Waterways Advisory Board reviewed and unanimously recommended approval for the City Commission to adopt ordinance amending the City's motorized boat length regulation for the Chain of Lakes as such. Winter Park Police Department- Lakes Division has also reviewed and supports the change.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance- amending maximum boat length.docx](#)

ORDINANCE

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 114 "WATERWAYS", ARTICLE IV "BOATING AND WATER SAFETY" TO MODIFY THE MAXIMUM LENGTH OF BOATS OPERATED ON THE CITY CHAIN OF LAKES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

RECITALS

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

WHEREAS, the City Code of Ordinances authorizes the regulation of motorboat lengths only within Winter Park's Chain of Lakes for the protection of shoreline erosion from wave impacts and safe boat passage within the canals; and

WHEREAS, the City Code of Ordinances currently allows pontoon boats and sail boats to be 24 feet in length however motorboats are restricted to 21 feet; and

WHEREAS, on June 14, 2022, the Lakes and Waterways Board reviewed the City's existing boat length ordinance and unanimously recommended approval for the City Commission to adopt an ordinance amending the City's motorized boat length regulation from 21 feet to 24 feet, registered length, with an 8.5-foot width (beam) within the Chain of Lakes only.

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

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

Section 2. City Code Amendment. Sections 114-78 of the City of Winter Park Code of Ordinances are hereby amended and modified as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections or subsections and do not represent Code amendments):

CHAPTER 114-WATERWAYS

Sec. 114-78. Size of Boats.

The maximum length of any boat to be launched or operated on the city chain of lakes only shall not exceed ~~21 feet, with the exception of pontoon boats and sail boats, which shall not exceed~~ 24 feet in length as listed on boat registration, with the

exception of city vessels that is used for official business. No boat exceeding a width of eight 8.5 feet shall enter any canal. All power boat operators must comply with the maximum horsepower and maximum occupant capacity as stated on the manufacturer's capacity plate of that boat.

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

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

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

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

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2022.

Mayor Phillip M. Anderson

ATTEST:

Rene Cranis, City Clerk