



City Commission Regular Meeting

Agenda

March 9, 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.

Farewell Reception for Commissioner Cooper

2:30 p.m. - City Hall Front Lawn (weather permitting)

30 minutes

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

- a. Reverend Shawn Garvey, First Congregational Church of Winter Park

1 minute

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

- a. Meet Your Department: Water and Wastewater
- b. Presentation of ICMA Service Award to Michelle del Valle
- c. City Manager's Report

10 minutes

2 minutes

5 minutes

6. City Attorney Report

- a. Declaration of Restrictive Covenant - West Meadow

15 minutes

7. Non-Action Items

- a. Emergency Utility Assistance Program managed by Heart of Florida United Way (HFUW)

5 minutes

8. Public Comments | 5 p.m. or soon thereafter

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

(Three minutes are allowed for each speaker)

9. Consent Agenda

- a. Approval of the minutes of the regular meeting, February 23, 2022
- b. Approval of the minutes of the work session, February 24, 2022
- c. Approve the following piggyback contracts:
 - 1. Atlantic Pipe Services, LLC - St. John's County Contract #21-MCC-ATL-13188 - Pipe and Manhole Lining, Renewal & Rehabilitation; for services on an as-needed basis during the

1 minute

1 minute

1 minute

term of the Agreement, contract term through February 24, 2023; Amount: \$500,000

2. Cubix, Inc. - Orange County Contract #Y19-1018 - SaniGlaze Services; for services on an as-needed basis during the term of the Agreement, contract term through March 7, 2023; Amount: \$350,000
3. Stuart C. Irby Co. - OUC Contract #46700Q - Padmount Switchgears; for goods on an as-needed basis for the remainder of the Agreement, contract term through January 1, 2025; Amount: \$450,000

- d. [Approve the following contract:](#) 1 minute
1. Trane Company - FY17-46 - Chiller/HVAC Maintenance for services on an as needed basis; Amount: \$350,000

10. Action Items Requiring Discussion

- a. [City Manager Evaluation](#) 5 minutes

11. Public Hearings

- a. [Resolution: Supporting placement of 1% transportation surtax referendum on the November 2022 county-wide ballot.](#) 5 minutes
- b. [Requests of Winter Park Christian Church and Creative Neighbors LLC.](#) 1 minute

Tabled to March 9th at applicant's request. Applicant has requested continuance to March 23rd.

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

- | | | |
|----|--|------------|
| c. | Ordinance: Establishing the Winter Pines Golf Course Advisory Board. (1st reading) | 10 minutes |
| d. | Ordinance authorizing the issuance of not to exceed \$8,000,000 Capital Improvement Revenue Bond, Series 2022 to finance the acquisition, rehabilitation and equipping of the Winter Pines Golf Club (1st reading) | 10 minutes |
| e. | Request of Z Properties for:
Applicant has requested a continuance to comply with conditions set forth by the commission at first reading. <ul style="list-style-type: none">• Ordinance authorizing the conveyance of a stormwater pond drainage easement (2nd reading); and• Approval to grant an easement to enlarge and maintain the city-owned retention pond located behind 341 N. Pennsylvania Avenue and to route stormwater retention from previously approved office building located at 301 N. Pennsylvania Avenue to the city-owned retention area. | 1 minute |

12. City Commission Reports

13. Summary of Meeting Actions

14. Adjournment



City Commission **agenda item**

item type Farewell Reception for Commissioner Cooper	meeting date March 9, 2022
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

2:30 p.m. - City Hall Front Lawn (weather permitting)

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Invocation	meeting date March 9, 2022
prepared by Kim Breland	approved by
board approval	
strategic objective	

subject

Reverend Shawn Garvey, First Congregational Church of Winter Park

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager Report	meeting date March 9, 2022
prepared by Rene Cranis	approved by
board approval	
strategic objective	

subject

Meet Your Department: Water and Wastewater

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager Report	meeting date March 9, 2022
prepared by Randy Knight	approved by Randy Knight
board approval Completed	
strategic objective	

subject

Presentation of ICMA Service Award to Michelle del Valle

motion / recommendation

None

background

The International City/County Management Association is recognizing Michelle del Valle in honor of her 30 years of service to local governments. A plaque will be presented by the City Manager.

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager Report	meeting date March 9, 2022
prepared by Jennifer Guittard	approved by Peter Moore, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

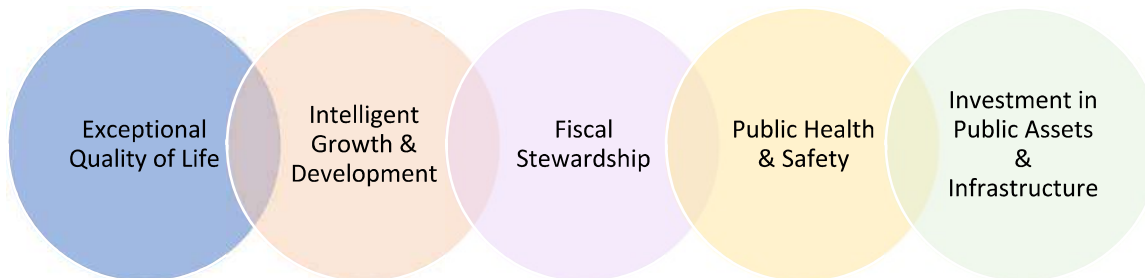
[City Managers Report 3.9.22.pdf](#)



90-Day Report

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

City of Winter Park Strategic Objectives



Upcoming Commission Items

Title 1: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Mar Planning Public Hearings	Winter Park Christian Church - 740/760 Lakemont Avenue: Request to build a replacement Church on the Lakemont Avenue frontage and to develop, subject to Comp. Plan FLU map change, Zoning Map change from R-1A to PURD and Subdivision Plat Approval, the rear 5.25 acres with 13 single family homes and 12 townhouses.	Planning & Transportation	Mar
Winter Park Village – Regal Cinemas improvements	Winter Park Village: Conditional Use request related to façade improvements, including variances related to the central tower feature and digital signage.	Planning & Transportation	Mar
Meet your Department Presentation	The Electric Utility will present to increase awareness of the various city services their department provides.	Electric	Apr

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

Title 2: Investment in Public Assets & Infrastructure

Item	Description	Item Department	Item Date
Swoope NOD	Staff has reached out to the two respondents to the Notice-of-Disposal for the Swoope property and is pursuing the Commission direction to bring back contractual agreements with both parties. This is not anticipated to return as an action item until May.	Administration	May

Additional Items of City Interest

Title 3: Intelligent Growth & Development

Item	Description	Item Department
Sustainability Plan	Roadmap to renewal energy: groundwork to establish a roadmap for the City. Distributed generation (dGen) modeling, greenhouse gas emission efficiency study, and City building efficiency study costs compiled. RFP may require Commission approval based upon available budget.	Natural Resources & Sustainability

Title 4: Investment in Public Assets & Infrastructure

Item	Description	Item Department
Electric Undergrounding	Miles of Undergrounding performed Project J: 2.72 miles 1% complete Project L: 9.57 miles 45% complete Reliability project Q: 5.78 miles 98% complete Project R: 4.31 miles (24% complete) Commission approved advancement TOTAL so far for FY 2022: 3.3 miles	Electric

Item	Description	Item Department
The Pines Golf Course	The RFP responses for the loan financing were due at the end of February. First and second readings of the ordinance will take place in March with an expected closing date in late March or early April. Staff is continuing due diligence and has begun taking the necessary actions to ensure smooth transition of operations based on a tentative transfer date in May 2022.	Parks

Upcoming Advisory Board Meetings

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

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

March Board Meetings

Advisory Board	Meeting Date	Meeting Time
Civil Service Board	3/1/22	4 p.m.
Planning & Zoning Board	3/1/22	6 p.m.
Broadband & Smart City Ad Hoc Committee	3/3/22	9 a.m.
Lake Killarney Advisory Board	3/4/22	10 a.m.
Economic Development Advisory Board	3/8/22	8:15 a.m.
Lakes & Waterways Advisory Board	3/8/22	Noon
Historic Preservation Board	3/9/22	9 a.m.
Parks & Recreation Advisory Board	3/10/22	5:30 p.m.
KWPB & Sustainable Advisory Board	3/15/22	11:45 a.m.
Board of Adjustments	3/15/22	5 p.m.
Public Art Advisory Board	3/21/22	Noon
Transportation Advisory Board	3/21/22	4 p.m.
Utilities Advisory Board	3/22/22	Noon
Community Redevelopment Advisory Board	3/24/22	5:30 p.m.

Upcoming Work Sessions

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

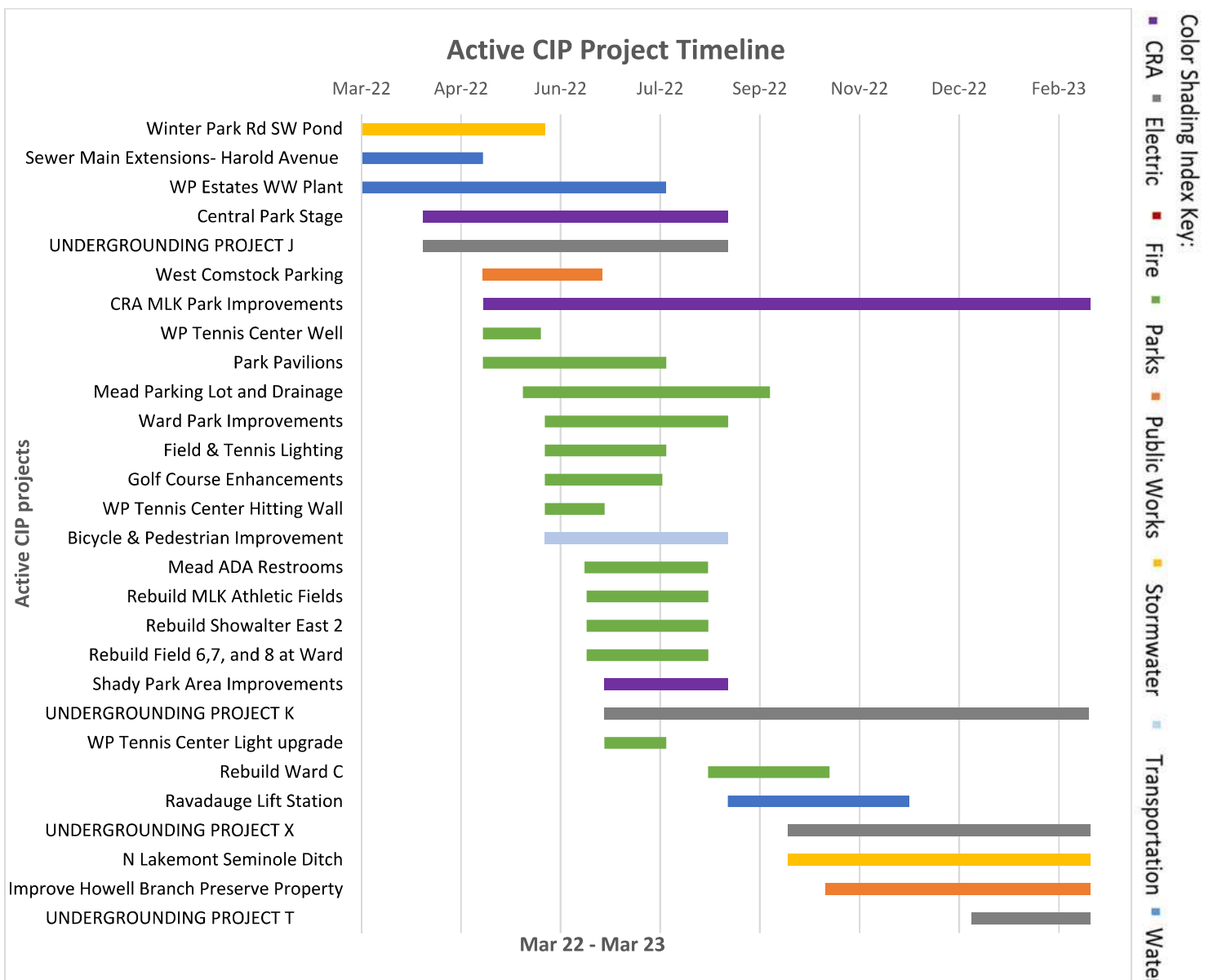
Work Sessions	Meeting Date	Meeting Time
Utilities Advisory Board work session	3/8/22	8:30 a.m.
Planning & Zoning Board work session	3/22/22	Noon



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

Count by Status

Project Status	Planning Status	Active Status	Pending Status
Count Total 55	25	14	17



Title 1: Planning Status

Project	Project Update	Strategic Objective	Division
1792 Streetscape Imp.	MOU amendment approved at CRA meeting 1/27/20. Design review underway by FDOT and staff including lighting and landscaping. FDOT in process of due diligence and potential ROW acquisition.	Intelligent Growth & Development	CRA
Bicycle & Pedestrian Improvement	Camellia Avenue sidewalk project survey will commence March to June with construction temporarily scheduled in June to finish in September.	Exceptional Quality of Life	Transportation
Central Park Stage	Construction documents complete. RFP solicitation is currently out with a due date of march 14th. Review by the selection committee and recommendation for response approval to occur over the next 30days. Pending approval, construction to begin late April or early May.	Exceptional Quality of Life	CRA
CRA MLK Park Improvements	Board and CRA Agency approved design concept for the MLK memorial corner. Consultant enlisted to draft design and assist with stakeholder input and updated costs that include the design. Once updated, staff will need to issue a call for artists for the art component of the project.	Exceptional Quality of Life	CRA
Downtown Enhancements	Small scale improvements complete including repainting of light poles and replacement of trash and recycling cans. Assessing further needs for downtown enhancements as necessary.	Exceptional Quality of Life	CRA
EL Substation upgrades	An agreement has been reached with OUC to maintain City substations. Inspections and equipment evaluation to begin in January. There will be a 6 month trial period to determine effectiveness. No major upgrades planned at this time.	Investment in Public Assets & Infrastructure	Electric
FDOT 17-92 UT Line Relocate	Planning scope of work with consultant. Preliminary design by consultant is anticipated for June 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
Field & Tennis Lighting	Light upgrades at Ward park baseball field 1 and WP Tennis Center soft courts are being scheduled with MUSCO lighting. Baseball is scheduled for June 2022 and waiting on date from contractor for tennis center.	Exceptional Quality of Life	Parks
Fire Safety Equipment	The Alerting system is going to bid 3Q22 after previous vendor fell through. The	Public Health & Safety	Fire

Project	Project Update	Strategic Objective	Division
	upgrading of the Emergency Dispatch CAD system will commence after the Alerting system.		
Golf Course Enhancements	New patio furniture, tv's, and other such items are in the process of being purchased. Due to timing and supply chain issues major hardscape work and tee work will hold until Spring at recommendation of KCR.	Exceptional Quality of Life	Parks
Improve Howell Branch Preserve Property	The initial treatment of invasive species at the Howell Branch Preserve Trail Grant project properties has taken place and quarterly treatment has begun as well. A timeline is being developed to begin the project and engage the public in the process.	Investment in Public Assets & Infrastructure	Public Works
Kennedy Rd Wide Force Mn	Received roadway documents from County and reviewing for existing force main conflicts. Construction estimated for May 2023.	Investment in Public Assets & Infrastructure	Water & Sewer
Lift Station R&R	Designing upgrades for Lift Station #47 (Ranger) and #23 (Solana). Reviewing lift station conditions for future rehabilitations next fiscal year.	Intelligent Growth & Development	Water & Sewer
MLK Regional Stormwater	Lake Mendsen (Lake Island) was included as part of CRA Stormwater plan and staff is working to coordinate improvements with MLK Park enhancements to better leverage funding. The plan includes the more passive areas of MLK Park to the north which is currently slated for funding in the CRA's CIP through FY24.		CRA
N Lakemont Seminole Ditch	Developing a schedule to complete the Survey and Design services. Estimated to have design done by end of June.	Investment in Public Assets & Infrastructure	Stormwater
Park Pavilions	Working with Mead Gardens on design and needs of new pavilion with tentative start in Summer 2022.	Investment in Public Assets & Infrastructure	Parks
Progress Pointe Redevelopment	Seven (7) 20"+ caliper live oaks have been secured and are being prepared for transport and planting beginning week of 1/17. Two trees per week will be delivered and installed over the course of 3 weeks with final tree installed on week 4. Grading plan for site that will allow for tree planting will be expedited to ensure project stays on track for time sensitive tree planting. Design for Palmetto	Investment in Public Assets & Infrastructure	Parks

Project	Project Update	Strategic Objective	Division
	realignment is nearing completion and will allow for construction to begin in early to mid 2022. Updated conceptional park plan was brought to PRB for feedback at Dec PRAB meeting and notes from meeting have been provided to Commission. Follow up question from PRAB are being addressed and will be brought back to PRAB at Jan meeting.		
Ravadauge Lift Station	Preliminary design and modeling of pump station and force main. Draft results reviewed and additional modeling was performed to address City comments.	Investment in Public Assets & Infrastructure	Water & Sewer
Richard Crotty Pkw	Roadway project pushed back by Orange County to begin construction Spring 2025. Water and wastewater utilities design 95% complete.	Investment in Public Assets & Infrastructure	Water & Sewer
Sewer Main Extensions	Extension of sewer mains to support new development or redevelopment. Harold Avenue sewer main extension FDEP and Orange County permit obtained. Materials being procured for installation. Anticipated field construction work to begin Spring 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
Shady Park Area Improvements	Splash pad area demolition complete. Public outreach complete and reviewed favorably by advisory boards. Design approved by CRA Agency in February. Staff is currently drafting a request for artists for the public art component of the project. Solicitation process is expected to occur over the next quarter. Manufacturing and installation of the art piece is dependent upon solicitation responses.	Exceptional Quality of Life	CRA
UT Lines 434 Road Widening	Design is 90% complete. FDOT has delayed roadway project bid until December 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
Ward Park Improvements	Planning new baseball field fencing for Summer 2022 installation.	Exceptional Quality of Life	Parks
WP Estates WW Plant	Replacement generator under fabrication. Supply chain shortage has pushed back original delivery date (Jan 2022). Estimated delivery in May 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
WP Pines Golf Course	Purchase of the Winter Park pines golf course underway. Estimated close is April 2022	Investment in Public Assets & Infrastructure	Parks

Title 2: Active Status

Project	Project Update	Strategic Objective	Division
Cemetery Improvements	Structures are currently being fabricated and should be delivered and installed in early Spring 2022. Site preparations and landscape/greenscreen install is underway.	Investment in Public Assets & Infrastructure	Parks
Electric Undergrounding Project	Miles of Undergrounding performed Project J: 2.72 miles 1% complete Project L: 9.57 miles 45% complete Reliability project Q: 5.78 miles 98% complete Project R: 4.31 miles (24% complete) Commission approved advancement TOTAL so far for FY 2022: 3.3 miles	Investment in Public Assets & Infrastructure	Electric
ERP Software Project	Utility Billing and Code Enforcement Go Live is now scheduled for May 2022. Next step is to ensure the City can run a full bill cycle in the new software. After that, there will be staff training and parallel testing.	Fiscal Stewardship	IT
Facility Capital Improvements	Scheduling HVAC replacements for the remaining water plants with installs to be completed over the next couple of months. Evaluating HVAC replacement plans for Emergency Operations. Country Club and Building 10 are scheduled to be painted over the next couple of months.	Investment in Public Assets & Infrastructure	Public Works
Improve Mead Garden	City and Mead are coordinating major CIP projects related to ADA restrooms, parking lot improvements, and ADA pathways. Parking lot renovations have begun with overflow lot completed. ADA restrooms construction is underway. ADA trail work will begin later this fall (after wet season).	Exceptional Quality of Life	Parks
IT Infrastructure Upgrade	Funding being utilized for modernization of IT infrastructure.	Fiscal Stewardship	IT
Post Office Acquisition	Awaiting response from Post Office regarding their opinion of the two Commission approved potential sites.	Investment in Public Assets & Infrastructure	CRA
Showalter Improvements	Pad and structure installed. Commercial grill installed and operational. Prep tables and lighting will be installed later this spring.	Exceptional Quality of Life	Parks
Signalization Upgrade	New Traffic controllers have been installed at the four intersections. The software for the wireless signal system	Investment in Public Assets	Transportation

Project	Project Update	Strategic Objective	Division
	has been installed. Training for the software is underway. The wireless infrastructure at four intersections will be installed by the end of Fiscal year 2022. One of the wireless infrastructures has been installed.	& Infrastructure	
Solar Awning Construction	Advanced roofing was selected for the contractual services. Construction will begin in April.	Intelligent Growth & Development	Electric
Stormwater Rehab	Several in-house drainage improvements projects to be scheduled for 2021-22. Pinetree Rd and Via Amalfi drainage system is being replaced. Estimated completion is mid March. Ward Park ponds construction are underway to expand an existing and construct a new stormwater retention pond in the park. Estimated completion is the beginning of April. Additional projects being evaluated and assessed are Canton at Knowles intersection and Palmer at Old England outfall repair.	Investment in Public Assets & Infrastructure	Stormwater
Upgrade Water Mains	Upgrading water mains in Dubsdread Heights subdivision.	Investment in Public Assets & Infrastructure	Water & Sewer
Water Treatment Plants R&R	Replacement sodium hypochlorite tanks at Magnolia, Aloma and Swoope WTPs have been purchased and delivered. Scheduling in house installation and configuration January-April 2022 per staff availability.	Investment in Public Assets & Infrastructure	Water & Sewer
Winter Park Sports Complex	Nidy completing selection options, permitting, and design with City expected to receive proposal in late Jan/Feb with work tentatively scheduled to begin Spring 2022. Parking lot improvements are completed at Ward baseball fields. The City is working with the City Attorney to add addendum to OCPS Showalter contract. Baseball field improvements at Field 6,7,and 8 are scheduled for summer 2022.	Investment in Public Assets & Infrastructure	Parks

Title 3: Pending Status

Project	Project Update	Strategic Objective	Division
Cady Way Pool Improvements	Replacement of filtration system is being scheduled for Winter 2022.	Exceptional Quality of Life	Parks

Project	Project Update	Strategic Objective	Division
CRA Small Projects	Canton & Garfield pedestrian connection project is now on hold due to unforeseen added cost. Process moving forward is to evaluate in conjunction with other sidewalk improvement opportunities within the downtown for maximum benefit.	Intelligent Growth & Development	CRA
Decorative Lights and Trees in CRA	140 total decorative lights have been installed. Coordination with Electric Utility on assessment of light replacements/additions as needed.	Intelligent Growth & Development	CRA
Denning Dr. Intersection	Approved project complete. Extension to railroad north under consideration. Early extension estimated at \$400k, but requires further review. Staff anticipates bringing forward for discussion in this fiscal year.	Investment in Public Assets & Infrastructure	CRA
Denning/Fairbanks Traffic & SW	Purchase of both 901 and 919 W. Fairbanks has been completed and demolition will begin in early February. Staff is working with Kimley Horn consultant on the development of construction plans for improvement to the intersection. Design is underway. Physical improvements would be pending cost consideration by the CRA/City Commission.	Investment in Public Assets & Infrastructure	CRA
East OC Service Improvement	Pending in house availability to planning redirection of flow to East plant. Anticipated priority for summer 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
EL Meter Replacement	The replacement of electric meters is pending the go-live date for the utility billing software so that compatibility with meter types can be tested. Due to extremely long lead times the city has proactively ordered meters but is still awaiting receipt. Currently the go-live date is scheduled for May of this year.	Investment in Public Assets & Infrastructure	Electric
Lake Bell Weir Improvements	Pending monitoring assessment.	Investment in Public Assets & Infrastructure	Stormwater
Meter Data Management Upgrade	Implementation of new cloud based software and integration with Tyler. This is dependent upon Tyler's schedule for the Utility Billing module. There is some coordination involved between Harris SmartWorks MDM software and Tyler Munis. Harris is waiting for information from Tyler and are on hold until Tyler provides it.	Investment in Public Assets & Infrastructure	Water & Sewer

Project	Project Update	Strategic Objective	Division
New York Streetscape	Phase I construction complete (Intersection of Fairbanks and New York Avenue) to improve turning lanes, ADA improved pedestrian crosswalks, and mast arm construction. Coordination on Phase II (New York Avenue to Morse Blvd) streetscape and ADA enhancements. Awaiting scopes from private contractor for planning, budgeting, and start date purposes.	Intelligent Growth & Development	CRA
Park Surface and Feature Restorations	Phelps Park Playground additional structure has been ordered with estimated installation of Spring 2022. Tennis Court and pickleball addition are complete and have reopened to the public.	Exceptional Quality of Life	Parks
Sewer Capacity	Purchase of additional wastewater treatment capacity with City of Altamonte Springs in contract negotiations. Provided draft agreement language to City of Altamonte for review. Scheduling follow up negotiations for March/April 2022.	Investment in Public Assets & Infrastructure	Water & Sewer
St. Andrews Trail	Design completed for which the City has been reimbursed by the FDOT. Construction is on hold until FDOT funding is released in 2023.	Investment in Public Assets & Infrastructure	Transportation
Storage Building Cemetery/Golf	Pending property determination.	Exceptional Quality of Life	Parks
Tennis Center Upgrades	Pending project scope for replacement of pickleball space with block hitting wall and installation of well for clay court maintenance/irrigation.	Investment in Public Assets & Infrastructure	Parks
West Comstock Parking	Pending permitting anticipated by the end of April. This project is being coordinated with LEC construction estimated May 2022.	Investment in Public Assets & Infrastructure	Public Works
Winter Park Rd SW Pond	The pond excavation is complete. A permit exemption has been approved for the stormwater conveyance system and pond outfall. Construction to resume in April 2022.	Investment in Public Assets & Infrastructure	Stormwater

Recently Completed Projects

Parks Department

The Parks Department completed the restoration of the tennis courts and pickleball addition at Phelps Park as part of the Exceptional Quality of Life strategic objective.



City Commission **agenda item**

item type City Attorney Report	meeting date March 9, 2022
prepared by Michelle del Valle	approved by Randy Knight
board approval Completed	
strategic objective	

subject

Declaration of Restrictive Covenant - West Meadow

motion / recommendation

background

At the February 23rd Commission Meeting, the City Commission discussed ways to consider the addition of restrooms and a park pavilion at the West Meadow. To further that discussion and seek direction of the Commission, attached are the two ordinances currently in effect and a proposed deceleration of restrictive covenant. With clear direction of the Commission's intent, the City Attorney will suggest the best tools to move forward.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Declaration_of_Restrictive_Covenant_AKA_Revd_2-15-22.docx](#)

ATTACHMENTS:

[Declaration of Restrictive Covenant AKA Revd REDLINE 3-3-2022.doc](#)

ATTACHMENTS:

[WEST MEADOW SKETCH OF DESCRIPTION 2-16-22.pdf](#)

ATTACHMENTS:

[ORD2327.pdf](#)

ATTACHMENTS:

[ORD2470-02.pdf](#)

AFTER RECORDING
RETURN TO:

A. KURT ARDAMAN, ESQUIRE
FISHBACK DOMINICK
1947 LEE ROAD
WINTER PARK, FLORIDA 32789

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (“Covenant”) is made this ____ day of _____, 202__ by **CITY OF WINTER PARK**, a Florida municipal corporation (“City”) whose address is 401 Park Avenue South, Winter Park, Florida 32789.

WITNESSETH:

WHEREAS, City is the owner of that certain real property in Orange County, Florida, more particularly and graphically described on the attached Exhibit “A” and known as West Meadow Central Park (“West Meadows”); and

WHEREAS, certain portions of West Meadows are restricted by recorded public records to be used for park purposes only; and

WHEREAS, the City desires to restrict all of West Meadows to use for park purposes only; and

WHEREAS, the City wishes to implement this Covenant by recording this Covenant in the public records of Orange County, Florida.

NOW, THEREFORE, for good and valuable consideration the sufficiency and receipt of which is hereby acknowledged, the Covenant set forth herein constitutes record notice of the following:

Section 1. Restrictive Covenant. The use of West Meadows is hereby limited and restricted to park purposes only. Parks purposes includes active and/or passive park and recreational purposes and public events. To support and accommodate such authorized purposes, but without limitation on such authorized purposes, the construction, maintenance, repair, replacement, and use of facilities, structures, and improvements such as pavilions and restroom facilities, and other improvements which support, accommodate, or facilitate parks purposes are authorized.

Section 2. City’s Right to Terminate, Rescind, Release. Notwithstanding anything in this Covenant to the contrary, the City has and retains the right to terminate, rescind, amend, and/or release this Covenant, in the City’s discretion; provided, however, such termination, rescission, amendment, and/or release must occur by adopting an ordinance after two (2) readings and public hearings.

Section 3. Binding Effect

. This Covenant shall run with title to the property set forth on Exhibit “A” attached hereto, and is binding upon the City and its heirs, successors, and assigns.

Section 4. Severability/Inaction

. The determination by any Court with competent jurisdiction that any portion or provision of this Covenant is unenforceable, invalid or void shall not affect the validity or enforceability of all other provisions and portions hereof. No action or failure to act by the City shall constitute a waiver of any right or duty of the City under this Covenant nor shall any action or failure to act constitute approval or acquiescence in any breach hereunder except if specifically agreed to in writing by the City.

Section 5. Applicable Law/Venue/Proceedings

. This Covenant shall be interpreted according to the laws of the State of Florida, and the proper venue of any actions arising hereunder or related to this Covenant shall lie exclusively in Orange County, Florida. In the event legal proceedings ensue for breach of this Covenant, the party against whom judgement is entered shall pay all costs, fees, charges, and expenses relative thereto, including reasonable attorneys’ fees and paralegal fees both as to trial and appellate levels of the prevailing party.

Section 6. Effectiveness and Recording. The effective date of this Covenant shall be the date upon City Commission approval, and thereafter shall be recorded in the Public Records of Orange County, Florida.

(Signature Page to Follow)

WITNESS the execution hereof as of the date first written above.

Signed, sealed and delivered
in the presence of:

**CITY OF WINTER PARK, a Florida municipal
corporation**

Signature

Print Name

Signature

Print Name:

By: _____
Phil Anderson, Mayor

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization, this ____ day of _____, 202__, by PHIL ANDERSON, as
Mayor of the City of Winter Park, who is (____) personally known to me or who (____) has produced
_____ as identification.

Notary Public

Print Name: _____

My Commission Expires: _____

AFTER RECORDING
RETURN TO:

A. KURT ARDAMAN, ESQUIRE
FISHBACK DOMINICK
1947 LEE ROAD
WINTER PARK, FLORIDA 32789

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (“Covenant”) is made this ____ day of _____, 202__ by **CITY OF WINTER PARK**, a Florida municipal corporation (“City”) whose address is 401 Park Avenue South, Winter Park, Florida 32789.

WITNESSETH:

WHEREAS, City is the owner of that certain real property in Orange County, Florida, more particularly and graphically described on the attached Exhibit “A” and known as West Meadow Central Park (“West Meadows”); and

WHEREAS, certain portions of West Meadows are restricted by recorded public records to be used for park purposes only; and

WHEREAS, the City desires to restrict all of West Meadows to use for park purposes only; and

WHEREAS, the City wishes to implement this Covenant by recording this Covenant in the public records of Orange County, Florida.

NOW, THEREFORE, for good and valuable consideration the sufficiency and receipt of which is hereby acknowledged, the Covenant set forth herein constitutes record notice of the following:

Section 1. Restrictive Covenant. The use of West Meadows is hereby limited and restricted to park purposes only. Parks purposes includes active and/or passive park and recreational purposes and public events. To support and accommodate such authorized purposes, but without limitation on such authorized purposes, the construction, maintenance, repair, replacement, and use of facilities, structures, and improvements such as pavilions and restroom facilities, and other improvements which support, accommodate, or facilitate parks purposes are authorized subject to compliance with all applicable Codes and Ordinances.

Section 2. City’s Right to Terminate, Rescind, Release. Notwithstanding anything in this Covenant to the contrary, the City has and retains the right to terminate, rescind, amend, and/or release this Covenant, in the City’s discretion; provided, however, such termination,

rescission, amendment, and/or release must occur by adopting an ordinance after two (2) readings and public hearings.

Section 3. Binding Effect. This Covenant shall run with title to the property set forth on Exhibit “A” attached hereto, and is binding upon the City and its heirs, successors, and assigns.

Section 4. Severability/Inaction. The determination by any Court with competent jurisdiction that any portion or provision of this Covenant is unenforceable, invalid or void shall not affect the validity or enforceability of all other provisions and portions hereof. No action or failure to act by the City shall constitute a waiver of any right or duty of the City under this Covenant nor shall any action or failure to act constitute approval or acquiescence in any breach hereunder except if specifically agreed to in writing by the City.

Section 5. Applicable Law/Venue/Proceedings. This Covenant shall be interpreted according to the laws of the State of Florida, and the proper venue of any actions arising hereunder or related to this Covenant shall lie exclusively in Orange County, Florida. In the event legal proceedings ensue for breach of this Covenant, the party against whom judgement is entered shall pay all costs, fees, charges, and expenses relative thereto, including reasonable attorneys’ fees and paralegal fees both as to trial and appellate levels of the prevailing party.

Section 6. Effectiveness and Recording. The effective date of this Covenant shall be the date upon City Commission approval, and thereafter shall be recorded in the Public Records of Orange County, Florida.

(Signature Page to Follow)

WITNESS the execution hereof as of the date first written above.

Signed, sealed and delivered
in the presence of:

**CITY OF WINTER PARK, a Florida municipal
corporation**

Signature

By: _____
Phil Anderson, Mayor

Print Name

Signature

Print Name:

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me by means of ☐ physical
presence or ☐ online notarization, this ____ day of _____, 202__, by PHIL
ANDERSON, as Mayor of the City of Winter Park, who is () personally known to me or who
() has produced _____ as identification.

Notary Public

Print Name: _____

My Commission Expires: _____

CENTRAL PARK "WEST MEADOW"

LEGAL DESCRIPTION:

ALL OF ORANGE COUNTY TAX PARCELS 05-22-30-9400-30-001, 05-22-30-9400-31-560 AND 05-22-30-9400-31-300, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF BLOCK 30, REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", PAGE 67, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING WEST OF THE RAILROAD RIGHT OF WAY AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAPS OF THE CENTRAL FLORIDA COMMUTER RAIL TRANSIT SEGMENT "G" BOUNDARY SURVEY.

TOGETHER WITH

LOTS 28 THROUGH 35, INCLUSIVE, BLOCK 31, REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", PAGE 67, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

TOGETHER WITH

THE LOT DENOTED AS "RICHMOND" IN BLOCK 31, REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", PAGE 67, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (ALSO KNOWN AS LOT 56, PLAN OF TOWN OF WINTER PARK, AS RECORDED IN MISCELLANEOUS BOOK 3, PAGE 220 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND RE-RECORDED IN PLAT BOOK "E", PAGE 38, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA).

TOGETHER WITH

THE FOLLOWING PORTIONS OF VACATED RIGHT OF WAY:

THE SOUTH 1/2 OF GARFIELD AVENUE AS VACATED BY THE CITY OF WINTER PARK ORDINANCE NUMBER 229, LYING NORTH OF BLOCK 30, REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", PAGE 67, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND LYING WEST OF THE RAILROAD RIGHT OF WAY AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAPS OF THE CENTRAL FLORIDA COMMUTER RAIL TRANSIT SEGMENT "G" BOUNDARY SURVEY.

AND

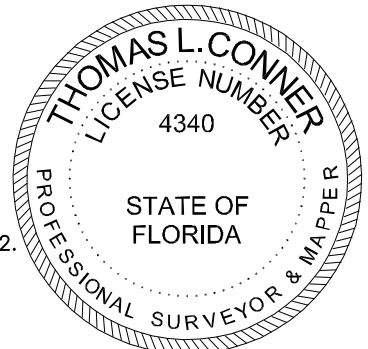
THE EAST 1/2 OF WEST PARK AVENUE, AS VACATED BY THE CITY OF WINTER PARK ORDINANCE NUMBER 301 LYING BETWEEN THE NORTH RIGHT OF WAY OF CAROLINA AVENUE AND THE CENTERLINE OF GARFIELD AVENUE; AND THE EAST 1/2 OF WEST PARK AVENUE, AS VACATED BY THE CITY OF WINTER PARK ORDINANCE NUMBER 2807-10, LYING BETWEEN THE NORTH RIGHT OF WAY OF CAROLINA AVENUE AND THE NORTH RIGHT OF WAY LINE OF MORSE BOULEVARD AND THE WEST 1/2 OF WEST PARK AVENUE AS VACATED BY SAID ORDINANCE 2807-10 LYING BETWEEN THE SOUTH RIGHT OF WAY LINE OF CAROLINA AVENUE AND SAID NORTH RIGHT OF WAY LINE OF MORSE BOULEVARD.

ALL OF THE ABOVE BEING THE AREA BOUNDED BY THE FOLLOWING DESCRIPTION:

BEGIN AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF WEST MORSE BOULEVARD WITH THE EAST RIGHT OF WAY OF NORTH NEW YORK AVENUE; THENCE RUN NORTHERLY ALONG SAID EAST RIGHT OF WAY OF NORTH NEW YORK AVENUE TO THE SOUTH RIGHT OF WAY OF CAROLINA AVENUE; THENCE EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE OF CAROLINA AVENUE TO THE PROJECTED CENTERLINE OF WEST PARK AVENUE (NOW VACATED BY CITY OF WINTER PARK ORDINANCE NUMBER 2807-10 AND CITY OF WINTER PARK ORDINANCE NUMBER 301); THENCE RUN NORTHERLY ALONG SAID PROJECTED CENTERLINE AND THE CENTERLINE OF SAID WEST PARK AVENUE TO THE CENTERLINE OF GARFIELD AVENUE (NOW VACATED BY CITY OF WINTER PARK ORDINANCE NUMBER 229); THENCE RUN EASTERLY ALONG SAID CENTERLINE OF GARFIELD AVENUE TO THE WESTERLY RIGHT OF WAY LINE OF THE RAILROAD RIGHT OF WAY AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAPS OF THE CENTRAL FLORIDA COMMUTER RAIL TRANSIT SEGMENT "G" BOUNDARY SURVEY; THENCE RUN SOUTHEASTERLY ALONG SAID WEST RIGHT OF WAY LINE OF SAID RAILROAD TO THE NORTH RIGHT OF WAY LINE OF AFOREMENTIONED WEST MORSE BOULEVARD; THENCE RUN WESTERLY ALONG SAID NORTH RIGHT OF WAY OF WEST MORSE BOULEVARD TO THE POINT OF BEGINNING.

NOTES:

1. SKETCH AND DESCRIPTION ONLY, NOT A BOUNDARY SURVEY.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THIS SKETCH AND DESCRIPTION WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE IN FLORIDA ADMINISTRATIVE CODE RULE 5J-17.05, PURSUANT TO FLORIDA STATUTE 472.



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



**CITY OF WINTER PARK
PUBLIC WORKS DEPARTMENT**

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

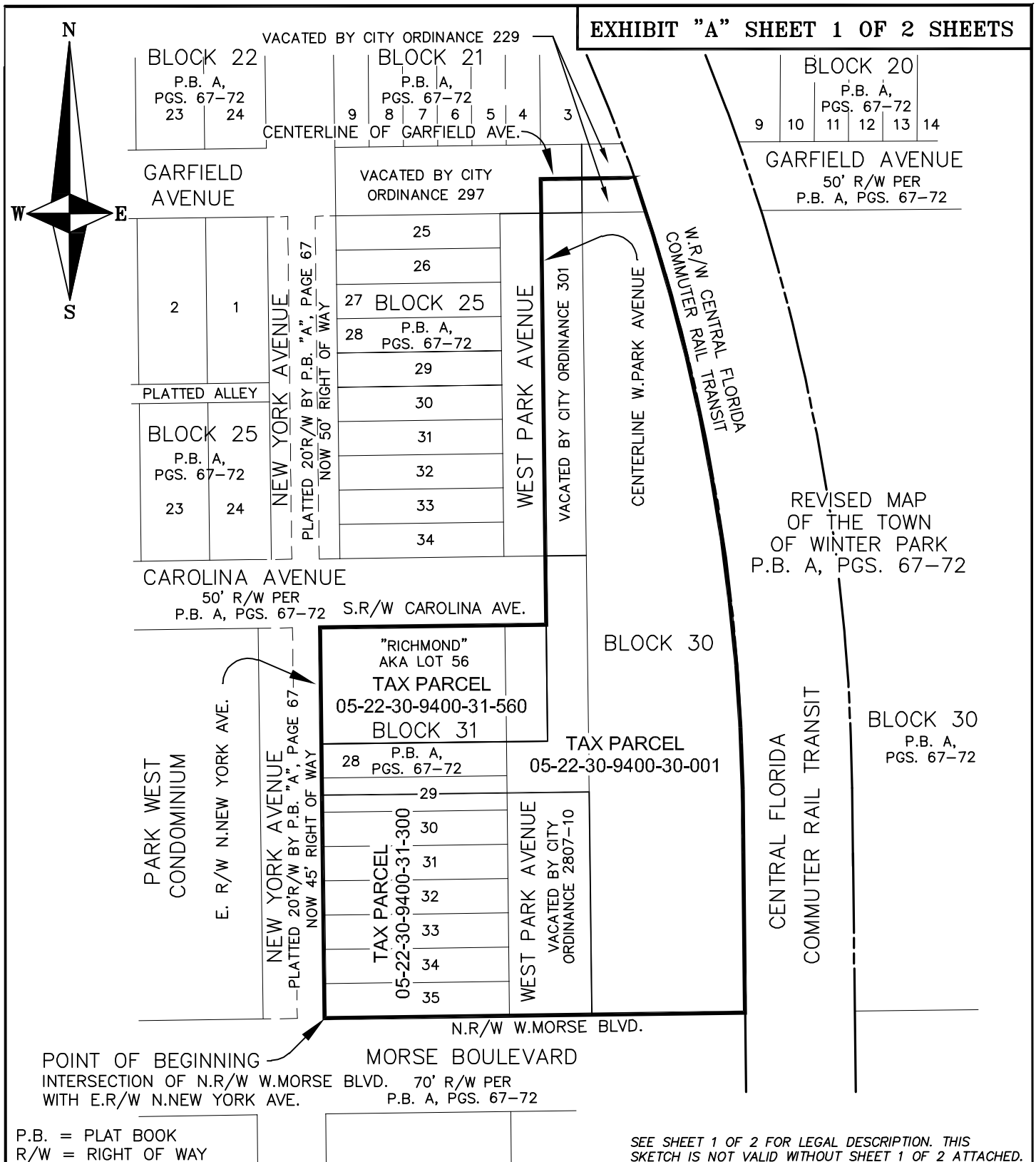
PREPARED BY THOMAS L. CONNER, CITY SURVEYOR
FLORIDA LICENSED SURVEYOR AND MAPPER LS4340

**SKETCH AND DESCRIPTION
CENTRAL PARK
WEST MEADOW**

CITY OF WINTER PARK, ORANGE COUNTY, FL
SCALE : 1" = 100' DATE : 02/16/22

WEST MEADOW SKETCH OF DESCRIPTION.DWG

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



CITY OF WINTER PARK **PUBLIC WORKS DEPARTMENT**

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

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

SKETCH AND DESCRIPTION **CENTRAL PARK** **WEST MEADOW**

CITY OF WINTER PARK, ORANGE COUNTY, FL
SCALE : 1" = 100' DATE : 02/16/22

WEST MEADOW SKETCH OF DESCRIPTION.DWG

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

ORDINANCE NO. 2327

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR A REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF PROPOSED CONSTRUCTION OF ANY STRUCTURE OR BUILDING, INCLUDING BUT NOT LIMITED TO OFFICE OR COMMERCIAL USE, ON CITY OWNED LANDS IN OR ADJACENT TO CENTRAL PARK, WINTER PARK, FLORIDA, WHICH INCLUDES ALL CITY OWNED LANDS BOUNDED BY CANTON AVENUE ON THE NORTH, PARK AVENUE ON THE EAST, NEW ENGLAND AVENUE ON THE SOUTH, AND NEW YORK AVENUE ON THE WEST; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Central Park, located in the Central Business District of Winter Park, has been historically used as a passive park; and

WHEREAS, there is a current proposal to construct an office building on city owned lands in or adjacent to Central Park; and

WHEREAS, the City Commission of the City of Winter Park deems it desirable to submit to the registered electors of the city for approval or rejection, the proposed construction of any permanent structure or building, including but not limited to office or commercial use, on city owned lands in or adjacent to Central Park which are bounded by Canton Avenue on the north, Park Avenue on the east, New England Avenue on the south, and New York Avenue on the west.

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

Section 1. The proposed construction of any permanent structure or building, including but not limited to office or commercial use, on city owned lands in Central Park located in the Central Business District of Winter Park, which includes all city owned land bounded by Canton Avenue on the north, Park Avenue on the east, New England Avenue on the south, and New York Avenue on the west, shall be first submitted to the electors of the City of Winter Park for approval or rejection.

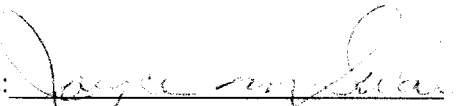
Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, this 26th day of October, 1999.



Joe Terranova, Mayor

Attest: 

Joyce M. Swain, City Clerk

ORDINANCE NO. 2470-02

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE AMENDMENT OF ORDINANCE 2327 REQUIRING VOTER REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR ANY BUILDINGS OR STRUCTURES WITHIN OR ADJACENT TO CENTRAL PARK ONLY TO THE EXTENT OF ALLOWING ANY OPEN PARK OR GARDEN STRUCTURES SUCH AS TRELLISES, FOUNTAINS, PERGOLAS, GAZEBOS, PAVILLIONS OR MODIFICATIONS OR ENHANCEMENTS TO EXISTING PARK ACCESSORY STRUCTURES, PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1999, the City Commission adopted Ordinance 2327 requiring voter referendum approval for the construction of buildings or other structures within Central Park or on any adjacent city owned lands, and

WHEREAS, The City Commission desires to exempt from this requirement the accessory structures planned within Central Park which does not violate the original intent of Ordinance 2327.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. That Section One of Ordinance 2327 is amended to read as follows:

The proposed construction of any permanent structure or building, except for any open park or garden structure such as trellises, fountains, pergolas, gazebos, pavilions or modifications or enhancements to existing Central Park accessory structures, on city owned lands in Central Park located in the Central Business District of Winter Park, which includes all city owned land bounded by Canton Avenue on the north, Park Avenue on the east, New England Avenue on the south and New York Avenue on the west shall be first submitted to the electors of the City of Winter Park for approval or rejection.

SECTION 2. All ordinances or portions or ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 25th day of June, 2002.



Mayor

ATTEST:



City Clerk



City Commission agenda item

item type Non-Action Items	meeting date March 9, 2022
prepared by Wes Hamil	approved by Wes Hamil, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Emergency Utility Assistance Program managed by Heart of Florida United Way (HFUW)

motion / recommendation

No action necessary. The City Commission requested additional information regarding the HFUW program at its February 23 meeting.

background

The City began a partnership with HFUW in 2006, shortly after the acquisition of the electric utility. This program provides a vehicle for our utility customers who wish to help other customers facing financial hardships. For the month of February 2022 we had 151 customers contribute a total of \$550. These funds are passed on to HFUW who administers the emergency utility assistance program. The City's customer service representatives refer customers having difficulty paying their utility bills to the program and HFUW receives applications for assistance and vets them for approval. Any funding approved is distributed directly to the City to be applied to the customer's account.

In April 2020, the City Commission approved \$25,000 to be given to HFUW for this program along with another \$25,000 in matching funds for customer contributions. \$12,331 of the matching funds remain to match future customer contributions at this point. These contributions are used exclusively for Winter Park customers. Some recent history of assistance and the balance in the City's account at HFUW are below:

	Number of Customer Helped	Assistance Provided	Balance in Account
July 2021	5	1,269.93	

August 2021	5	1,670.69	
September 2021	10	2,637.43	
October 2021	9	2,612.86	
November 2021	3	625.41	
December 2021	7	505.86	\$54,658.12

HFUW program criteria are:

1. Must be a Winter Park electric utility customer
2. Must be customer of record or authorized on the account
3. Not involved in criminal activity related to tampering
4. Must provide:
 1. Name and contact information
 2. Last four digits of social security number
 3. Winter Park utility account number
 4. Proof of financial hardship

Assistance is limited to up to \$650 per household in a 12 month period. Some common examples of financial hardship include job loss, loss of unemployment benefits, loss of hours at work due to illness/COVID (without sick pay), reduction of hours at work, and unexpected expenses such as car repair or a medical bill.

There is a link to the City's emergency utility assistance programs at <https://cityofwinterpark.org/departments/finance/utility-billing/>. In addition to the HFUW program, we refer customers to the federally funded programs of LIHEAP (for qualifying low income customers) and EHEAP (for qualifying elderly customers). These programs also provide funds directly to Winter Park to be applied to the customer's account. Payment plans are another option for those struggling to pay utility bills.

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type Consent Agenda	meeting date March 9, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approval of the minutes of the regular meeting, February 23, 2022

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC-min-2022-02-23.pdf](#)



City Commission Regular Meeting Minutes

February 23, 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, Carolyn Cooper and Todd Weaver (absent from 4:17 to 7:01 p.m.); City Manager Randy Knight; City Attorney Kurt Ardaman; City Clerk Rene Cranis

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:31.

2) Invocation

Joseph Richardson, Central Florida Freethought Community, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor Report

- a. Recognition of Don Palladeno for his service to the Police and Fire Departments.

Acting Police Chief Pam Marcum and Fire Chief Dan Hagedorn recognized Don Palladeno for his long-time support of the Police and Fire Departments and displayed a plaque which will be displayed in the lobby of the Public Safety Building. Jim Huckaba spoke about Mr. Palladeno's service on the Civil Service Board and his founding of Friends of the Winter Park Police and Fire which assists first responders in time of need. He thanked everyone for their support.

5) City Manager Report

- a. Confirmation of Timothy R. Volkerson as Winter Park Police Chief

Mr. Knight summarized Division Chief Volkerson's credentials and recommended confirmation of his appointment as Police Chief.

Motion made by Commissioner Cooper to confirm Timothy R. Volkerson as Police Chief effective February 28, 2022; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Mr. Knight advised that the city closed on the purchase of 1401 Howell Branch Road with renovations to begin shortly to accommodate the relocation of the Building Department.

6) City Attorney Report

a. Declaration of Restrictive Covenant - West Meadow

Mr. Ardaman presented the Declaration of Restrictive Covenant. He advised of Ordinance 2327, adopted in 1999, that requires voter approval for any permanent structure or building in the designated the area which includes West Meadow and Central Park. The covenant provides that the use of West Meadow is to be restricted for park purposes only, which includes active and/or passive park and recreational purposes and public events. It also includes a provision that authorizes facilities, structures and improvements such as pavilions and restrooms facilities that support, accommodate or facilitate those park purposes. The covenant would have to be revised to document the commission's intent as to whether or not those types of facilities and structures would require voter approval. He responded to questions stating that he does not know the commission intent at the time that ordinance was adopted but the language is subject to some interpretation. He stated that the commission's intent should be clearly stated in the covenant.

Commissioner Sullivan said he does not believe the intent of the ordinance was to forbid restrooms or stage similar to the one in Central Park and would not be subject to voter approval. He supported the covenant as proposed.

Commissioner DeCiccio also felt that it was not the intent to exclude restrooms and pavilions, which she feels are needed and will increase the use of this area of the park; however, any building design should mirror the new stage and train station. She suggested adding a clause to the covenant that overrides the 1999 ordinance to allow for amenities likes restrooms, storage facilities or pavilions that benefit the city and the residents. In response to Mayor Anderson, she affirmed that she would like to adjust the 1999 ordinance.

Mr. Ardaman said if that is the intent, an ordinance would be needed to adopt the covenant that includes that clause defining what is allowed and that the covenant would control in case of a conflict with the 1999 ordinance. In essence, it would keep the 1999 ordinance in place except for what is allowed by this covenant.

Commissioner Cooper provided the background of the 1999 ordinance and one in 2002 that clarified what structures required voter approval. She said she feels the ordinance should not be considered for revision or repeal without significant community input. She said she feels it is about what the residents expect from the city to protect Central Park and said it is clearly defined to be any permanent structure. She supported language in the covenant to require voter approval and deferring this until it is advertised for reconsideration of the ordinance and everyone has a clear understanding of the two ordinances.

Commissioner DeCiccio she said the purpose of the covenant is to provide more protection from commercial development. She is not looking to repeal the ordinance but to set more restrictive measures.

Mayor Anderson said the covenant and the ordinance, combined, provide significant protection and asked Mr. Ardaman whether the commission has the option to approve the covenant as is and address the 1999 ordinance at a later date.

Mr. Ardaman stated if the intent of the commission is to make sure they both apply, he suggested adding a clause at the end of Section 1 that states "subject to compliance with all applicable codes and ordinances" so there is no question that both apply. If ordinances are in place and the covenant is adopted as is, the 1999 ordinance still stands and voter approval would be required for any permanent building or structure. He recommended that the commission's intent be made clear and documented in an ordinance. He responded to questions and recommended discussing the two ordinances before adopting the restrictive covenant.

Commissioner Weaver supported the covenant but feels the voters should have input. He spoke about the use of the West Meadow for the Farmer's Market, which he feels should move back to the Farmers Market, and opposed any buildings in West Meadow and Central Park and any buildings without voter approval.

Mayor Anderson said he is comfortable having overlapping restrictions and feels that restrictive covenants last longer than ordinances as they are deed restrictions until the party establishing those restrictions elects to remove them. Ordinances are legislative and more easily modified or rescinded. He expressed concern with incorporating the provisions of an ordinance by reference in the covenant. He feels if the commission determines to reconsider the 1999 and 2002 ordinances, they should be addressed before adopting a restrictive covenant.

Commissioner Cooper said she is firmly disinterested in opening the 1999 ordinance. She noted that the city has the legal right to build a structure at 20% FAR under park zoning but doesn't believe three citizens should have the unilateral right to put a

structure at 20% FAR in the park. She said this covenant clearly allows some structures that the residents have fought against unless there is voter approval.

Motion made by Commissioner Weaver to table; seconded by Commissioner Sullivan.

Mr. Ardaman read from the provisions for building on property zoned Parks and Recreation which has a defined process for buildings on park land.

Mayor Anderson suggested placing discussion of the ordinances on an upcoming agenda. Approved by consensus.

Commissioner Weaver left the meeting at 4:17 p.m.

Motion to table carried with a 3-1 vote. Commissioner Cooper voted no. Commissioner Weaver was absent.

7) Non-Action Items

8) Public Comments | 5 p.m. or soon thereafter (Heard after the recess)

9) Consent Agenda

- a. Approval of the minutes of the joint work session with EDAB, February 8, 2022
- b. Approval of the minutes of the regular meeting, February 9, 2022
- c. Approval of the minutes of the work session, February 10, 2022
- d. Approve the following contract:
 1. Lewis Outdoor Solutions - IFB7-17 - Landscape Maintenance for City Facilities for continued services with the vendor beyond the term length of the initial contract; Amount \$450,000

Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner Sullivan. Motion carried unanimously with a 4-0 vote. Commissioner Weaver was absent.

10) Action Items Requiring Discussion

- a. Request of Utility Advisory Board (UAB) to hire a consultant to address governance by the UAB

Michael Poole, Chairman of the UAB, stated his goal is to get clear direction on what the Commission wants the board to do and to avoid differing positions of the board and the city staff. He reviewed the plan to hire the consultant who would interview the current and past members of the commission and UAB members and staff to get an understanding of what has and has not worked, processes and improvements. He noted the unanimous consent of UAB that this is the right thing to do.

Mayor Anderson spoke about the difference between governance of execution matters (finding cheapest fuel, gas, solar) versus policy matters (plans for after undergrounding is complete and use of resources). He feels policy matters are not delegated and as he understands, the issue is how recommendations on policy matters come to the commission.

Mr. Poole said that the questions are about processes and what matters the board should address.

Mayor Anderson noted the parallels to EDAB where the commission is reassessing the role and goals for economic development and the board. He questioned whether the clean energy feasibility study would lead to, as a policy matter, paths in moving forward.

Commissioner Sullivan said he sees UAB playing a role in both policy advisement and operational decisions. He believes that some decisions need to be made jointly by the board, commission and staff and that the UAB can be the conduit between the citizens to the city. He feels there are questions that need to be addressed by an outside party and suggested as part of the RFP, the consultant address the conflict between the purchasing bulk power and sustainability priorities.

Commissioner DeCiccio noted similar issues with other boards responsibilities and questioned whether this should be done for all boards.

Commissioner Cooper agreed that this request may be more in line with many of the city boards. Before retaining a consultant, she needs to know the roles, responsibilities and authority as the board sees them.

Mr. Knight reminded everyone of the work session tomorrow on advisory boards. He said he hears the frustration about the process for getting matters from UAB to the Commission and will ensure that happens in a timely fashion. He thinks the first step is to start with the mission of what commission wants the board to do.

Mayor Anderson agreed. He sees the board as a strategic advisor and monitor for getting the best value. He suggested developing a strategic plan, then prepare a policy and determine if structure is right.

Mr. Poole supported development of a strategic plan for all utilities that includes governance and a communication plan with non-resident water and sewer customers.

After additional comments, consensus was to assist the UAB in developing a strategic plan.

A recess was held from 4:56 to 5:07 p.m.

Mayor Anderson advised that Item 11b will be heard prior to Public Comment. Mr. Jeff Briggs advised that the applicant has requested this be tabled until March 9th due to the lack of a full Commission.

Motion made by Commissioner DeCiccio to table this request to March 9, 2022; seconded by Commissioner Sullivan. Motion carried unanimously with a 4-0 vote. Commissioner Weaver was absent.

8) Public Comments | 5 p.m. or soon thereafter (Heard after the recess)

Beth Hall, 516 Sylvan Drive, spoke about the Declaration of Restrictive Covenants and said the 1999 ordinance should not be disregarded and if it is going to be disregarded it should be done without public involvement.

Donna Colado, 327 Beloit Avenue, provided the history of the 1999 ordinance and opposed its repeal.

Leonard Feinberg, 250 Cortland Avenue, expressed his concern about inequities in the electric fees and costs for residents to underground their service lines and asked the city to reconsider the reimbursement program to include reimbursing customers for the costs paid to electricians for undergrounding.

Mayor Anderson and Commissioner Sullivan spoke about the program, fees and inequities and advised that reimbursements will be issued in March and that there are no plans to reconsider the reimbursement process.

10) Action Items Requiring Discussion (continued)

b. Appeal of Tree Permit Denial - 1417 Border Dr.

Josh Nye, Superintendent of Urban Forestry, reviewed the background of the application to remove a live oak tree and subsequent denial. He showed the site plan/building footprint which shows that the tree is outside the building footprint and shows no indication of defects. Staff denied the permit and the Tree Preservation Board upheld the denial, which the applicant has appealed to the Commission

Motion made by Commissioner Cooper to uphold the denial of the permit; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper and Mayor Anderson voted yes. Motion carried with a 4-0 vote. Commissioner Weaver was absent.

c. COVID-19 Testing and Meeting procedures

Michelle del Valle, Assistant City Manager, summarized employee testing, results and costs and reported that advisory board members have requested to go back to live meetings. Staff is recommending that boards meet only in person due to labor intensity

of IT staff to manage hybrid meetings and that live meetings be reinstated beginning April 1st. She responded to questions regarding video recordings and challenges due to meeting facilities and scheduling. She added that audio recordings will be posted on the website. She confirmed that voluntary tests can be provided for employees and reported on the costs.

Mayor Anderson noted that the city will continue to receive wastewater testing reports from Altamonte Springs and said that if there is an increase in cases this will have to come back to the commission for reconsideration at the next available meeting.

Discussion was held on going back to live meetings. It was clarified that the board members can participate by telephone per City Code, but the board must have a physical quorum. The public will have to attend in person.

Motion made by Mayor Anderson to eliminate weekly COVID testing of employees and to restart live meetings for all advisory boards beginning April 1, 2022; seconded by Commissioner Cooper. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper and Mayor Anderson. Motion carried with a 4-0 vote. Commissioner Weaver was absent.

- d. Winter Park High School - Request for Use of City Hall and Farmers Market parking lots as a fund raiser during the Spring Art Festival.

Jason Seeley, Parks and Recreation Director, provided the background of WPHS's use of the Farmers Market and City Hall parking lots for art festival parking for fundraisers and noted concerns about allowing use of public parking areas for fundraising. In addition to the request for this year, guidance is needed on whether to continue to allow the use of the lots for fundraising and whether to create a process to allow other groups the opportunity to use for fundraising. Commissioner DeCiccio suggested leaving the employee parking lot open for public use and using the back lot for WPHS.

Coach Russell, WPHS, stated that the purpose of this is to get students involved in fundraising and support WPHS programs. He explained how the parking is managed with adults collecting money and students directing cars and noted that 10% of the proceeds are donated to the city. He supported a process for the future with a facility use agreement and insurance.

Motion made by Commissioner Sullivan to allow the use of the Farmers Market on Friday, City Hall on Saturday and both lots on Sunday during the 2022 Art Festival; seconded by Mayor Anderson.

Commissioner Cooper asked whether residents could be offered a lower rate. Coach Russell said if that is the desire, he would suggest a pre-selling option for next year.

Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper and Mayor Anderson voted yes. Motion carried with a 4-0 vote. Commissioner Weaver was absent.

11) Public Hearings

- a. Requests of Winter Park Town Center Ltd. (Winter Park Village):
- Conditional Use approval to construct a central architectural tower at a height of 63 feet, which requires a variance of 8 feet above the 55 feet (Regal Cinemas at Winter Park Village).
 - Conditional Use approval for the installation of three electronic signs on the front façade of Regal Cinemas.

The applicant has requested a continuance to the March 23, 2022 City Commission Meeting to have sufficient time to address concerns raised during the February 1, 2022 Planning and Zoning Board Meeting.

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

This item addressed prior to Public Comment was continued to March 9, 2022

- c. Requests of RSRW Properties LLC:
- ORDINANCE 3232-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 0.16 ACRES OF REAL PROPERTY LOCATED AT 1471 HARMON AVENUE, AS MORE SPECIFICALLY DESCRIBED HEREIN, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY

BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

- ORDINANCE 3236-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH LOW DENSITY RESIDENTIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 1471 HARMON AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.
- ORDINANCE 3237-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH LOW DENSITY RESIDENTIAL (R-2) ZONING ON THE ANNEXED PROPERTY 1471 HARMON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. (2nd reading)

Attorney Ardaman read the ordinances by title. A simultaneous public hearing was held.

John Harbilas, Planner, briefly reviewed these requests.

Motion made by Commissioner Sullivan to adopt the ordinances on second reading; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper and Mayor Anderson voted yes. Motion carried with a 4-0 vote. Commissioner Weaver was absent.**

- d. ORDINANCE 3238-22 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE SALE AND CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 654 SELKIRK DRIVE, WINTER PARK; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Anderson to adopt the ordinance on second reading; seconded by Commissioner Cooper. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio and Cooper and Mayor Anderson voted. Motion carried with a 4-0 vote. Commissioner Weaver was absent.**

- e. Request of Z Properties for:
 - Ordinance authorizing the conveyance of a stormwater pond drainage easement (1st reading); and

- Approval to grant an easement to enlarge and maintain the city-owned retention pond located behind 341 N. Pennsylvania Avenue and to route stormwater retention from previously approved office building located at 301 N. Pennsylvania Avenue to the city-owned retention area. This item was continued from the February 9, 2022 meeting.

Attorney Ardaman read the ordinance by title.

Jeff Briggs, Principal Planner, reviewed the request to allow the use of a city-owned retention area to serve not just city property but also some adjoining surrounding properties including the six homes built under the Winter Park Community Land Trust on Israel Simpson Court. As part of an agreement for the applicant to use the property at 341 N. Pennsylvania for parking, the applicant has been maintaining the retention area. With untapped capacity on the land, the applicant is requesting to use the retention area for the redevelopment of properties at 271 and 301 N. Pennsylvania Avenue which had been anticipated since the time of the agreement. He noted that rezoning of 301 N. Pennsylvania was predicated on the applicant building of an affordable home, which they are building in partnership with the Land Trust and that the office building and the home must be completed at the same time. The applicant's civil engineer completed a study which showed there is enough area and capacity to serve his redevelopment this third property, which has been confirmed by staff. The request is to grant to them an easement to allow their water to go onto the city property, which requires an ordinance. Staff supports the request because it puts in place the original intent for a retention area that serves more than the city property. Staff strongly supports this request, but is of the opinion that this not be given away for free. He reviewed the cost and savings to applicant from not having to build an exfiltration system and to recognize the savings, the applicant has agreed to contribute \$25k to city's affordable trust fund, but that is subject to commission approval. He reviewed a drawing showing the retention area, properties using the retention area and location of easements and affordable housing units.

Commissioner Cooper presented a map of area and properties intended to use the retention area and value of drainage. She spoke about the concerns of Mary Daniels, owner of property owner to the north, because of the doubling of the capacity that will be handled. She questioned whether staff has determined the retention area can handle the stormwater.

Mr. Briggs replied that staff has analyzed and accepted the civil engineer's report that states it can hold the volume from all of the properties. He said the size of the pond will be increased with side walls to increase the capacity. The property will also have cypress trees and a privacy fence abutting the adjacent properties.

Mayor Anderson requested visuals of the existing and proposed conditions.

Commissioner Sullivan explained the current and proposed design and elevation.

Zane Williams, 219 Comstock Avenue, applicant, stated that the pond has been effective and performed well. He said he understands Mrs. Daniels' concern; however, the calculations support that the area can handle the increased capacity. He stated that they will install a vinyl fence and meet all codes as to design and materials.

Commissioner Sullivan read from e-mail from Mary Daniels regarding Section 2 of the easement which states, in part, the stormwater run-off originating from the office property being conveyed to the retention property shall be limited to the volume for which it was originally approved. Mr. Briggs clarified that it cannot be expanded without approval of the commission. He confirmed that there will be no overflow to adjacent properties because when it reaches a certain level, it flows through a pipe to Symonds and eventually MLK Park.

Mr. Williams showed previous condition of the property and said that aesthetics have been improved and will be improved again.

Mayor Anderson said as long as aesthetics and performance is addressed, then this appears to be an efficient use of the property with improved landscaping. Discussion followed on aesthetics and protection of adjacent properties from overflow.

Motion made by Mayor Anderson to approve the request with conditions: submittal of an aesthetic plan, resident option of a solid versus fence to the north and the west, validation that there won't be any flooding caused by any overflow (engineer seal that agrees), and that a generous share of savings approach would be satisfactory to go into the Affordable Housing Fund; seconded by Commissioner Cooper.

Mary Daniels, 650 Canton Avenue, expressed her concern about increasing the capacity and asked whether it will be deeper or where will it be increased. She asked for consideration for the impact to the adjacent properties.

Mr. Briggs explained that more of the land will be used and the pond will be deeper to hold more water and a solid fence will be installed between this area and adjacent properties with ground level landscaping and cypress trees.

Mayor Anderson amended his motion to provide a plan with landscaping and north, south, east and west section of what the area will look like to the adjacent property owners prior to second reading. (Withdrawn)

Motion made by Commissioner Sullivan to amend the motion to require submittal of plans for the pond including elevations, materials (for the edge of the pond and

the fencing around the pond), and engineering drawings of the stormwater pond showing the inverts, etc. to be provided to concerned neighbors prior to 2nd reading; seconded by Mayor Anderson.

Camille Reynolds-Lewis, Director Hannibal Square Community Land Trust, said she feels it is premature and unfair to the impacted residents to consider this without providing plans in advance of the meeting.

Mayor Anderson noted that plans were submitted to city staff but not distributed and that more detailed plans may delay second reading to allow time for the applicant to meet the conditions of approval.

Commissioner Weaver returned to the meeting at 7:01 p.m.

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

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

12) City Commission Reports

Commissioner Sullivan -

- Said Orange County passed a new fertilizer ordinance to protect lakes from run-off of fertilizer. He asked staff research how to enforce ordinance that protects lake from run-off. Agreed by consensus.
- Asked for an update on staff's research into establishing a community response team similar to Orlando Police Department. He cited OPD statistics on the program and asked that the city consider this program. Chief Volkerson said they have contacted OPD and are waiting for its final report to consider for the city.

Commissioner DeCiccio -

- Asked for an update on the status of additional parking at Events Center. Mr. Knight said he was advised by Mr. Finrock that it is not feasible to add floors to parking garage across Harper Street and that the city is exploring a temporary lease with Seacoast Bank for overflow parking. Comstock Avenue parking construction will start late spring.
- Suggested that the city consider community service officers positions take minor accident reports or driver exchange and other tasks to free up officers. Chief Volkerson said this has been discussed in the past but would look at the program.

Commissioner Cooper – No report.

Commissioner Weaver -

- Thanked Fire Department paramedics for their care.
- Asked staff to look at the cost for an air-conditioned restroom trailer at the Farmers Market with a handicap ramp for the summer if the Market remains at West Meadow. Mr. Seeley said he will provide costs for port-a-lets versus the trailer.

Mayor Anderson -

- Spoke about electric rates and customers that may have a financial problem. He asked for consensus to allocate \$100k from ARPA funds for a power-bill assistance program.

Mr. Knight advised that there is a program through United Way which the city contributes to in order to assist customers. Mayor Anderson suggested adding this to the next agenda as a discussion item to determine to allocate funding possibly to underwrite UW program.

Wes Hamil, Finance Director, noted that the UW program has a balance of about \$55k to assist Winter Park customers but are not seeing a large demand. Mayor Anderson asked for report on marketing and information on the plan.

13) Summary of Meeting Actions

- Recognized Don Palladeno for his contributions to the community.
- Confirmed Tim Volkerson as Chief of Police.
- Tabled the Declaration of Restrictive Covenant for the West Meadow until additional information is provided on the ordinances in 1999 and 2002.
- Approved the Consent Agenda.
- Staff to work with the UAB chairman to begin developing a strategic plan for water and wastewater and electric utilities.
- Denied appeal of tree removal permit denial.
- Approved suspension of COVID testing changes and returning to in-person meetings for all advisory board beginning April 1st.
- Approved WPHS use of the city hall and Farmers Market parking lot for fundraiser during the 2022 Art Festival and directed staff to work with Parks and Recreation Advisory Board to develop a process for future use of public lots for fundraisers.
- Adopted ordinances for annexation, land use and rezoning of 1471 Harmon Avenue.
- Approved continuance of Winter Park Village request to March 23rd.
- Tabled Winter Park Christian Church request to March 9th.
- Approved Z Properties request with conditions and to provide plans to neighbors and the city.

- Staff to review Orange County's fertilizer ordinance and address the city's enforcement of the ordinance.
- Police Department to look at a community response team once Orlando's program report is released on March 17th.
- Staff to continue looking at parking issues at the Events Center.
- Staff to research having community service officers.
- Staff to look at cost of air-conditioned restrooms at the Farmer's Market.
- Staff to provide a report on United Way's financial assistance program for electric bills.

14) Adjournment

The meeting adjourned at 7:28 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date March 9, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approval of the minutes of the work session, February 24, 2022

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC-min-2022-02-24.pdf ws Advisory Boards.pdf](#)



City Commission Work Session Minutes

February 24, 2022 at 1:00 p.m.

Virtual

Present

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

1) Call to Order

Mayor Anderson called the meeting to order at 1:03 p.m.

2) Discussion Item(s)

a. Advisory Boards Direction and Missions

Mayor Anderson said that this meeting is to address frustrations expressed by advisory board members on lack of clarity of their board's mission and what their role on the board. He feels the quasi-judicial boards have clarity of purpose and stated there may be opportunities for the commission to help guide proactive requests as was done with the commission joint work session with P&Z on the Fairbanks Avenue Corridor. He stated that there may be an opportunity for the commission and board to come up with commission and/or self-driven projects.

Mayor Anderson stated that most of the frustration stems from the advisory boards and asked the commission to provide input on what they feel the role of an advisory board should be, focusing on advisory boards first, then quasi-judicial boards.

Mayor Anderson stated he feels the role of an advisory board role is to advise the commission on policies that should change or be implemented, as well as advise on priorities and aesthetics. He noted that these advisories are issued in a non-binding way and the advisories on policy can either be self-directed as the board as the board sees a need and comes forward or wants the commission to generate an area of evaluation, such as EDAB as an example. He explained that the commission is working with EDAB to come up with the board mission.

Commissioner Sullivan stated the quasi-judicial boards have a clear-cut role but also have an advisory role on policy and feels the commission needs to produce clear-cut ideas of what the boards should do, in cooperation with the boards. He stated that the commission attempts to put people on the boards who are experts or knowledgeable in respective areas and feels members should be encouraged to provide professional advice based on their expertise as well as be the eyes and ears in the community and funnel that information to the commission.

Commissioner DeCiccio said she board members have expressed to her their frustration related to unclear direction and not receiving enough information from staff. She feels there should be more opportunities for members to utilize their expertise and provide recommendations. She stated that she understands that staff is extremely busy resulting in a "push /pull" between staff and the board and needs to be addressed. She suggested ways the chair and/or board members can assist staff with developing the content for the meeting agendas.

Commissioner Weaver stated that he is enthused by the issues raised by Commissioners DeCiccio and Sullivan and that it comes down to staff who is presenting information to the board. He discussed how the electric vehicle initiative was moved forward and was a combined effort of the board and staff and is optimistic that sustainability efforts will move in the right direction with the new Natural Resources and Sustainability team.

Commissioner Cooper agreed with the points made by the commissioners and added that she feels there are specific things that the commission could work on that would make things better for the boards. She suggested that annually, the commission submit particular questions to each board on what they would like the commission to know. She feels a huge void is in training and while the city provides a brief training, there is no road map to the existing data that would help them do a better job on the board. She said that participation is critical and attendance monitoring needs to be routine. She added that policy guidance can't be expected unless an appropriate budget is in place and there needs to be a budget agreed upon by the commission for use by boards to implement programs or projects. She stressed the importance of having a strategic and master plan for the boards, setting priorities and transparency.

Mr. Knight agreed with the overall comments on board frustrations and stated the one of the most important things the boards are requesting is direction from the commission on what they should be working on. He suggested compiling a list of the commissioner's thoughts on each board to present for commission approval and then provide a list to each board. He stated that board budget requests could be presented and included as part of annual budget discussions.

Mayor Anderson agreed with Commissioner Cooper suggestion for boards to submit questions and that assigning tasks to boards is best. He suggested developing a list of ideas during this meeting for staff to consolidate and provide to the commission for review and then have additional discussion at a later date to approve tasks for each board. Mayor Anderson discussed training and options for agenda setting with flexibility for smaller sub-groups to discuss specific tasks/agenda items. He suggested it would be a good idea to consider quarterly joint work sessions with quasi-judicial boards.

Commissioner DeCiccio stated that frustration from the boards is governance and stated that feedback she has received includes questions regarding who makes the decisions, what they (the boards) can legitimately ask for and can an advisory board chair set the agenda. She stated that setting guidelines and having consistency in governance would help the boards.

Mr. Knight explained that there are instances where a board a chair that has their own agenda that is not necessarily the agenda of the entire board. He stated that the agendas should be set around task the commission wants the board to work on and other agenda times should be a majority of board setting what they want to address, not the chair who wants to control the agenda. He explained the challenges staff has with these situations and noted that the commission has a policy requiring at least two commissioners agree with another commissioner wanting to add a topic to an upcoming agenda. He stated that the policy should be the same for the advisory boards as well. Commissioner DeCiccio added that this type of policy should be included in guidelines to be set up for the boards and gave other examples of rules that would help the boards. Mayor Anderson suggested adding a section for "Future Agenda Items" to the agendas and explaining to the boards that a majority consensus is required to add a topic to the agenda.

The commission heard comments from staff and discussed the following boards:

- EDAB

Mayor Anderson stated the board is moving along and a small group discussion is being scheduled with some board members, commission members and staff.

- UAB

Mayor Anderson noted that strategic plan is being developed based on the discussion at the February 23rd commission meeting.

- PAAB

Commissioner DeCiccio stated that the Public Art Advisory Board is unsure of their purpose. Mr. Knight stated the board is working on public art fee as part of building permitting process.

Clarissa Howard explained that one of the challenges for the board is acquiring pieces due to lack of funding which is the purpose of the public art fee. She stated the core of the board's mission to identify opportunities in city where public art can be showcased. In-depth discussion followed on the board process for selecting, identifying and find location for artwork, art maintenance, funding challenges and solutions, and permit fees.

- KWPBS /LWAB /LKAB

Director of Natural Resources and Sustainability stated that guidelines set between staff and board members will reduce frustration. She stated that there is inconsistency with board members being included in requests for information as opposed to a single spoke person and providing the information in a timely manner. She explained that the boards have not seen any tangible data recently and it will take some time to rebuild and provide data. She stated that she hasn't received any negative comments from KWPBS or LWAB and discussed the frustration voiced by the new LKAB and staff is working to bridge the gap with trust.

Discussion followed on commission directed initiatives for the board, board inclusion with agenda preparation, timeline for distribution of information such as water quality, lake safety, waterfront construction, marketing efforts for the city's lakes and sustainability and department staffing.

- PRAB/ TPB

Mr. Seeley explained that Forestry/Tree Preservation Board has had challenge obtaining a quorum. He stated that staff is working with the board to set up goals and a strategic plan and would benefit from direction on and stated that there are no current issues with the Parks and Recreation Advisory Board.

Commissioner Cooper feels what is missing from the Lakes and Tree Preservation boards is a defined process by which and when they participate in giving advice relative to conditional uses and land use decisions. as they relate to trees. She stated the commission needs to determine if it wants these boards advice from the boards and how that information is integrated into the land use decision process. Discussion followed on the tree permitting process, board involvement with tree canopy preservation policies.

- CRAB

Mayor Anderson stated that the Community Redevelopment Advisory Board is more about more about projects that are important to the community that the CRA makes up. Mr. Moore stated that the board has a clear funding source and formal guide and their primary goal is long-term capital planning and other issues. He feels that staff has a very good working relationship with the board and stated that the County makes the decision to allow a CRA and extensions. Mr. Moore responded to questions regarding use of funding within the CRA.

- TAB

Mr. Stephenson explained that the Transportation Advisory Board is used as policy sounding board as the department works on new ideas such as neighborhood traffic

calming the new sidewalk policy and keeping the board up to date with the city's multi modal plans. He stated there is a lot of expertise on the board and noted that the board agenda currently includes a process that allows for comments at the end of every meeting where board members can present agenda items for future meetings. Discussion followed on budget, board initiatives, and inclusion in developing the content of transportation plan.

Mayor Anderson noted that he would like to see TAB work to complete the city's connectivity plan for the trails to Morse, I-4, Fairbanks and up to Maitland. Commissioner Cooper added that the board could be more task driven which could include connectivity, traffic calming.

Commissioner Sullivan restated his view that all advisory boards should be eyes and ears in the community and a good role for TAB would be to find a way to educate the public on traffic projects.

Mayor Anderson suggested staff provide a list of questions/asks that the commission would have for each board discussed for feedback. He suggested the commission provide ranked choice items for each board and circulate to commission. In addition, the commission will send their send recommendations by Board to Mr. Knight.

3) Adjournment

The meeting adjourned at 2:51 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date March 9, 2022
prepared by Michael Hall	approved by Jennifer Maier, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following piggyback contracts:

item list

1. Atlantic Pipe Services, LLC - St. John's County Contract #21-MCC-ATL-13188 - Pipe and Manhole Lining, Renewal & Rehabilitation; for services on an as-needed basis during the term of the Agreement, contract term through February 24, 2023; Amount: \$500,000
2. Cubix, Inc. - Orange County Contract #Y19-1018 - SaniGlaze Services; for services on an as-needed basis during the term of the Agreement, contract term through March 7, 2023; Amount: \$350,000
3. Stuart C. Irby Co. - OUC Contract #4670OQ - Padmount Switchgears; for goods on an as-needed basis for the remainder of the Agreement, contract term through January 1, 2025; Amount: \$450,000

motion / recommendation

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

background

1-3: A formal solicitation process was conducted by the originating agency to award this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission **agenda item**

item type Consent Agenda	meeting date March 9, 2022
prepared by Michael Hall	approved by Jennifer Maier, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following contract:

item list

1. Trane Company - FY17-46 - Chiller/HVAC Maintenance for services on an as needed basis; Amount: \$350,000

motion / recommendation

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

background

1. A formal agreement was signed for this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budget.



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date March 9, 2022
prepared by Michelle del Valle	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

City Manager Evaluation

motion / recommendation

background

Annually, the City Manager is evaluated by the City Commission. each Commissioner was provided an evaluation form created by the Mayor to provide feedback to the City Manager regarding his performance. As of this writing, two Commissioners have submitted the evaluation and schedule a discussion with the City Manager. When all forms are received, a summary report will be prepared.

Attaches is a salary survey of surrounding jurisdictions indicating the 2021 wage of the organizations' leaders. During the FY 2022 reporting period, city employees are eligible for up to 3.5% increase based upon performance. The City Commission is responsible for setting and modifying the City Manager's compensation.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CM_Salary_Survey_2021.pdf](#)

City	Manager Salary	Other Compensation
Altamonte Springs	\$ 175,000.00	
Casselberry	\$ 165,354.38	\$150/month car allowance
Daytona Beach	\$ 220,000.00	
Deland	\$ 177,000.00	CM gets salary \$177K salary line, \$600.00 car allowance per month, \$100 for cell phone stipend per month. 12% of salary into a high end 401A plan. Free family medical, one times his salary in life insurance paid by City. All his ICMA training and certification course work paid for. 4 weeks of vacation, 4 weeks of sick time and 40 hours of senior executive comp time per year.
Deltona	\$ 245,524.00	
Kissimmee	\$ 200,500.00	Car allowance of 6,000 per year and free phone
Lake Mary	\$ 182,166.00	Car allowance of 4,800. and Cell phone \$35.54 biweekly
Longwood	\$ 136,500.00	\$60 per month cell phone
Maitland	\$ 175,760.00	No car allowance, \$420 cell phone
Ocoee	\$ 193,773.32	retirement account
Orange County	\$ 275,995.00	
Orlando	\$ 245,648.00	
Ormond Beach	\$ 187,464.00	
Osceola County	\$ 231,940.80	
Oviedo	\$ 180,353.00	provided a vehicle and cell phone
Seminole County	\$ 221,372.00	
St. Cloud	\$ 156,907.00	See below
Winter Garden	\$ 202,608.00	
Winter Park	\$ 221,013.31	Car Allowance \$5760.00
Winter Springs	\$ 176,550.40	80 per month for cell phone, no car allowance

Recent survey provided by St Cloud Prepared 6/2021

CITY MANAGER - SALARY & BENEFITS SURVEY				
ORGANIZATION	MINIMUM	MAXIMUM	INCUMBENT	OTHER
City of West Melbourne	\$105,607	\$168,972	\$153,608	
City of Altamonte Springs	\$120,300	None	\$175,000	\$400/month car allowance. \$200/month cell phone allowance. 10% of salary for deferred comp.
Brevard County Sheriffs Office	N/A			
Brevard County	N/A		\$206,442	\$450/month car allowance. \$900/month towards group health elections. FRS Senior Management Class.
City of Cocoa	N/A		\$184,954	\$500/month car allowance. Group health for employee is free, and city pays 50% for dependents, plus \$325 towards elections. FRS Senior Management Class. 7.5% of salary into deferred comp plan.
City of DeLand	N/A			City paid medical for emp and family, City Paid life insurance one time salary, car allowance, internet allowance, paid all professional development course and seminars up to 4 a year. 20 days vacation a year, 20 sick days a year, 40 hours comp time. Nationwide 401A City contributes 12% of his salary. City provides professional money manager for his 401A.
Indian River County	N/A		\$192,191	3 months severance. \$217/month car allowance, \$217/month cell phone allowance, group health as provided to reg ft employees, FRS Senior Management Class.
City of Kissimmee	N/A		\$200,450	Life ins 1x annual salary. Group health as offered to all FT reg employees. Private pension, city contributes 18.5%.
City of Melbourne	N/A		\$194,479	\$10k relocation expense, \$7k moving expense. Car allowance of \$500/month. Recently received one time \$15k bonus for performance. Travel compensation outside of Brevard. Group health as offered to all FT reg employees. FRS Senior Management
Orange County				
City of Orlando	\$169,404	\$275,260	\$245,648	\$590/month car allowance. \$350 per year for personal medical expenses. Group health as offered to all FT reg employees. 7% of salary contributed by City, plus a match up to 3% - for 401a.

City of Palm Bay	\$124,615	\$187,951	\$185,000	20 weeks severance pay. Group health paid for employee plus dependents. \$45 per month towards benefit elections. 9.75% into executive retirement plan plus 7% of salary for deferred comp.
City of Port St. Lucie				
City of Rockledge	N/A		\$150,418	\$500/month car allowance, \$100/month cell phone allowance, free group health for employee, \$170k life, 6% into retirement plan.
City of Satellite Beach	\$91,679	\$143,020	\$128,625	Employer match of 401 contributions is 10% instead of the 5% for everyone else; the City pays for all health, dental and vision premiums no matter what tier of coverage is selected; \$350 a month auto allowance; \$50 a month cell phone stipend; If terminated without cause, City Manager receives 3
City of Sebastian	N/A		\$200,450	\$500 Car allowance. Partial medical and dental paid. \$50 per month towards addl benefit elections. Deferred comp available but 100% employee funded. Group health as offered to all FT reg employees.
City of St. Cloud	\$142,509	\$225,695	\$156,907	\$500 Car allowance. 15.14% retirement contribution. Group health as offered to all FT reg employees.
City of Titusville				
Volusia County				

Alphabetical	
City	Manager Salary
Altamonte Springs	\$ 227,025.00
Casselberry	\$ 165,354.38
Daytona Beach	\$ 220,000.00
Deland	\$ 177,000.00
Deltona	\$ 245,524.00
Kissimmee	\$ 200,500.00
Lakeland	\$ 225,759.00
Lake Mary	\$ 182,166.00
Longwood	\$ 136,500.00
Maitland	\$ 175,760.00
Ocoee	\$ 193,773.32
Orange County	\$ 275,995.00
Orlando	\$ 245,648.00
Ormond Beach	\$ 187,464.00
Osceola County	\$ 231,940.80
Oviedo	\$ 180,353.00
Sanford	\$ 187,045.00
Seminole County	\$ 221,372.00
St. Cloud	\$ 156,907.00
Winter Garden	\$ 202,608.00
Winter Park	\$ 221,013.31
Winter Springs	\$ 176,550.40

Highest to Lowest	
City	Manager Salary
Orange County	\$ 275,995.00
Orlando	\$ 245,648.00
Deltona	\$ 245,524.00
Osceola County	\$ 231,940.80
Altamonte Springs	\$ 227,025.00
Lakeland	\$ 225,759.00
Seminole County	\$ 221,372.00
Winter Park	\$ 221,013.31
Daytona Beach	\$ 220,000.00
Winter Garden	\$ 202,608.00
Kissimmee	\$ 200,500.00
Ocoee	\$ 193,773.32
Ormond Beach	\$ 187,464.00
Sanford	\$ 187,045.00
Lake Mary	\$ 182,166.00
Oviedo	\$ 180,353.00
Deland	\$ 177,000.00
Winter Springs	\$ 176,550.40
Maitland	\$ 175,760.00
Casselberry	\$ 165,354.38
St. Cloud	\$ 156,907.00
Longwood	\$ 136,500.00

Previous year merit compensation for Mr. Knight

2020 - 2.5% bonus

2019 - 2.0% bonus

2018 - 3.0% raise

2017 - 3.0% raise

2016 - 2.8% raise

2015 - 3.3% raise

2014 - 3.5% raise

2013 - 2.5% raise

2012 - 2.5% raise

2011 - none

2010 - none

2009 - none

2008 - 3% raise



City Commission **agenda item**

item type Public Hearings	meeting date March 9, 2022
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Resolution: Supporting placement of 1% transportation surtax referendum on the November 2022 county-wide ballot.

motion / recommendation

Approve.

background

Orange County Mayor Jerry Demings is proposing to place the consideration of a 1% Transportation Surtax on the November, 2022 county-wide ballot. This tax can only be implemented by a vote of the residents. The county has asked the municipalities within the count to adopt a Resolution in support of placing this item on the ballot.

There was a push to have this on the November 2020 ballot but due to COVID it was decided not to go forward at that time. The Orange County Board of County Commissioners is set to consider this matter later this month.

The County is proposing a distribution formula that would distribute 10% of the funds directly to the cities in the county based upon population. Winter Park's share of the funding annually is estimated to be approximately \$3.5 million. In addition, SunRail would be funded out of the County's share of the tax so this would become the dedicated funding source that relieves the City of Winter Park's obligation under our agreement with the County. The proceeds received by the cities can be used for most types of transportation projects and costs.

Attached is a March 2020 letter From Mayor Demings to Mayor Leary that provides more details.

It is important to note that approving this Resolution is not a vote to implement the tax, but simply to place the item on the Ballot for voter consideration.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Resolution - Transportation Surtax.docx](#)

ATTACHMENTS:

[20200331_Jerry L. Demings letter discussing distribution.pdf](#)

RESOLUTION 2259-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE PLACEMENT OF A ONE PERCENT (1%) TRANSPORTATION SURTAX REFERENDUM ON THE NOVEMBER 8, 2022 COUNTYWIDE BALLOT FOR CONSIDERATION BY THE VOTERS OF ORANGE COUNTY, FLORIDA

WHEREAS, traffic congestion, public transportation and safety are pressing concerns of great public importance in the City of Winter Park and throughout Central Florida; and

WHEREAS, Orange County Mayor Demings has engaged in a transportation initiative to study the transportation priorities of the residents of Orange County and address the transportation needs throughout Orange County; and

WHEREAS, Mayor Demings and Orange County staff have held and participated in town hall and community meetings, stakeholder discussions, speaking engagements, and community events throughout the County to solicit public input and hear the transportation concerns, challenges, and priorities of County residents; and

WHEREAS, Orange County has conducted assessments of transportation deficiencies and related funding needs in the community and found that such deficiencies and funding needs in the community cannot be met through currently existing funding sources; and

WHEREAS, in order to address funding deficiencies for transportation needs including roadways, transit, safety, and operations and maintenance, Mayor Demings has proposed the levy of a one-cent Charter County and Regional Transportation System Sales Surtax ("Transportation Surtax") by the County, subject to approval by a majority of the countywide electors voting in a referendum; and

WHEREAS, the County is considering placing the question of the Transportation Surtax before the countywide electors on the November 8, 2022 general election ballot; and

WHEREAS, the City Commission also finds that current transportation deficiencies within the City and across Orange County cannot be met through current funding sources.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The City Commission of the City of Winter Park hereby supports the placement of a one percent (1%) Transportation Surtax referendum on the November 8, 2022 countywide ballot for consideration by the voters of Orange County, Florida.

ADOPTED THIS 3rd DAY OF March, 2022.

Phillip M. Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk



ORANGE COUNTY MAYOR

Jerry L. Demings

P.O. BOX 1393, 201 SOUTH ROSALIND AVENUE, ORLANDO, FL 32802-1393

PHONE: 407-836-7370 • FAX: 407-836-7360 • EMAIL: MAYOR@OCFL.NET

March 31, 2020

Honorable Steve Leary
Mayor, City of Winter Park
City of Winter Park – City Hall
401 South Park Avenue
Winter Park, FL 32789

Subject: Transportation Sales Tax Initiative

Mayor Leary,

I am responding to your letter dated March 13, 2020 submitted on behalf of the Orange County Council of Mayors (OCCM). I appreciate your leadership of this important body and was pleased to receive correspondence conveying the perspective of the OCCM related to the transportation initiative. I agree with your belief that we are on the same page when it comes to the need for additional revenue to meet the current and future regional transportation challenges, and I am hopeful that we can find a path forward that works for all involved.

The sales tax initiative is a strategy that is aimed at improving our transportation infrastructure over the next 20-30 years; and, it is too soon to know what impact this Pandemic will have on our local economy for the long term. I look forward to having economists re-evaluate the benefits or constraints of what has been proposed. I remain optimistic.

In addition to the perspective provided by the OCCM, I have given considerable thought to the comments the County Commissioners shared during our February 25, 2020 Board of County Commissioners (BCC) work session, opinions received from the 11,000 residents who completed surveys, and thousands of attendees at our 200+ community meetings. I am encouraged that all recognize the critical need for leadership and action to address our growing transportation challenges throughout Orange County. Further, there appears to be a willingness to support a referendum to let our voters express their position.

My overarching objective is to fashion a plan that directly responds to feedback we received from thousands of citizens and that best positions us to transform the trajectory of our community in a positive manner for decades to come. With that goal in mind, we put forth a proposal on structure, allocation methodology and oversight. I've always been receptive to viable ideas that would help us strengthen the plan, particularly in the delivery of transportation improvements to the public. As a result of additional feedback, I have modified our plan as described below.

Funding Allocation and Municipal Revenue Sharing

Relative to the municipal revenue share, I first want to clarify that the County did not propose revenue sharing of the “4th bucket” based upon the Department of Revenue (DOR) sales tax formula. The request to share it based upon the DOR formula initially came from the municipalities. The County’s proposal was to share it based upon population numbers – which actually results in *more* revenue to the municipalities. That being said, my changes to the funding allocation approach are as follows:

- 1) Modify the “4-bucket scenario” to create a “3-bucket scenario” (Transit/County Projects/City Projects) in which 45% of revenues would be committed to transit, another 45% of revenues would be committed to the County to address County transportation projects, including county roads that run through cities, and 10% would be dedicated collectively to cities to address municipal transportation needs.
- 2) The allocation of the 10% of revenues *between* municipalities would be based upon population (and the County would not be included in this allocation). As a reminder, the cities of Bay Lake and Lake Buena Vista voluntarily chose not to participate.
- 3) The County and municipalities would be required to implement projects previously defined within the key focus areas identified through the community engagement process (i.e. Transit, Roadways, Safety, and Operations/Maintenance), which are already reflected in the projects list you submitted. Of course, cities may update their projects list over time by just submitting an amendment request to the BCC (as previously explained, State law requires BCC approval of projects).
- 4) The projects identified by the County and municipalities would still need to be coordinated, but NOT prioritized or ranked, through a Technical Committee composed of staff of every jurisdiction and our transportation partners, such as FDOT, MetroPlan Orlando and Lynx. The purpose of the Technical Committee is solely to enhance coordination and communication among the jurisdictions, which could also result in opportunities for joint projects, especially for those that affect multiple jurisdictions.
- 5) The BCC, as required by the Charter County and Regional Transportation System Surtax (a statutorily defined *county* revenue source), remains responsible for approving the projects that will be implemented by the County and municipalities.

So, as an example, under the previous "4-bucket scenario", the amount of funding "guaranteed" to each city on an annual basis was based upon a population percentage allocation from a pot generated by 10% of the total sales tax proceeds in a given year and the County was included in this distribution. Using your city, Mayor Leary, Winter Park, with a population of 30,239 residents, or 2.18% of the county-wide population, would have received \$1.3 million/year of the \$59.5 million designated for this bucket (the actual amount would change annually based on total sales tax collected and population changes in cities). Under my NEW proposal that removes the County from this "bucket", the City of Winter Park now represents 5.94% of the total population of those residing in cities, which would equate to receiving \$3.5 million/year (subject to same conditions noted above), almost tripling your annual allocation (Enclosure 1 shows the allocation for all participating cities and compares the original proposal to the alternative proposal).

And, to reiterate, the cities can use these proceeds for capital, operations, maintenance, etc., as long as the projects are eligible transportation activities pursuant to State law and are on the list submitted to and approved by the BCC.

Oversight Structure

Relative to the Oversight Structure, we must have a process that ensures accountability for spending funds appropriately and consistent with the commitments made to our constituents. I agree that in an effort to expedite delivery of the transportation program this process can be streamlined to allow for oversight and accountability to occur after the projects have been approved for implementation. However, I am not supportive of the proposal assigning oversight to a Technical Committee.

During the extensive community engagement efforts that we have undertaken, our constituents have consistently conveyed their desire for oversight and accountability. And, while I certainly recognize that, as elected officials, we are *ultimately* accountable for ensuring appropriate spending, I also believe the most transparent way to give voters confidence in our accountability structure is an Oversight Board composed of citizens. Additionally, the foundation of this transportation initiative has been based upon grassroots citizen engagement from inception, and it would be my intent that this citizen engagement continue through implementation – with the Citizens Oversight Board being one mechanism for accomplishing this.

To recap my proposed modifications to the Technical Committee and the Citizens Oversight Board, please note:

- The Technical Committee composition will remain as initially presented, but the County and the City of Orlando now will only have one representative each, reducing the size to 15 members, staff only (Enclosure 2).
- The Technical Committee will meet on a regular basis to discuss the status of the projects that have been submitted (and any subsequent updates approved by the BCC) by each of the jurisdictions to ensure compatibility, coordination, and determine if there are opportunities for joint projects.
- The composition of the Citizens Oversight Board will remain as originally presented, which includes 3 representatives from cities (Enclosure 3). However, as previously stated this Board has no role in prioritizing projects. Rather, they are the citizen representatives to ensure the County, cities, Lynx and any other funding recipients are spending funds allocated to them in an appropriate and timely manner, and in full compliance with all applicable laws. Each funding recipient must provide expenditure and project updates to this Board upon request, and must cooperate with any audit they authorize.

In summary, this proposal substantially increases the amount of predictable dedicated funding to municipalities. It also allows for greater flexibility in expenditure of those funds, i.e., capital, operations, maintenance, technology, mobility, accessibility, etc. all legally authorized uses of the Charter County and Regional Transportation Systems Surtax. It provides the municipalities greater control over the selection of projects to meet your unique needs and priorities. Let me once again stress that jurisdictions are not allowed to supplant or recommit the transportation funds you currently budget to use for non-transportation purposes.

I believe this is a reasonable solution that addresses the comments and suggestions expressed by the Mayors, County Commissioners and City/Town Managers.

We are currently scheduled for a BCC work session on the Transportation Initiative on April 7th, so I look forward to your prompt response to this letter. As you recall, the BCC has requested an indication of support from the Cities as we get closer to an April 21st public hearing. At that public hearing, the BCC will decide whether to place a referendum on the ballot in November of this year so that the citizens of Orange County can decide their future.

Unfortunately, current State law requires us to make a decision this far in advance of a referendum in November 2020, which we will also discuss at our next BCC meeting on April 7th.

Transportation Sales Tax Initiative
March 31, 2020
Page 5

I appreciate your continued engagement on this important topic.

Sincerely,



Jerry L. Demings
Orange County Mayor

JLD/bwb

Enclosures

cc: Orange County Council of Mayors
All City/Town Managers
Honorable Betsy VanderLey, Orange County Commissioner, District 1
Honorable Christine Moore, Orange County Commissioner, District 2
Honorable Mayra Uribe, Orange County Commissioner, District 3
Honorable Maribel Gomez Cordero, Orange County Commissioner, District 4
Honorable Emily Bonilla, Orange County Commissioner, District 5
Honorable Victoria Siplin, Orange County Commissioner, District 6
Byron W. Brooks, County Administrator
Carla Bell Johnson, Interim Assistant County Administrator
Renzo Nastasi, Manager, Transportation Planning Division
Jeff Newton, County Attorney
Roseann Harrington, Mayor's Chief of Staff
Raymond Williams, Manager, Public Works Engineering Division
Lila McHenry, Sr. Assistant County Attorney
Chris Testerman, Deputy County Administrator
Randy Singh, Deputy County Administrator

Enclosure 1:

Population-Based Distribution of Estimated Charter County and Regional Transportation System Surtax Proceeds Prorated by Population

Total Estimated Proceeds (Annually)		\$595,935,449
--	--	----------------------

		Original Proposal		Alternative Proposal	
		Distribution Percentages	County/Cities 10% Allocation	Distribution Percentages	Cities Only 10% Allocation
	Population **				
Orange County	876,910	63.27%	\$37,703,196	-	
Orlando	291,800	21.05%	12,546,091	57.31%	\$ 34,155,053
Apopka	52,404	3.78%	2,253,137	10.29%	6,133,864
Belle Isle	7,365	0.53%	316,662	1.45%	862,070
Eatonville	2,348	0.17%	100,953	0.46%	274,832
Edgewood	2,717	0.20%	116,819	0.53%	318,024
Maitland	21,096	1.52%	907,033	4.14%	2,469,277
Oakland	3,365	0.24%	144,680	0.66%	393,872
Ocoee	47,580	3.43%	2,045,727	9.35%	5,569,217
Windermere	2,972	0.21%	127,783	0.58%	347,871
Winter Garden	47,245	3.41%	2,031,323	9.28%	5,530,005
Winter Park	30,239	2.18%	1,300,141	5.94%	3,539,461
Total	1,386,041	100.00%	\$ 59,593,545	100.00%	\$ 59,593,545

* Source of total estimated proceeds: Office of Economic & Demographic Research, County and Municipal Revenue Estimates, FY 2019-20 Revenue Estimates, Local Discretionary Sales Surtaxes, 1st Revision, 8/21/19.

** The source of the population data is the Bureau of Economic and Business Research at the University of Florida, as published on the Office of Economic & Demographic Research website, as of 04/01/2019. Population will be updated annually to determine distribution percentages.

Enclosure 2:

Technical Committee (18) – Original Proposal

Orange County 3	City of Orlando 2	FDOT 1	LYNX/SunRail 1	City of Apopka 1
City of Winter Garden 1	City of Ocoee 1	City of Winter Park 1	Town of Eatonville 1	Town of Oakland 1
City of Edgewood 1	Town of Windermere 1	City of Maitland 1	City of Belle Isle 1	Metroplan Orlando 1
• Prioritizes projects based on technical criteria for recommendation to the Citizen Oversight Board. • Recommends proposed revisions to the transportation plan to the BCC annually.				

Technical Committee (15) – Alternative Proposal

Orange County 1	City of Orlando 1	FDOT 1	LYNX/SunRail 1	City of Apopka 1
City of Winter Garden 1	City of Ocoee 1	City of Winter Park 1	Town of Eatonville 1	Town of Oakland 1
City of Edgewood 1	Town of Windermere 1	City of Maitland 1	City of Belle Isle 1	Metroplan Orlando 1
• Reviews the approved projects list to ensure compatibility and coordination among jurisdictions. • Identifies opportunities for joint projects and project collaboration.				

Enclosure 3:

Citizen Oversight Board (11)				
Mayor's Representative (Public Transportation Consumer) 1		Mayor's Representative (Chair of the Oversight Board) 1		
District 1 Commissioner Representative 1	District 2 Commissioner Representative 1	District 3 Commissioner Representative 1	District 4 Commissioner Representative 1	
District 5 Commissioner Representative 1	District 6 Commissioner Representative 1	Municipal Representative Orlando 1	Municipal Representative Non-Orlando 2	

Original Proposal

- Ensures accountability and transparency in the expenditure of tax proceeds by monitoring, overseeing, reviewing, and auditing implementation of the transportation and transit plan.
- Annually reviews and provides recommendations regarding plan amendments and reviews for compliance with the levy ordinance and 212.055(1), Florida Statutes.
- Monitors, oversees, and periodically reports to the BCC on the level of M/WBEs and SDVs in contracts funded in whole or in part with surtax proceeds, and recommends ways to increase such participation.
- Files a quarterly report, including any recommendations, with the Mayor and the BCC.
- Reviews and requests audits of the capital outlay program by the Orange County Comptroller.
- Orange County Comptroller provides support to the Oversight Board.

Alternative Proposal

- Ensures accountability and transparency in the expenditure of tax proceeds by monitoring, overseeing, reviewing, and auditing implementation of the transportation and transit plan and reviews for compliance with the levy ordinance and 212.055(1), Florida Statutes.
- Files a quarterly report, including any recommendations, with the Mayor and the BCC.
- Reviews and requests audits of the capital outlay program by the Orange County Comptroller.
- Orange County Comptroller provides support to the Oversight Board.



City Commission agenda item

item type Public Hearings	meeting date March 9, 2022
prepared by Jeffrey Briggs	approved by
board approval	
strategic objective	

subject

Requests of Winter Park Christian Church and Creative Neighbors LLC.

item list

Tabled to March 9th at applicant's request. Applicant has requested continuance to March 23rd.

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

motion / recommendation

The Planning & Zoning Board voted 5-2 to approve all of the requests except for the Comprehensive Development Plan as recommended and presented by staff.

background

THE FOLLOWING INFORMATION IS NEW: These requests were tabled to this time certain meeting on Feb. 23rd. The issues of contention that caused the item to be tabled have been resolved. The applicant has reduced the size of the future homes and townhomes to meet both the maximum 43% FAR and maximum 50% impervious coverage, in compliance with traditional single-family development standards. Staff has also put the project information in a more concise format attached to this memo.

THE FOLLOWING INFORMATION IS REPEATED FROM THE LAST MEETING: This

comprehensive application involves multiple requests for the redevelopment of the 6.5 acres of the Winter Park Christian Church properties at 740/760 N. Lakemont Avenue.

The request is to rebuild a new Winter Park Christian Church facility on the front 1.25 acres and to use the rear 5.25 acres for the development of 13 single family homes and 12 townhomes. Individually the requests are:

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

Summary:

The Winter Park Christian Church Inc. (Disciples of Christ) owns the 6.5 acres of property at 740/760 N. Lakemont Avenue, on which they have used for the Church since the late 1950's. In recent years, the Church membership has declined and the Church facilities that were last renovated significantly in 1975, need updating. From that situation arose the idea to sell the rear 5.25 acres of the property for residential development and to rebuild a new Church with modern facilities that would be more visible and hopefully build the congregation. This would be similar to what the Christian Science Church at 650 N. New York Avenue recently accomplished.

Request for Conditional Use for the new Church facility:

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

Comprehensive Plan Change for the Residential Development:

The Creative Neighbors LLC requests begin with the need to change the Comprehensive Plan future land use map designation of Institutional to Single Family Residential on the

rear 5.25 acres that will be redeveloped as the Enclave project once the new Church is built. As this is the same Single-Family future land use designation as the surrounding neighborhoods, such a change is consistent and compatible with the existing neighborhoods. It limits development to no more than 5 units per acre and no more than 43% FAR. The applicant's proposal complies with both criteria.

Zoning Change for the Residential Development:

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

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

This proposed Preliminary Concept Plan matches the maximum 5 units/acre that would be permitted in the current R-1A zoning. The overall floor area ratio is to be in line with the 43% floor area ratio permitted in the current R-1A zoning. There is a townhouse component for a variety of housing types and a significant common area park tract for all to enjoy. The roadway is a dedicated right-of way with underground utilities within those areas, as is typically the case.

The Planning and Zoning Board and/or City Commission did not approve the "Comprehensive Development Plan" at this time, so any deviations to setbacks will be considered at a later time. The main focus at this time is whether the City Commission is comfortable with this redevelopment proposal, whether the City Commission is comfortable with a mix of townhouses and single-family homes.

Subdivision Plat:

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

residential buildings, driveways and streets.

The applicants are requesting one variance which is to have a 41-foot wide right-of-way in lieu of the required 50 feet. That diminishes the 'green' parkway strip between the roadway and the sidewalk but otherwise does not impair the function of the roadway.

Protections for the Adjacent Residential Neighborhoods:

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

Traffic Generation:

These 25 new residential homes will generate a potential 290 vehicle trips per day, as 'net new' traffic assuming the church traffic is a constant. The daily average vehicle traffic on North Lakemont Avenue is about 20,000 cars per day, so this number of vehicles is de minimus.

Summary and Recommendation:

This project does not appear to adversely affect the adjacent neighbors in any fashion and provides creative land use (park site and buffer strip) in return for the combination of townhouse and single-family homes. The project is true to the Comprehensive Plan single-family density limit of 5 units/acre and to the 43% FAR limit and the 50% Impervious coverage limit.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[OCA Map.JPG](#)

ATTACHMENTS:

[Colored Site Plan.JPG](#)

ATTACHMENTS:

[Ord._Lakemont Church_Zoning.doc](#)

ATTACHMENTS:

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

ATTACHMENTS:

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

ATTACHMENTS:

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

ATTACHMENTS:

[Enclave Townhomes concept plans.pdf](#)

ATTACHMENTS:

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

ATTACHMENTS:

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

ATTACHMENTS:

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





ORDINANCE NO. _____

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

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

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

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

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

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

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

Mayor Phillip Anderson

Attest:

City Clerk

ORDINANCE NO. _____

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

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

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

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

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

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

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

Mayor Phillip Anderson

Attest:

City Clerk

THE ENCLAVE IN WINTER PARK

DEVELOPMENT SUMMARY

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

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

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

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

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

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

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

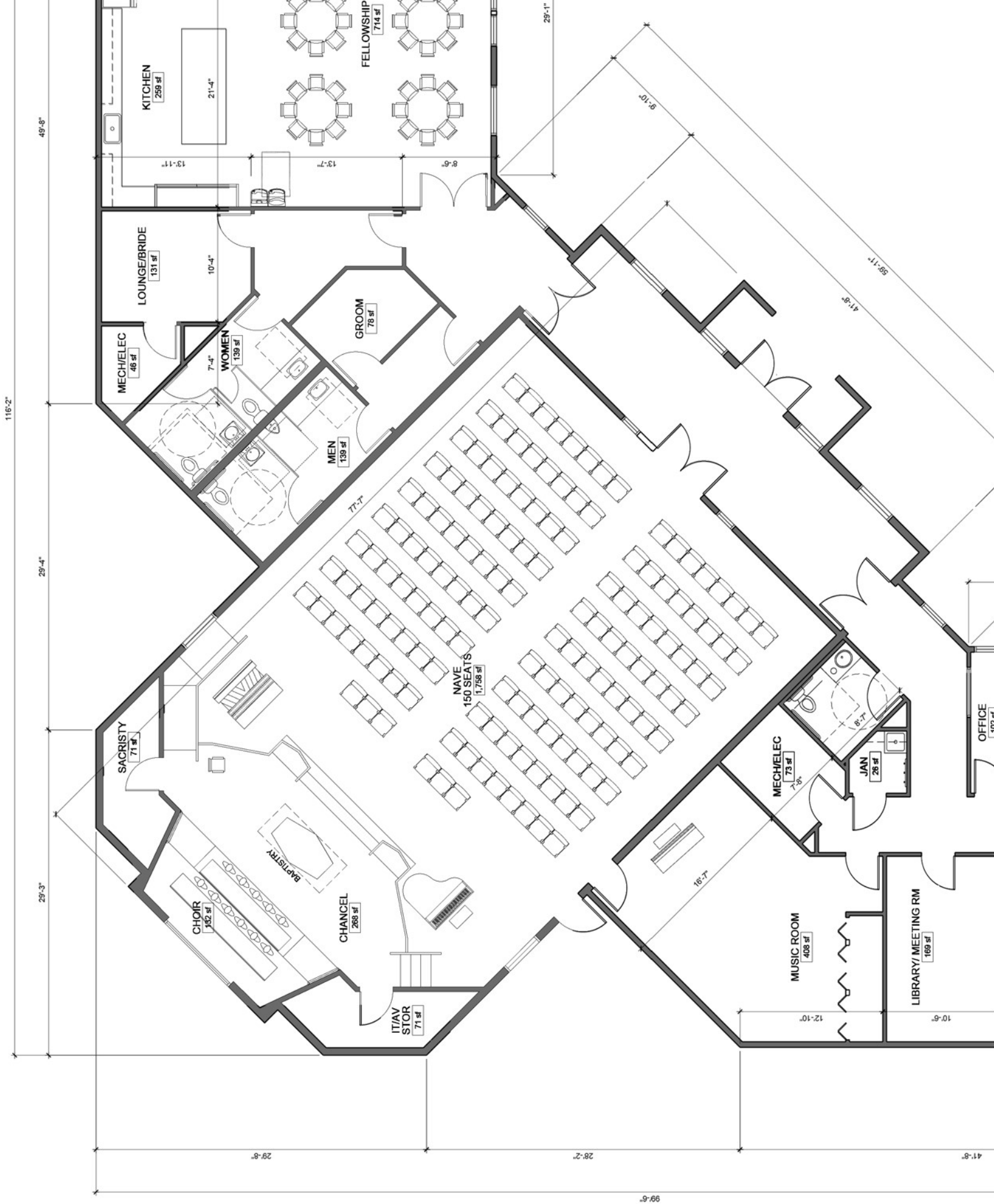
We look forward to presenting our new project...The Enclave in Winter Park.

Thank you,

Creative Neighbors, LLC



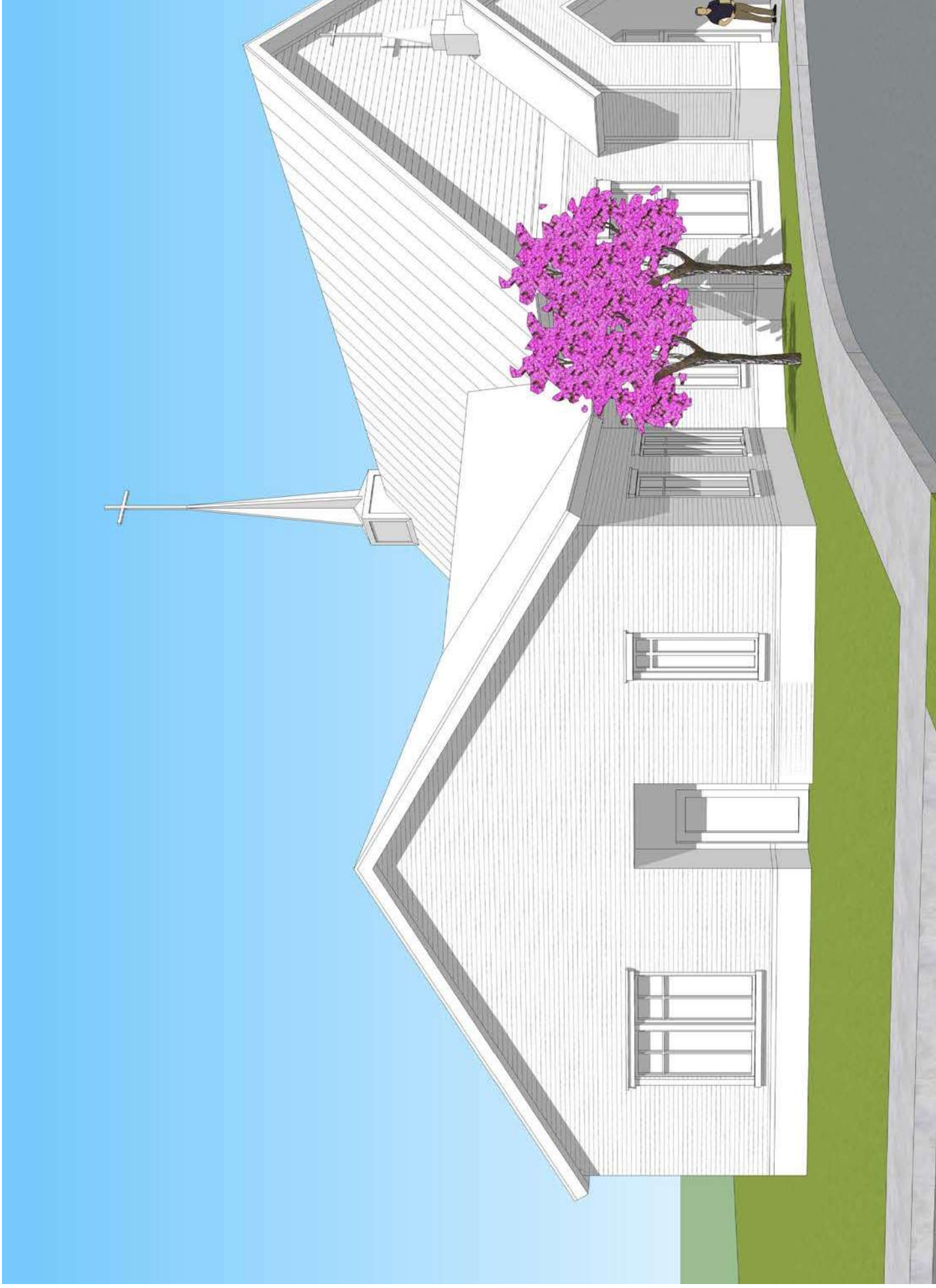


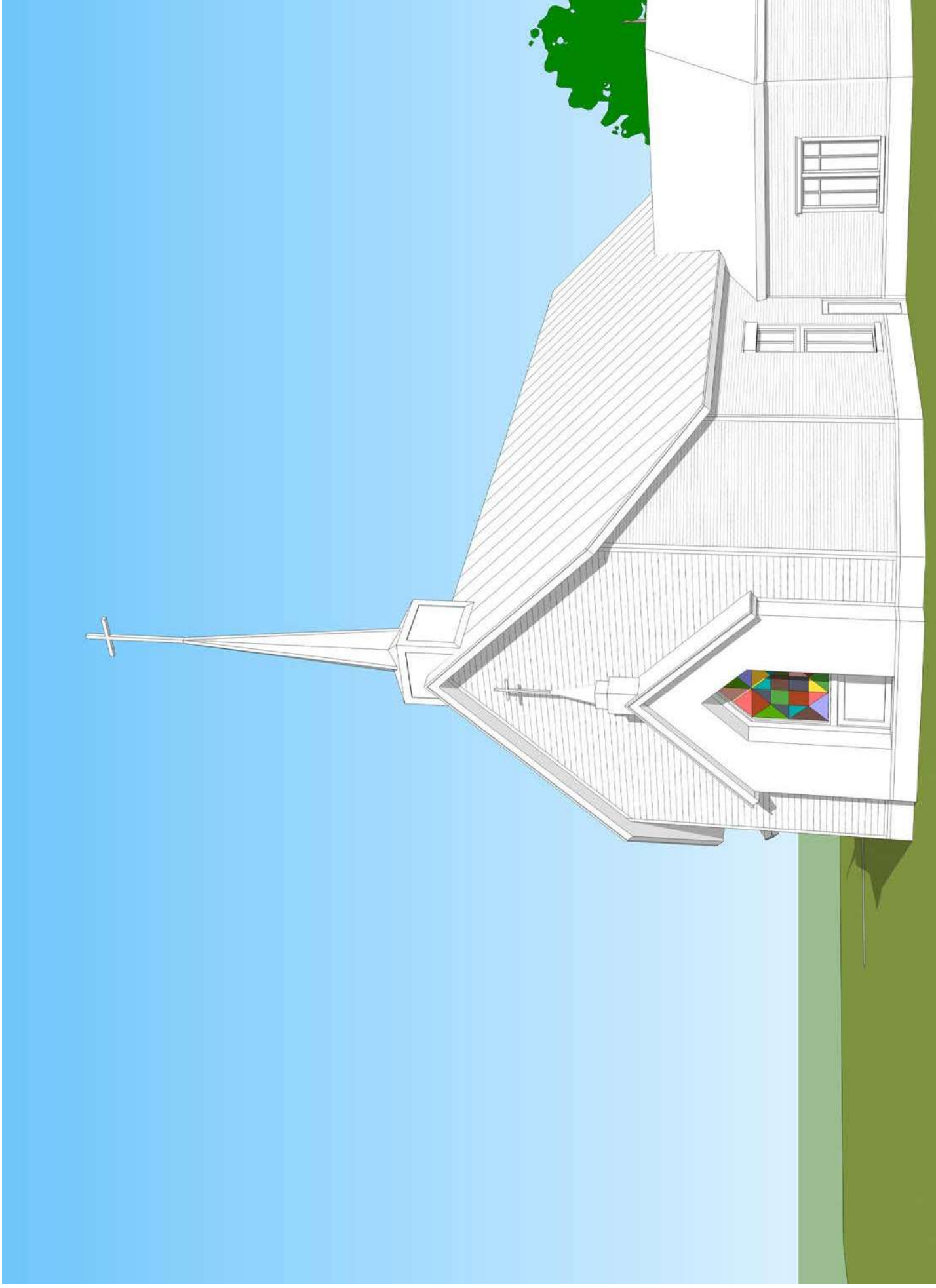






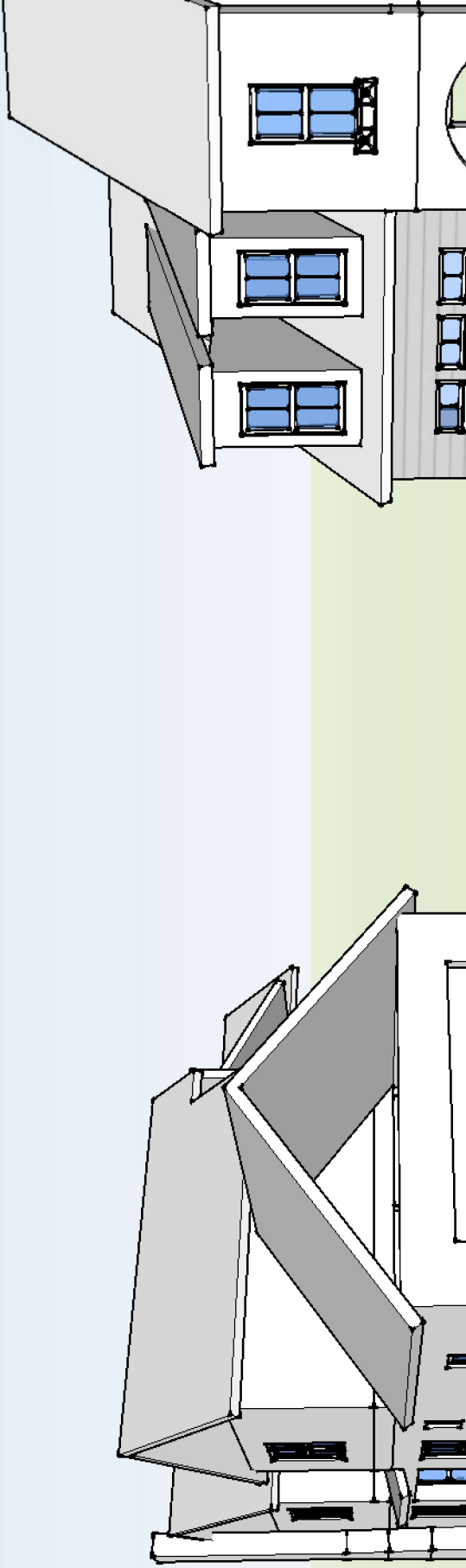
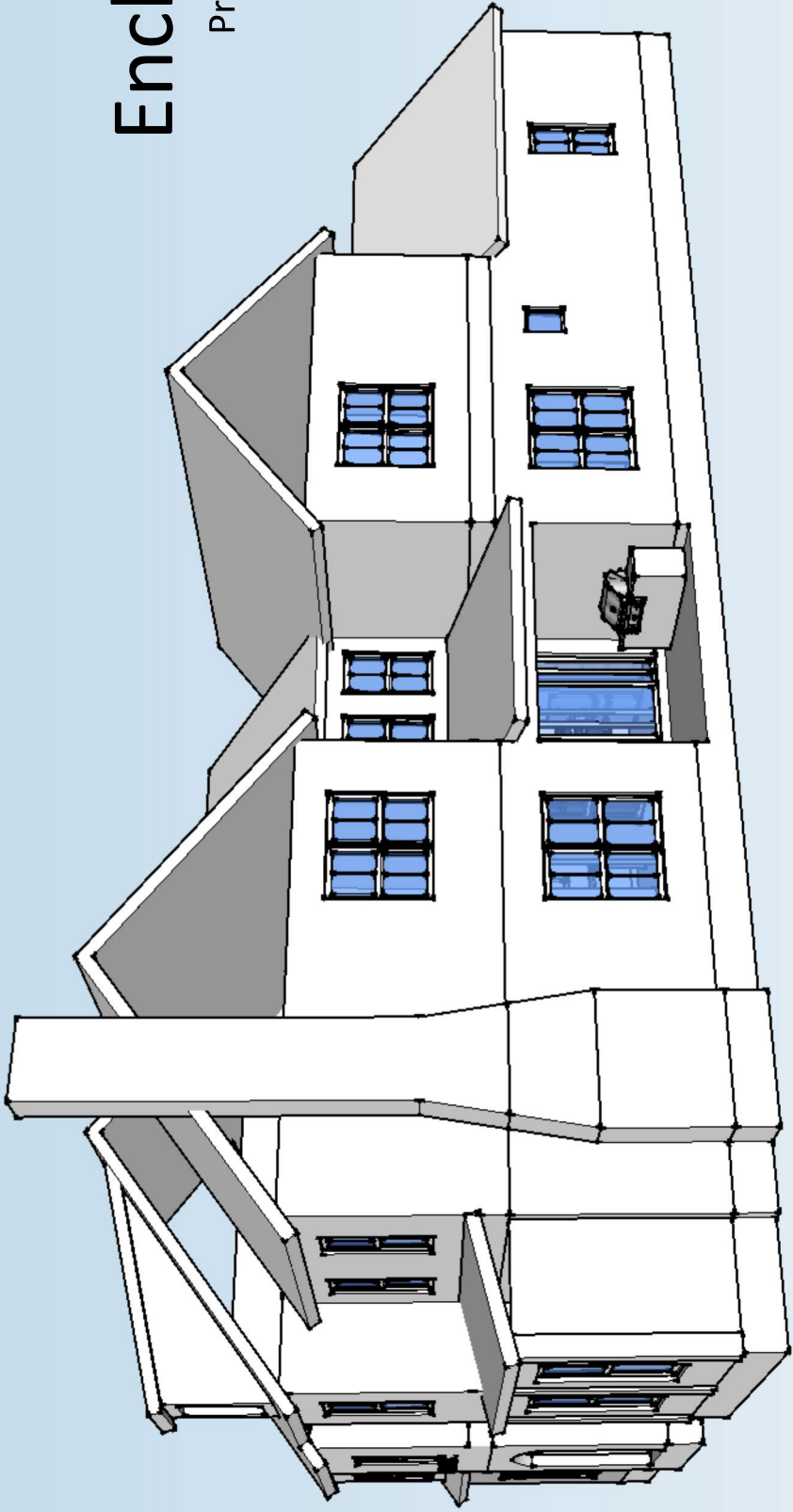


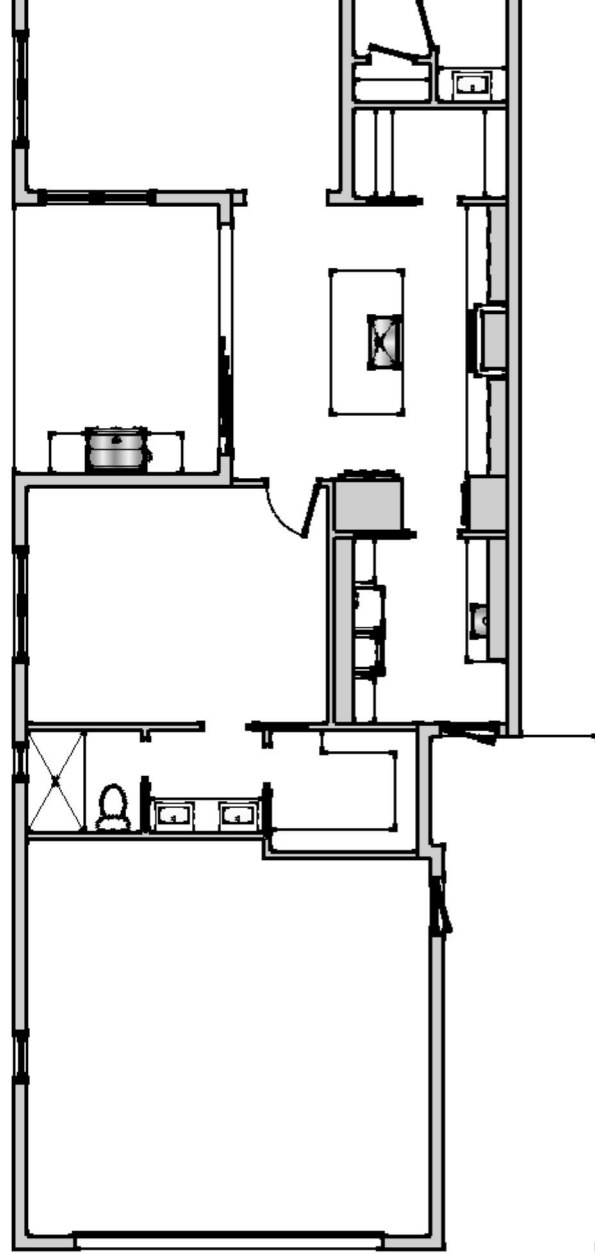


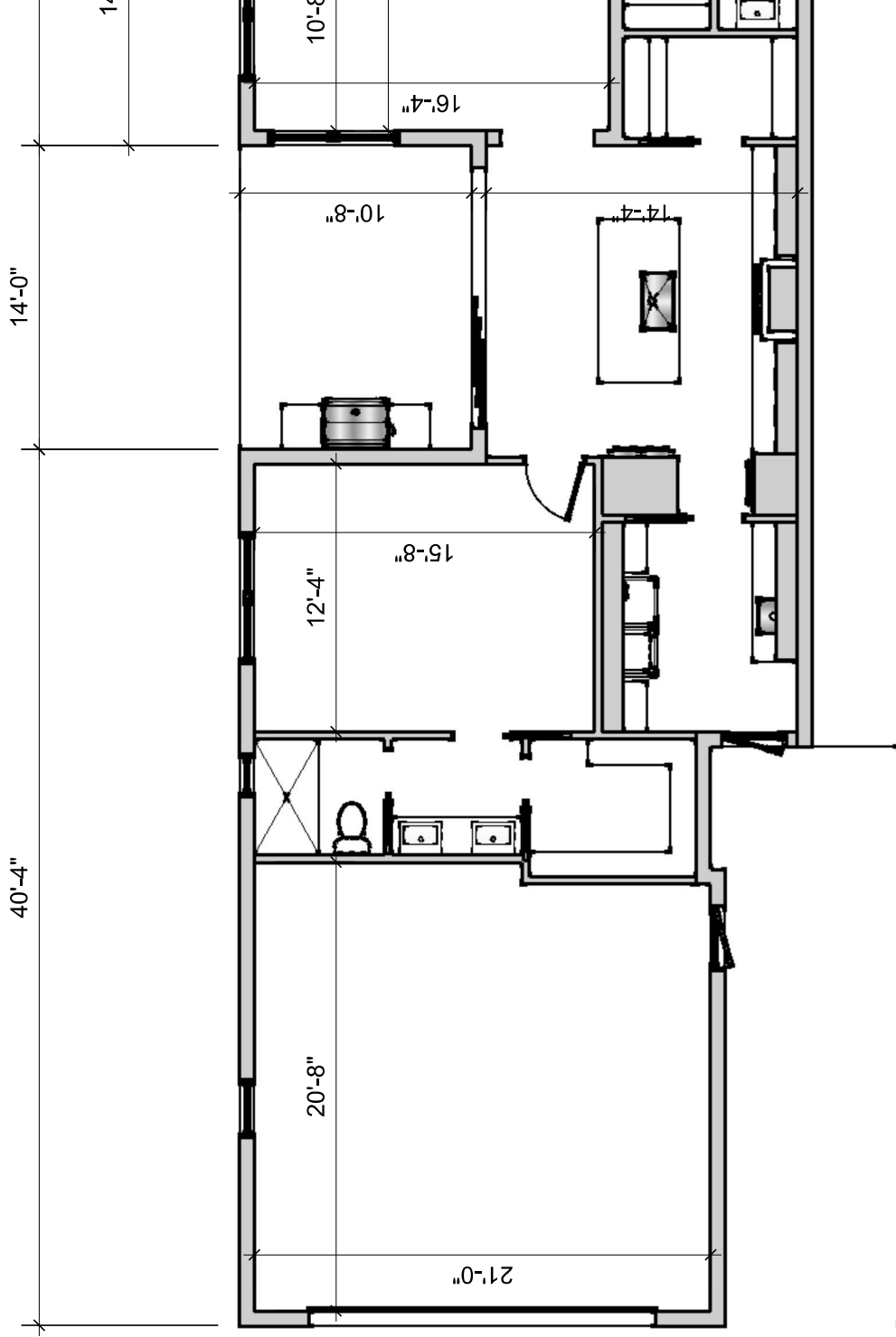


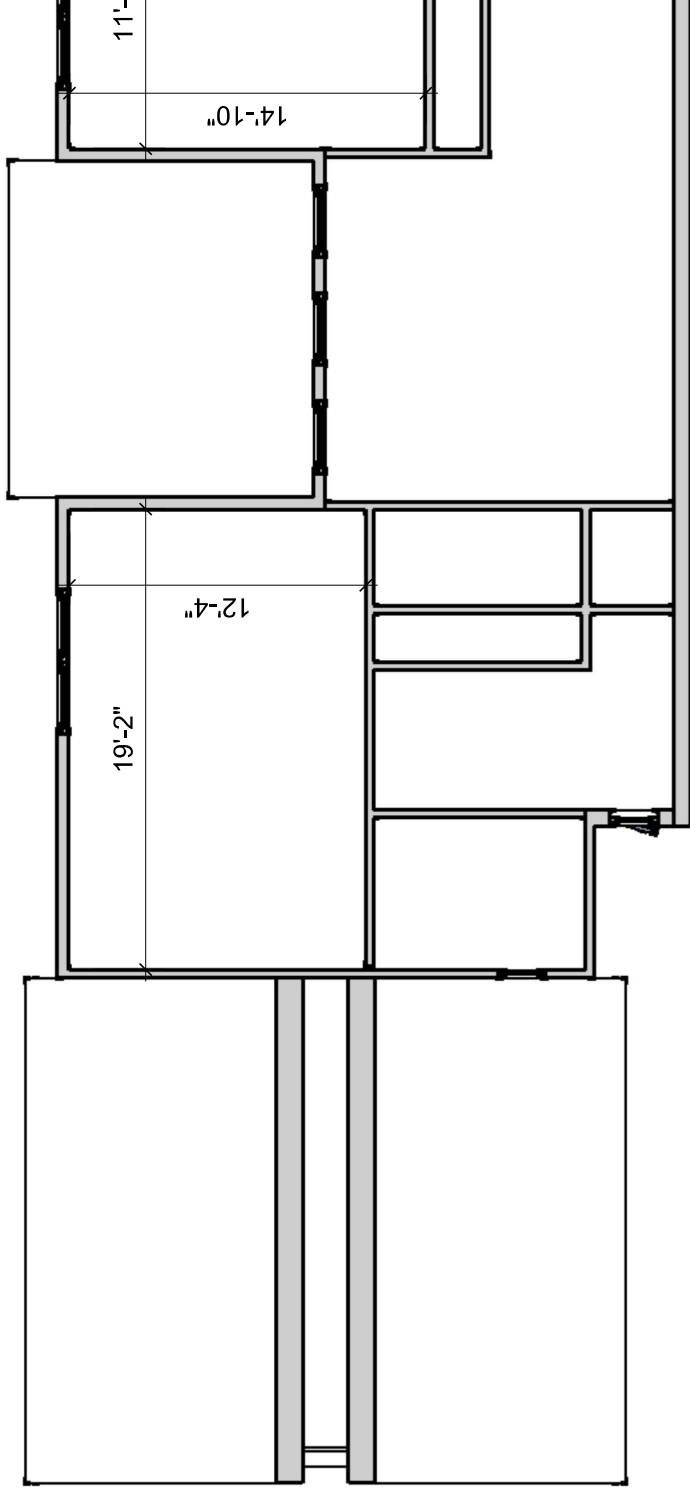


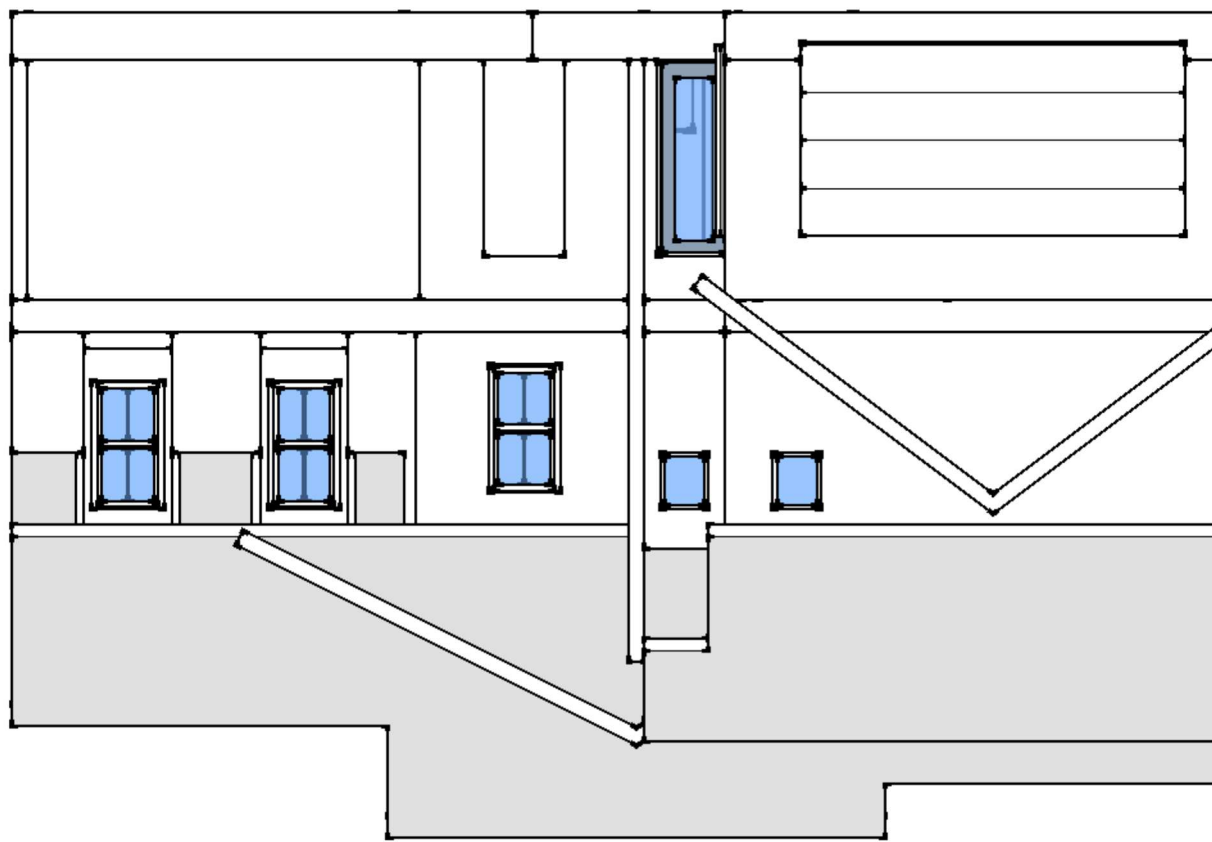
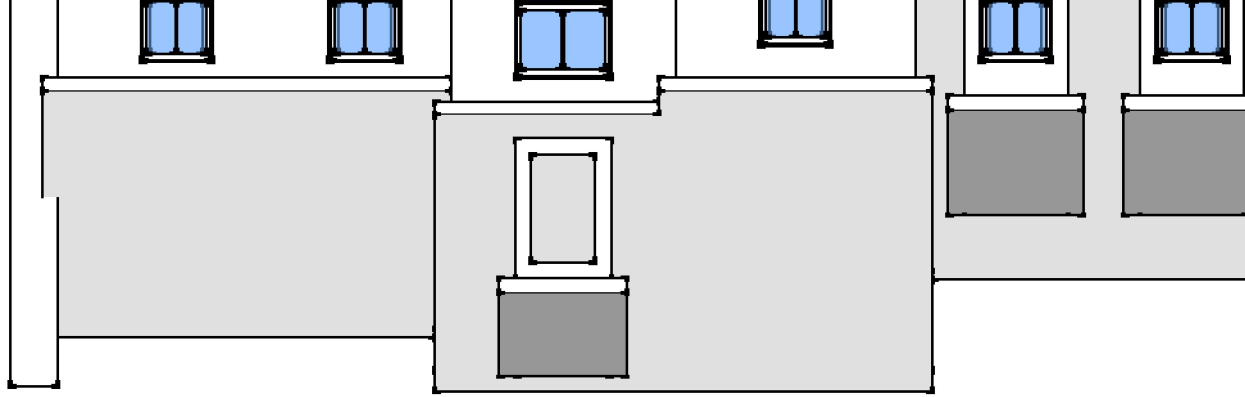
Enclave Project

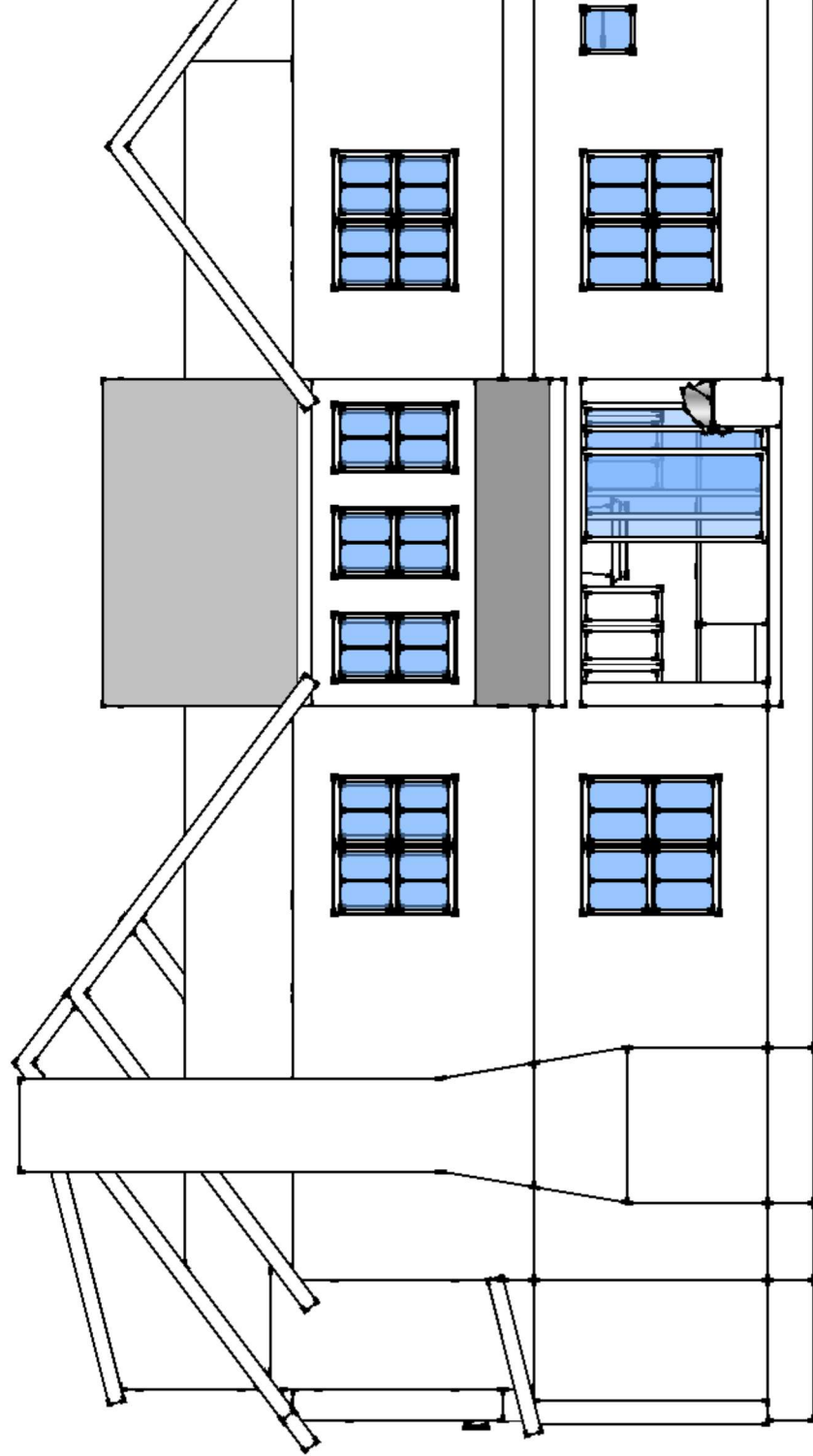


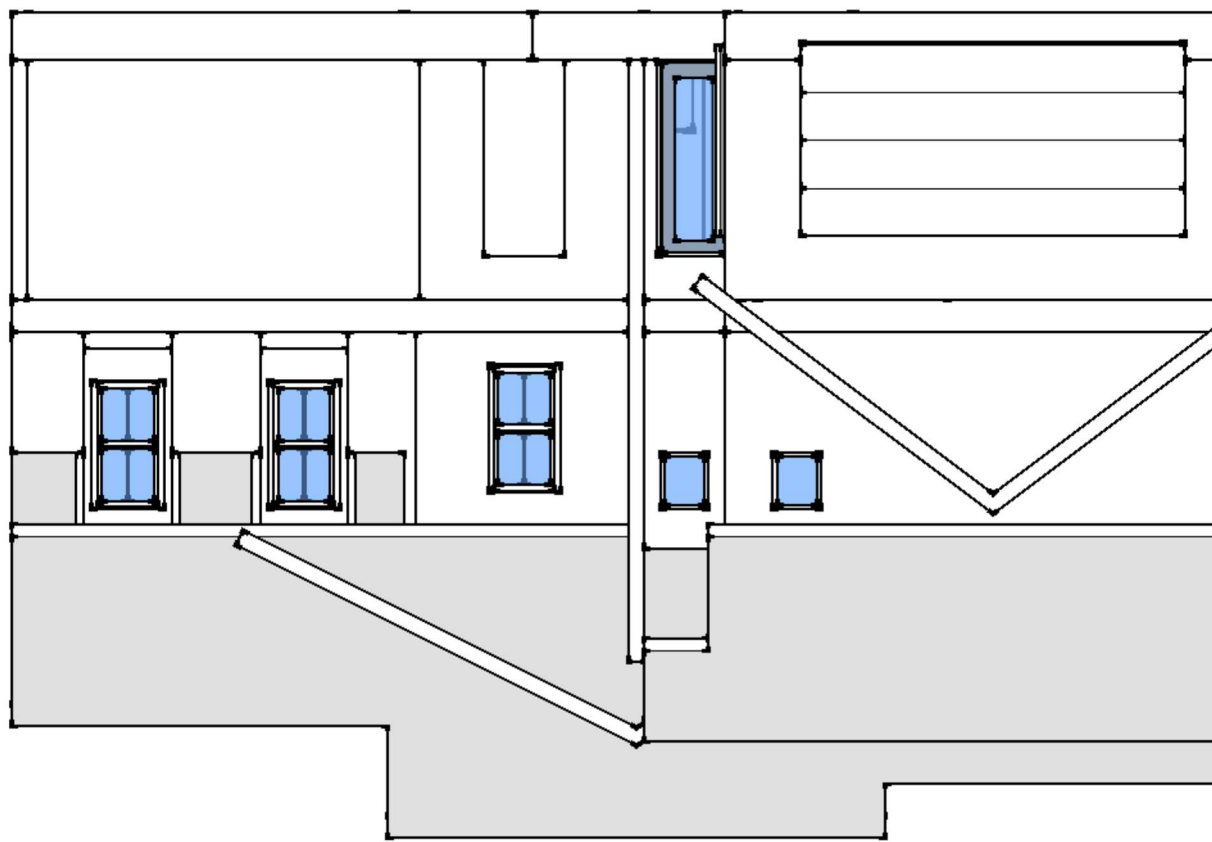
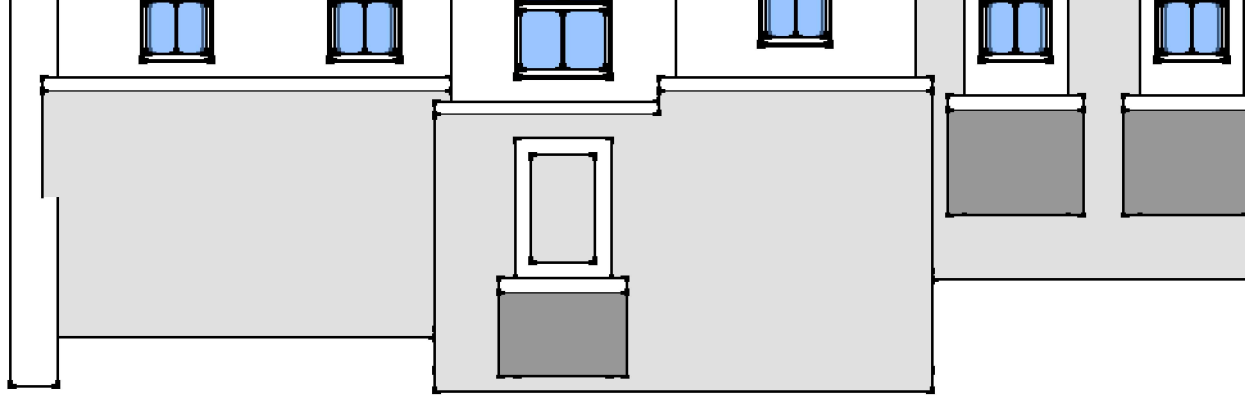


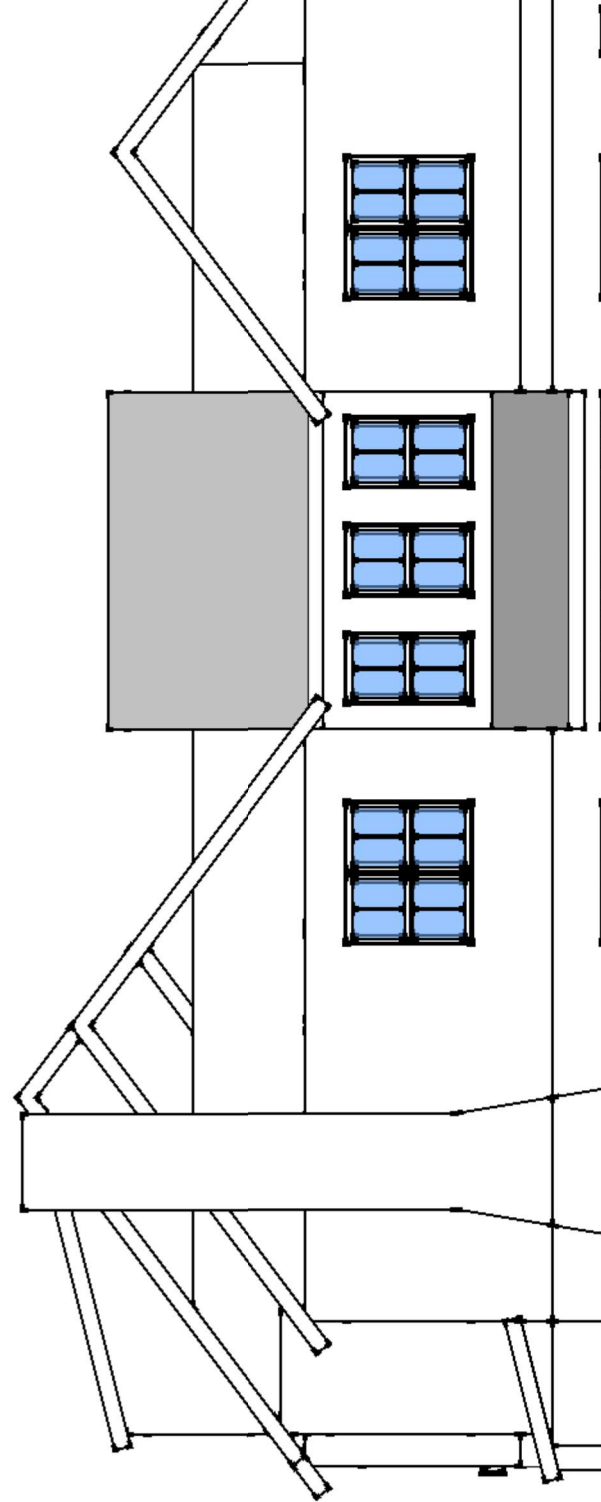
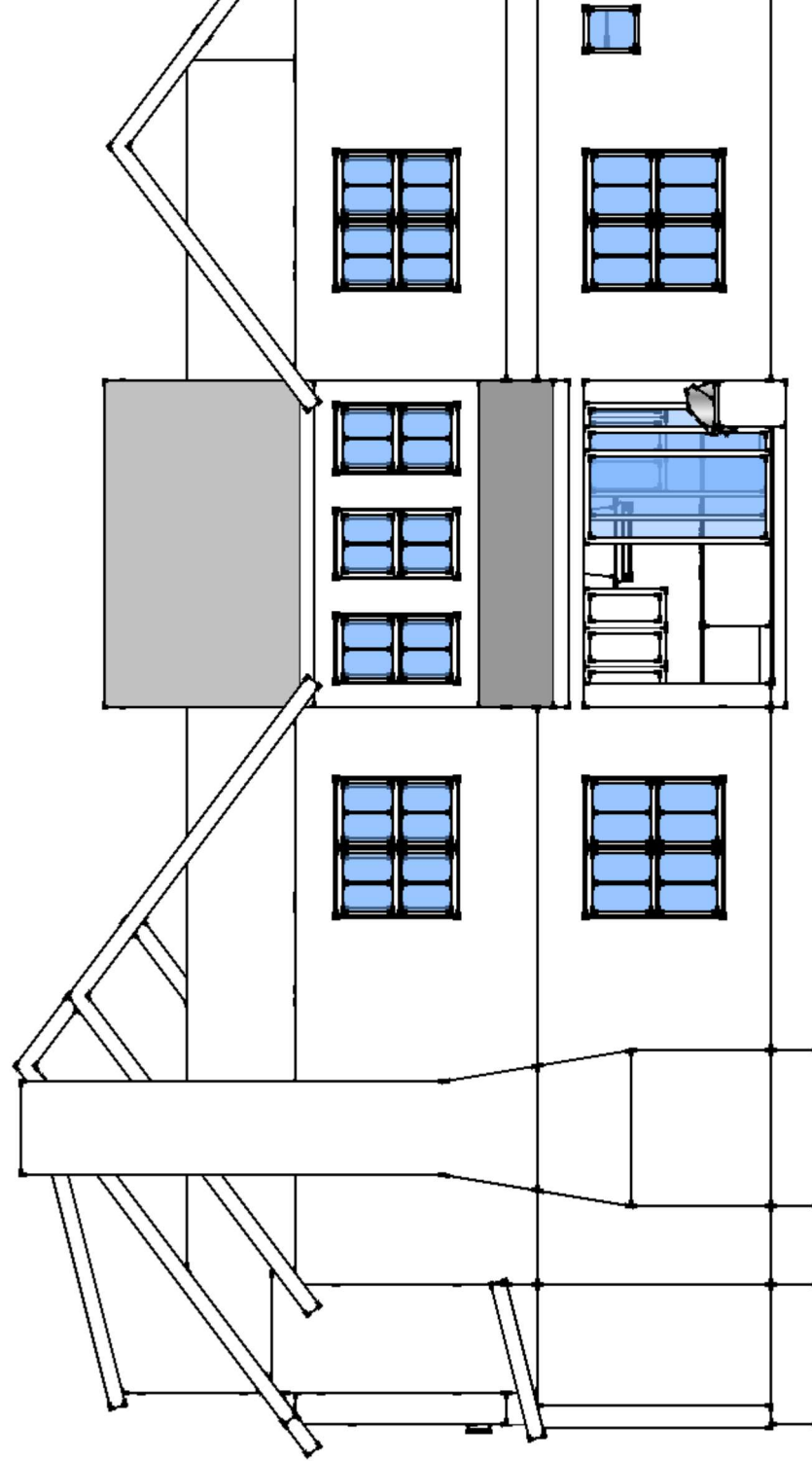












THE ENCLAVE IN WINTER PARK DEVELOPMENT STANDARDS

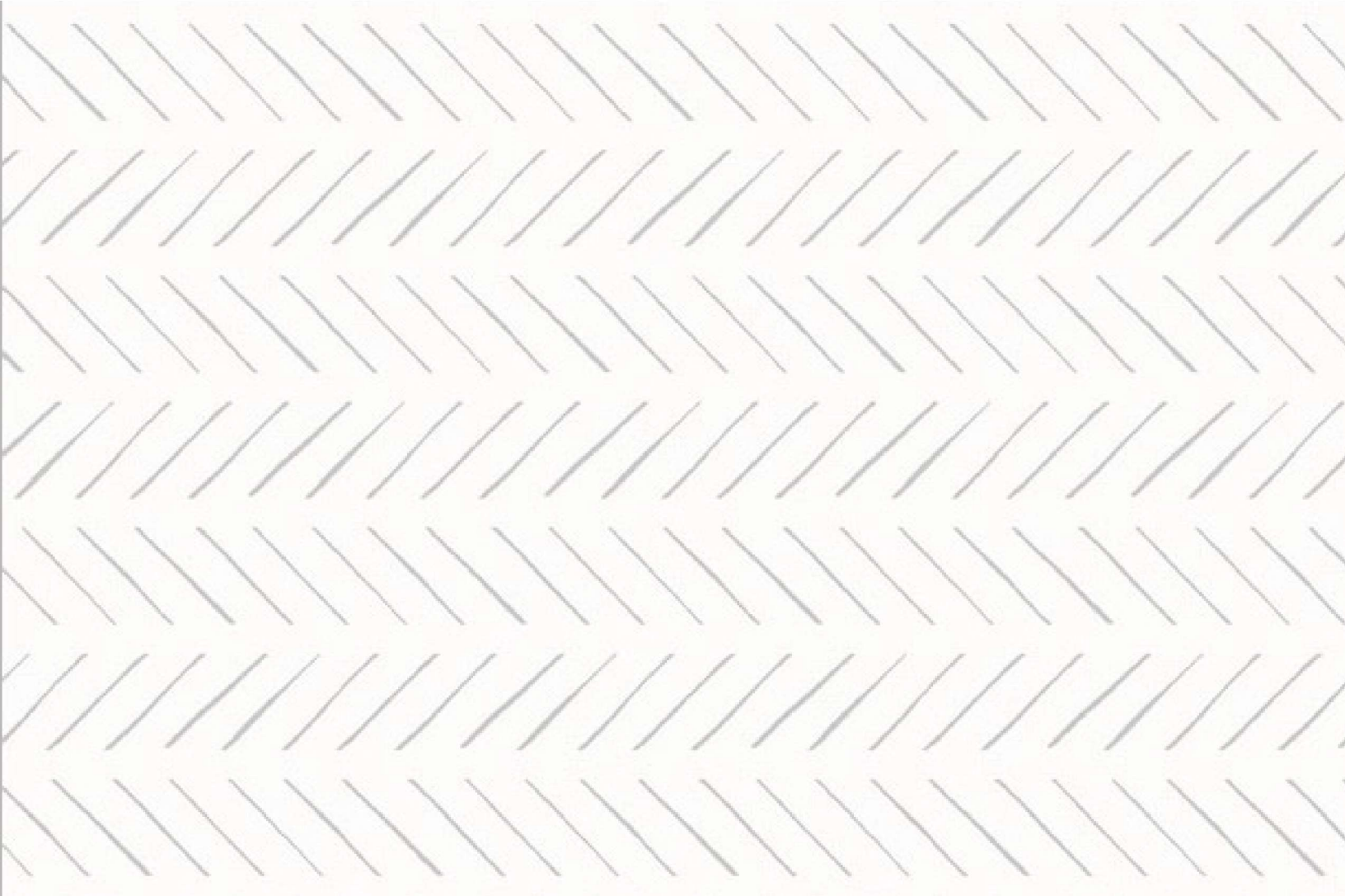
LOT TYPE:	A	B	C	D	E	F	G
<u>Regulations</u>							
Lot width	59	57	59	60.43	60.43	60.36	62
lot depth	114	114	134.11	119.51	116.51	107.21	107.21
Total lot size (sq.ft.)	6,726	6,498	7,912	7,222	7,041	6,471	6,647
Max. density allowed (du/ac)	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Front setback (1)	20'	20'	20'	20'	20'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

Notes:

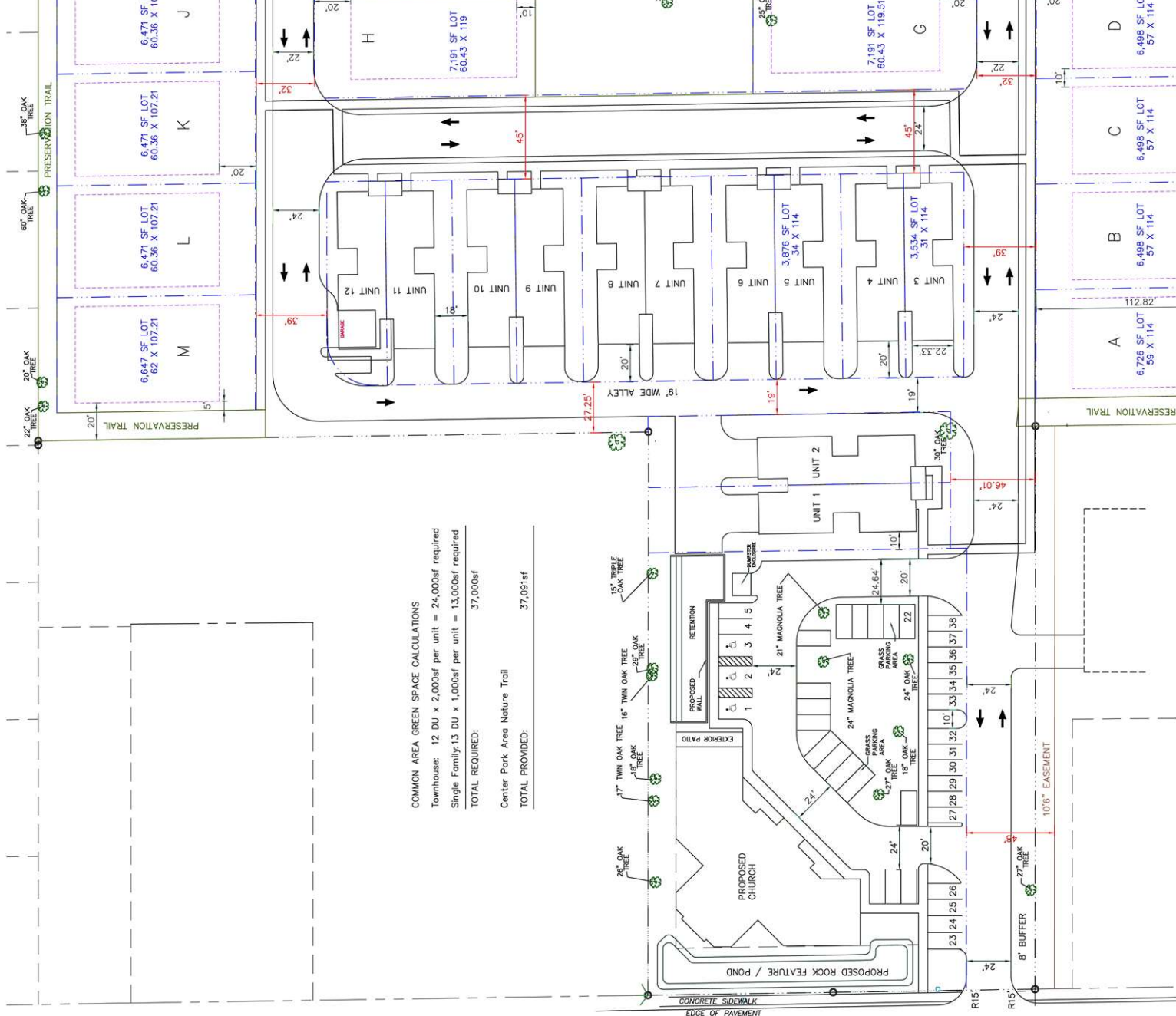
- 1) Measured from closest concrete edge (sidewalk or curb)
- 2) Does not include setbacks bordering recreation areas
- 3) Does not include lots bordering a street
- 4) Does not include lots bordering "Center Park"
- 5) Will be 20' from nearest concrete edge if garage faces side yard
- 6) Excludes roads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

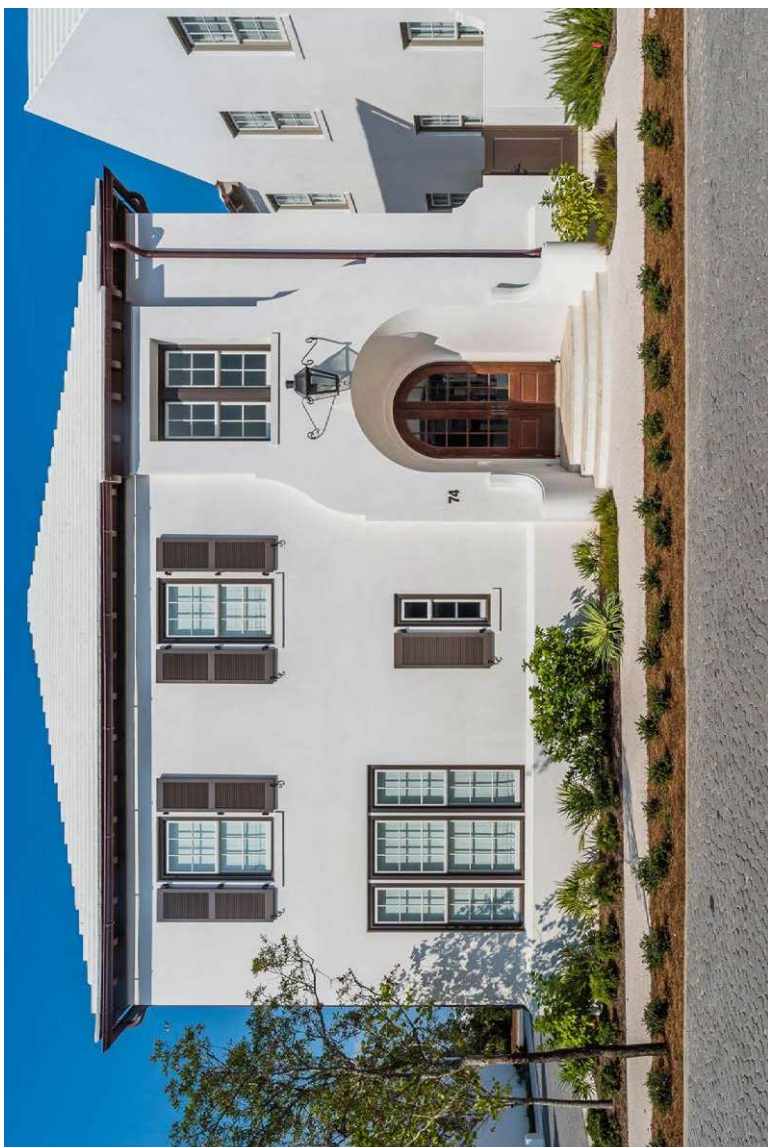
Additional Development Standards:

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

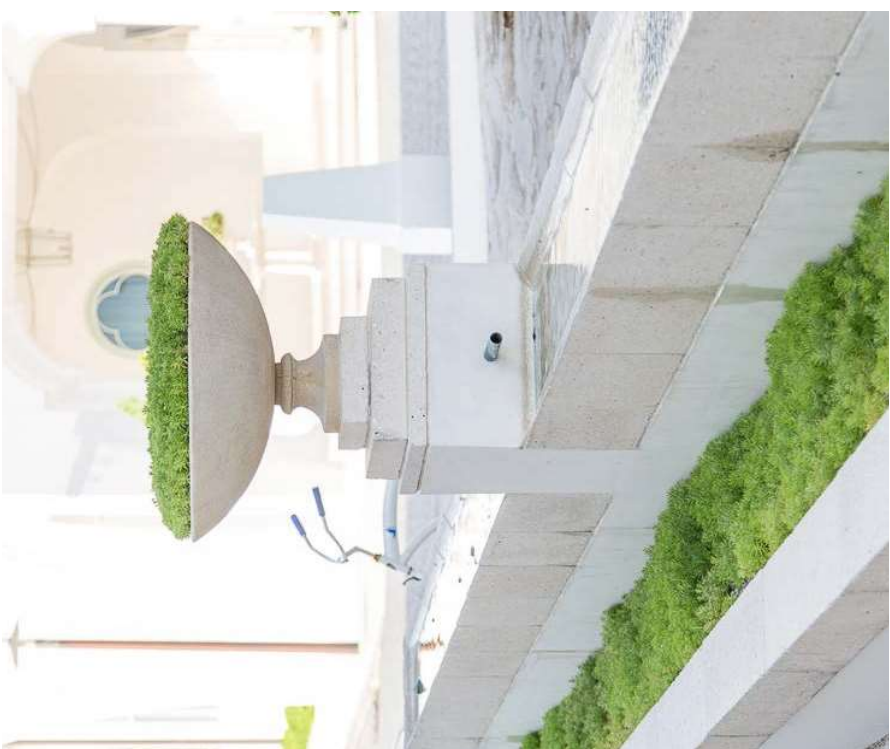
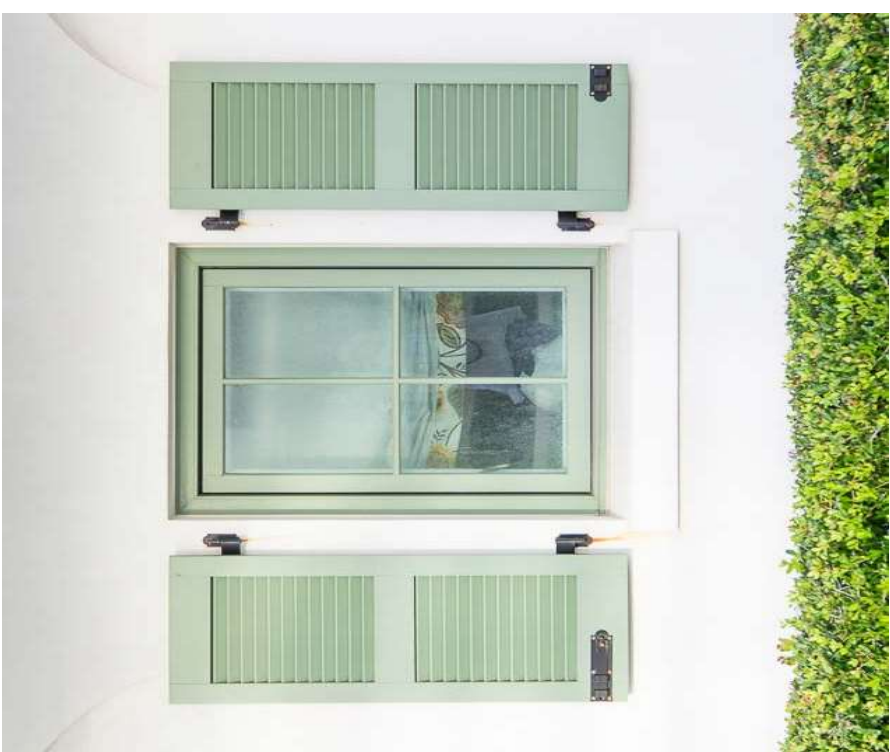


NORTH LAKEMONT AVENUE

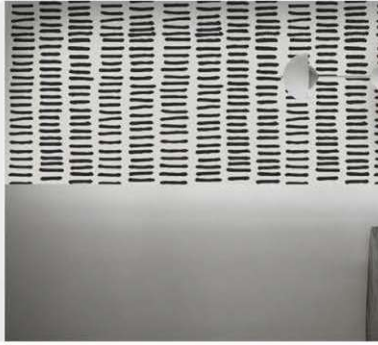


























Sec. 58-70. Planned Unit Residential Development (PURD) District.

(a) Purpose and intent.

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

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

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

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

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

(c) Development requirements and standards for approval.

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

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

(3) Minimum land area per residential unit:
Single family detached . . . 5,000 sq. ft.
Cluster housing/townhouse . . . 2,500 sq. ft.
Multiple-family unit . . . 1,500 sq. ft.

(4) Minimum land area per residential unit reserved in common open space:
Single family detached . . . 1,000 sq. ft.
Townhouse/cluster housing . . . 2,000 sq. ft.
Multiple-family unit . . . 2,500 sq. ft.
(Required stormwater retention areas shall not be counted toward meeting this requirement.)

(5) Minimum living area per residential unit:
Single family detached . . . 1,500 sq. ft.
Cluster house . . . 1,200 sq. ft.
Townhouse . . . 1,000 sq. ft.
Multiple-family unit . . . 750 sq. ft.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) *Preliminary concept plan.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lot Type*	A	B	C(12)	D(9)	E(11)	F(10)	G(8)
Lot width	200'	150'	125'	125'	100'	100'	60'
Lot depth	435'	300'	200'	150'	150'	100'	105'
Max. density (DU/AC)	.5	.97	1.7	2.3	2.9	4.4	6.0
Minimum Setbacks:							
Front	50'	35'	25'	25'	25'(1)(2)	20'(1)	15'(3)
Side	30'	25'	15'	15'	10'	10'	5'
Rear	75'	50'	25'	25'	25'	20'	20'
Lake (4) (5)	75'	75'	75'	--	--	--	--
Min. living area	2,500 s.f.	2,000 s.f.	1,800 s.f.	1,500 s.f.	1,500 s.f.	1,500 s.f.	1,200 s.f.
Max. height	40'	35'	35'	35'	35'	35'	30'
Max F.A.R. (%)	20%	25%	30%	33%	33%	38%	45%(6)
Max. impervious surface (%)	35%	40%	45%	50%	50%	50%	55%(7)
1. The front setback may be reduced to 20 feet if the house includes a front porch. 2. The front setback may be reduced to 20 feet if the lot fronts upon a common green/park. 3. Garages must be set back a minimum of ten feet behind the primary facade line. (please see Item 14 below for exceptions) 4. Setback is from normal high water elevation. 5. Minimum setback for all site improvements, (pools, patio, etc.). 6. The maximum FAR on all lots within Windsong-Elizabeth's Walk will be 45 percent, except for lots 2-6, 9-20, 49-50, and 61-62, for which the maximum FAR will be 55 percent; and lots 33-47, for which the maximum FAR will be 33 percent. 7. The maximum impervious surface on all lots within Windsong-Elizabeth's Walk will be 55 percent, except for lots 2-6, 9-20, 49-50, and 61-62, for which the maximum impervious surface will be 65 percent; and lots 33-47, for which the maximum impervious surface will be 50 percent. All other development standards for lots 33-47 Windsong-Elizabeth's Walk, shall conform to those listed as Type "E" lots referenced above. 8. The house constructed on Windsong-Elizabeth's Walk, lot 1 will be limited to single story in height. 9. Lots 13 and 32-34 in Windsong-North Shore are less than 18,750 sq. ft. and less than 125 feet in width, as approved by the city commission. 10. The minimum lot width for lots 6 and 7, Windsong-Lakeside Section One is 87.5 feet; for lots 8-10 Windsong-Lakeside Section One the minimum lot width is 90 feet; and the minimum lot width for lots 1-12 Windsong-North Shore is 95 feet, as approved by the city commission. 11. The rear yard setback for lots 39 and 40 Windsong-Lookout Landing shall be 35 feet, and the house on these two lots shall be limited to single story in height. 12. Lots are permitted 35 feet of building height, if side setbacks to that second story component over 30 feet in height are increased to 15 feet.							

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

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

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

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

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

- On houses that are two-story with a front garage, the side setbacks will increase to 13 feet total (with five feet minimum on one side).

- On houses that are one-story with a rear-entry garage, the side setbacks will increase to 15 feet total (with five feet minimum on one side).

- On houses that are two-story with a rear-entry garage, the side setbacks will increase to 20 feet total (with seven feet six inches minimum on one side).

- On houses that are one-story with a front garage, the side yard setbacks shall remain ten feet total (with five feet on each side).

- On houses that have a front-entry garage (garage doors facing the street), the garage front facade shall be setback a minimum to ten feet behind the primary house facade line. If the front garage plan has a side-entry or courtyard-entry garage (no garage doors facing the street), the garage front facade may be placed at the respective front yard setback line.

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

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

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

*See Plats of Windsong--Chart Attached

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

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

(5) Pennsylvania Place property as shown below:

a. Lots 1 and 29:

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

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

Front and rear setbacks 25 feet.

b. Lot 2:

20-foot street side setback.

Ten-foot interior side setback.

Front and rear setback 25 feet.

c. Lots 3--16:

Side setbacks of 5 feet, both sides.

Front setbacks of 25 feet.

Rear setbacks, 25 feet from centerline.

d. Lots 17--20:

Setback 15 feet from closest edge of access easement.

Setback 20 feet from closest edge of pavement.

Ten-foot side setbacks.

e. Lots 21--27:

Front setback 25 feet.

Rear setback 20 feet from closest edge of pavement.

Ten-foot side setbacks.

f. Lot 28:

Front and rear setback 25 feet.

Ten-foot side setbacks.

g. Corner lots 21, 24 and 25:

20-foot street side setback.

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

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

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

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

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

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



City Commission **agenda item**

item type Public Hearings	meeting date March 9, 2022
prepared by Michelle del Valle	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance: Establishing the Winter Pines Golf Course Advisory Board. (1st reading)

motion / recommendation

Approve

background

This ordinance is presented at the direction of the City Commission in its meeting on January 26, 2022. I

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Ordinance creating Winter Pines Golf Course Advisory Board.doc](#)

ORDINANCE

AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS TO ESTABLISH THE WINTER PINES GOLF COURSE ADVISORY BOARD; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to Establish the Winter Pines Golf Course Advisory Board; and

WHEREAS, the City Commission determines that this Ordinance is in the best interest of the citizens of the City of Winter Park.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby adopted and incorporated by reference.

Section 2. Amendment/Adoption. Chapter 2, Article III, Division 1 and Division 3 of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; provisions and sections not included are not being amended):

ARTICLE III. - SUBSIDIARY BOARDS OF THE CITY OF WINTER PARK

DIVISION 1. ESTABLISHMENT OF CITY BOARDS

Sec. 2-47. - List and size of boards established.

The general requirements for boards are specified in division 2 herein and the board specific requirements are specified in division 3. Unless otherwise provided by the City Charter, state law, other ordinance or this article, each board shall have seven members. The following boards are established:

- (1) Board of adjustments;
- (2) Civil service board (also sits as the independent personnel review board);
- (3) Code compliance board (which also sits as the nuisance abatement board and performs the functions of a code enforcement board pursuant to F.S. ch. 162);
- (4) Community redevelopment agency;

- (5) Community redevelopment advisory board;
- (6) Construction board of adjustments and appeals;
- (7) Economic development advisory board;
- (8) Historic preservation board;
- (9) Housing authority board;
- (10) Keep Winter Park beautiful and sustainable advisory board;
- (11) Lakes and waterways advisory board;
- (12) Parks and recreation advisory board;
- (13) Transportation advisory board;
- (14) Planning and zoning board;
- (15) Public art advisory board;
- (16) Utilities advisory board;
- (17) Winter Park Firefighters' pension board;
- (18) Winter Park Police Officers' pension board;
- (19) Orange Avenue Overlay Appearance Review Advisory Board;
- (20) Tree preservation board;
- (21) Lake Killarney Advisory Board.
- (22) Winter Pines Golf Course Advisory Board.

DIVISION 3. - DESCRIPTION, DUTIES AND PROCEDURES OF EACH CITY BOARD

Sec. 2-74. – Winter Pines Golf Course Advisory Board.

Pursuant to the authority of the city commission, there is created and established the Winter Pines Golf Course Advisory Board, subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with section 2.19 of the Charter and section 2-48, of the city code.

(2) Advisory board - functions and responsibility. The golf course advisory board is an advisory board and shall after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the City Commission concerning the Winter Park Pines Golf Course. The board will provide advice on capital improvements, revenue and service/program opportunities, and

marketing/branding. Additionally, the board will promote the golf course and facilities to the Winter Park community. The golf course advisory board shall have no adjudicatory or enforcement authority.

(3) Procedures. The procedures and rules for operation of the golf course advisory board shall be in accordance with the general requirements stated in divisions 1 and 2 of this article.

Section 3. Codification. Section 2 of this Ordinance shall be codified in the City Code. Any section, paragraph number, letter or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in the Code, and additions, alterations and omissions not affecting a material substantive change in the construction or meaning of this Ordinance may be freely made.

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

Section 5. Conflicts. In the event of any conflict between this Ordinance, or any part thereof, with any of the provisions of other City Ordinances or the City Code, this Ordinance shall control.

Section 6. Effective Date of Ordinance. This Ordinance shall become effective immediately upon adoption of the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the ____ day of _____, 2022.

Mayor Phillip Anderson

ATTEST:

Rene Cranis, City Clerk



City Commission **agenda item**

item type Public Hearings	meeting date March 9, 2022
prepared by Wes Hamil	approved by Wes Hamil, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance authorizing the issuance of not to exceed \$8,000,000 Capital Improvement Revenue Bond, Series 2022 to finance the acquisition, rehabilitation and equipping of the Winter Pines Golf Club (1st reading)

motion / recommendation

Approve ordinance authorizing the issuance of not to exceed \$8,000,000 Capital Improvement Revenue Bond, Series 2022

background

At the January 26 Commission meeting, the City Commission voted to approve the letter of intent to proceed with the purchase of Winter Pines Golf Course. The attached ordinance was prepared by the City's bond counsel, Greenberg Traurig.

The City's financial advisor, PFM, has solicited proposals to underwrite the bond and a recommendation to award the bond to an underwriter and adopt a resolution incorporating the terms of the proposal will be presented to the commission at its March 23 meeting.

alternatives / other considerations

fiscal impact

Annual debt service on the bond is expected to be approximately \$530,000. The bond will be secured by a covenant to budget and appropriate non-ad valorem revenues of the City. Net revenues generated by operation of the Winter Pines Golf Course are anticipated to be adequate to cover debt service costs.

ATTACHMENTS:

[62737971_v 1_ORDINANCE - Winter Park 2022 CBA.DOCX](#)

ORDINANCE NO. _____-22

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS NOT TO EXCEED \$8,000,000 CAPITAL IMPROVEMENT REVENUE BOND, SERIES 2022 IN ORDER TO FINANCE THE ACQUISITION, REHABILITATION AND EQUIPPING OF THE WINTER PINES GOLF CLUB TO PRESERVE AS GREEN SPACE FOR THE CITY'S PARKS AND RECREATION PROGRAM; PROVIDING AUTHORIZATION FOR THIS ORDINANCE; PROVIDING FINDINGS; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM A COVENANT TO BUDGET AND APPROPRIATE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. This ordinance is enacted pursuant to the provisions of Chapter 166, Parts I and II, Florida Statutes; Chapter 159, Part I, Florida Statutes; Section 2.14 of the Charter of the City of Winter Park, Florida (the "City"); and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared that:

A. Section 2.14 of the Charter of the City (the "Charter") provides that the City Commission of the City (the "City Commission") shall have the authority to borrow money, contract loans and issue bonds in accordance with the provisions of the Constitution of the State of Florida and the general laws of the state. Section 2.14 of the Charter also provides that approval by voter referendum is not required prior to the issuance of revenue bonds which finance the purchase, lease and/or acquisition of park real property and/or park projects by the City.

B. The City Commission finds that the purchase of the Winter Pines Golf Club constitutes the acquisition of park real property and protects and preserves green space within the City and therefore no approval by voter referendum is required by the Charter.

C. On or about February 2, 2022, the City, through its financial advisor, PFM Financial Advisors LLC, Orlando, Florida (the "Financial Advisor"), issued a request for proposals for the financing of the acquisition, rehabilitation, and equipping of the Winter Pines Golf Club and paying the costs of issuance related thereto, pursuant to which the Mayor and City Manager, in conjunction with its Financial Advisor, will select the response from a financial institution containing the terms most favorable to the City.

D. The Series 2022 Bond will be secured by a covenant to budget and appropriate from certain legally available non-ad valorem revenues of the City.

SECTION 3. AUTHORIZATION OF BOND. The issuance by the City of its not exceeding \$8,000,000 Capital Improvement Revenue Bond, Series 2022 (herein the "Series 2022

Bond") for the purpose of financing the acquisition, rehabilitation, and equipping of the Winter Pines Golf Club and paying the costs of issuance related thereto; to be dated, to bear interest at a rate or rates not exceeding the maximum legal rate per annum, to be payable, to mature, to be subject to redemption and to have such series designations and other characteristics as shall be provided by subsequent resolution or resolutions of the Commission prior to its delivery; and to be secured by a covenant to budget and appropriate from legally available non-ad valorem revenues of the City is hereby authorized. The Commission may adopt a specific bond resolution (including any necessary resolutions supplemental to the bond resolution) supplemental to this ordinance, setting forth the maturities (or a mechanism for determining such maturities on or prior to the sale of the Series 2022 Bond) and the fiscal details and other covenants and provisions necessary for the sale and issuance of the Series 2022 Bond. In addition, the bond resolution may authorize various interest rate modes and appropriate agreements for such modes and may establish special accounts and include provisions for the sole benefit of the holders of the Series 2022 Bond, as circumstances dictate, in order to fully protect the rights of the holders of the Series 2022 Bond. In the case of any inconsistency between the provisions of the Original Resolution and such bond resolution provisions for the Series 2022 Bond, the provisions of the bond resolution shall control.

The Series 2022 Bond, when delivered by the City pursuant to the terms of the specific bond resolution and any resolution supplemental thereto as contemplated hereby shall not constitute a general obligation or indebtedness of, or a pledge of the faith, credit or taxing power of, the City or the State of Florida or any agency or political subdivision thereof, but is a limited, special obligation of the City, the principal of, premium, if any, and interest on which are payable from a covenant to budget and appropriate legally available non-ad valorem revenues. Neither the City nor the State of Florida, or any agency or political subdivision thereof, will be obligated (i) to exercise its ad valorem taxing power or any other taxing power in any form on any real or personal property to pay the principal of, premium, if any, or interest on the Series 2022 Bond, or other costs incident thereto, or (ii) to pay the same from any funds of the City except from certain non-ad valorem revenues of the City in the manner provided in the specific bond resolution and any resolution supplemental thereto. The Series 2022 Bond does not constitute a lien upon any other property of or in the City.

SECTION 4. GENERAL AUTHORITY. The Mayor, City Manager, Assistant City Manager and Finance Director of the City, or any of them and such other officers and employees of the City as may be designated by the Mayor are hereby authorized, pending adoption of the above resolutions, to do all things and to take any and all actions on behalf of the City, without further action by the Commission, to furnish disclosures, representations, certifications and confirmations concerning the City; and to execute and deliver any bond purchase agreements or bank commitments regarding the Series 2022 Bond, and all other documents and instruments deemed appropriate by any of such officers, the approval of the City and all corporate power and authority for such actions to be conclusively evidenced by the execution and delivery thereof by any of such officers.

SECTION 5. REPEAL OF INCONSISTENT PROVISIONS. All ordinances, resolutions or parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon its final passage and adoption.

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

Phil Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk



City Commission agenda item

item type Public Hearings	meeting date March 9, 2022
prepared by Nicholas Lewis	approved by John Harbilas, Bronce Stephenson, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Request of Z Properties for:

item list

Applicant has requested a continuance to comply with conditions set forth by the commission at first reading.

- Ordinance authorizing the conveyance of a stormwater pond drainage easement (2nd reading); and
- Approval to grant an easement to enlarge and maintain the city-owned retention pond located behind 341 N. Pennsylvania Avenue and to route stormwater retention from previously approved office building located at 301 N. Pennsylvania Avenue to the city-owned retention area.

motion / recommendation

Staff recommendation is for approval subject to any conditions desired by the City Commission.

background

Z Properties, for Douglas Partners Realty, LLC is requesting approval for an ordinance granting the attached Stormwater Pond Drainage Easement Agreement (easement agreement) with Douglas Partners Realty, LLC (Douglas Partners) and Diversified Property Investments, Inc. (Diversified), who are the respective owners of 301 N. Pennsylvania Avenue (Douglas Partners Property) and 271 N. Pennsylvania Avenue (Diversified Property) to permit both properties to utilize the City-owned regional stormwater retention pond located adjacent to Israel Simpson Court.

The retention area, located at Orange County Parcel Identification Number: 06-22-30-3724-13-001, was originally constructed to serve as regional retention for the Israel Simpson Court subdivision. In addition to the neighborhood, the retention area was also proactively designed to be modified to serve the future redevelopment of other

surrounding properties including 341 N. Pennsylvania (owned by the Early Rising Lodge and renovated by Z Properties) as well as 311 and 331 N. Pennsylvania (both owned by the Baker family).

In 2019, the City approved a lease agreement with the applicant to lease the eastern 33 feet of the City-owned retention area to permit five parking spaces as part of the applicant's remodeling of 341 N. Pennsylvania. As part of that agreement, the applicant agreed to take over all maintenance of the retention area. As part of the current request, the applicant will continue to be responsible for the operation, maintenance, and repair of the retention pond.

As provided in the easement agreement, at their sole expense, Z Properties on the behalf of Douglas Partners agrees to design, permit and construct modifications to the pond to accommodate the increased demand from both 271 and 301 N. Pennsylvania Avenue properties. As part of the easement agreement, the applicant is required to submit for review, comment and approval by the City detailed design and construction plans for the retention pond. The City is also authorized to inspect the property during construction. After construction is complete, the City shall receive a final survey, and certification by the applicant's engineer that the retention area was constructed according to the approved design and construction plans.

The applicant has two options for stormwater retention. First, underground retention may be constructed on-site for roughly \$100,000. The applicant's second, and preferred option, is to tie-in to the existing line that runs through the rear of the Douglas Partners Property and discharges into the regional retention pond. Staff from public works verified that the retention area can be resized to retain the water from both the Douglas Partners and Diversified Properties. The applicant estimates the cost of this option to be roughly \$50,000. Due to the significant savings this would provide the applicant, they are proposing to donate \$25,000 to the Affordable and Workforce Housing Trust Fund in accordance with Comprehensive Plan Policy 1-H-2.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[Stormwater Pond Easement Agreement 2-11-2022.doc](#)

ATTACHMENTS:

[Exhibit A - Boundary Survey - IS-81087_Joined Lots-Model.pdf](#)

ATTACHMENTS:

ATTACHMENTS:

Comp Plan Policy 1-H-2.JPG

After recording return to:

City of Winter Park
Attn: City Clerk
401 S. Park Avenue
Winter Park, FL 32789
Orange County Tax Parcel ID # 06-22-30-3724-13-001

STORMWATER POND DRAINAGE EASEMENT AGREEMENT

THIS STORMWATER POND DRAINAGE EASEMENT AGREEMENT (hereinafter referred to as the “Agreement”) is made and entered into this ____ day of _____ 2022, by and between CITY OF WINTER PARK, a Florida municipal corporation, whose address is 401 S. Park Avenue, Winter Park, Florida 32789 (hereinafter referred to as the “Grantor”), DOUGLAS PARTNERS REALTY, LLC, whose address is 336 W. Morse Blvd., Winter Park, Florida 32789 and its successors and/or assigns (“Douglas Partners”), and DIVERSIFIED PROPERTY INVESTMENTS, INC., whose address is whose address is 336 W. Morse Blvd., Winter Park, Florida 32789 and its successors and assigns (“Diversified”) (Douglas Partners and Diversified are hereinafter collectively referred to as the “Grantees”).

W I T N E S S E T H:

WHEREAS, Grantor is the owner of that certain stormwater pond and related improvements located upon that certain 0.20 +/- acre parcel of real property fronting on Israel Simpson Court located in the City of Winter Park, Orange County, Florida, having Tax Parcel Identification Number 06-22-30-3724-13-001, and depicted and legally described as Parcel #3 in **Exhibit “A”** attached hereto and incorporated herein by referenced (“Retention Pond Property”); and

WHEREAS, Douglas Partners is the fee simple owner of that certain 0.47 +/- acre parcel of real property located at 301 N. Pennsylvania Avenue, City of Winter Park, Orange County, Florida, having Orange County Tax Parcel Identification Number 06-22-30-1168-05-113, and depicted and legally described as Parcel #1 in **Exhibit “A”** attached hereto and incorporated herein by reference (“Office Property”); and

WHEREAS, Diversified is the fee simple owner of that certain 0.27 +/- acre parcel of real property located at 271 Pennsylvania Avenue, City of Winter Park, Orange County, Florida, having Orange County Tax Parcel Identification Number 06-22-30-1168-05-122, and depicted and legally described as Parcel #2 in **Exhibit “A”** attached hereto and incorporated hereby by reference (“Diversified Property”); and

WHEREAS, the Diversified Property is currently improved with a 4,868 square foot, two story building and its stormwater drainage needs are accommodated in part by the Office Property; and

WHEREAS, Douglas Partners intends to develop the Office Property with an 6,000 square foot office building office (“Project”) but has inadequate land onsite to accommodate the stormwater drainage conveyance, retention and treatment needs of the Project and the current needs of the developed Diversified Property; and

WHEREAS, Grantees desires to obtain from the Grantor, and the Grantor desires to grant to Grantees, a non-exclusive, perpetual, stormwater pond drainage easement for the sole purpose of the

conveyance, retention, and detention of storm water run-off originating from the Office Property and the Diversified Property to accommodate the Project (herein “Stormwater Pond Drainage Easement”); and

WHEREAS, the legal description for the Stormwater Pond Drainage Easement is same as the Retention Pond Property depicted and described as Parcel #3 attached hereto as **Exhibit “A”**, except that the Grantee shall not disturb the vehicle parking area upon the Retention Pond Property; and

NOW THEREFORE, in consideration of the aforesaid premises, the sum of \$10.00, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, Grantor and Grantee do hereby agree as follows:

1. **RECITALS.** The foregoing Recitals are true and correct and are incorporated herein as material provisions of this Agreement by this reference.

2. **STORMWATER POND DRAINAGE EASEMENT GRANT.** Grantor does hereby give, grant and convey to Grantees, a non-exclusive, perpetual, stormwater pond drainage easement for the sole purpose of the conveyance, retention, and detention of storm water run-off originating from the Office Property and Diversified Property to the stormwater pond upon the Retention Pond Property subject to the conditions and terms set forth herein. The stormwater run-off originating from the Office Property and Diversified Property being conveyed to the Retention Pond Property shall be limited to the volume for which was originally approved by the Grantor in plans on file with the City of Winter Park and shall not be increased or expanded. Grantees shall not permit other properties to connect to the drainage systems upon the Office Property and Diversified Property that would cause additional stormwater drainage to flow into the Retention Pond Property. The Stormwater Pond Drainage Easement shall be for the benefit of the Office Property and Diversified Property. Grantor shall retain all other rights of ownership, possession and use of the Retention Pond Property, including the right to convey, retain and treat additional stormwater in the Retention Pond benefitting the Grantor’s property interests or public rights-of-way. This instrument does not grant any easement rights in Grantor’s public rights-of-way and drainage systems thereon.

3. **CONSTRUCTION.** Provided that Douglas Partners obtains all necessary development orders and permits for the Project and obtains Grantor’s approval for the design of the Retention Pond, Douglas Partners shall, at Douglas Partners’ sole cost, design, permit and construct modifications of the retention pond upon the Retention Pond Property and other drainage improvements of sufficient size and capacity to accommodate the Grantor’s existing drainage needs for public rights-of-way and improvements thereon, any other existing drainage into the Retention Pond Property, and the needs of the Project and as constructed condition of the Diversified Property (“Retention Pond”). Prior to construction of the Retention Pond, Douglas Partners shall submit to the Grantor for review and comment detailed design and construction plans for the Retention Pond and obtain approval for the same from the Grantor. Douglas Partners’ design, construction, use and operation of the Retention Pond shall not disturb or interfere with the existing vehicle parking area upon the Retention Pond Property. Douglas Partners shall allow Grantor to inspect the construction of the Retention Pond. Upon completion of the Retention Pond, Douglas Partners shall cause to be provided to Grantor (i) a signed, sealed and certified “as-built” survey of the Retention Pond to be completed and certified to Grantor; and (ii) a signed and sealed certification by the engineer of record that the Retention Pond was constructed according to approved design and construction plans.

4. **MAINTENANCE & COST.** After completion of construction of the Retention Pond, Douglas Partners (and its successors and assigns), at its sole cost, will be responsible for the operation, maintenance, and repair (including replacement if and when replacement is needed) of the Retention Pond

and the improvements, sod and landscaping thereon. Such maintenance obligations by Douglas Partners includes routine mowing and trimming of sod and landscaping. In the event Douglas Partners fails to properly operate, maintain and repair (or replace) the Retention Pond and improvements, sod or landscaping thereon, Grantor shall have the right to self-perform such work and invoice Douglas Partners for the cost of the same, which Douglas Partners shall pay to Grantor within ten (10) days of receipt of the invoice.

If the Grantor is not timely paid for any amount owed under this Agreement, Grantor shall have all rights and remedies at law and in equity to collect amounts due. Past due amounts under this Agreement shall accrue interest at the rate of twelve percent (12%) per annum. In addition, Grantor shall have the right to place a lien against the Office Property for any amount due and not timely paid to Grantor under this Agreement by recording a notice of lien. The recorded notice of lien shall constitute a lien upon the Office Property and the lien may be foreclosed upon for the benefit of the Grantor (or its successors and assigns) at any time that is at least thirty (30) days after the notice of lien was recorded in the public records. Such recorded notice of lien shall be superior to all other liens and encumbrances that become a matter of record after the recording date of this Agreement regardless of when the notice of lien is recorded. Grantor may foreclose such lien in accordance with the procedures established in Section 702.10, Florida Statutes, or successor or other statute providing for lien foreclosure procedures. The Office Property owner may obtain a release from the lien by paying the amount stated in the lien, plus accrued interest of twelve percent (12%) per annum, plus attorney's fees and costs incurred by the Grantor in filing and collecting upon the lien and amounts owed.

5. **DONATION.** Douglas Partners shall make a \$25,000.00 donation to the Grantor's Affordable and Workforce Housing Trust Fund as a precondition to exercising the easement rights under this Agreement. If such donation is not made by Douglas Partners within thirty (30) days from the execution of this Agreement, the Grantor shall have the right to terminate this Agreement upon written notice to Douglas Partners. Upon termination pursuant to this paragraph, the Grantor shall have the right to record a notice of termination of this Agreement.

6. **ENVIRONMENTAL/INDEMNIFICATION.** Grantees shall not allow and shall affirmatively prevent any and all hazardous wastes, hazardous substances, petroleum products, trash and other adverse matters from draining, being placed in or on, or otherwise coming onto or into the Stormwater Pond Drainage Easement and Retention Pond. Grantees shall ensure the proper operation, maintenance and repair of all drainage inlets, pipes and connections upon or connected from the Office Property and Diversified Property to the Retention Pond. Grantees hereby indemnify and hold Grantor harmless from any and all damages, penalties, claims, cleanups, remediations, assessments, lawsuits, disputes, attorneys' fees (with attorneys selected by Grantor), experts' fees and other adverse matters which in any way relate to Grantees' breach or violation of Grantees' obligations under this Agreement.

7. **TERMINATION.** The Grantor shall have the right to terminate this Agreement, without cost or penalty, upon written notice to the Grantees if the Project does not receive all necessary development orders and building permits on or before February 1, 2023. Upon termination pursuant to this paragraph, the Grantor shall have the right to record a notice of termination of this Agreement.

8. **DURATION, SUCCESSORS AND ASSIGNS.** This Agreement and the rights and obligations contained herein shall be deemed to run with the title to the lands referred to herein for the benefit and burden of parties, as their interests may exist, and the successors and assigns of Grantees forever, unless terminated as provided herein. It is expressly covenanted and agreed that this Agreement does in no way convey the fee simple title to all or a portion of Grantor's property, but is only a permanent non-exclusive Stormwater Pond Drainage Easement for the limited purposes herein stated.

Grantor may have Grantor's agents, employees, contractors and other designees carry out Grantor's rights or obligations under this Agreement.

9. **RECORDING/EFFECTIVE DATE.** This Agreement shall be recorded in the Public Records of Orange County, Florida. This Agreement shall be effective upon its execution by all of the parties hereto.

10. **GOVERNING LAW.** This Agreement shall be governed by and construed under the laws of the State of Florida. Venue for any proceeding brought pursuant to this Agreement shall be in Orange County, Florida. Nothing herein shall constitute a waiver of Grantor's sovereign immunity, police power or home rule authority or of any other privilege, immunity or defense afforded to Grantor or its officials, employees or agents under law.

11. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement and understanding between the parties hereto relating to the subject matter hereof and may not be amended, waived or discharged, except by an instrument in writing executed by Grantees and the Grantor (or their respective successors and assigns), which written document shall be recorded in the Public Records of Orange County, Florida. No prior oral or written agreement shall have any force or effect whatsoever unless contained within this Agreement.

12. **MISCELLANEOUS.** The headings as used herein are for reference only and shall not be deemed to vary the content of this Agreement or the covenants, agreements, representations, and warranties as set forth herein, or limit the provisions or scope of any section herein nor shall headings be used in interpreting all or any portion of this Agreement. In the event of any lawsuit arising out of or connected with the use of the Stormwater Pond Drainage Easement or rights and obligations created by this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs, including paralegal and appellate attorney's fees, from the party or parties who do not prevail.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Signature

Print

Signature

Print

"GRANTEES"
DOUGLAS PARTNERS REALTY,
LLC

By:

Its: _____

STATE OF FLORIDA }
COUNTY OF _____}

The foregoing instrument was acknowledged before me this [] by physical presence or [] by online notarization this _____ day of _____, 2022, by _____ as managing member of **Douglas Partners Realty, LLC** who is personally known _____ or who produced identification of the following type:

Notary Stamp:

NOTARY PUBLIC
STATE OF FLORIDA

Signature

Print Name

Signed, sealed and delivered
in the presence of:

Signature

Print

Signature

Print

“GRANTEES”

**DIVERSIFIED PROPERTY
INVESTMENTS, INC.**

By:

Its: _____

STATE OF FLORIDA }
COUNTY OF _____}

The foregoing instrument was acknowledged before me this [] by physical presence or [] by online notarization this _____ day of _____, 2022, by _____ as managing member of **Diversified Property Investments, Inc.** who is personally known _____ or who produced identification of the following type:

Notary Stamp:

NOTARY PUBLIC
STATE OF FLORIDA

Signature

Print Name

Signature

Print

Signature

Print

“GRANTOR”
CITY OF WINTER PARK, a Florida
municipal corporation

Phil Anderson, Mayor

STATE OF FLORIDA}
COUNTY OF ORANGE}

The foregoing instrument was acknowledged before me this [] by physical presence or [] by online notarization _____ day of _____, 2022, by Phil Anderson as Mayor of the CITY OF WINTER PARK, a Florida municipal corporation, who is personally known _____ or who produced identification of the following type:

Notary Stamp:

NOTARY PUBLIC
STATE OF FLORIDA

Signature

Print Name

S:\AKA\CLIENTS\WINTER PARK\PLANNING AND CRA W600-26037\301 N PENN LLC\STORMWATER POND EASEMENT AGREEMENT 2-11-2022.DOC

Boundary Survey

Legal Description:

- PARCEL #1: (301 N PENNSYLVANIA AVENUE, WINTER PARK, FL. 32789)
THE NORTH 100 FEET OF LOTS 11 AND 12, BLOCK E, CAPEN'S ADDITION TO WINTER PARK, ACCORDING TO THE PLAT OF THE SAME, AS RECORDED IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. SUBJECT TO A RIGHT OF WAY EASEMENT OVER THE NORTH 40 FEET THEREOF, AS RECORDED IN OF

PARCEL #2 (271 N PENNSYLVANIA AVENUE, WINTER PARK, FL. 32789)
LOT 12, BLOCK E, LESS THE NORTH 100 FEET THEREOF, CAPENS ADDITION TO WINTER PARK, ACCORDING TO THE PLAT OF THE SAME, AS RECORDED IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

PARCEL #3 (RETENTION POND)
THAT PART OF LOT 13 DESCRIBED AS BEGINNING NORTHEASTERLY MOST CORNER OF SAID LOT 13 THENCE RUN N 78-08-48 W ALONG SAID LOT 13 THENCE RUN S 89-57-57 W, 114.22 FEET TO THE POINT OF BEGINNING.

-Site Benchmark Information-



Found Box Cut on curb, 4.5' West of
Concrete Apron
Elevation: 91.39'



Top of Nail & Disk located at the Southeast
Corner of Subject Property.
Elevation: 91.38'

-Benchmark Information-



Orange County Datum Elevation: 88.40'

Identification Number: L651001

(Elevations are based upon NGVD 88 Datum)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA, AUTHORIZING THE CONVEYANCE OF A
STORMWATER POND DRAINAGE EASEMENT OVER,
UNDER AND THROUGH THE CITY OWNED PROPERTY
LOCATED ADJACENT TO ISRAEL SIMPSON COURT
HAVING ORANGE COUNTY TAX PARCEL
IDENTIFICATION NUMBER 06-22-30-3724-13-001;
PROVIDING FOR CONFLICTS AND AN EFFECTIVE
DATE.**

WHEREAS, Section 2.11 of the Charter of the City of Winter Park, Florida, authorizes the City Commission, by ordinance to convey or authorize by administrative action the conveyance of any lands of the City of Winter Park (“City”); and

WHEREAS, the City is the owner of that certain 0.20 +/- acre parcel of land fronting on Israel Simpson Court located in the City of Winter Park, Orange County, Florida, having Tax Parcel Identification Number 06-22-30-3724-13-001 (herein “City Property”); and

WHEREAS, Douglas Partners Realty, LLC has requested a non-exclusive stormwater pond drainage easement over, under and through the City Property for the purpose of conveying, retaining and treating stormwater drainage for the proposed office building project at 301 N. Pennsylvania Avenue, Winter Park, Florida, and the existing 4,868 square foot, two story building at 271 Pennsylvania Avenue.

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

SECTION 1. RECITALS. The above recitals are incorporated herein by reference and made a part of this Ordinance.

SECTION 2. APPROVAL. The City Commission of the City of Winter Park hereby approves the City’s granting and execution of a Stormwater Pond Drainage Easement Agreement with Douglas Partners Realty, LLC and Diversified Property Investments, Inc. in the form and with terms as set forth in the Stormwater Pond Drainage Easement Agreement attached hereto. Either the Mayor or City Manager is authorized to execute the Stormwater Pond Drainage Easement Agreement on behalf of the City. This Ordinance shall constitute the authorization by the City Commission pursuant to Section 2.11 of the Charter of the City of Winter Park, Florida, to grant, execute and deliver the Stormwater Pond Drainage Easement Agreement.

SECTION 3. CONFLICTS. If any Ordinances or parts of Ordinances conflict with any of the provisions of this Ordinance, the provisions of this Ordinance shall control.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

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

Mayor Phil Anderson

ATTEST:

City Clerk, Rene Cranis

S:\AKA\CLIENTS\Winter Park\Planning and CRA W600-26037\301 N Penn LLC\Ordinance Authorizing Stormwater Drainage Easement Agreement 01-21-2022.docx

Policy 1-H-2: If Non-Residential Zonings Are Approved, Compensation Required for Lost Housing In situations where a change to non-residential Comprehensive Plan Amendment is approved, in this planning area, the loss of housing or housing potential must be compensated for through the provision of housing or negotiated fees in lieu of housing, paid to the Affordable and Workforce Housing Trust Fund.