



city commission agenda

Regular Meeting

January 27, 2014
3:30 p.m.
Commission Chambers

| commissioners | | mayor | | commissioners | |
|---------------|-------------|--------|--------------------|---------------|----------------|
| seat 1 | Steve Leary | seat 2 | Sarah Sprinkel | seat 3 | Carolyn Cooper |
| | | | Kenneth W. Bradley | seat 4 | Tom McMacken |

welcome

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

meeting procedures

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

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

agenda

| | |
|--|-----------------------|
| 1 Meeting Called to Order | |
| 2 Invocation Reverend Shawn Garvey, First Congregational Church Pledge of Allegiance | |
| 3 Approval of Agenda | |
| 4 Mayor's Report | Projected Time |
| <ul style="list-style-type: none"> a. Presentation – Kathy Till, Florida League of Cities, 2014 Legislative Priorities b. Presentation – 2013 Florida League of Cities Municipal Achievement Award honoring the city's 125th Anniversary celebration c. Presentation – Holiday window contest winners d. Recognition of core value coin recipients e. 2013 Tree City Certification & Growth Award f. Board appointments: Code Enforcement Board, Police Pension Board | 60 minutes |

| | | |
|----------|---|-----------------------|
| 5 | City Manager's Report | Projected Time |
| | a. Scheduling the quarterly strategic plan discussion. | 15 minutes |
| 6 | City Attorney's Report | Projected Time |
| 7 | Non-Action Items | Projected Time |
| 8 | Citizen Comments 5 p.m. or soon thereafter (if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting) | |
| 9 | Consent Agenda | Projected Time |
| | a. Approve the minutes of January 13, 2014. | 5 minutes |
| | b. Approve the following contracts: | |
| | 1. Piggybacking Clay County Bid No. 08/09-03 with REP Services, Inc. and Musco Lighting Services, LLC for various equipment and amenities for parks and playgrounds; and authorize the Mayor to execute purchase orders for services on an as needed basis. | |
| | 2. Piggybacking Brevard County RFP 5-12-08 with Life Extension Clinics, Inc. for Firefighter physicals; and authorize the Mayor to execute purchase orders for services on an as needed basis. | |
| | 3. Contract renewal for RFQ-2-2012 with Helman Hurley Charvat Peacock, Inc. (HHCP) for continuing contracts for Professional, Architectural & Engineering Services (Architectural Services); and authorize the Mayor to execute Amendment 2. | |
| | 4. Contract renewal for RFP-3-2009 with Hylant Group- Insurance Agent; and authorize the Mayor to execute Amendment 2. | |
| | 5. Contract renewal for RFQ-2-2012 with Associated Consulting International (ACi) for continuing contracts for Professional, Architectural & Engineering Services (Architectural Services); and authorize the Mayor to execute Amendment 2. | |
| | 6. Contract renewal for RFQ-2-2012 with CDM Smith, Inc. for continuing contracts for Professional, Architectural & Engineering Services (Stormwater Management); and authorize the Mayor to execute Amendment 2. | |
| | 7. Contract renewal for RFQ-2-2012 with Geosyntec Consultants for continuing contracts for Professional, Architectural & Engineering Services (Stormwater Management and Design); and authorize the Mayor to execute Amendment 2. | |
| | 8. Contract renewal for RFQ-2-2012 with GAI Consultants, Inc. for continuing contracts for Professional, Architectural & Engineering Services (General Civil & Public Facility Engineering); and authorize the Mayor to execute Amendment 2. | |
| | 9. Contract renewal for RFQ-2-2012 with Comprehensive Engineering Services for continuing contracts for Professional, Architectural & Engineering Services (Transportation Planning & Engineering); and authorize the Mayor to execute Amendment 2. | |

- c. Approve the fee waiver for ½ of the Parks rental not to exceed \$825.00 for the Michael Andrews and SwingerHead Concert on February 9, 2014 in Central Park.
- d. Approve the budget adjustment to spend \$10,700 to replace the fence at Pineywood Cemetery using funds from the Cemetery Trust Fund.

| 10 Action Items Requiring Discussion | Projected Time |
|--------------------------------------|----------------|
| a. Quiet zones for train horns | 30 minutes |

| 11 Public Hearings | Projected Time |
|--|----------------|
| a. <u>Request of Mr. and Mrs. Truby for the property at 612 E. Lake Sue Avenue:</u> | 20 minutes |
| - Ordinance – Annexing 612 E. Lake Sue Avenue (2) | |
| - Ordinance – Amending the Comprehensive Plan Future Land Use Map to establish a Single Family Future Land Use designation (1) | |
| - Ordinance – Amending the official zoning map to establish Single Family Residential (R-1AA) District (1) | |
| b. Ordinance – Vacating and abandoning the electric utility easement at 470 W. New England Avenue (2) | 5 minutes |
| c. <u>Request of Lakeside Winter Park LLC for property at 111 N. Orlando Avenue:</u> | 30 minutes |
| - Amending the conditional use site plan approval to eliminate the 4,500 square foot retail/office building in the southeast portion of the site for a 7,000 square foot retail/office building and requesting a variance of 18 parking spaces. | |
| d. <u>Request of the City of Winter Park:</u> | 10 minutes |
| - Ordinance – Amending Chapter 58 “Land Development Code” creating a non-compete window of 30 days before or after the City’s annual spring and fall art festivals (1) | |
| e. Resolution – Calling for a public hearing to discuss all aspects of the undergrounding of electric/CATV facilities consisting of properties abutting Seminole Drive; which improvements are to be paid in part by special assessments levied against all properties within the above described area. | 10 minutes |
| f. Resolution – Executing a local agency program supplemental agreement with the Florida Department of Transportation for the design of the Brookshire Elementary School neighborhood sidewalks (Brechin Drive, Dunblane Drive, and Kimbrance Place) | 10 minutes |
| g. Resolution – Opposing modification to F. S. 316 which regulates use of red light camera enforcement | 5 minutes |
| h. Resolution – Asking the State Legislature to repeal Florida Statute 386.209 which preempts regulation of smoking to the State and to allow local governments to regulate smoking in parks | 5 minutes |

12 City Commission Reports

- a. Commissioner Leary
- b. Commissioner Sprinkel
- c. Commissioner Cooper
- d. Commissioner McMacken
- e. Mayor Bradley

Projected Time

10 minutes each

appeals & assistance

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

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

Cindy Bonham

Code Enforcement
BOARD

From: Cindy Bonham
Sent: Thursday, January 16, 2014 12:35 PM
To: Cindy Bonham
Subject: Citizen Board Application - Michael Rowen Const. BOA, CEB, Housing Auth.

From: info@cityofwinterpark.org [<mailto:info@cityofwinterpark.org>]
Sent: Thursday, January 16, 2014 12:29 PM
To: Mrowen74@yahoo.com
Cc: Cindy Bonham; Michelle Bernstein
Subject: Citizen Board Application - submission received

Dear Mr. or Ms. Rowen:

Thank you for submitting your application to be considered for the Construction Board of Adjustments & Appeals, Code Enforcement Board and Housing Authority Board. Your application will be on file for one year after the submission date. We appreciate your interest in serving the City of Winter Park.

Name: Michael Rowen

E-Mail: Mrowen74@yahoo.com

Home Address: 1275 Blessing St
Maitland, FL 32751

Business Address: 1370 Gene St
Winter Park, FL 32789

Board 1: Construction Board of Adjustments & Appeals

Skills: Certified Building Contractor / Business located in Winter Park



Board 2: Code Enforcement Board

Skills: Certified Building Contractor / Business located in Winter Park

Board 3: Housing Authority Board

Skills: Certified Building Contractor / Business located in Winter Park

Are you a registered voter? yes

**Are you a resident of the no
city?**

**Do you own property in the no
city?**

Do you hold a public office? no

**Are you employed by the no
city?**

**May we automatically yes
submit your application
when vacancies occur?**

Do you have any potential no

conflicts of interest that may arise from time to time if you serve on one of these boards?

Are you currently serving on a city board(s)?: no

Have you previously served on a city board(s)? no

Community Involvement: I am the founder/President of Legacy Construction, Inc. located in the City of Winter Park, which we employ 10 full time employees and contract over \$6m in construction to local trade contractors annually. I am active with Centers for Independent Living, donating materials and labor building ramps for the disabled. My son Joshua (5) currently attends The Geneva School and my daughter Natalie (4) will be attending in September. We currently lease a house in the Montecino Subdivision in Maitland, while looking for a property to purchase & build a new custom home in Winter Park within the next 18-24 months.

Work Experience: I served in the U.S. Marine Corps from 92-99. I have been licensed in construction in Central Florida since 2004 and a state Licensed Building Contractor since 2006.

Educational Experience: Seminole State University 2008 US Marine Corps Institute 1994-1998 Campbell University 1993-1994 Washington HS 1992

Code Enforcement Board

Cindy Bonham

From: Cindy Bonham
Sent: Wednesday, January 08, 2014 11:46 AM
To: Cindy Bonham
Subject: Citizen Board Application - Chris Tabor CEB, Housing Authority, Construction BOA

From: info@cityofwinterpark.org [<mailto:info@cityofwinterpark.org>]
Sent: Wednesday, November 06, 2013 9:47 AM
To: chris@christaborlaw.com
Cc: Cindy Bonham; Michelle Bernstein
Subject: Citizen Board Application - submission received

Dear Mr. or Ms. Tabor:

Thank you for submitting your application to be considered for the Code Enforcement Board, Housing Authority Board and Construction Board of Adjustments & Appeals. Your application will be on file for one year after the submission date. We appreciate your interest in serving the City of Winter Park.

Name: Chris Tabor

E-Mail: chris@christaborlaw.com

Home Address: 502 Dunraven Dr.
Winter Park, FL 32792

Business Address: P.O. Box 3486
Winter Park, FL 32790



Board 1: Code Enforcement Board

Skills: Attorney, Former Engineer and Construction Manager

Board 2: Housing Authority Board

Skills: Attorney, Member of Habitat for Humanity Land Acquisition committee

Board 3: Construction Board of Adjustments & Appeals

Skills: Former Engineer and construction manager

Are you a registered voter? yes

**Are you a resident of the yes
city?**

**Do you own property in the yes
city?**

Do you hold a public office? no

**Are you employed by the no
city?**

**May we automatically yes
submit your application
when vacancies occur?**

Do you have any potential no

**conflicts of interest that may
arise from time to time if
you serve on one of these
boards?**

**Are you currently serving on no
a city board(s)?:**

**Have you previously served no
on a city board(s)?**

Community Involvement: Florida Bar, Orange County Bar, Seminole County Bar,
Habitat for Humanity of Greater Orlando

Work Experience: Florida Attorney, Legal Intern Orange County Attorney's
Office, Construction Estimating Engineer, Project Manager,
Industrial Piping Engineer

Educational Experience: Barry University School of Law, JD, 2012 UCF, Design
Engineering Technology, 1995

Cindy Bonham

PD Pension

From: Cindy Bonham
Sent: Wednesday, January 15, 2014 12:40 PM
To: Cindy Bonham
Subject: Citizen Board Application - William Deuchler Fire Pension, PD Pension

From: info@cityofwinterpark.org [<mailto:info@cityofwinterpark.org>]
Sent: Wednesday, January 15, 2014 12:27 PM
To: wdeuchler@cbam.com
Cc: Cindy Bonham; Michelle Bernstein
Subject: Citizen Board Application - submission received

Dear Mr. or Ms. Deuchler:

Thank you for submitting your application to be considered for the Winter Park Firefighters' Pension Board and Winter Park Police Officers' Pension Board. Your application will be on file for one year after the submission date. We appreciate your interest in serving the City of Winter Park.

Name: William Deuchler

E-Mail: wdeuchler@cbam.com

Home Address: 1245 Sunset Drive
Winter Park, FL 32789

Business Address: 801 North Orange Ave
Orlando, FL 32801

Board 1: Winter Park Firefighters' Pension Board

Skills: Investment Management, Investment Policy Development,
Asset Allocation, Manager Search, Selection & Performance
Monitoring



Board 2: Winter Park Police Officers' Pension Board

Skills: Investment Management, Investment Policy Development,
Asset Allocation, Manager Search, Selection & Performance
Monitoring

Board 3:

Skills:

Are you a registered voter? yes

Are you a resident of the city? yes

Do you own property in the city? yes

Do you hold a public office? no

Are you employed by the city? no

May we automatically submit your application when vacancies occur? yes

Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards? yes

Conflicts of interest: I work for Cain Brothers Asset Management (CBAM), who is an institutional money manager. CBAM could potentially be a candidate investment manager for the City. Should I be selected to serve on the pension board(s), CBAM would either not compete for business with the City or I would recuse myself from any and all discussions related to CBAM.

Are you currently serving on a city board(s)? no

Have you previously served on a city board(s)? no

Community Involvement: Board Member, Friends of Casa Feliz

Work Experience: Cain Brothers Asset Management (traditional and absolute return investment management for institutions) Graham Capital Management (global macro hedge fund) Zacks Investment Management (equity hedge fund) Barclays Global Investors (now part of BlackRock, traditional and absolute return investment management) Vantage Consulting Group (investment consultants) I'd be happy to provide a resume with detailed work experience on request.

Educational Experience: University of Virginia, Darden School of Business, MBA
University of Michigan, BSE

PD Pension

Cindy Bonham

From: Cindy Bonham
Sent: Wednesday, March 27, 2013 2:59 PM
To: Cindy Bonham
Subject: Citizen Board Application - Julie Zimmerman Fire Pension

From: info@cityofwinterpark.org [<mailto:info@cityofwinterpark.org>]
Sent: Thursday, August 23, 2012 9:42 AM
To: zimmy1998@gmail.com
Cc: Juanita Grant
Subject: Citizen Board Application - submission received

Dear Mr. or Ms. Zimmerman:

Thank you for submitting your application to be considered for the Firefighters Pension Trustees and Police Officers Retirement Trustees. Your application will be on file for one year after the submission date. We appreciate your interest in serving the City of Winter Park.

Name: Julie Zimmerman
E-Mail: zimmy1998@gmail.com

Home Address: 250 Carolina Avenue #402B
Winter Park, FL 32789

Business Address:

Board 1: Firefighters Pension Trustees

Skills:

Board 2: Police Officers Retirement Trustees

Skills:

Board 3:

Skills:

Are you a registered voter? yes

Are you a resident of the city? yes

Do you own property in the city? yes

Do you hold a public office? no

Are you employed by the city? no

May we automatically submit your application when vacancies occur? yes

Do you have any potential conflicts of interest that may no

arise from time to time if
you serve on one of these
boards?

Are you currently serving on yes
a city board(s)?:

Current city board(s): Ethics Board

Have you previously served no
on a city board(s)?

Community Involvement: Winter Park Sidewalk Art Festival Board

Work Experience: 35 years as a Stock Broker/Certified Financial Planner with
Wells Fargo - retired as of June 30, 2012

Educational Experience: MBA - Rollins - Business Administration



city commission **city manager's report**

| | | | |
|-----------|-----------------------|--------------|------------------|
| item type | City Manager's Report | meeting date | January 27, 2014 |
|-----------|-----------------------|--------------|------------------|

Below are issues of interest to the Commission and community that are currently being worked on by staff, but do not currently require action on the Commission agenda. These items are being tracked to provide the Commission and community the most up to date information regarding the status of the various issues. The City Manager will be happy to answer questions or provide additional updates at the meeting.

| issue | update | date |
|---------------------------------|--|---|
| Lee Road Median Update | Irrigation installation ongoing. | Tree installation will begin upon irrigation installation completion. |
| Fairbanks Improvement Project | <p><u>Communication Notices</u></p> <ul style="list-style-type: none"> Working with future customers regarding connection to gravity sewer. | <p><u>Construction Project</u></p> <p>Connection to sewer instructions posted on City website.</p> <p>Contractor working on punch list items including pavement markings and as-built drawings.</p> |
| Amtrak/SunRail Station | Amtrak parking lot improvements and interior build out underway. Underground utilities complete. | Building complete February 2014. Grand opening March 3 @ 10:30 a.m. SunRail complete May 2014. |
| Quiet Zones | FDOT consultant still reviewing concept plans. | Ongoing coordination with MetroPlan and FDOT. |
| New Hope Baptist Church Project | Plumbing and air conditioning work has continued inside the Church and a request has been made to inspect this work. Site was cleared in front of buildings. No further work on the exterior of the buildings has occurred. | |
| Alfond Inn | Awaiting final drainage improvements to be implemented and parking management plan completion. | Operating under a TCO (Temporary Certificate of Occupancy) |
| Grant Chapel | Works continues on completion of the basement and grading around the building. The basement will be accessible by steps down from front plaza where receptions can be held for weddings or other events. The steel beams under the building have been removed and with all block work complete. Completion may take 30 to 45 days. | |
| Capen House | Both of the halves of the home were floated across Lake Virginia and are now placed on the Polasek Museum site in two locations. The portion of the home closest to the lake | |

| | | |
|---|--|---|
| | is in the final location and the other portion will be connected to the home after construction of a foundation. We are awaiting plans for the foundation plus any other interior modifications to the home. The Pokorny property has been restored so that the redevelopment of that home site may proceed. Completion may take 60 to 90 days depending on funds available from contributions. | |
| Winter Park Hospital Parking Garage | Submitted construction plans. Will start discussion about master plan in January. | Schedule to be determined. |
| Refunding of Electric Revenue Bonds, Series 2005A (Variable rate bonds in auction rate mod) | City Bond Counsel, Bryant Miller Olive are preparing an ordinance authorizing the issuance of refunding bonds. Globic Advisors has been retained to facilitate a tender offer program for the bond holders. | April 2014 |
| Mechanisms to encourage owners to place overhead electric service wires underground | Current City ordinances require owners to place overhead electric service wires underground upon: 1.) new commercial and residential construction 2.) Renovations that exceed 50% of the appraised value of existing improvements 3.) change out of electric service equipment caused by code violations. There are 5,000 overhead electric service wires. Our goal is to get all overhead electric service wires placed underground at completion of underground project (10-12 years). | Currently being discussed by the Utilities Advisory Board |

Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.

January 17, 2014

MEMORANDUM FOR: Mayor and City Commission

FROM: Randy Knight, City Manager

The next strategic planning session with the City Commission is suggested for Monday, March 24th at 2:00 pm. The recommended time allocated for the discussion is 1-1.5 hours. At that time staff will present an outline of the FY 2015-2020 Strategic Plan and share with the Commission efforts underway by various internal strategic teams to develop recommendations around the previously identified Strategic Objective categories. Staff will be requesting feedback and seeking approval of the outline and process to continue preparation of the Strategic Plan with the development of the FY 2015 budget.

REGULAR MEETING OF THE CITY COMMISSION
January 13, 2014

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Finance Director Wes Hamil, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Tom McMacken

Also present:

City Manager Randy Knight
City Attorney Bill Reischmann
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Commissioner McMacken to approve the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report

- a. 2014 Election Proclamation

Mayor Bradley accepted the March 11, 2014 General Election Proclamation.

- b. Re-appointment to the Orange County Community Action Board-Tom McMacken

Motion made by Mayor Bradley to re-appoint Commissioner McMacken; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Other comments: Mayor Bradley thanked City staff for their hard work in preparing, coordinating and assisting with last week's surprise homecoming parade for Army Lieutenant Charles Nadd.

City Manager's Report

City Manager Knight advised that the video camera has been recently installed in the Commission Chambers and that today's meeting will be broadcasted live for experimental purposes. Once finalized, this new feature will be publicly announced.

City Manager Knight announced that the City recently received \$2,238,282.15 as final reimbursement from the 2004 hurricane damages. The total reimbursement amount was \$18,148,938.98.

Quiet zones and the financing aspects were mentioned. Mayor Bradley recommended that this item be placed on the next agenda for discussion. City Manager Knight acknowledged.

City Manager answered questions. He noted that according to an article in today's newspaper the local Kmart store will be closing in March. He provided a brief summary regarding the commercial development projects that were either completed or began construction in 2013. He acknowledged the request to have this report posted to the City's website.

City Attorney's Report

Per the request of City Attorney Bill Reischmann, an Executive Session was scheduled for 2:30 p.m. on January 27 to discuss the MaxMedia billboard settlement negotiations and litigation expenditures.

Capen House

Attorney Reischmann stated that his office has filed the City's motion for sanction to dismiss and requested that a hearing be scheduled for formal ruling. Attorney Reischmann answered questions.

Non-Action Item – No items.

Consent Agenda

- a. Approve the minutes of December 9, 2013. – **PULLED FOR DISCUSSION, SEE BELOW**
- b. Approve the following purchases, contracts and formal solicitation:
 1. Purchase to HD Supply Waterworks, LTD for Stormtech Stormwater Chamber System for Park North Stormwater Exfiltration System; \$86,805.88.
 2. PR153926 to Hydra-Stop for Pressure Pipe Maintenance Repair System; \$68,968.05.
 3. Purchase and subsequent purchase order to Duval Ford & Isuzu to replace vehicles; \$144,861.00.
 4. Purchase and subsequent purchase order to Nortrax for two (2) new tractors; \$155,768.00.
 5. Piggybacking the City of Tallahassee contract #1555 and subsequent purchase order to Ring Power Utility Corporation for Buck & Boom Bodies and Equipment for a utility bucket truck; \$99,294.00.
 6. Blanket purchase order for External Audit Services to Moore Stephens Lovelace, PA; \$62,000.00.
 7. Contract renewal with ADPI/Intermedix for Fire Services Billing contract (RFP-16-2009) and authorize the Mayor to execute Amendment 7; \$72,000.00.
 8. Contract renewal with Gerhartz and Associates, Inc. for RFQ-16-2012 for continuing contract for GIS services and authorize the Mayor to execute Amendment 1.

9. Contract renewal with GATSO USA, Inc. for Red Light Safety Enforcement System (RFP-13-2009) and authorize the Mayor to execute Amendment 3.
10. Contract renewal with Universal Engineering Sciences for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Geotechnical Services) and authorize the Mayor to execute Amendment 1.
11. Contract renewal with Ardaman & Associates, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Geotechnical Services) and authorize the Mayor to execute Amendment 1.
12. Award to HD Supply Waterworks, Ltd. (IQ-1-2014) HDPE Pipe – 6" & 8" and approve PR154026; \$97,125.00.

Motion made by Commissioner Sprinkel to approve Consent Agenda items "b.1-12"; seconded by Commissioner Leary. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'a' – Approve the minutes of December 9, 2013:

Motion made by Commissioner Cooper to amend the minutes under the City Manager's Report by replacing "master planning" with "institutional master planning"; seconded by Commissioner McMacken and approved unanimously with a 5-0 vote.

Action Items Requiring Discussion

a. 90 Day Plan

City Manager Knight provided a brief update regarding the 90 day plan schedule. He explained that the train station grand opening date might possibly be moved from March 3rd to May 2nd since the new art work will not be installed until then and to allow for the old building to be demolished.

City Manager Knight asked the Commission about their availability for the next quarterly discussion of our strategic plan. A majority of the Commission agreed to place this item on the next agenda for scheduling purposes.

b. Urban Forestry Management Plan (UFMP)

Assistant City Manager Michelle del Valle explained that on October 14, 2013 the Commission requested staff to prepare a comprehensive document including final recommendations regarding policy issues based on feedback from the Tree Preservation Board.

The UFMP was presented to the Tree Preservation Board on November 21, 2013 with a series of identified policy recommendations whereby the Board unanimously approved the policies section by section. The Board also asked that the City

Attorney review all of the policies for legal sufficiency. The Board's final concern related to managing expectations. They were concerned that without proper language in the Ordinance community members would have false expectations about the level of service being provided by the City. On December 11, 2013 Attorney Larry Brown provided a letter acknowledging his review of the policies and also provided a recommended strategy for addressing the expectation concern at the time the ordinance is modified. Further, as part of the recommended strategies, a section titled *Evaluation* was included which recommends, "Immediately upon adoption and annually, set realistic expectations for residents regarding work expected to be performed."

The finalized UFMP is proposed to serve as a guide to efficiently and effectively maintain the urban canopy. As with any program designed to manage a living thing, this plan will require modification and update from time to time. The plan as prepared celebrates the vision of past community leaders to build Winter Park's beautiful canopy and provides a practical roadmap towards maintaining and renewing the canopy so that future generations may be proud of the future canopy.

Ms. del Valle explained that the estimated annual cost to contract for services that include ROW maintenance responsibilities are approximately \$950K annually (to complete one full cycle in seven years, recognizing the first cycle would be more costly than subsequent cycles). The FY 2014 budget includes \$310K for general contracted labor, and \$250K for dead tree removal and hazardous limb mitigation.

Urban Forestry Manager Dru Dennison provided a brief update regarding the operational aspects of the plan. She noted that the Urban Forestry Department is partnering with the Public Works and Electric Utility Departments to help with the coordination efforts related to planting strips for ROW trees, etc. She spoke about the logistics related to tree diversity and that it will be done in concert with the maintenance of our existing tree canopy. She explained that the overall goal is to maintain and continue to have a tree lined canopy City and to have a vigorous healthy urban forest. Ms. del Valle and Ms. Dennison answered questions.

Discussion ensued regarding the existing tree budget, if additional funds are needed for right-of-way tree maintenance and mitigation efforts, and the advantages with tree diversity.

Several suggestions were made by the Commission during the discussion; when it comes to replanting, that the City adhere to the same code requirements; for the City to define what level of service we are offering our residents with a date certain; to place signature trees (live oak trees) where they fit in our ROW and if they do not fit, use another type of tree; to eliminate the 50% rule; to provide a clear definition regarding the ROW tree maintenance and possibly provide simple guidelines explaining whose responsibility it is to take care of a newly planted tree as well as routine/yearly maintenance and/or long term maintenance.

Motion made by Mayor Bradley to approve the adoption of the Urban Forestry Management Plan (URMP) in principle with the three following caveats; a restatement of ROW signature trees (live oak trees); a definition of citizen and City responsibilities about maintenance as well as planting and trimming; a definition and a delineation of potential future budget implications at least for the next 3 years; seconded by Commissioner Leary.

Motion amended by Commissioner Leary to remove the first sentence of the first bullet point on page 19 which reads "City will implement, over time as the budget allows, ROW tree maintenance as a standard City service."; (the Commission requested that this item be defined/quantified/qualified and brought back to them); **seconded by Mayor Bradley.**

Attorney Reischmann explained that the UFMP is a policy and not an undercoat of ordinances. He advised that there are three major sections in our Land Development Code (58-296, 58-297 and 58-298) that provides guidelines for tree maintenance and responsibility.

Motion amended by Commissioner Sprinkel to delete the 50% rule language (page 20); seconded by Commissioner McMacken.

Stephen Pategas, 1425 Berkshire Avenue, offered the following suggestions: Add verbiage which states invasive trees would be removed from City property and ROW's. He felt that the list on page 11 titled "Examples of Alternative Species to Establish a Diverse Canopy" should be modified especially since the homeowners will be using this as a reference guide; he believed the sweet bay magnolia should be listed under the category of canopy shade trees; the sand live oak trees could also function well as a medium tree and if used in smaller spaces in a lot more areas we could increase our oak tree percentage; and to remove all types of holly trees from the list because of disease issues.

Nancy Shutts, 2010 Brandywine Drive, agreed that we need to clearly provide an outline of the rules and responsibilities for the ROW tree maintenance to avoid any on-going confusion.

Motion amended by Commissioner Cooper to add to this document "the City will implement in FY15 ROW maintenance as a standard City service."
Motion failed for lack of a second.

Upon a roll call vote on the first amendment, Mayor Bradley and Commissioners Leary, Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Upon a roll call vote on the second amendment, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. Commissioner Leary voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the main motion with amendments, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Public Comment (5:00 p.m.)

Mr. Kayesh representing the UPS Store, 501 N. Orlando Avenue spoke about the City's sign ordinance guidelines. He explained that his business is suffering and would like to add additional signage in an effort to attract more customers. He asked the City for assistance. Planning & Community Development Director Dori Stone offered assistance.

A recess was taken from 5:02 p.m. to 5:18 p.m.

c. Discussion of process for evaluating the opportunity for minor league baseball in Winter Park

City Manager Knight advised that over the past several months staff has been conducting exploratory discussions with potential team owners about the potential of bringing minor league baseball to Winter Park. He said we are at the point now where we need to decide to either continue pursuing this opportunity or telling the team we are not interested so they can look elsewhere. He said the purpose for today's discussion is in regards to the overall process. He proposed over the next 45 days to allow staff to further explore these opportunities so that the Commission can then decide whether or not to move forward with this opportunity.

For the last few months, the focus has been on the Harper Shepherd Field site (current Rollins baseball stadium) whereby Rollins was leading the effort. Recently, the Rollins executive board voted to discontinue being the lead on this effort.

City Manager Knight explained that staff is currently studying four possible sites; Martin Luther King, Jr. Park; Ravaudage; the UP Development/Votech area; and the former tree farm.

During the 45 day exploratory period, staff would explore the possibilities of each of the above sites, as well as work with the various property owners so as to negotiate deal terms. They would also meet with the Economic Development Advisory Board, the Parks and Recreation Advisory Board and the Community Redevelopment Advisory Board for input and advice. At the end of the 45 day period, staff would bring a report back to the Commission as to whether or not continuing the process makes sense for the community.

City Manager Knight noted that for our area, the economic impact is calculated to be around \$6 million per year and potentially \$60 million over a 10-year period. He said it is our understanding that the Orlando Metropolitan area is the largest market in the United States that does not have some form of professional baseball.

Discussion ensued regarding the positive aspects to allow staff 45 days for exploratory discussion and the advantages with having four different proposed sites to choose from. The Commission felt it would be advantageous for staff to include the following items in their report: the amount of CRA funds that would go into this investment, potential stadium costs, financing and site selection.

Motion made by Mayor Bradley that we enter into a 30-45 day period by which staff discuss with our three boards identified, the potential site determination, the stadium financing as well as whatever potential agreements that may impact us and what we would need to decide to make a decision; seconded by Commissioner Leary. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

PUBLIC HEARINGS:

- a. ORDINANCE NO. 2948-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 612 EAST LAKE SUE AVENUE; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading

Attorney Reischmann read the ordinance by title. Planning Manager Jeff Briggs explained the intent of the ordinance and answered questions.

Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT CERTAIN ELECTRIC UTILITY EASEMENT AT 470 W. NEW ENGLAND AVE., WINTER PARK, FL, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, CORRECTION OF ANY SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. First Reading

Attorney Reischmann read the ordinance by title.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Cooper. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- c. RESOLUTION NO. 2130-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING IN THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING SEMINOLE DRIVE AS MORE PARTICULARLY INDICATED IN EXHIBIT "A" ATTACHED HERE, TO FUND CERTAIN PUBLIC IMPROVEMENTS OF THE INSTALLATION OF UNDERGROUND ELECTRICAL/BHN FACILITIES; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Reischmann read the resolution by title. City Manager Knight explained the intent of the resolution.

Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

City Commission Reports:

- a. Commissioner Leary

Commissioner Leary commended and thanked staff for their involvement with the recent homecoming parade and the numerous holiday events.

- b. Commissioner Sprinkel

Commissioner Sprinkel commented that she was proud and honored that the City of Winter Park hosted the recent homecoming parade.

- c. Commissioner Cooper

Commissioner Cooper said she had the privilege to attend the Awards Banquet for the Fraternal Order of Police this past weekend.

Commissioner Cooper said the Florida League of Cities has asked for us to consider supporting the continuation of red light cameras.

A majority agreed to place the following three items on the next agenda: red light camera support, smoking in City parks and pensions.

The Commission requested that a meeting be scheduled with our legislative liaison so they can be updated on these and other important items. City Manager Knight acknowledged.

d. Commissioner McMacken

Commissioner McMacken thanked staff for their outstanding efforts during the busy holiday season.

e. Mayor Bradley

Mayor Bradley reminded everyone that January 17 is the State of the City event which is being held at the new Alford Inn.

The meeting adjourned at 5:49 p.m.

ATTEST:

City Clerk Cynthia S. Bonham

Mayor Kenneth W. Bradley



city commission agenda item

| | | | |
|---------------------------------|--|--------------|--|
| item type | Consent Agenda | meeting date | January 27, 2014 |
| prepared by department division | Purchasing Division | approved by | <input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| board approval | <input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A | | final vote |

Piggyback contracts

| | vendor | item background | fiscal impact | motion recommendation |
|---|---|---|---|--|
| 1. | REP Services, Inc. and Musco Lighting Services, LLC | Piggyback the Clay County contract for Various Equipment and Amenities for Parks and Playgrounds Bid No. 08/09-3. | Total expenditure included in approved FY14 budget. | Commission approve piggybacking Clay County Bid No. 08/09-03, and authorize the Mayor to execute Purchase Orders for services on an as needed basis. |
| Clay County utilized a competitive formal solicitation process to award this contract. | | | | |
| 2. | Life Extension Clinics, Inc. | Piggyback the Brevard County contract for Firefighter Physicals, RFP-5-12-08. | Total expenditure included in approved FY14 budget. | Commission approve piggybacking Brevard County RFP 5-12-08, and authorize the Mayor to execute Purchase Orders for services on an as needed basis. |
| Brevard County utilized a competitive formal solicitation process to award this contract. | | | | |

Contracts

| | vendor | item background | fiscal impact | motion recommendation |
|---|--|---|---|---|
| 3. | Helman Hurley Charvat Peacock, Inc. (HHCP) | Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Architectural Services) | Total expenditure included in approved FY14 budget. | Commission approve contract renewal with Helman Hurley Charvat Peacock, Inc. (HHCP) and authorize the Mayor to execute Amendment 2. |
| The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to HHCP on February 13, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire February 12, 2014. | | | | |
| 4. | Hylant Group | Amendment 2 for RFP-3-2009 – Insurance Agent Contract Renewal | Total expenditure included in approved FY14 budget. | Commission approve contract renewal with Hylant Group and authorize the Mayor to execute Amendment 2. |
| The City utilized a competitive bidding process to award this contract. The contract was initially approved by the City Commission on January 26, 2009. The current contract term will expire February 1, 2014. | | | | |
| 5. | Associated Consulting International (ACi) | Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Architectural Services) | Total expenditure included in approved FY14 budget. | Commission approve contract renewal with Associated Consulting International (ACi) and authorize the Mayor to execute Amendment 2. |

| | | | | |
|---|------------------------------------|--|---|---|
| <p>The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to Associated Consulting International (ACi) on February 27, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire February 27, 2014.</p> | | | | |
| 6. | Camp Dresser & McKee, Inc. (CDM) | Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Stormwater Management) | Total expenditure included in approved FY14 budget. | Commission approve contract renewal with Camp Dresser & McKee, Inc. (CDM) and authorize the Mayor to execute Amendment 2. |
| <p>The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to Camp Dresser & McKee, Inc. on February 27, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire February 26, 2014.</p> | | | | |
| 7. | Geosyntec Consultants | Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Stormwater Management and Design) | Total expenditure included in approved FY14 budget. | Commission approve contract renewal with Geosyntec Consultants and authorize the Mayor to execute Amendment 2. |
| <p>The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to Geosyntec Consultants on February 27, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire February 26, 2014.</p> | | | | |
| 8. | GAI Consultants, Inc. | Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (General Civil & Public Facility Engineering) | Total expenditure included in approved FY14 budget. | Commission approve contract renewal with GAI Consultants, Inc. and authorize the Mayor to execute Amendment 2. |
| <p>The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to HHCP on February 27, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire February 26, 2014.</p> | | | | |
| 9. | Comprehensive Engineering Services | Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Transportation Planning & Engineering) | Total expenditure included in approved FY14 budget. | Commission approve contract renewal with Comprehensive Engineering Services and authorize the Mayor to execute Amendment 2. |
| <p>The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to Comprehensive Engineering Services on February 27, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire February 26, 2014.</p> | | | | |



city commission agenda item

| | | | |
|----------------|--------------------------|---|--|
| item type | Consent Agenda | meeting date | January 27, 2014 |
| prepared by | Dori Stone | approved by | <input checked="" type="checkbox"/> City Manager |
| department | Economic Development/CRA | | <input type="checkbox"/> City Attorney |
| division | | | <input type="checkbox"/> N/A |
| board approval | | <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A | final vote |

Subject:

Fee Waiver for Michael Andrews and SwingerHead Concert on February 09, 2014

Motion | Recommendation:

Approve fee waiver for 1/2 of Parks rental not to exceed \$825 for this free concert event.

Background:

The Park Avenue Area Merchant's Association is sponsoring and hosting the 4th Annual Valentine's Day Concert in Central Park on February 9, 2014. The event, including setup, will run from 2 p.m. through 7 p.m. Since 2011, the City Commission has waived 1/2 of the park rental fee, equaling \$825 as an incentive for the event to take place and promote it in the downtown area. The Chamber is asking for the same fee waiver this year to help defray costs associated with this concert.

The 2013 concert had an estimated attendance of about 750 people, with many of the downtown restaurants offering special deals for the day. Staff anticipates this event to continue to draw a large following, based on the entertainment and the location within Central Park.

This event qualifies for the fee waiver based on the criteria outlined in the attached City of Winter Park Rules and Standards for Rate Adjustments. The applicable sections under the Community Based Organization Status are highlighted below.

Community Based Organization Status

Groups may apply for designation in this category on an annual basis. Following are the criteria for application:

- **Groups must be 501(c)(3)**

The primary sponsor of this event would be the Park Avenue Merchant's Association, a member of the Winter Park Chamber of Commerce. They qualify as a not-for-profit organization.

- **Objective of the organization must be to provide community services to the citizens of Winter Park.**

This event is open to the public.

- **All meetings, socials, rentals, and events must be free and open to the public.**

This event is free and open to the public.

- **Facility fees will not be waived for events, programs, or activities where admission is charged.**

There is no fee charged for this event.

- **Only the first hour is waived with the second hour and so on discounted.**
 - Discount is determined by size of event and venue.

Staff is asking for two hours (\$412.50/hour – total of \$825) fee waiver.

- **Designated meeting spaces will be available on weekdays only.**

Not applicable

- **The status expires 12 months from date of approval by the City and must be renewed thereafter if applicant wishes to re-apply for reduced or waived fees.**

This is the fourth year of this event and therefore must reapply for the request for a fee waiver.

The Chamber has completed a Special Event Permit and will be responsible for all other charges and fees related to this event.

Alternatives | Other Considerations:

The Commission could choose to change the amount of a fee waiver or deny the request.

Fiscal Impact:

This fee waiver would reduce revenue collection on this event by \$825.00.



City of Winter Park

Rules and Standards for Rate Adjustments

Approved by City Commission January 26, 2009

Reviewed by City Commission amendments approved on January 11, 2010

The Parks and Recreation Department is responsible for the collection of established and approved fees for City of Winter Park owned parks or facilities with the following exceptions:

RATE ADJUSTMENT CATEGORIES:

1. City Annual Events

Following are specific events which are accommodated with no associated Parks and Recreation facility or park rental fees: (This category established by City Commission.)

| | |
|--------------------------------------|---|
| Winter Park High School | ROTC Banquet – Civic Center Homecoming ROAR and Parade – Central Park Picnic in the Park – Central Park |
| Welbourne Avenue Day Nursery | Graduation Ceremony – Civic Center |
| Bridge Builders | Monthly Meetings – Community Center |
| AKA Sorority | Monthly Meetings – Community Center Ivey Academy Meetings – Community Center |
| Hannibal Square Community Land Trust | Monthly Meetings – Community Center |
| Heritage Festival – CRA | Annual Festival – Community Center, Shady Park |
| Hoop School | Christmas Camp – Community Center |
| Winter Park Chamber of Commerce | Tree Lighting – Central Park OAR Breakfast- Civic Center Legislative Breakfast – Civic Center Leadership Graduation – Civic Center Youth Leadership Meetings – Civic Center/Farmer's Market Mayor/City Commission Luncheon - Civic Center Orange County Commission Luncheon – Civic Center Autumn Art Festival – Central Park Historical Association Peacock Ball - Civic Center Charles Hosmer Morse Foundation Christmas in the Park |
| Sidewalk Art Festival | Art Festival – Park Rental Central Park Monthly Meetings –Lake Island |

2. Community Based Organization Status

Groups may apply for designation in this category on an annual basis. Following are the criteria for application:

- Groups must be 501(c)(3)
- Objective of the organization must be to provide community services to the citizens of Winter Park.
- All meetings, socials, rentals, and events must be free and open to the public.
- Facility fees will not be waived for events, programs, or activities where admission is charged.
- Only the first hour is waived with the second hour and so on discounted.
 - Discount is determined by size of event and venue.
- Designated meeting spaces will be available on weekdays only.
- The status expires 12 months from date of approval by the City and must be renewed thereafter if applicant wishes to re-apply for reduced or waived fees.



city commission agenda item

| | | | |
|----------------|----------------------|--|--|
| item type | Consent Agenda | meeting date | January 27, 2014 |
| prepared by | Peter Moore | approved by | <input checked="" type="checkbox"/> City Manager |
| department | City Admin | | <input type="checkbox"/> City Attorney |
| division | Budget & Performance | | <input type="checkbox"/> N/A |
| board approval | | <input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A | final vote |

Subject:

Budget adjustment to allocate funds for replacement of fence at Pineywood Cemetery

Motion | Recommendation:

Approve spending \$10,700 to replace the fence at Pineywood Cemetery using funds from the Cemetery Trust Fund.

Background:

The fence at Pineywood Cemetery needs to be replaced and was not designated as part of the approved FY14 budget in the Cemetery Trust Fund. Reserves in the cemetery fund are sufficient to cover the cost of the fence replacement at \$10,700. The adopted city ordinance for the FY14 budget indicates that any action that increases the appropriation of a fund requires Commission approval.

Alternatives | Other Considerations:

Defer replacement another year.

Fiscal Impact:

The Cemetery Trust Fund supports the annual operational and capital needs of the city's cemetery properties. The approved FY14 Budget estimated approximately \$1.5 million in available fund balance. If approved, cemetery fund balance will decrease by \$10,700 and cemetery expenditures will increase by \$10,700.



city commission agenda item

| | | | |
|----------------|----------------------------------|--|--|
| item type | Action Item Requiring Discussion | meeting date | January 27, 2014 |
| prepared by | Don Marcotte | approved by | <input checked="" type="checkbox"/> City Manager |
| department | Public Works | | <input type="checkbox"/> City Attorney |
| division | | | <input type="checkbox"/> N A |
| board approval | | <input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N A | final vote |

Subject:

Quiet zones for train horns

Motion | Recommendation:

Authorize the use of \$900,000 of the FEMA reimbursement to complete the quiet zone project.

Background:

September 21, 2011 a diagnostic review of the City’s conceptual plans for the grade crossing improvements was performed by representatives of FRA, FDOT, MetroPlan Orlando, and Orange County.

December 1, 2011 the City of Winter Park mailed out to the FRA, FTA, CSX and FDOT the Notice of Intent to Establish a Quiet Zone.

On July 23, 2012 resolution supporting the construction of quiet zones throughout the rail corridor in Central Florida as part of the SunRail project was adopted at a regular meeting of the City Commission of the City of Winter Park.

November 14, 2012 MetroPlan Orlando Board approved a request to: (1) allocate funds to cover costs of concept design drawings for jurisdictions that do not currently have them; (2) add quiet zones to the appropriate priority list as an unranked regional priority; and (3) support seeking state or federal funding for construction of quiet zones along the SunRail corridor.

\$23,000 was allocated to update the concept plans for Winter Park.

Separate quiet zones will be established along the SunRail corridor for the individual municipalities.

According to the FRA Quiet Zone Calculator improvements to 10 grade crossings within the City limits will reduce the City’s Quiet Zone Risk Index (QZRI) 26 percent below the Risk Index with Horns (RIWH). This will qualify the City for quiet zones.

FDOT entered into an Operations and Maintenance contract for SunRail in March 2013. The O&M contractor will accept concept plans and construct grade crossing improvements over several years of operation as funds become available.

The upgrades have been constructed at the New England Avenue grade crossing. FDOT will design and construct the improvements necessary at the N New York Ave, Canton Ave, and Morse Blvd crossings out of the federal funds remaining from the construction of the City's SunRail stop.

January 21, 2014 staff will meet again with MetroPlan Orlando to review the concept plans.

The City will complete the design for the necessary improvements at the Webster Ave, N Pennsylvania Ave, Lyman Ave, S New York Ave, Fairbanks Ave, and Orlando Ave crossings. The SunRail Operations and Maintenance contractor will accept the plans and construct these remaining grade crossing improvements.

Preliminary cost estimates for the remaining crossing improvements are approximately \$ 900,000. The City Manager has suggested that this could be funded out of the FEMA reimbursements recently received by the City.

Alternatives | Other Considerations:

Either wait to see if funding can be obtained from the State or no longer pursue the establishment of quiet zones in the City of Winter Park. If the State does include this project for current year funding we will know that before we spend City funds for construction.

Fiscal Impact:

Fund the remaining grade crossing improvements from the FEMA reimbursements received for the 2004 hurricanes recovery efforts.

\$900,000 is required for the design and construction of the improvements.



city commission public hearing

| | | | |
|---------------------|---------------------------|--|---|
| item type | Public Hearing | meeting date | January 27, 2014 |
| prepared by | Jeff Briggs | approved by | <input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| department division | Planning Department | | |
| board approval | Planning and Zoning Board | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A | 7-0 final vote |

Subject : **Second Reading** of Ordinance to Annex 612 E. Lake Sue Avenue and **First Reading** of Ordinances to establish Single family FLU and Zoning.

On January 13th the City Commission had the first reading to annex 612 E. Lake Sue Avenue into the City. This is the second reading of the annexation ordinance and the first reading of the ordinances to add this property to the Comp. Plan and Zoning maps by establishing single family future land use in the Comp. Plan and single family (R -1AA) zoning. This is the same single family residential FLU and zoning (R -1AA) as presently exists in Orange County .

The timing of these is offset because the City Attorney has previously advised that the annexation should be official prior to voting on establishing the Comprehensive Plan future land use designation and Zoning district.

Planning Board Recommendation :

The Planning Board voted unanimously to approve both ordinances at their January 7th meeting.

Motion made by Mr. Sacha, seconded by Mr. Gottfried recommending to amend the Comprehensive Plan future land use map so as to establish a single family future land use designation on property located at 612 East Lake Sue Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried recommending to amend the Official Zoning Map so as to establish single family residential (R-1AA) zoning on property located at 612 East Lake Sue Avenue. Motion carried unanimously with a 7-0 vote.

Prepared by and return to:
Jeff Briggs, Planning Director
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

ORDINANCE NO. 2948-14

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 612 EAST LAKE SUE AVENUE; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 171, Florida Statutes provides the exclusive method of municipal annexation, in order to insure sound urban development and efficient provision of urban services; and

WHEREAS, the City has determined that the area to be annexed is contiguous and reasonably compact, is developed for urban purposes, is not within the boundaries of another municipality, and has met all other requirements of Chapter 171, Florida Statutes, including but not limited to the prerequisites for annexation; and

WHEREAS, the City Commission hereby finds that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, The owner of the property has provided their voluntary consent and petitioned the City of Winter Park for this annexation as described in Exhibit "A" and shown on Exhibit "B", which is the area to be annexed; and:

WHEREAS, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general

circulation notifying the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Winter Park; and

WHEREAS, the City Commission has determined that the annexation of the subject area has met all procedural requirements and that it will promote sound urban development and efficient provision of urban services; and

WHEREAS, the annexation is in compliance and consistent with the goals and objectives of the City of Winter Park Comprehensive Plan, Charter and Municipal Code; and

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of Winter Park, the City Commission of the City of Winter Park desires to annex the real property generally described below into the municipal boundaries of the City of Winter Park; and

WHEREAS, upon adoption of this Ordinance, the municipal boundaries lines of the City of Winter Park, shall, for purposes of Article I, Section 1.02 of the Municipal Charter, shall be redefined to include the subject real property.

NOW, THEREFORE, be it enacted by the City Commission of the City of Winter Park, Florida as follows:

Section 1. Annexation of Real Property. The real property described herein shall be, and is hereby annexed into the City of Winter Park, Florida. This real property is described in Exhibit "A" and illustrated in Exhibit "B". These Exhibits are incorporated herein by reference. The described real property shall be existing within the boundaries of the City of Winter Park, Florida and known to be existing within said boundaries from the effective date of this Ordinance.

Section 2. Incorporation of Recitals. The recitals to this Ordinance are hereby incorporated herein by reference and are fully effective as part of this Ordinance.

Section 3. City Boundaries Redefined; Winter Park Charter Amended. Pursuant to Section 166.031(3), Florida Statutes and Section 171.091, Florida Statutes, the City of Winter Park Charter, Article I, Section 1.02 is hereby amended to redefine the corporate boundaries of the City of Winter Park to include the real property described in Section 1 and Exhibits "A" and "B" of this Ordinance. The City Clerk shall file the revised Winter Park Charter, Article 1, Section 1.02 with the Department of State within seven days after the effective date of this Ordinance. Section 1.02 provides that the corporate boundaries of the City of Winter Park shall remain as they exist on the date the amended Charter took effect, and provides that the City has the power to change its boundaries in the manner prescribed by law. The amendment to the Charter will provide that after the effective date of the adoption of Section 1.02, the property subject to this Ordinance was annexed, and the legal description of the property will not be included in the Charter but the Ordinance number shall be included so

that the public is on notice that a description of the corporate boundaries, including the property annexed hereby, is on file in the City Clerk's office.

Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed to the extent of conflict.

Section 5. Severability. Should any section or provision of this Ordinance or any portion hereof, including any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereto as a whole, and the invalid portion shall be severed from the remainder of this Ordinance and the remainder of this Ordinance shall be continue to be lawful, enforceable and valid.

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

ADOPTED by the City Commission of the City of Winter Park, Florida at a regular meeting assembled on the _____ day of _____, 2014.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

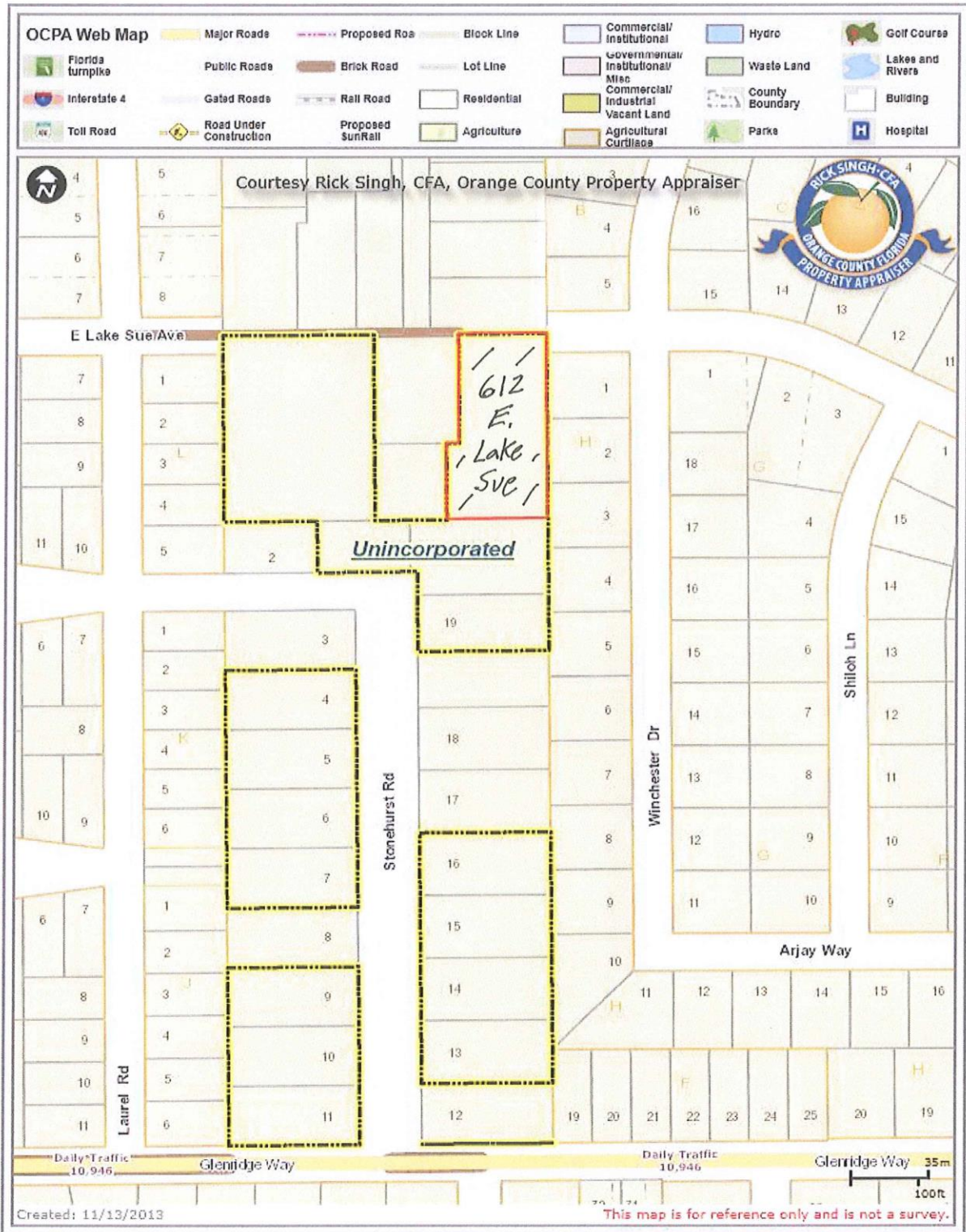
Exhibit A

612 East Lake Sue Avenue Annex

PROPERTY TAX ID# 17-22-30-4788-00-015

Metes and Bounds Legal Description:

BEGIN 361.00 FEET EAST OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 175.00 FEET; THENCE WEST 20.00 FEET; THENCE SOUTH 123.00 FEET; THENCE EAST 154.00 FEET; THENCE NORTH 298.00 FEET; THENCE WEST 134.00 FEET TO THE POINT OF BEGINNING, BEING A PART OF 7+(5(3/\$7 2) /\$. (9,5*,1,\$ 6+25(6 \$6 5(&25'(' ,1 3/\$7 % 22. 34' PAGE 53, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH SINGLE FAMILY RESIDENTIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 612 EAST LAKE SUE AVENUE AND TO INDICATE THE ANNEXATION OF THIS PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

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

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

WHEREAS, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J -5, Florida Administrative Code 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 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 annexed property at 612 E. Lake Sue Avenue and that all other maps in the Comprehensive Plan shall also be amended to reflect the addition and annexation of this property into the City of Winter Park, said property being more particularly described as follows:

612 East Lake Sue Avenue: PROPERTY TAX ID# 17 -22-30-4788-00-015

BEGIN 361.00 FEET EAST OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 175.00 FEET; THENCE WEST 20.00 FEET; THENCE SOUTH 123.00 FEET; THENCE EAST 154.00 FEET; THENCE NORTH 298.00 FEET; THENCE WEST 134.00 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE REPLAT OF LAKE VIRGINIA SHORES, AS RECORDED IN PLAT BOOK "Q", PAGE 53, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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 is 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 _____, 2014.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY (R -1AA) ZONING ON THE ANNEXED PROPERTY AT 612 EAST LAKE SUE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

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

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

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to establish Single Family (R -1AA) district zoning on the annexed property at 612 East Lake Sue Avenue, more particularly described as follows:

612 East Lake Sue Avenue: PROPERTY TAX ID# 1 7-22-30-4788-00-015

BEGIN 361.00 FEET EAST OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 175.00 FEET; THENCE WEST 20.00 FEET; THENCE SOUTH 123.00 FEET; THENCE EAST 154.00 FEET; THENCE NORTH 298.00 FEET; THENCE WEST 134.00 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE REPLAT OF LAKE VIRGINIA SHORES, AS RECORDED IN PLAT BOOK "Q", PAGE 53, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

there was an error in the survey or description provided said curative document does not provide the City any rights underneath any building on the property. A certified copy of this Ordinance may be recorded in the Public Records of Orange County, Florida. The cost of such corrective document and recording shall be the responsibility of the party who caused the error and need for such corrective document. In the event there are any existing service lines situated beneath the Southerly side of the building on the attached survey, the City hereby waives any rights to access said service lines through any portion of the existing physical building, and will not require removal of any portion of the existing building to access said service lines, and upon request of the property owner will remove said service lines permanently.

Section 5. Incorporation Into the Code. This Ordinance shall be deemed incorporated into the Winter Park City Code in an appropriate appendix, but will not be codified with a section number in the Municipal Code of Ordinances. Any section, paragraph number, letter and/or any heading herein may be changed or modified as necessary to correct scrivener's errors. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations and omissions not affecting the construction or meaning of this Ordinance may be freely made.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, facial or other reasons, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon adoption by 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 27th day of January, 2014.

Mayor Kenneth W. Bradley

ATTEST:

Cynthia S. Bonham, City Clerk



city commission public hearing

| | | | |
|---------------------------------|------------------------------------|--|---|
| item type | Public Hearing | meeting date | January 27, 2014 |
| prepared by department division | Jeff Briggs Planning Department | approved by | <input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| board approval | Planning and Zoning Board | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> N/A | 5-0 final vote |

Subject: Request of Lakeside Winter Park LLC to amend the Conditional Use Approval at 111 N. Orlando Ave. for a 7,000 sq. ft. building and parking variance of 18 spaces.

Lakeside Winter Park LLC (Unicorp USA) is requesting to “amend” their conditional use approval for their “Trader Joe’s” project on the property at 111 N. Orlando Avenue to substitute a 7,000 sq. ft. building for the 4,500 sq. ft. building previously approved and requesting a parking variance of 18 spaces.

Planning and Zoning Board Recommendation:

The Planning Board voted unanimously to DENY this request at their January 7th meeting.

Motion made by Mr. Weldon, seconded by Mr. R. Johnston to deny the request. Motion carried unanimously with a 5-0 vote. (Mr. J. Johnston and R. Slocum abstained.)

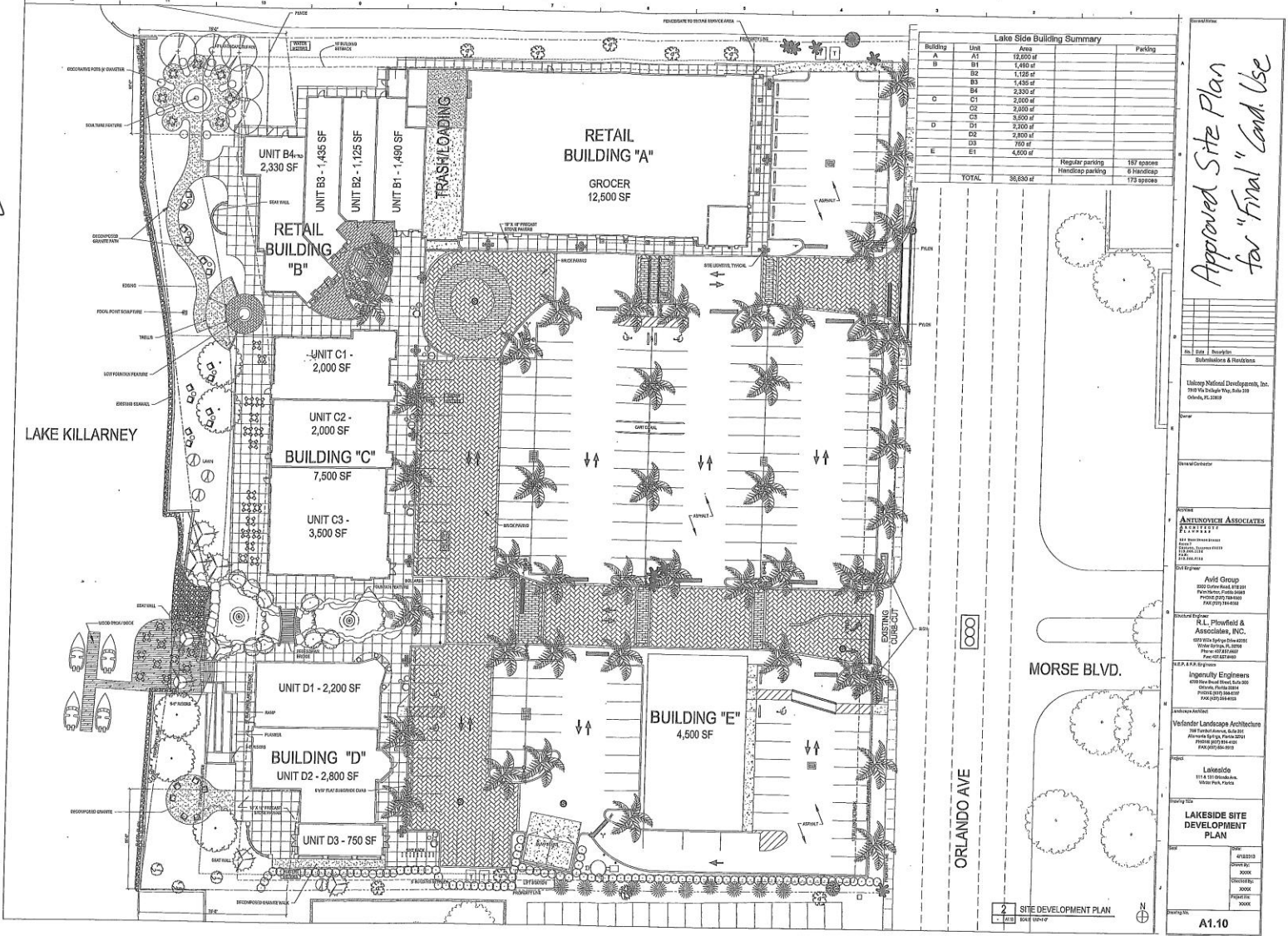
Summary:

The City Commission approved the “preliminary” conditional use with a proposed 4,000 sq. ft. branch bank in the southeast portion of the development. When the “final” conditional use came back for approval, the building was slightly revised to a 4,500 sq. ft. retail/office building. At this time, the developer has a specific tenant for that building but they need 7,000 sq. ft. for their business. Thus, the request to amend the site plan and the parking variance associated with it.

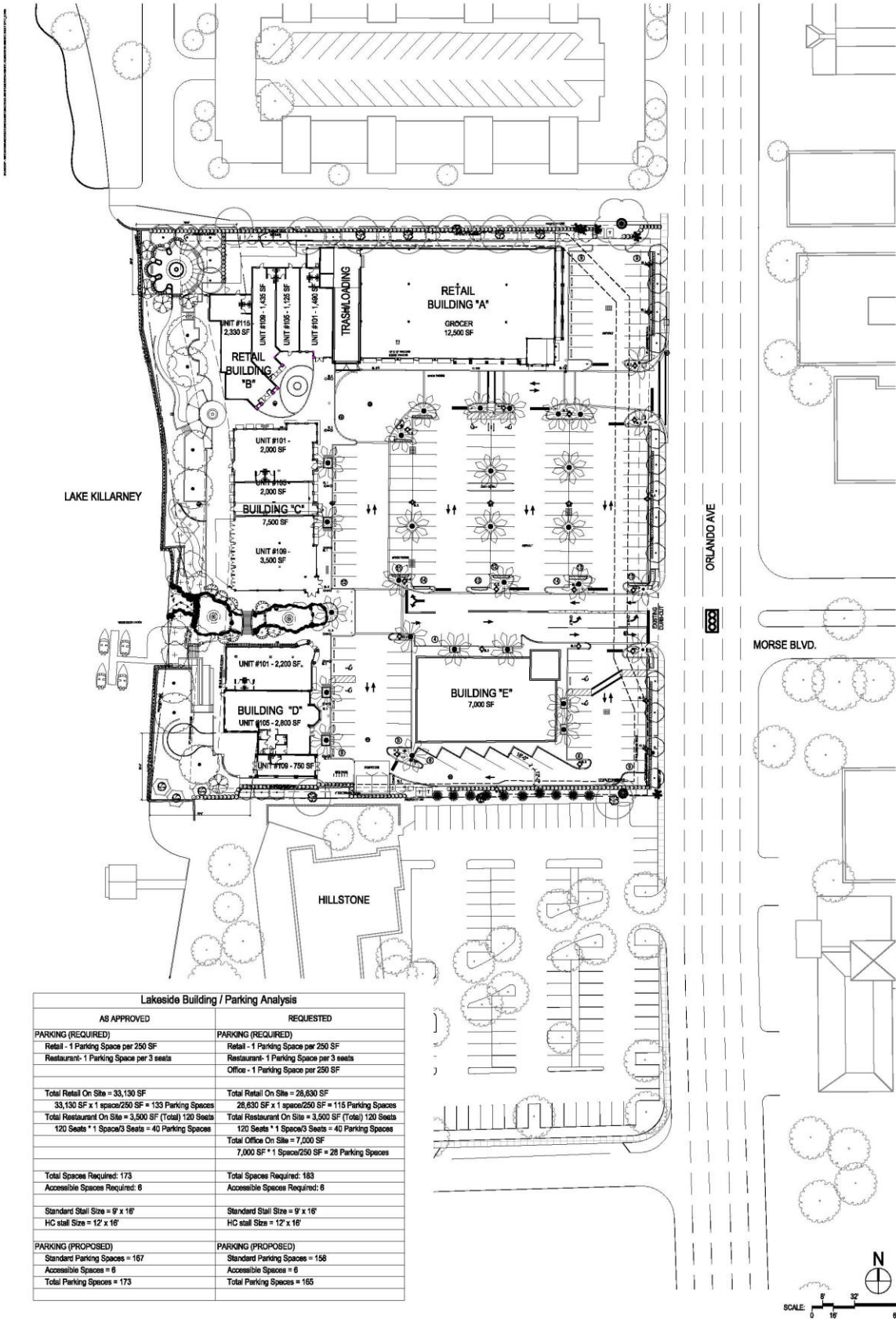
As presented now, the parking variance results from the combination that the parking yield on-site is reduced by 8 spaces and then the increase in square footage from 4,500 sq. ft. to 7,000 sq. ft. generates the need for parking for that 2,500 sq. ft. increase which at one space per each 250 sq. ft. is 10 spaces. The loss of 8 spaces and the increase in demand for 10 additional spaces adds up to the variance requested of 18 spaces. The 18 spaces are 10% of the total parking.

The P&Z Board and staff are troubled by the request primarily because of the popularity of the Trader Joe’s. Normally there might be enough float between the businesses to allow some reduction in the parking provided. But the P&Z Board and staff are convinced that from everything we have heard about Trader Joe’s popularity and regional draw, parking is likely to be at a premium.

Approved Site Plan for "Final" Conditional VSC



*Approved Site Plan
for "Final" Cond. Use*



| Lakeside Building / Parking Analysis | |
|---|---|
| AS APPROVED | REQUESTED |
| PARKING (REQUIRED) | PARKING (REQUIRED) |
| Retail - 1 Parking Space per 250 SF | Retail - 1 Parking Space per 250 SF |
| Restaurant - 1 Parking Space per 3 seats | Restaurant - 1 Parking Space per 3 seats |
| | Office - 1 Parking Space per 250 SF |
| Total Retail On Site = 33,130 SF | Total Retail On Site = 28,830 SF |
| 33,130 SF x 1 space/250 SF = 133 Parking Spaces | 28,830 SF x 1 space/250 SF = 116 Parking Spaces |
| Total Restaurant On Site = 3,500 SF (Total) 120 Seats | Total Restaurant On Site = 3,500 SF (Total) 120 Seats |
| 120 Seats * 1 Space/3 Seats = 40 Parking Spaces | 120 Seats * 1 Space/3 Seats = 40 Parking Spaces |
| | Total Office On Site = 7,000 SF |
| | 7,000 SF * 1 Space/250 SF = 28 Parking Spaces |
| Total Spaces Required: 173 | Total Spaces Required: 183 |
| Accessible Spaces Required: 8 | Accessible Spaces Required: 8 |
| Standard Stall Size = 9' x 16' | Standard Stall Size = 9' x 16' |
| HC stall Size = 12' x 16' | HC stall Size = 12' x 16' |
| PARKING (PROPOSED) | PARKING (PROPOSED) |
| Standard Parking Spaces = 167 | Standard Parking Spaces = 158 |
| Accessible Spaces = 8 | Accessible Spaces = 8 |
| Total Parking Spaces = 173 | Total Parking Spaces = 165 |

Lakeside
Winter Park, Florida

Antonovich Associates - Architect
224 West Huron Street, Chicago, IL 60654
Phone: 312-258-1155 Fax: 312-898-7123

Unicop National Developments, Inc. - Developers

LAKESIDE: MASTER SITE PLAN

1.6.2014

THE INFORMATION PROVIDED ON THIS DRAWING IS FROM DOCUMENTATION AVAILABLE AND MAY NOT REFLECT ACTUAL FIELD CONDITIONS. SERVICE CHANGES AND UTILITIES PROVIDED BY THE LANDLORD FOR THE BASE BUILDING MAY EXIST WITHIN THE TENANTS DRAWING PERIMETER. IT SHALL BE THE RESPONSIBILITY OF THE TENANT TO FIELD VERIFY ALL INFORMATION SHOWN. THE DEVELOPER AND ARCHITECT MAKE NO REPRESENTATIONS AS TO THE ACCURACY AND CORRECTNESS OF ANY DIMENSIONS OR SQUARE FOOTAGES. ALL DIMENSIONS AND SQUARE FOOTAGES SHALL BE FIELD VERIFIED BY THE TENANT IN THE FIELD.



December 23, 2013

Mr. Jeff Briggs
Planning Manager
City of Winter Park
401 South Park Avenue
Winter Park, FL 32789

Re: Lakeside – Request for Parking Variance

Dear Mr. Briggs,

We are submitting for consideration by the City of Winter Park a request for a parking variance at our Lakeside development located on 111-131 Orlando Avenue. We are proposing to increase the overall GLA of the property by 2,500sf to accommodate the construction on our remaining Pad E of a 7,000 sf, one story office building for the exclusive use by Blue Cross/Blue Shield. The original branch bank tenant we were in negotiations with was unable to move forward. Given the explosion in the number of branch banks in Winter Park, we believe use of this pad as medical office space is a much more desirable use for Lakeside and Winter Park. Blue Cross/Blue Shield has executed a Letter of Intent and we are excited about bringing in a quality tenant such as Blue Cross/Blue Shield to Lakeside and Winter Park.

As shown on the attached site plan, the configuration of the parking adjacent to the Pad E will be minimally reconfigured to accommodate an increase in the building size from the currently approved 4,500sf to 7,000sf. To accomplish this, the overall number of spaces provided decreases slightly from 173 to 168. Based on Winter Park parking ordinances, the 2,500sf increase of office space results in an overall site parking space requirement of 183 spaces. Therefore we are requesting a variance of 15 spaces.

We believe this variance is justifiable because, as currently approved, the Building E pad could ultimately be constructed as retail space or for a branch bank. While the ordinance parking requirement for office space is the same as for retail space (one space per 250sf), this use as office space by Blue Cross/Blue Shield will result in lower traffic and parking intensity that for the equivalent retail/branch bank space. As evidence of this, Blue Cross/Blue Shield has only requested 12 spaces designated as exclusive for their use.

Mr. Jeff Briggs
December 23, 2013
Lakeside – Request for Parking Variance

We appreciate the support and service all branches of Winter Park government have given to our development of Lakeside. We are anxious to move forward quickly with this tenant on Pad E as it will finish the project's "front door" and allow the project to be fully built out in a single phase. We hope you agree that Lakeside will be a tremendous enhancement and asset to Winter Park when complete and we feel that granting this variance to allow construction of this Blue Cross/Blue Shield building will only benefit the project and the community.

Sincerely,



Chuck Whittall
Manager, Lakeside Winter Park, LLC

Attachment: Lakeside – Building E: Master Plan dated 12/10/13

January 7, 2014 P&Z Minutes:

REQUEST OF LAKESIDE WINTER PARK LLC TO: AMEND THE CONDITIONAL USE SITE PLAN APPROVAL FOR THE LAKESIDE WINTER PARK PROJECT AT 111 N. ORLANDO AVENUE, ZONED C-3, TO ELIMINATE THE 4,500 SQ. FT. RETAIL/OFFICE BUILDING IN THE SOUTHEAST PORTION OF THE SITE FOR A 7,000 SQ. FT. RETAIL/OFFICE BUILDING AND REQUESTING A VARIANCE OF 15 PARKING SPACES.

Mr. J. Johnston and Mr. Slocum explained that they would not be participating in the discussion or voting on this item as their firms had done work for the applicant in the past. (Form 8B, Memorandum of Voting Conflict was completed by both and is attached to these minutes).

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicant, Lakeside Winter Park LLC (Unicorp USA), is requesting to amend their conditional use approval for their Lakeside project on the property at 111 N. Orlando Avenue to revise and substitute a 7,000 square foot building for the 4,500 square foot building previously approved and requesting a parking variance of 15 spaces. He explained that the City Commission approved the "preliminary" conditional use with a proposed 4,000 square foot branch bank in the southeast portion of the development. When the "final" conditional use came back for approval, the building was slightly revised to a 4,500 square foot retail/office building. At this time, the developer has a specific tenant for that building but they need 7,000 square feet for their business which is the rationale for this request to amend the site plan and the parking variance associated with it.

Mr. Briggs further explained that the original approved plan allows circulation around the building and the new plan (in the packet) contains two dead-end driveways. Both the Public Works Department traffic engineering and Police Department traffic staff have recommended against the creation of these dead-end parking lots areas as they create traffic safety hazards as cars need to back up out of them when drivers discover that no spaces are open. Staff has conveyed this issue to the applicant. They have presented today a site plan revision to remedy this issue but further impacts the parking variance

Mr. Briggs explained that the parking variance results from the combination that the parking yield on-site is reduced and square footage is increased from 4,500 sq. ft. to 7,000 sq. ft. which generates the need for added parking for that 2,500 sq. ft. increase which adds up to the variance requested of 18 spaces. The 18 spaces are 10% of the total parking.

Mr. Briggs summarized by stating that staff was reluctant to recommend approval primarily because of the popularity and cult following of the Trader Joe's. Normally there would be enough float between the businesses to allow about a 10% reduction in the parking provided. But from everything we have heard about Trader Joe's popularity and regional draw, parking is likely to be at a premium. It is one thing for customers to complain and the response is that "Well they meet the Code" and another to know they were granted a 10% parking variance. Mr. Briggs responded to Board member questions and concerns.

Chuck Woodall, with Unicorp USA, was present to address Board member concerns and provide the details of the current request. He spoke regarding the proposal for which the Board is making a determination on and gave the Board an overview of the type of traffic that this type of business will generate. Mr. Woodall also spoke concerning Trader Joe's traffic and his plans for traffic management. He said that he feels that once the project opens, the traffic will stabilize. He said that a deal has been made with the Mt. Vernon for 15 parking spaces. He responded to Board member questions and concerns.

The following people spoke in opposition to the requested variance (all owners of condo units in the Lake Killarney development): Sara Whitaker, 1028 West New Hampshire Street; Chris Sweeny, Unit #105, Jonathan Glover, Unit #215; and Bee Epley, Unit #209. Also entered into the record was a letter of opposition from Hillstone restaurant. They requested that the City's parking code be upheld and voiced concerns that the project could create overflow parking issue at the Lake Killarney Condos. They expressed support for the project, but are very concerned about the flow of traffic and the granting of parking variances.

No one else wished to speak concerning this request. Public Hearing closed.

Mr. R. Johnston spoke concerning Trader Joe's traffic and "cult following". He said that he does not agree with the applicant statements concerning traffic and believes that parking will be at a premium with only two Trader Joe's in the metro Orlando area that draws destination customers from the five county area. He said that he feels very strongly that the parking lot will be swamped and there will be spillage onto the adjacent properties and create traffic issues. He asserted that he is against granting any parking variances. Mr. P. Weldon said that he feels that the request of a 10% parking variance extends beyond the reasonable judgment for how the Board grants parking variances. He said that he does not support the request as presented, but is willing to listen if confirmed long-term public parking off-site contracts are presented that address the variance needs as outlined by the developer. Mrs. De Ciccio agreed with the previous comments. She expressed strong concern about the impact of the traffic that the development will have on the people around and businesses around it. Mr. Sacha agreed and indicated that we have to see what the parking needs are before granting such a significant variance. Mr. P. Gottfried said that he feels that the site is going to have heavy usage and that there will be traffic and parking issues.

Motion made by Mr. Weldon, seconded by Mr. R. Johnston to deny the request. Motion carried unanimously with a 5-0 vote. (Mr. J. Johnston and R. Slocum abstained.)

Jeffrey Briggs

From: Glenn Viers <Glenn.Viers@Hillstone.com>
Sent: Monday, December 30, 2013 2:48 PM
To: Jeffrey Briggs
Subject: RE: Winter Park Public Notice

Jeff,

My father use to say that, "When I learned to read, a whole new world will open up." I neglected to read the entire agenda and see that the 4th item relates to the Lakeside Winter Park LLC, variance application. Sorry for the confusion on my part.

In any event, Hillstone will have a difficult time supporting a parking variance of almost 10%. Didn't the Applicant already receive a variance of the 75' set back (from the lake)---in part to maximize parking? As stated in my January 7th email, seeking a variance to maximize parking to accommodate more intensive development is not a hardship.

*From: <Glenn.Viers@Hillstone.com>
Date: January 7, 2013, 2:17:39 PM MST
To: "Jbriggs@cityofwinterpark.org" <Jbriggs@cityofwinterpark.org>
Subject: 111 & 131 N. Orlando*

Dear Mr. Briggs,

On behalf of Hillstone Restaurant Group, Inc., fka Houston's Restaurant, I am writing to express our strong opposition to the set-back variance application filed for the the Unicorp development adjacent to the north side of our restaurant in Winter Park.

I will remember the fact that both the City's Planning Commission, and City Commission put Hillstone through the proverbial "paces" when we secured our zoning and land-use approvals more than a decade ago and our restaurant project is/was much better as a result. At the risk of stating the obvious, the incredible and unobstructed lake-front views were what first attracted Hillstone to Winter Park and the City is to be commended for preserving Lake Killarney's beauty by exercising sound land-use decisions. Please do not allow this variance request to change things.

We understand our neighbor has applied for a variance from the 75 foot setback requirement from the lake for a 50 foot set back instead. Please know that we strongly oppose this variance request. Based on Hillstone's understanding of the Unicorp variance request, there is no hardship that would support not complying with the existing code's 75 foot set-back requirement. Maximizing parking to accommodate more intensive development is not a hardship, much less an "undue hardship" so as to justify such a variance request. Nor is it necessarily a good idea in the long run, especially with regards to such a special setting of the applicant's property on Lake Killarney.

Moreover, granting the variance will undoubtedly have an adverse affect on Hillstone's use and enjoyment of its property since reducing the set-back by more than 30% will undoubtedly affect our (and our guests') view from Hillstone's property. Hillstone has invested significant time, effort, and expense developing what we consider one of the premier dining destinations in Central Florida, if not the entire state. Without wanting to sound

immodest, our Restaurant has been a catalyst for other high quality development in the Winter Park area, so please be assured that Hillstone is not raising objections due to competitive concerns. Indeed, we welcome competition as it makes us better. Hillstone's opposition to this variance is motivated solely by a desire to preserve the quality of Lake Killarney and Winter Park.

Please convey Hillstone's strong opposition to the set-back variance request to the City's Planning Commission and City Commission.

Please let me know if I may answer any questions or otherwise be of assistance.

Best regards,

*Glenn
W. Glenn Viers
Vice President & General Counsel
Hillstone Restaurant Group, Inc.
3539 Northside Parkway
Atlanta, GA 30327
Telephone: (404) 467-1855
Fax: (404) 935-5185
Cell: (404) 386-8393*

The information transmitted by the following e-mail is intended only for the addressee and may contain confidential and/or privileged material.

W. Glenn Viers
Vice President & General Counsel
Hillstone Restaurant Group, Inc.
3539 Northside Parkway
Atlanta, GA 30327
Telephone: (404) 467-1855
Fax: (404) 935-5185
Cell: (404) 386-8393

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Jeffrey Briggs

From: Sarah Whitaker <swhitaker@smwgeosciences.com>
Sent: Tuesday, January 07, 2014 3:12 PM
To: Jeffrey Briggs; Lisa Smith
Cc: beeepley@me.com; originalhrh@gmail.com; clotspeich@aol.com; csweazy@yahoo.com; jeff.sweeney@cushwake.com; Pat Nelson; Lake Killarney
Subject: Lakeside Winter Park request to amend and variance for 15 parking spaces
Importance: High

Jeffrey,

When presenting this to the board this evening, please note that the residents of Lake Killarney Condo Association are opposed to the requested parking variance from Lakeside Winter Park.

Our objections are the same as we have previously presented and we ask that the Planning and Zoning Board uphold its parking requirement codes and consider the increase in potential for overflow parking on to our property that granting of this variance will create. How will the City and developer address our concerns once they are realized? Granting a parking variance will only aggravate a condition that will all too soon exist.

City staff have been criticized before for the lack of parking within the very popular Winter Park Village and staff stated at the January 8, 2013 P&Z meeting that they did not want to make the same mistake again. This was later supported by the City Commission and the applicant withdrew their request for a parking variance. Why reconsider it now?

Also:

How will the increase in building footprint impact the number of trees to be installed?

The new plans suggest that the footprint of the storm water treatment facility (drainfields), which will be located under the parking area, will be greatly reduced. If reduced, how will this impact water quality treatment when the runoff volume requiring treatment remains unchanged?

Sarah M. Whitaker, P.G.
President



SMW GeoSciences, Inc.
668 N. Orlando AVE, STE 1009A
Maitland, FL 32751

P 407.426.2836 M 407.234.4675
swhitaker@smwgeosciences.com
www.smwgeosciences.com
<http://www.linkedin.com/in/smwhitaker>

From: Jeffrey Briggs [<mailto:jbriggs@cityofwinterpark.org>]
Sent: Tuesday, January 07, 2014 11:29 AM
To: Sarah Whitaker
Subject: RE: Lakeside stormwater runoff modification

Sarah:



city commission public hearing

| | | | |
|---------------------------------|------------------------------------|--|---|
| item type | Public Hearing | meeting date | January 27, 2014 |
| prepared by department division | Jeff Briggs Planning Department | approved by | <input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| board approval | Planning and Zoning Board | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A | 7-0 final vote |

Subject: Ordinance to Limit Special Event Art Shows

This Ordinance creates a non-compete window for 30 days on both sides of the City’s annual Spring and Fall Art Festivals during which time, no private property owner or tenant can have a competing outdoor art show.

Planning and Zoning Board Recommendation:

The Planning Board voted unanimously to approve this ordinance at their January 7th meeting.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the proposed ordinance. Motion carried unanimously with a 7-0 vote.

Summary:

This Ordinance is in response to an issue that developed last year when a private organization asked for a “special event permit” to hold an “arts festival” event near the same time as the City’s annual Spring Arts Festival in March. The competing event was not held but they were soliciting approval from the Winter Park Village and other commercial property owners in the downtown to stage their outdoor event near the same time and thereby creating confusion over which event is which.

There is interest in protecting the tradition and reputations of the Spring and Autumn Art Festivals recognizing the vast number of hours that volunteers spend on preparations for and the hosting of these events. Thus, the City Attorney has drafted this proposed ordinance.

The Ordinance, as revised by P&Z, creates a non-compete window of 30 days on either side of these traditional city sponsored art festivals. It only applies to those two events and it applies equally to owners and tenants.

Since the rules for “special events” are in the Zoning Code, the P&Z Board makes a recommendation on this ordinance.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 58-84, RELATING TO NON-RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, the City of Winter Park allows for special events to occur, but in the existing Code of Ordinances the City reserves the right to deny a special event permit if the proposed event will have a substantial negative impact for any of the reasons mentioned in Section 58-84(u)(4)a.1-14 of the Municipal Code; and

WHEREAS, the City Commission has determined that it has traditionally sponsored or co-sponsored art festivals that occur in October and March of each year; and

WHEREAS, the City Commission has determined that a special event that involves the sale of art where the promoter is not the owner of the art gallery or other business where the outdoor sale or display of art may properly and reasonably be viewed as an ancillary or accessory use of the business premises; and

WHEREAS, the City Commission has determined that in order to protect and preserve the substantial brand and significance of the Fall and Spring Art Festivals sponsored or co-sponsored by the City it is necessary to insure that a reasonable period of time is reserved both before and after the City sponsored events to protect the brand of the City's art festivals that are sponsored or co-sponsored by the City.

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

Section 1. **Recitals.** The foregoing recitals are hereby adopted and confirmed, and constitute the legislative findings of the City Commission of the City of Winter Park acting in its legislative capacity.

Section 2. Section 58-85. General Provisions For Nonresidential Zoning Districts shall be amended by creating a new subsection 58-85(u)(4)a(15), which new language is shown by underlining, as follows:

“Section 58-84. General provisions for nonresidential zoning districts.

(u) *Special event.*

(4) *Approval.*

- a. *Criteria.* The city may approve or conditionally approve the issuance of a special event permit upon application, unless one of the following circumstances exist:

1. ...

15. The proposed special event is substantially involved with display and/or sale of fine art, art, and arts and crafts (which shall include custom or specialty furniture including handmade furniture), and where such proposed special event occurs within a time period from thirty (30) days before extending to thirty (30) days after the Fall Art Festival and the Spring Art Festival, which take place approximately and typically in the second week of October and the third week of March each year. However, this special circumstance does not apply if art, fine art and arts and crafts are displayed or offered for sale at a business that is regularly engaged in the display or sale of such.

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

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

Section 5. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon adoption by 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 _____, 2014.

Mayor Kenneth W. Bradley

ATTEST:

Cindy Bonham, City Clerk

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", SECTION 58-84, RELATING TO NON-RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

Planning Manager Jeffrey Briggs presented the staff report. He recapped the issues that were discussed at the last P&Z meeting. He said that the issues have been addressed and the proposed ordinance has been revised by the City Attorney. As background, he explained that this Ordinance is in response to an issue that developed last year when a private organization asked for a "special event permit" to hold an "arts festival" event at the same time as the City's annual Spring Arts Festival in March. The competing event was not held but they were soliciting approval from the Winter Park Village and other commercial property owners in the downtown to stage their event at the same time and thereby benefit from the attendance already in the City for the city sponsored event. Further, the City Commission has expressed interest in protecting the tradition of the Spring and Autumn Art Festival recognizing the vast number of hours that volunteers spend on preparations for and the hosting of these events. Thus, the City Attorney has drafted this proposed ordinance. He explained that the revision creates a non-compete window of 30 days (was 45 days) on either side of these traditional city sponsored art festivals. It only applies to those two events (which was another change per P&Z) and it applies equally to owners and tenants (another P&Z change). Since the rules for "special events" are in the Zoning Code, the P&Z Board needs to make a recommendation on this ordinance. Staff recommendation is for approval. Mr. Briggs responded to Board member questions and concerns.

No one wished to speak concerning this item. Public Hearing closed.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the proposed ordinance. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

There were no items of new business.

Date of Next Work Session Meeting: Tuesday, January 28, 2014 at 12:00 Noon.

Date of Next Regular Meeting: Tuesday, February 4, 2014 at 6:00 p.m.

There was no further business. Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Lisa M. Smith
Recording Secretary



city commission **public hearing**

| | | | |
|----------------|------------------|--|--|
| item type | Public Hearing | meeting date | January 27, 2014 |
| prepared by | Terry Hotard | approved by | <input checked="" type="checkbox"/> City Manager |
| department | Electric Utility | | <input type="checkbox"/> City Attorney |
| division | | | <input type="checkbox"/> N/A |
| board approval | | <input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A | final vote |

subject

Undergrounding of Electric/CATV Facilities
Seminole Drive

motion | recommendation

Approve resolution calling for a public hearing pertaining to the undergrounding of electric/CATV facilities in the area of Seminole Drive. Staff recommendation is to approve the resolution calling for the Public Hearing.

summary

Winter Park Electric's PLUG-IN program was approved by the city commission to provide neighborhoods with a method of accelerating the undergrounding of neighborhood overhead facilities. Through the PLUG-IN Program the city provides homeowners within the Neighborhood Electric Assessment District (NEAD) a 50% match of the electric undergrounding. Bright House Network has agreed to a 5% contribution. Homeowners have the option of a onetime lump sum or 10 year repayment schedule. Annual assessment will be placed on the property tax bill. 87% (66% required) of the 8 homeowners within the SEMINOLE DRIVE NEAD have voted in favor of this project.

board comments

N/A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING SEMINOLE DRIVE; WHICH IMPROVEMENTS ARE TO BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission enacted Ordinance 2249 to provide for the creation of assessment areas and authorize the imposition of assessments to fund the construction of local improvements to serve the property located therein and Ordinance 2249 provides that the City may elect to use the method for imposition and collection of assessments in Florida Statutes § 197.3632; and

WHEREAS, the City Commission of the City of Winter Park, Florida, in Resolution No. 2130-14, has determined, and does hereby also determine, to make and fund certain public improvements, consisting of undergrounding the electric/CATV facilities within the municipal boundaries of the City of Winter Park; specifically, properties abutting Seminole Drive; all of the aforesaid public improvements and municipal services to be hereinafter referred to as the "Project," as authorized by Ordinance 2249, home rule power, and Section 197.3632, Florida Statutes; and

WHEREAS, the cost and expense of the Project is to be met in whole or in part by special assessments; and

WHEREAS, the Project will provide a special benefit to all property by improving and enhancing the properties' aesthetics and safety, thus enhancing the value, use and enjoyment of the properties; and

WHEREAS, the City Commission hereby finds and determines that the assessments to be imposed in accordance with this Initial Assessment Resolution provide an equitable method of funding construction of the Project by fairly and reasonably allocating the cost to specially benefitted property equally to each property based upon the benefit attributable to each benefitted property in the manner hereinafter described; and

WHEREAS, Section 197.3632, Florida Statutes, requires that a public hearing be conducted with respect to the special assessment roll, which has heretofore been filed with the City Clerk of the City of Winter Park, which assessment roll shows the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel of land, and, if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided.

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

Section 1. The City Commission of the City of Winter Park hereby calls a Public Hearing at 3:30 p.m. on February 17, 2014, or as soon as possible thereafter, in City Commission Chambers, City Hall, 401 Park Avenue South, Winter Park, Florida for the purpose of affording owners of the property to be assessed, or any other persons interested therein, to appear and be heard as to the propriety and advisability of making and funding such improvements as to the cost thereof, as to the manner of payment therefore, and as to the amount thereof to be assessed against each property so improved or benefited.

Section 2. The area to be improved and benefited by the undergrounding of electric/CATV facilities are those properties abutting Seminole Drive. The description of each property to be assessed abutting Seminole Drive and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the City Clerk.

Section 3. The total cost of the project is \$26,013.00, but the cost of the portion of the project being funded by special assessments is \$14,448.00. The cost of the Project, which includes the capital cost and related expenses, will be funded through the imposition of assessments against property located in the Neighborhood Electric Assessment District (NEAD) area in the manner set forth in Exhibit A hereof.

Section 4. The Electric Department is hereby directed to prepare a final estimate of the Capital Cost of the Project and to prepare the preliminary Assessment Roll in the manner provided in Ordinance 2249. The Electric Department shall apportion the Project cost among the parcels of real property abutting Seminole Drive as reflected on the Tax Roll in conformity with Exhibit A. The estimate of Capital Cost and the Assessment Roll shall be maintained on file in the offices of the City Manager and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the assessment for each property can be determined by use of a computer terminal available to the public.

Section 5. Assessments will be imposed and collected on the ad valorem tax bill in the manner authorized by Section 197.3632, Florida Statutes. The assessment shall be computed for each parcel.

Section 6. The aforesaid public hearing shall be conducted as provided, and for the purposes recited, in Section 197.3632, Florida Statutes.

Section 7. This notice shall be published as provided in Section 197.3632, Florida Statutes.

Section 8. Twenty (20) days' notice in writing of the time and place of the aforesaid public hearing shall be given to the property owners of the properties to be assessed, which

notice shall include the amount of the assessment. The notice shall be served by mailing a copy to each of such property owners at their last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser or from such other sources as the Electric Director deems reliable, proof of such mailing to be made by the affidavit of the Electric Director, said proof to be filed with the City Clerk.

Section 9. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or application of this Resolution.

Section 10. This Resolution 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 at City Hall, Winter Park, Florida, on the 27th day of January, 2014.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

SEMINOLE DR NEAD

| | Name | Address | Billing address | Parcel ID | Lump Sum | 10 installments | \$ due |
|-----------|------------------------|-----------------|--------------------------|----------------------|----------|-----------------|-------------|
| Parcel #1 | J D Byington | 909 Seminole Dr | 911 Seminole Dr WP FL | 05-22-30-6468-00-061 | X | | \$1,763.00 |
| Parcel #2 | J D Byington | 911 Seminole Dr | | 05-22-30-6468-00-070 | x | | \$1,763.00 |
| | | | 616 Seminole Dr WP FL | | | | |
| Parcel #3 | Diane R Maher | 646 Seminole Dr | 32789 | 05-22-30-6468-00-120 | x | | \$1,763.00 |
| | | | 631 W Morse Blvd #200 WP | | | | |
| Parcel #4 | Michael C Maher | 616 Seminole Dr | 32789 | 05-22-30-6468-00-100 | x | | \$1,763.00 |
| Parcel #5 | Ronald A Tetenbaum | 600 Seminole Dr | | 05-22-30-9398-00-110 | x | | \$1,763.00 |
| | | | 189 S Orange Ave #870 | | | | |
| Parcel #6 | 570 Seminole Drive LLC | 570 Seminole Dr | Orlando FL 32801 | 05-22-30-9398-00-090 | | x | \$1,806.00* |
| Parcel #7 | Blair D Neller | 890 Georgia Ave | | 05-22-30-9398-00-100 | | x | \$1,806.00* |
| Parcel #8 | Anne C Conway | 540 Seminole Dr | | | x | | \$1,763 |

* amount to be financed over 10 years

EXHIBIT A

Undergrounding Project: Seminole Drive

| | City of Winter Park <u>Electric</u> | Bright House Networks <u>Cable TV</u> | <u>Total</u> |
|--|--|--|---------------------|
| Cost to Underground | \$22,810 | \$3,203 | \$26,013 |
| Property Owner Share (%) | 50.0% | 95.0% | |
| Total amount to be funded by property owners (\$) | \$11,405 | \$3,043 | \$14,448 |
| Total voting parcels (1) | 8 | 8 | 8 |
| Cost of undergrounding per parcel | \$1,426.00 | \$380.00 | \$1,806.00 |
| Property Owner Payment Options | | | |
| Up-Front Assessment | | | |
| Applicable Discount | 3% | 0% | |
| Net Up-Front Assessment | \$1,383.00 | \$380.00 | \$1,763.00 |
| Ten-Year Payment Plan | | | |
| Applicable interest rate | 4.75% | 3.50% | |
| Annual Assessment | \$182.00 | \$46.00 | \$228.00 |

Notes:

9 residential parcels participating in this PLUG-IN



city commission public hearing

| | | | |
|---------------------------------|------------------------------|--|--|
| item type | Public Hearing | meeting date | January 27, 2014 |
| prepared by department division | | approved by | <input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| board approval | Pedestrian and Bicycle Board | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A | 7-0 final vote |

Subject:

Brookshire Elementary School Neighborhood Sidewalks LAP Supplemental Agreement for the Sidewalk Design between the City of Winter Park and the Florida Department of Transportation (FDOT)

Motion | Recommendation:

Recommend approval of Resolution to enter LAP Supplemental Agreement with FDOT.

Background:

Applied for Safe Routes To School Grant for sidewalks in Brookshire neighborhood April 2011

Grant for sidewalks approved July 2011

Funding for sidewalks approved for FDOT fiscal year 2015

February 2013 requested from FDOT to move funding to earlier date

FDOT working to advance funding and construction schedule

Alternatives | Other Considerations:

City fund the sidewalk design estimated at \$15,000, or delay/cancel design project.

Fiscal Impact:

\$15,000 sidewalk construction plan design is 100% FDOT grant funded.

RESOLUTION NO. ____-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN OF THE BROOKSHIRE ELEMENTARY SCHOOL NEIGHBORHOOD SIDEWALKS (BRECHIN DRIVE, DUNBLANE DRIVE, KIMBRACE PLACE).

WHEREAS, the State of Florida Department of Transportation and the City of Winter Park, Florida, desire to facilitate the Winter Park Brookshire Elementary School Neighborhood Sidewalk Design, and

WHEREAS, the State of Florida Department of Transportation has requested the City of Winter Park, Florida, to execute and deliver to the State of Florida Department of Transportation the Local Agency Program Supplemental Agreement for the aforementioned project, FPN: 431529-1-38-01;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Winter Park, Florida that Randy B. Knight, City Manager, is hereby authorized to make, execute, and deliver to the State of Florida Department of Transportation the Local Agency Program Supplemental Agreement for the aforementioned project, FPN: : 431529-1-38-01.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 27th day of January, 2014.

Kenneth W. Bradley, Mayor

ATTEST:

Cynthia S. Bonham, MMC, City Clerk

| | | |
|--|---|---|
| SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102 | STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT | FPN 431529-1-38-01 CONTRACT NO. AR 076 |
|--|---|---|

The _____ Florida Department of Transportation and the City of Winter Park _____ desire to supplement the original Agreement entered into and executed on _____ May 13, 2013 _____ as identified above. All provisions in the original Agreement and supplements, if any, remain in effect except as expressly modified by this supplement.

The changes to the Agreement and supplements, if any, are described as follows:

PROJECT DESCRIPTION

Name: Brookshire Elementary School Neighborhood Sidewalks Length ~ 2,450 Linear Feet

Termini: East side of Brechin Drive (between Banchory Road and Kimbrace Place), southeast corner of Banchory Road and Brechin Drive, east side of Dunblane Drive (between Banchory Road and Kimbrace Place), southeast corner of Banchory Road and Dunblane Drive, and south side of Kimbrace Place (from Brechin Drive to Lochberry Road)

Description of Work:

1. Design 825 linear feet (LF) of 5-foot wide concrete sidewalk along the east side of Brechin Drive between Banchory Road and Kimbrace Place. Includes provision for ADA compliant curb cut ramps in the southeast corner of Banchory Road and Brechin Drive.
2. Design 825 LF of 5-foot wide concrete sidewalk along the east side of Dunblane Drive between Banchory Road and Kimbrace Place. Includes provision for ADA-compliant curb cut ramps in the southeast corner of Banchory Road and Dunblane Drive.
3. Design 800 LF of 5-foot wide concrete sidewalk along the south side of Kimbrace Place from Brechin Drive to Lochberry Road. Includes provision for ADA-compliant curb cut ramps across Dunblane Drive, Kimbrace Place, and Lochberry Road. The project design will also include the removal of resident fencing within the City's right-of-way and provide advance signing along the curve of Kimbrace Place to warn drivers of a school-related crosswalk beyond the sight-restricted curve along Kimbrace Place.

Driveways will be modified to confirm to the most current ADA requirements.

The project funding shall be reduced to an amount equal to the award amount

Reason for Supplement and Supporting Engineering and/or Cost Analysis:

To modify the project description to design sidewalks not installed.

There were no funding changes to the project.

ADJUSTED EXHIBIT "B" SCHEDULE OF FUNDING

| | | |
|--|---|---|
| SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102 | STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT | FPN 431529-1-38-01 CONTRACT NO. AR 076 |
|--|---|---|

| TYPE OF WORK By Fiscal Year | FUNDING | | | | |
|---|--|------------------------------------|---------------------------------------|------------------------------|---------------------------------------|
| | (1) PREVIOUS TOTAL PROJECT FUNDS | (2) ADDITIONAL PROJECT FUNDS | (3) CURRENT TOTAL PROJECT FUNDS | (4) TOTAL AGENCY FUNDS | (5) TOTAL STATE & FEDERAL FUNDS |
| Planning | | | | | |
| FY: 2008-2009 | | | | | |
| FY: 2009-2010 | | | | | |
| FY: 2010-2011 | | | | | |
| FY: 2011-2012 | | | | | |
| FY: 2012-2013 | | | | | |
| FY: 2013-2014 | | | | | |
| Total Planning Cost | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Project Development & Environment (PD&E) | | | | | |
| FY: 2008-2009 | | | | | |
| FY: 2009-2010 | | | | | |
| FY: 2010-2011 | | | | | |
| FY: 2011-2012 | | | | | |
| FY: 2012-2013 | | | | | |
| FY: 2013-2014 | | | | | |
| Total PD&E Cost | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Design | | | | | |
| FY: 2008-2009 | | | | | |
| FY: 2009-2010 | | | | | |
| FY: 2010-2011 | | | | | |
| FY: 2011-2012 | | | | | |
| FY: 2012-2013 | \$15,000.00 | | \$15,000.00 | | \$15,000.00 |
| FY: 2013-2014 | | | | | |
| Total Design Cost | \$15,000.00 | | \$15,000.00 | | \$15,000.00 |
| Right-of-Way | | | | | |
| FY: 2008-2009 | | | | | |
| FY: 2009-2010 | | | | | |
| FY: 2010-2011 | | | | | |
| FY: 2011-2012 | | | | | |
| FY: 2012-2013 | | | | | |
| FY: 2013-2014 | | | | | |
| Total Right-of-Way Cost | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Construction | | | | | |
| FY: 2008-2009 | | | | | |
| FY: 2009-2010 | | | | | |
| FY: 2010-2011 | | | | | |
| FY: 2011-2012 | | | | | |
| FY: 2012-2013 | | | | | |
| FY: 2013-2014 | | | | | |
| Total Construction Cost | | | | | |
| Construction Engineering and Inspection (CEI) | | | | | |
| FY: 2008-2009 | | | | | |
| FY: 2009-2010 | | | | | |
| FY: 2010-2011 | | | | | |
| FY: 2011-2012 | | | | | |
| FY: 2012-2013 | | | | | |
| FY: 2013-2014 | | | | | |
| Total CEI Cost | | | | | |
| Total Construction & CEI Costs | | | | | |
| TOTAL COST OF THE PROJECT | \$15,000.00 | | \$15,000.00 | | \$15,000.00 |

| | | |
|--|---|---|
| SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102 | STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT | FPN 431529-1-38-01 CONTRACT NO. AR 076 |
|--|---|---|

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY (City of Winter Park)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Name:
Title:

By: _____
Name: Frank J. O'Dea, P.E.
Title: Director of Transportation Development

Attest: _____
Name:
Title:

Attest: _____
Name:
Title: Administrative Assistant

Date: _____

Date: _____

Legal Review:

See attached Encumbrance Form for date of funding approval by Comptroller.

EXHIBIT "1"

SINGLE AUDIT ACT

Federal Resources Awarded to the Recipient Pursuant to This Agreement Consist of the Following:

Federal Agency: Federal Highway Administration

CFDA #: 20.205 Highway Planning and Construction

Amount: \$ 15,000.00

Compliance Requirement:

Allowable Activities: To be eligible, most projects must be located on public roads that are not functionally classified as local. The major exceptions are the Highway Bridge Replacement and Rehabilitation Program, which provides assistance for bridges on and off the federal-aid highways, highway safety activities, bicycle and pedestrian projects, transportation enhancement activities, the recreational trails program, and planning, research, development, and technology transfer. Proposed projects meeting these and other planning, design, environmental, safety, etc., requirements can be approved on the basis of state and local priorities within the limit of the funds apportioned or allocated to each state.

Allowable Costs: Eligible activities and allowable costs will be determined in accordance with Title 23 and Title 49 C.F.R. and the OMB cost principles applicable to the recipient/sub-recipient.

Eligibility: By law, the federal-aid highway program is a federally assisted state program that requires each state to have a suitably equipped and organized transportation department. Therefore, most projects are administered by or through State Departments of Transportation (State DOTs). Projects to be funded under the federal-aid highway program are generally selected by state DOTs or Metropolitan Planning Organizations (MPOs), in cooperation with appropriate local officials, as specified in 23 U.S.C. and implementing regulations. Territorial highway projects are funded in the same manner as other federal-aid highway projects, with the territorial transportation agency functioning in a manner similar to a state DOT. Most Federal Land Highway Program (FLHP) projects are administered by the Federal Highway Administration (FHWA) Office of Federal Lands Highway and its Divisions or by the various Florida Land Management Agencies (FLMAs). Under the FLHP, projects in the Indian Reservation Road (IRR) Program are selected by Tribal Governments and are approved by the Bureau of Indian Affairs (BIA) and the FHWA. Due to recent legislation, Tribal Governments meeting certain requirements may now administer various IRR projects on behalf of the BIA and FHWA. The Fish and Wildlife Service (FWS) and the National Park Service (NPS) select projects in the Refuge Road and Park Roads and Parkways Programs, respectively. For the Forest Highway Program, the Forest Service, the States and the FHWA jointly select projects.

Compliance Requirements Applicable to the Federal Resources Awarded Pursuant to This Agreement Are As Follows: The recipient of Local Agency Program (LAP) funding must comply with the statutory requirements in Sections 112.061, 215.422, 339.12, and 339.135, Florida Statutes, and Title 23 and Title 49, C.F.R.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA OPPOSING MODIFICATION TO FLORIDA STATUTE 316 WHICH REGULATES USE OF RED LIGHT CAMERA ENFORCEMENT; AUTHORIZING THE CITY CLERK TO TRANSMIT THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, research conducted by the National Highway Traffic Safety Administration demonstrates that running red lights and other traffic controls is the most frequent type of urban motor vehicle crash (where the crash produces an injury); and

WHEREAS, motorists are highly likely to be injured in crashes involving red light running because many such crashes involve a side impact to one of the vehicles where occupant protection is less substantial, or to pedestrians who are unprotected; and

WHEREAS, the severity of property damage due to vehicle intrusion and deformation causes enormous annual losses; and

WHEREAS, the City of Winter Park implemented red light camera enforcement in September of 2011.

WHEREAS, if F. S. 316 is amended to restrict placement of red light cameras and restrict the use of penalties, maintaining the program to improve compliance and safety may be unsustainable and an unreasonable fiscal burden on the taxpayers of Winter Park;

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

Section 1: The City Commission opposes any modification to the existing laws related to red light camera enforcement; more specifically, the modifications suggested in HB 7005.

Section 2. The City Clerk is hereby directed to transmit copies of this Resolution to the Winter Park Legislative Delegation, the Speaker of the House, the Minority Whip and the President of the Senate, the Majority Leader, the Minority Leader, the Tri County League of Cities and the Florida League of Cities.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 27th day of January, 2014.

Kenneth W. Bradley, Mayor

ATTEST:

Cynthia S. Bonham, MMC, City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ASKING THE STATE LEGISLATURE TO REPEAL FLORIDA STATUTE 386.209 WHICH PREEMPTS REGULATION OF SMOKING TO THE STATE AND TO ALLOW LOCAL GOVERNMENTS TO REGULATE SMOKING IN PARKS; AUTHORIZING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, municipalities have city parks set aside for human enjoyment and to promote the public health, safety and welfare of the citizens; and

WHEREAS, city parks are utilized for summer camps and sports such as soccer, lacrosse, baseball, football and cheerleading; and

WHEREAS, Florida Statute 386.209 denies municipalities the right to regulate smoking in public parks to prevent exposure to secondhand smoke (SHS) by non-smokers; and

WHEREAS, non-smokers who are exposed to secondhand smoke breathe in nicotine and toxic chemicals by the same route smokers do; and

WHEREAS, SHS has been linked to lung cancer. There is also evidence suggesting it may be linked to childhood leukemia and cancers of the larynx, pharynx, brain, bladder, rectum, stomach and breast; and

WHEREAS, SHS is responsible for an estimated 46,000 deaths from heart disease in non-smokers, and between 150,000 and 300,000 lower respiratory tract infections in children under 18 months of age; and

WHEREAS, the City of Winter Park believes it should be able to protect the health, safety and welfare of its residents and those who utilize its city park system;

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

Section 1. The foregoing Whereas clauses are hereby ratified and incorporate as the legislative intent of this Resolution.

Section 2. The City Commission of the City of Winter Park, Florida urges Legislators throughout the State of Florida to repeal Florida Statute 386.209 which preempts the regulation of smoking in parks to the State and to allow municipalities to regulate smoking in public parks.

Section 3. The City Clerk is hereby directed to transmit copies of this Resolution to the Winter Park Legislative Delegation, the Speaker of the House, the Minority Whip and the President of the Senate, the Majority Leader, the Minority Leader, the Tri County League of Cities and the Florida League of Cities.

Section 4. Effective date. This Resolution shall be effective immediately upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 27th day of January, 2014.

Kenneth W. Bradley, Mayor

ATTEST:

Cynthia S. Bonham, MMC, City Clerk