



# city commission agenda

## Regular Meeting

February 10, 2014  
3:30 p.m.  
Commission Chambers

commissioners				mayor	commissioners			
seat 1	Steve Leary	seat 2	Sarah Sprinkel	Kenneth W. Bradley	seat 3	Carolyn Cooper	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](http://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

<b>1</b>	<b>Meeting Called to Order</b>	
<b>2</b>	<b>Invocation</b> Pastor David Smith, First Christian Church of Winter Park <b>Pledge of Allegiance</b>	
<b>3</b>	<b>Approval of Agenda</b>	
<b>4</b>	<b>Mayor's Report</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Presentation of checks by the Winter Park Chamber of Commerce to area schools from proceeds from the December 2013 Pancake Breakfast Fundraiser.	30 minutes
	b. Presentation – Employee of the Quarter (fourth quarter of 2013) - Joe Smirti, Horticulture Specialist, Parks & Recreation Department.	
	c. "A Hero's Welcome" featured in Super Bowl XLVIII.	
	d. Board appointments: Code Enforcement Board, Civil Service Board	

<b>5</b>	<b>City Manager's Report</b>	<b>*Projected Time</b> <b>*Subject to change</b> 5 minutes
<b>6</b>	<b>City Attorney's Report</b>	<b>*Projected Time</b> <b>*Subject to change</b>
<b>7</b>	<b>Non-Action Items</b>	<b>*Projected Time</b> <b>*Subject to change</b>
<b>8</b>	<b>Citizen Comments   5 p.m. or soon thereafter</b> <b>(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)</b> (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
<b>9</b>	<b>Consent Agenda</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	<ul style="list-style-type: none"> <li>a. Approve the minutes of January 27, 2014.</li> <li>b. Approve the following purchases, contracts and award: <ul style="list-style-type: none"> <li>1. Change Order Request to Blanket Purchase Order 151308 to Duke Energy for FY14 Bulk Power (ITN-33-2010)</li> <li>2. Piggybacking Orange County Contract No. Y14-123A with Palmdale Oil Company for motor oils and lubricants, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.</li> <li>3. Piggybacking Lake County Contract No. 11-0801D with Helena Chemical for various chemicals, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.</li> <li>4. Piggybacking City of Orlando Contract No. IFB 11-003-2 with B &amp; T Woods for transmission repair and replacement, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.</li> <li>5. Award to Spies Pool, LLC, and subsequent Purchase Order or P-Card payment for RFQ-6-2014 Cady Way Pool Renovation for \$198,925.00, and authorize the Mayor to execute the contract.</li> <li>6. Renewal with Herbert/Halback, Inc. for RFQ-2-2012, Continuing Contracts for Professional, Architectural &amp; Engineering Services (Landscape Architect) and authorize the Mayor to execute Amendment 2.</li> <li>7. Renewal with Miller Legg for RFQ-2-2012, Continuing Contracts for Professional, Architectural &amp; Engineering Services (Landscape Architect) and authorize the Mayor to execute Amendment 2.</li> <li>8. Renewal with Shaw Environmental &amp; Infrastructure for RFQ-2-2012 Continuing Contracts for Professional, Architectural &amp; Engineering Services (Green Planning &amp; Engineering Services) and authorize the Mayor to execute Amendment 2.</li> <li>9. Renewal with Matern Professional Engineering, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural &amp; Engineering Services (Green Planning &amp; Engineering Services) and authorize the Mayor to execute Amendment 2.</li> </ul> </li> </ul>	5 minutes

10. Renewal with Kelly, Collins, & Gentry, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Architectural Services) and authorize the Mayor to execute Amendment 2.
11. Renewal with Southeastern Surveying and Mapping Corporation for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Surveying Services) and authorize the Mayor to execute Amendment 2.
- c. Approve the request by non-profit FM radio station (Hispanics United in Broadcasting) to place two small antennas on the City tower at 3111 Temple Trail.

<b>10</b>	<b>Action Items Requiring Discussion</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Notice of Disposal for 321 Hannibal Square, West	15 minutes
<b>11</b>	<b>Public Hearings</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. <u>Request of the City of Winter Park:</u>	
	- <b>Ordinance</b> – 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 (Relating to non-residential zoning districts and the conditions required for a special event) (2)	5 minutes
	b. <u>Request of Mr. and Mrs. Truby for the property at 612 E. Lake Sue Avenue:</u>	
	- <b>Ordinance</b> – Amending the Comprehensive Plan Future Land Use Map to establish a Single Family Future Land Use designation (2)	
	- <b>Ordinance</b> – Amending the official zoning map to establish Single Family Residential (R-1AA) District (2)	10 minutes
<b>12</b>	<b>City Commission Reports</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Commissioner Leary	
	b. Commissioner Sprinkel	
	c. Commissioner Cooper	
	d. Commissioner McMacken	
	e. Mayor Bradley	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.”

**MAYORAL APPOINTMENTS**

**Code Enforcement Board:**

***Appoint to  
Board***

**Chris Tabor** 502 Dunraven Dr. Winter Park FL 32792 407-539-2924 P.O. Box 3486 Winter Park FL 32790

**Civil Service Board:**

***Appoint to  
Board***

Term of 2014-2016 to replace Rick Frazee who resigned  
William Swartz 2020 Taylor Avenue Winter Park FL 32792 407-679-0985

Re-appoint:

Gary Brewer (term of 2014-2016)

Paula Satcher (term of 2014/2016)





# city commission **city manager's report**

item type

City Manager's Report

meeting date

February 10, 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"> <li>Working with future customers regarding connection to gravity sewer.</li> </ul>	<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	Building is substantially complete. Punch list items remain.	Building complete February 2014. Grand opening March 3 @ 10:30 a.m. SunRail complete May 2014.
Quiet Zones	Funds approved for design.	Ongoing coordination with Orlando, 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. Work on the exterior of the buildings to proceed according to project manager.	
Alfond Inn	Awaiting final drainage improvements to be implemented and parking management plan completion. (no change)	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 days.	
Capen House	The halves of the home 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	Completion may take 60 to 90 days depending on funds available from contributions.

	construction of a foundation. Plans for the foundation for the home have been approved and work will be underway soon. The Pokorny property has been restored so that the redevelopment of that home site may proceed.	
Winter Park Hospital Parking Garage	Submitted construction plans. Met with hospital representatives to discuss current and future plans and options for master plan update. Will continue to meet and discuss options.	
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
Fairbanks electric transmission and distribution undergrounding	Engineering of Duke transmission underground project is underway. Boring of test holes along Fairbanks should begin over the next couple of weeks. City of Winter Park is designing the distribution project in coordination with Duke.	Engineering and cost estimates for both the transmission and distribution projects should be complete around the end of March.

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.

**REGULAR MEETING OF THE CITY COMMISSION**  
**January 27, 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 Reverend Shawn Garvey, First Congregational Church, 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 Larry Brown  
Deputy City Clerk Michelle Bernstein

**Approval of the agenda**

Mayor Bradley requested to table Item 4F to the next meeting. **Motion made by Mayor Bradley to approve the agenda with the above change; seconded by Commissioner Cooper and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Presentation – Kathy Till, Florida League of Cities, 2014 Legislative Priorities

Florida League of Cities Advocacy Programs Coordinator Kathy Till provided a brief update on the upcoming legislative priorities including pension reform, Florida Clean Indoor Air Act, vacation rentals and red light cameras.

b. Presentation – 2013 Florida League of Cities Municipal Achievement Award honoring the city's 125<sup>th</sup> Anniversary celebration

Florida League of Cities President Dr. P.C. Wu and Councilman for the City of Pensacola presented the City with the 2013 Florida Municipal Achievement Award.

c. Presentation – Holiday window contest winners

Dori Stone, Director of Planning & Community Development announced this year's Holiday Window Contest. The People's Choice Award was given to Capricci Ricci Salon. The Design Excellence Award was given to Rocket Fizz. Winners received a plaque award and an electric utility credit.

d. Recognition of core value coin recipients

City Manager Randy Knight recognized the following employees who recently received a core value coin for their outstanding public service: Carla Bahlmann, Bruce Kern, Richard Ribar, Hector Rivera, Alex Robbins, Bruce Roberts, Eric Sorg,

Kimchi Tran, Paul Denault, Dominick Marchese, Jack Bell, Luke Dunning, Cindy Giles, Johnny Miller, Ronnie Moore, Cliff Mullins, Stephanie Wilkins, Mitch Hitt, Quan Lam, David Lanphear, Daniel Maier, Joe Smirti, Sujay Sukhadia, Terry Anderson, Robert Bouey, Barry Carson, Donald Clarke, Chris Cole, Karl Ellis, Jack Hartley, David Kramer, Earnest Logan, Peter Moore, Althea Pemsel, Felix Raudales, Keitha Rhodes, Charles Simons, Eric Sorg, Hector Williams, Alonzo Austin, Rene Camilo, Mike Downey, Jaime Gonzales, Rueben Gutierrez, Doug Lafortune, Butch Margraf, Keith Moore, Bill Newman, Andy Riley, Brian Smith, Dan Stirman, Thomas Thatcher, and Kevin Tinch.

e. 2013 Tree City Certification & Growth Award

Mayor Bradley explained that this award presentation is being postponed to a future date so that the representatives from Florida Forestry Services can attend.

f. Board appointments: Code Enforcement Board, Police Pension Board

This item has been tabled to the next meeting.

Mayor Bradley congratulated and recognized the following individuals who were honored at the Chamber's annual banquet: Jerry Warren, Janet Paul and Commissioner McMacken. He also thanked staff for their coordination efforts in making the State of the City event a great success.

**City Manager's Report**

a. Scheduling the quarterly strategic plan discussion

By acclamation, the quarterly strategic planning meeting was scheduled for April 14.

City Manager Knight acknowledged the request for discussion regarding the recent FEMA reimbursement funds received. A majority of the Commission agreed to allow City Manager Knight and Finance Director Wes Hamil to review the City's overall finances as to how these funds might best be used and report back to the Commission by April 14.

**City Attorney's Report**

City Attorney Larry Brown advised that this morning the judge dismissed the Capen House lawsuit filed by concerned citizens and his office will now schedule a separate hearing regarding the motion for sanctions.

**Non-Action Item** – No items.

### **Consent Agenda**

- a. Approve the minutes of January 13, 2014.
- 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. – **PULLED FOR DISCUSSION, SEE BELOW**
- 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. **PULLED FOR DISCUSSION, SEE BELOW**
- d. Approve the budget adjustment to spend \$10,700 to replace the fence at Pineywood Cemetery using funds from the Cemetery Trust Fund.

**Motion made by Commissioner Sprinkel to approve Consent Agenda items 'a', 'b.1-8' and 'd'; seconded by Commissioner McMacken.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda item 'b.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.

Commissioner Cooper asked if we could use this same consultant to provide an assessment as to the best location for a minor league baseball field. City Manager Knight said it would be allowed under this contract. Public Works Director Troy Attaway acknowledged the request.

**Motion made by Commissioner Cooper to approve Consent Agenda item 'b.9'; seconded by Commissioner McMacken.** Assistant City Manager Michelle del Valle answered questions pertaining to the approval process for yearly contract renewals. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda item '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.

Commissioner McMacken asked if this event should be grandfathered in since it has come before them several years in a row. City Manager Knight said the Commission has the option to add this to the annual pre-approved event list. Parks and Recreation Director John Holland acknowledged the request to have the Parks Board review the item along with other events that are happening in Central Park and provide recommendations.

**Motion made by Commissioner McMacken to approve Consent Agenda item 'c'; seconded by Mayor Bradley.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

### **Action Items Requiring Discussion**

a. Quiet zones for train horns

City Manager Knight provided background and explained that FDOT will design and construct the improvements necessary at the N. New York Avenue, Canton Avenue, and Morse Boulevard crossings using the remaining funds from the construction of our SunRail station.

The City will complete the design work for the necessary improvements at the Webster Avenue, N. Pennsylvania Avenue, Lyman Avenue, S. New York Avenue, Fairbanks Avenue, and Orlando Avenue 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 within the City are approximately \$900,000. In an effort to



accomplish quiet zones in Winter Park, City Manager Knight suggested that we use a portion of the FEMA reimbursement funds to complete the design portion of the project.

Assistant Public Works Director Don Marcotte answered questions. He spoke about the overall process, the pros/cons with placing the design services contract out for bid versus hiring a FDOT contractor and the approximate timeline for completion (nine months to one year). He also noted that the design cost is approximately 10% of the total contract or \$140,000.

**Motion made by Mayor Bradley that we implement the design work for quiet zones for the City of Winter Park and utilize either the monies left from the train station and/or the Federal funds that are available to us through our FEMA reimbursement and that the design contract at this point will not exceed \$130,000; seconded by Commissioner McMacken.** City Manager Knight answered questions relative to obtaining Federal funding assistance and if we are able to be reimbursed. 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. Request of Mr. and Mrs. Truby for the property at 612 E. Lake Sue Avenue:

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. Second Reading

Attorney Brown read the ordinance by title. A simultaneous public hearing was held on this item.

City Manager Knight responded to the Commission's inquiry regarding the City's authority regarding the overall annexation process.

**Motion made by Commissioner McMacken to adopt the ordinance; seconded by Mayor Bradley.** 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.**

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. First Reading

Attorney Brown 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.**

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. First Reading

Attorney Brown 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.**

- b. ORDINANCE NO. 2949-14: 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. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Sprinkel to adopt the ordinance; 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.**

- c. Request of Lakeside Winter Park LLC for property at 111 N. Orlando Avenue: 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.

Planning Manager Jeff Briggs explained that the City Commission previously 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 whereby the City Commission approved that amendment. At

this time, the developer has a specific tenant for that building; however, they need 7,000 sq. ft. for their business thus the reason for this request. Mr. Briggs advised that the P&Z Board voted unanimously to deny this request at their January 7 meeting.

Commission discussion ensued regarding the current parking code and if it needs to be revised to address average parking usage for certain types of businesses.

Commissioner Cooper explained her opposition is because this request violates our current parking code. **Motion made by Commissioner Cooper to support the Planning & Zoning Boards denial of this request, seconded by Commissioner McMacken.** Commissioner McMacken explained that the Commission previously granted them a lakefront setback and landscape variance and that he is not comfortable granting a 10% variance at this time.

Sarah Whitaker, 1028 W. New Hampshire Street, spoke in opposition to the request.

Art Wellington, representing applicant Unicorp National Development, Inc., asked for a continuance for a short period of time to allow Chuck Woodall, President of Unicorp National Development, Inc. time to arrive.

**By acclamation, this item was tabled (approximately 30 minutes) to allow the applicant to arrive and present the item.**

Upon arrival, applicant Chuck Woodall, Unicorp Development, Inc., provided a brief PowerPoint illustrating the revisions to the site development and parking lot due to a recent tenant change to accommodate a Blue Cross/Blue Shield Urgent Care Facility instead of a branch bank.

Upon request, Mr. Briggs clarified that the parking code requirements for medical usage would require an additional seven parking spaces in addition to what Mr. Woodall is asking for. Attorney Brown responded to the inquiry as to what the next steps would be if the applicant wished to withdraw his current application.

Following a brief discussion, Mr. Woodall withdrew his application. Commissioners Cooper and McMacken withdrew their motion.

d. Request of the City of Winter Park:

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. First reading

Attorney Brown read the ordinance by title.

Building Director George Wiggins 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 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 which could potentially cause confusion as to the two events.

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. The ordinance as revised by our Planning & Zoning Board 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. Mr. Wiggins stated that since the rules for "special events" are in the zoning code, the P&Z Board can make recommendations. On January 7 the P&Z board voted unanimously to approve.

**Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Cooper.**

Mr. Wiggins answered questions including the overall permitting process for special events and potential adverse impacts if this ordinance was passed. Commissioner McMacken explained it is his understanding that a certain entity is wishing to piggyback on two of our premier art festival events and shared his support of the ordinance. Upon request, Attorney Brown provided legal counsel.

John King, Winter Park Art Festival, 507 N. New York Avenue, spoke in favor.

Terrance Barter, 851 W. Webster Avenue, spoke in opposition due to the 30 day window being too short of a timeframe.

Mayor Bradley inquired as to whether or not the City could limit the number of yearly special events. Attorney Brown stated that he would like to research the matter and bring back his findings. He said it would be best to define the blackout period and possibly further restrict other special events in terms of crowd size and other issues that are content neutral.

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

**Public Comments (5:00 p.m.)**

Joan Cason, 1915 Woodcrest Avenue, spoke about trees that have been cut down at the post office and asked if they are going to be replaced. City Manager Knight said he will look into this matter.

### **Public Hearings - continued**

- e. RESOLUTION NO. 2131-14: 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.

Attorney Brown read the resolution by title.

**Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner Cooper.** No public comments were made. City Manager Knight acknowledged the Commission's request to forward information regarding the remaining funds to be used for the plug-ins. **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.**

- f. RESOLUTION NO. 2132-14: 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).

Attorney Brown read the resolution by title.

**Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Sprinkel.**

Public Works Director Troy Attaway explained the intent of the resolution and answered questions. Commission comments included to do a tree survey prior to sidewalk installation and that a tree route friendly trail possibly be provided.

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.**

- g. RESOLUTION NO. 2133-14: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA OPPOSING MODIFICATION TO FLORIDA STATUTE 316.0083 WHICH REGULATES USE OF RED LIGHT CAMERA ENFORCEMENT; AUTHORIZING THE CITY CLERK TO TRANSMIT THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Brown read the resolution by title.

**Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Leary.**

City Manager Knight acknowledged the request to provide additional data/back-up information regarding red light camera usage.

David Leavitt, 1000 Ridge Point Cove, spoke in opposition.

Gary Becker, 3176 Farland Drive, spoke in opposition and provided the Deputy City Clerk with backup documentation to support his stance.

Attorney Brown explained that the citation is a civil matter and provided legal counsel.

**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.**

- h. RESOLUTION NO. 2134-14: 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

Attorney Brown read the resolution by title. **Motion made by Mayor Bradley to adopt the resolution; 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.**

**City Commission Reports:**

- a. Commissioner Leary – No items.

- b. Commissioner Sprinkel

Commissioner Sprinkel announced the SunRail update meeting being held by the Winter Park Chamber of Commerce this Thursday at 8:00 am at the Alford Inn.

- c. Commissioner Cooper

Commissioner Cooper spoke about Ms. Till's earlier comments regarding the regulation of vacation rentals and felt that it would be advantageous to have our City Attorney look into this matter and provide recommendations/feedback. No formal action was taken.



d. Commissioner McMacken

Commissioner McMacken said he was very impressed with the Chamber of Commerce award ceremony this past weekend and that it was a great event.

e. Mayor Bradley

Mayor Bradley announced that our golf course will be 100 years old this year and looks forward to celebrating its Centennial. City Manager Knight acknowledged the request to have staff assist the organization that is handling this event.

Mayor Bradley said Winter Park may or may not be featured on Sunday night and asked for permission to send out an email the day after saying "Doesn't Winter Park look great".

The meeting adjourned at 6:01 p.m.

---

Mayor Kenneth W. Bradley

ATTEST:

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City Clerk Cynthia S. Bonham



# city commission agenda item

item type	Consent Agenda	meeting date	February 10, 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	

## Purchases over \$50,000

vendor	item   background	fiscal impact	motion   recommendation
Duke Energy	Increase to Blanket Purchase Order 151308 for Bulk Power for first quarter (ITN-33-2010)	Total expenditure for increase included in approved FY14 budget. Amount: \$295,000.00	Commission approve Change Order Request to Blanket Purchase Order to Duke Energy for FY14 Bulk Power
The City utilized a competitive formal solicitation process to award this contract. The City Commission approved this contract and blanket purchase order on October 14, 2013.			

## Piggyback contracts

vendor	item   background	fiscal impact	motion   recommendation
Palmdale Oil Company	Piggyback Orange County Term Contract for Motor Oils and Lubricants, Contract No. Y14-123A.	Total expenditure included in approved FY14 budget in the amount of \$42,000.	Commission approve piggybacking Orange County Contract No. Y14-123A, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.
Orange County utilized a competitive bidding process to award this contract. The contract term expires on November 21, 2014.			
Helena Chemical	Piggyback Lake County Term Contract for Various Chemicals, Contract No. 11-0801D.	Total expenditure included in approved FY14 budget.	Commission approve piggybacking Lake County Contract No. 11-0801D, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.
Lake County utilized a competitive bidding process to award this contract. The contract term expires on January 31, 2015.			
B & T Woods	Piggyback City of Orlando contract for Transmission Repair and Replacement	Total expenditure included in approved FY14 budget.	Commission approve piggybacking City of Orlando Contract No. IFB 11-003-2, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.
City of Orlando utilized a competitive bidding process to award this contract. The contract term expires on November 30, 2014.			

## Contracts

	vendor	item   background	fiscal impact	motion   recommendation
	Spies Pool, LLC	RFQ-6-2014 Cady Way Pool Renovation	Total expenditure included in approved FY14 budget. Amount: \$198,925.00	Commission approve award to Spies Pool, LLC, subsequent Purchase Order or P-Card payment, and authorize the Mayor to execute the contract.
The City utilized a formal solicitation process to award this contract.				
	Herbert/ Halback, Inc.	Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Landscape Architect)	Total expenditure included in approved FY14 budget.	Commission approve contract renewal with Herbert/Halback, Inc. 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 Herbert/Halbert, Inc. on March 12, 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 March 11, 2014.				
	Miller Legg	Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Landscape Architect)	Total expenditure included in approved FY14 budget.	Commission approve contract renewal with Miller Legg 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 Miller Legg on March 12, 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 March 11, 2014.				
	Shaw Environmental & Infrastructure	Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Green Planning & Engineering Services)	Total expenditure included in approved FY14 budget.	Commission approve contract renewal with Shaw Environmental & Infrastructure 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 Shaw Environmental on March 25, 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 March 24, 2014.				
	Matern Professional Engineering, Inc.	Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Green Planning & Engineering Services)	Total expenditure included in approved FY14 budget.	Commission approve contract renewal with Matern Professional Engineering, Inc. 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 Matern Professional on March 25, 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 March 24, 2014.				

	Kelly, Collins, & Gentry, Inc.	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 Kelly, Collins, & Gentry, Inc. 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 Kelly, Collins, & Gentry, Inc. on March 25, 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 March 24, 2014.				
	Southeastern Surveying and Mapping Corporation	Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Surveying Services)	Total expenditure included in approved FY14 budget.	Commission approve contract renewal with Southeastern Surveying and Mapping Corporation 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 Southeastern Surveying and Mapping Corporation on March 25, 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 March 24, 2014.				



# city commission agenda item

item type	Consent Agenda	meeting date	February 10, 2014
prepared by department division	George Wiggins Building & Permitting	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 type="checkbox"/> N/A final vote		

## **Subject:**

Request by non-profit FM radio station to place antenna on City tower at 3111 Temple Trail

## **Motion | Recommendation:**

Approve the request and authorize the City Manager to negotiate and enter into a contract.

## **Background:**

The City has a 140' communication tower under a license agreement with Sprint (managed by Crown Castle International) at the Police Training Facility at 3111 Temple Trail with several carriers from which we receive monthly lease payments. A non-profit radio station has approached the City asking permission to place their two small 31 inch antennas on the tower to serve their broadcasting needs in the Winter Park area. The tower is 140 feet in height and a space is available near the top of the tower. We have a small 6' whip antenna at the top of the tower and would propose that the radio station locate their antenna at approximately 135 feet, and we will collect a rent of \$700 per month. Our IT department who placed our 6' antenna several years ago sees no problem with placement of this new antenna, and our license agreement will include the standard non-interference clause for all carriers on the tower as well as our antenna.

The radio station will broadcast 24 hours a day and has offered to serve the City by providing public service announcements, calendar of events, emergency management communication as well as the ability to have the Mayor and Commissioners on a weekly radio broadcast if we so choose. Additional backup information has been provided by the radio station in this packet.

## **Alternatives | Other Considerations:**

Decline the request to lease tower space.

## **Fiscal Impact:**

Positive fiscal impact from funds collected in license agreement.





# **Hispanics United In Broadcasting**

**Serving Our Community One Listener At a Time**

**January 20<sup>th</sup>, 2014**

**City Of Winter Park  
401 South Park Avenue  
Winter Park, FL 32789**

**Esteemed Members Of The Commission:**

**Hispanics United In Broadcasting would like to thank the City Of Winter Park for the opportunity to present our vision and plans to bring a Non-Commercial Low Power FM Radio Station to this area.**

**Serving the Community of Central Florida since February 2012, registered and incorporated April 5th, 2013 in the State of Florida, Hispanics United In Broadcasting amplifies the voices of residents and community leaders alike. Further, Hispanics United In Broadcasting partners with entities to afford institutional knowledge and other resources to the community; these efforts utilize radio broadcasting to deliver forums for issues and in the process further the goals of the community.**

**In accordance with FCC Rules and Regulations, we will provide full and complete local programming within the proposed local presence area 24 hours per day, 7 days a week from a studio located in Winter Park, FL. We are currently located in Casselberry. However, once approval from the City Of Winter Park is obtained, we will begin construction of our studios in your city, as we would like to have a local presence in the city we are broadcasting from.**

**Our proposal includes programming initiatives, which would serve the City Of Winter Park with a local radio presence to get its message out in the form of Public Service Announcements, Weekly Radio Shows, Calendar Of Events, and Emergency Management Communication.**

**Hispanics United In Broadcasting once again thanks the City for its time and hopes to work together in the near future.**

**Sincerely,**

**Suhai M. Sanchez  
President  
Hispanics United In Broadcasting, Inc.**

**Hispanics United In Broadcasting, Inc.  
1729 Grand Rue Drive  
Casselberry, FL 32707**

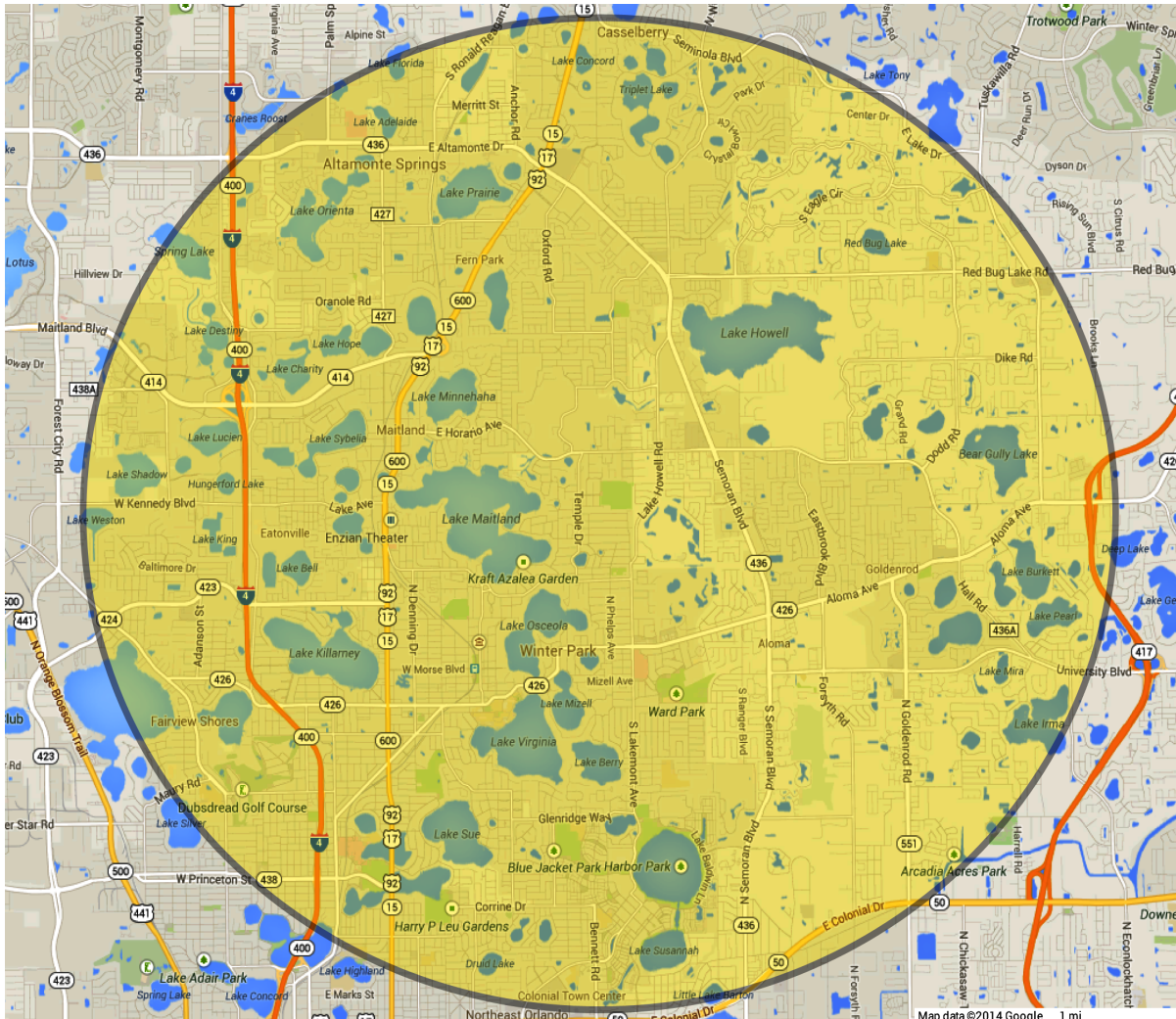




# Hispanics United In Broadcasting

Serving Our Community One Listener At a Time

## 92.7 FM Predicted Coverage Map Transmitting From 3111 Temple Trail Tower



**Hispanics United In Broadcasting, Inc.**  
**1729 Grand Rue Drive**  
**Casselberry, FL 32707**



# **Hispanics United In Broadcasting**

**Serving Our Community One Listener At a Time**

## **What Is A Low Power FM (LPFM)**

**The FCC launched the low power FM service in 2000 as an effort to provide more localism to the terrestrial airwaves. The service is entirely commercial-free, and licenses were only granted to nonprofit organizations. A low power FM license is a “non-commercial-educational” license, which means the station must have an educational mission.**

**Low power FM stations can operate at a maximum power of 100 watts, which generally provides solid coverage 3.5 aerial miles in each direction, and reach radios up to 10 miles away.**

**LPFM stations work closely with local law enforcement officials and emergency service responders to save lives and help rebuild communities following natural disasters and can focus on local public safety needs. LPFM stations do what mega-radio networks cannot: provide local news and meet local needs.**

**Low power FM stations air a diversity of programming, including music, news, public affairs, etc. You cannot air paid advertisements, but you can engage in underwriting, which allows you to accept donations from listeners.**

**A prime example an Educational station is PBS, except in this case it's on Radio.**

**Hispanics United In Broadcasting, Inc.  
1729 Grand Rue Drive  
Casselberry, FL 32707**



# **Hispanics United In Broadcasting**

**Serving Our Community One Listener At a Time**

## **Educational And Informational Programming Segment**

**Our Station will provide a vast amount of Educational and informative Programs over the airwaves.**

**Hispanics United In Broadcasting would like to give the City Of Winter Park and its Public Officials to a medium to inform and enlighten our listeners with weekly Radio Programs, Daily Public Service Announcements, and Emergency Management information.**

**Some of our proposed segments include:**

**Mayor Of Winter Park Weekly Radio Show**

**Weekly programs on community issues, topics, and concerns**

**Weekly programs covering health-related issues**

**Local high school sporting events**

**Public Service Announcements**

**Weekly or biweekly programming led by Community Leaders and Voices**

**Fire safety and medical emergency information**

**Community Calendar and Event announcements**



**Hispanics United In Broadcasting, Inc.  
1729 Grand Rue Drive  
Casselberry, FL 32707**



# **Hispanics United In Broadcasting**

**Serving Our Community One Listener At a Time**

## **Our Proposed Music Programming Segment**

**In addition to providing Winter Park's Adult Population with our educational and informational segments, we will also air an Adult Standards Format, which caters to adult listeners ages 45 and older . The City Of Winter Park's population as of the 2010 Census estimated that 50% of the population is at least 45 years or older.**

**Our Target audience is aimed at the upper end of the Baby Boomer generation. Programming will consist of music from the 60's, 70's, 80's and early 90's featuring artists such as:**

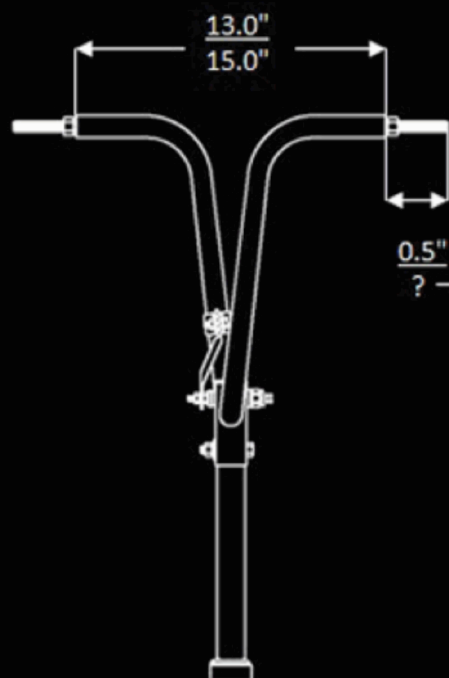
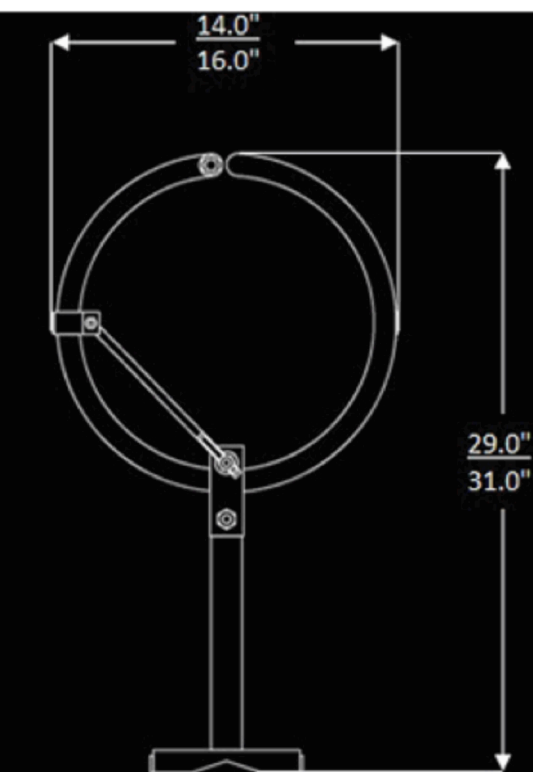
**Frank Sinatra  
Tony Bennett  
Neil Diamond  
The Carpenters  
Lionel Richie  
Dionne Warwick**

**The Beatles  
Barry Manilow  
Celine Dion  
Carly Simon  
Michael Buble  
Diana Krall**



**Hispanics United In Broadcasting, Inc.  
1729 Grand Rue Drive  
Casselberry, FL 32707**

**92.7 Low Power Educational FM  
FM Antenna Dimensions  
Net Weight: 9 LBS  
Wind Load: 25 LBS  
Antenna Brand & Model Number: SWR FM1**



$\frac{0.5''}{?}$  → **NOTE:**

**Minimum:** 0.5" to accommodate clamping nut and probe.

**Maximum:** (?) Varies according to frequency. "Should not" exceed 6"





# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	February 10, 2014
prepared by department division	Dori Stone Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	CRA Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

## Subject: Notice of Disposal for 321 Hannibal Square, West.

Pursuant to the Notice of Disposal, City Commission approval is requested of a proposed land swap with Morney Partnership, Ltd. of the city property at 321 Hannibal Square, West (south 34 feet of Lot 16, Block 50) for the property at 325 S. Pennsylvania Avenue (south 30 feet of Lots 5 & 6, Block 53), subject to the Morney Partnership covering all closing costs.

## Background:

On December 9, 2012 following a positive recommendation by the CRA Advisory Board, the City Commission authorized staff to proceed with advertisement and solicitation of proposals for the potential disposal of 321 Hannibal Square, West. This property is the 34 feet of unused vacant land (grass yard) south of the Heritage Center. The Notice for Disposal was advertised on December 26, 2012 and one proposal was received by the deadline on January 28<sup>th</sup>.

The proposal from the Morney Partnership proposes a land swap with the City of this 34 feet of vacant land in return for the south 30 feet of the adjacent parking piazza which they own, at 325 S. Pennsylvania Avenue, which holds 12 parking spaces. The balance of the parking piazza is owned by the City and this would unify the ownership of the parking piazza entirely with the City. The acquisition of the city land by the Morney Partnership, who also owns the adjacent 35 feet of vacant land on the corner of Hannibal Square, West and Douglas Avenue would allow that combined property to become a buildable residential lot.

At their meeting on January 10, 2010 the City Commission previously reviewed the purchase of the same 30 feet of the parking piazza for \$60,000 using CRA dollars. Due to issues regarding funding, approvals and possible deed restrictions, the sale was not completed. (see agenda item and minutes attached) While the 12 parking spaces on this 30 feet are technically required parking for the "Dexters" building, the City staff believes there is value in the City owning the entire parking piazza, both to control the parking operations and also to use it for special events. The value of the city land to be swapped has been estimated at \$43,000 but placing an exact value on a property that in and of itself is unbuildable is difficult. The City has no planned use of the 34 feet next to the Heritage Center, to be swapped.



### **Alternatives | Other Considerations:**

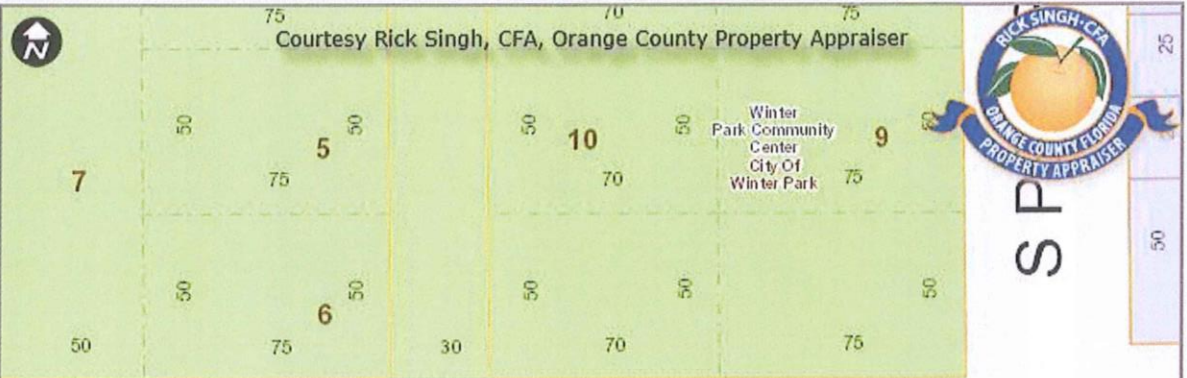
It is not surprising that the City received only one proposal. The 34 feet of city land is not buildable, in and of itself, so only the adjacent owner would be interested. Thus, there are not any other realistic alternatives except to keep the land for any future expansion of the Heritage Center, which is not contemplated at this time.

### **Fiscal Impact:**

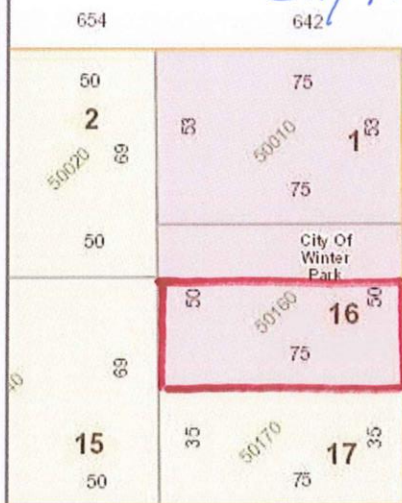
With the condition of approval, recommended by staff, that the Morney Partnership cover all closing costs, there is no fiscal impact to the City. The south 30 feet of the parking piazza comes off the tax rolls but the 34 feet of city land goes on the tax rolls.

# OCPA Web Map

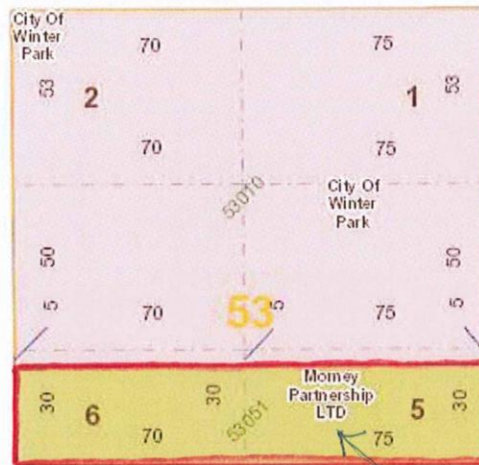
	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks	6	Lot Number
	Public Roads		Brick Road		Agriculture		Agricultural Curtilage		Lakes and Rivers	06060	Parcel Number
	Gated Roads		Block Line		Commercial/Institutional		Hydro		Building	3106	Parcel Address
	Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land	E	Block Number	111.9	Parcel Dimension



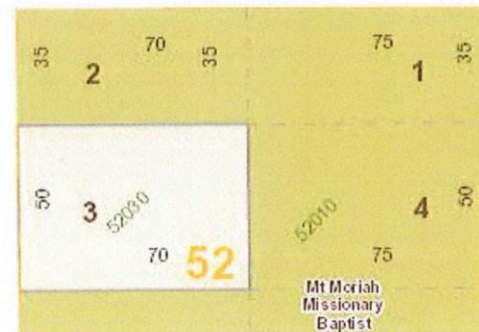
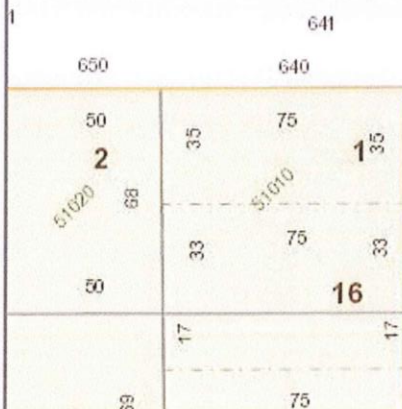
*City Property*



HANNIBAL SQ W



DOUGLAS AVE

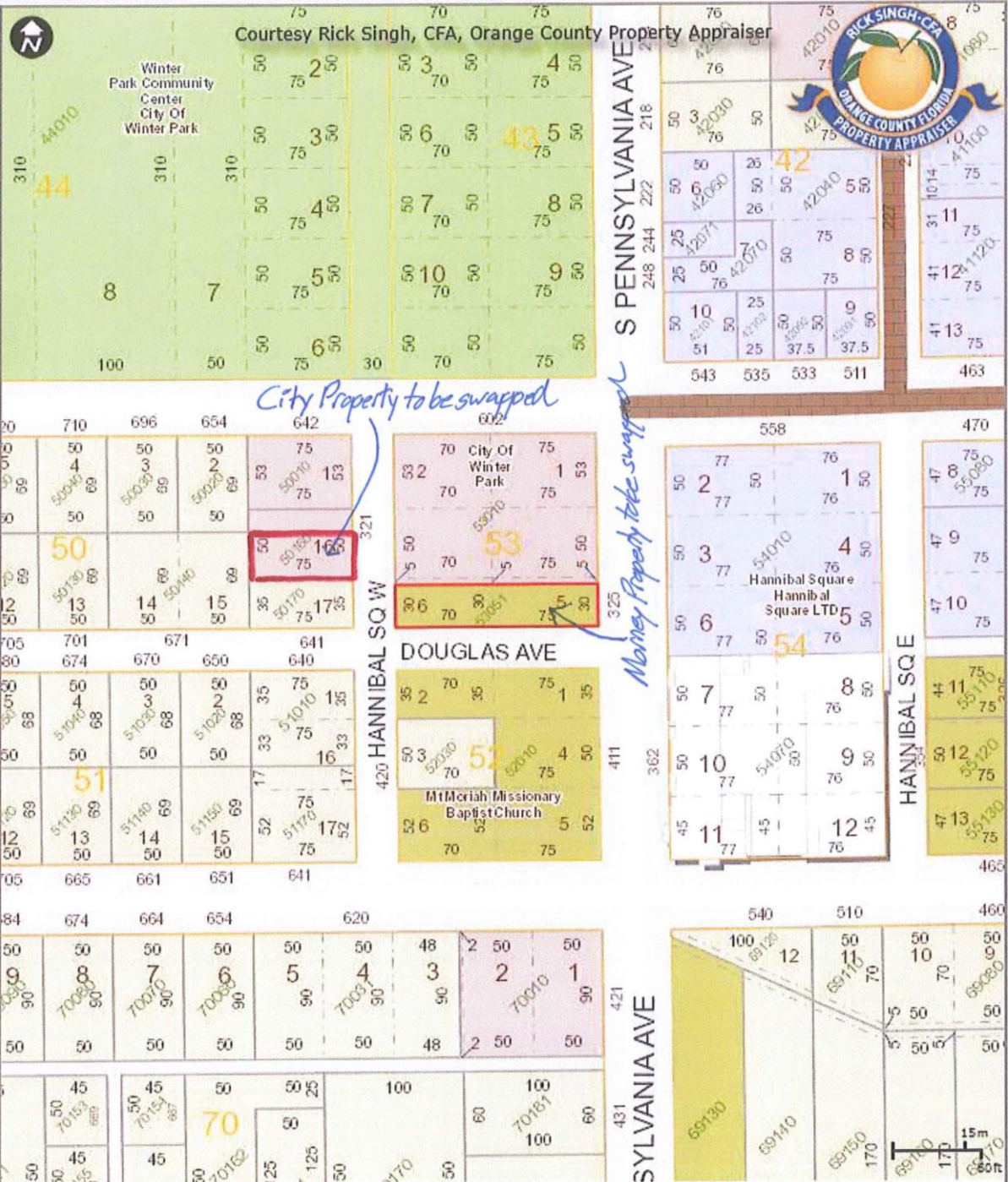
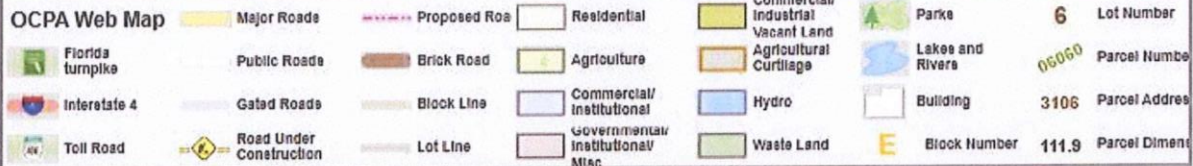


Created: 1/28/2014

This map is for reference only and is not a survey.



# OCA Web Map



This map is for reference only and is not a survey.

01-07-14A10:34 RCVD

January 6, 2014

Mr. Jeff Briggs  
C/o Office of City Clerk  
401 Park Avenue South  
Winter Park, FL 32789

RE: Notice of Intent to dispose of property at 321 Hannibal Square West  
Winter Park, FL 32789

Morney Partnership, Ltd proposes to trade the city of Winter Park for the south 34 feet of Lot 16, Block 50, revised map of the town of Winter Park as recorded in plat book A, pages 67-72 of the public records of Orange County, Florida being a portion of Tax Parcel Identification number: 05-22-30-9400-50-160

In exchange for:

The south 30 feet of Lots 5 and 6, Blk 53 town of Winter Park plat book A, page 67 and plat book B, page 86 and misc. book 3, page 220 of the Public Records of Orange County, Florida. Tax Parcel Identification Number: 05-22-30-9400-53-051, currently owned by Morney Partnership, Ltd. This is an improved twelve (12) space parking lot.

Upon the receipt of the fee simple interest of the cities portion of Lot 16, Block 50 as described above and per the attached sketch of description. Morney Partnership, Ltd will make application to combine this parcel with the adjacent Lot 17, Blk 50 Parcel Identification Number: 05-22-30-9400-50-170, also already owned by Morney Partnership, Ltd.

Morney Partnership, Ltd proposes to develop the newly combined parcel in a residential concept supportive of the Hannibal Square redevelopment efforts currently underway.

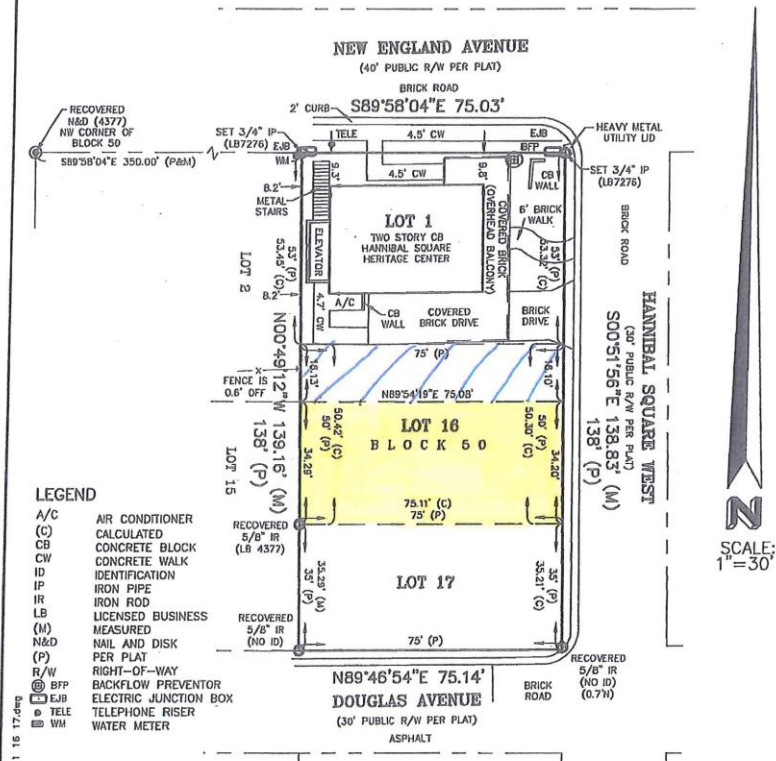
Sincerely,



Morney GP Corporation  
Sydney M. Bellows  
President



DESCRIPTION:  
LOTS 1, 16 AND 17, BLOCK 50, REVISED MAP OF THE TOWN OF WINTER PARK, ACCORDING TO THE  
PLAT THEREOF, RECORDED IN PLAT BOOK "A", PAGES 67-72, PUBLIC RECORDS OF ORANGE COUNTY,  
FLORIDA.



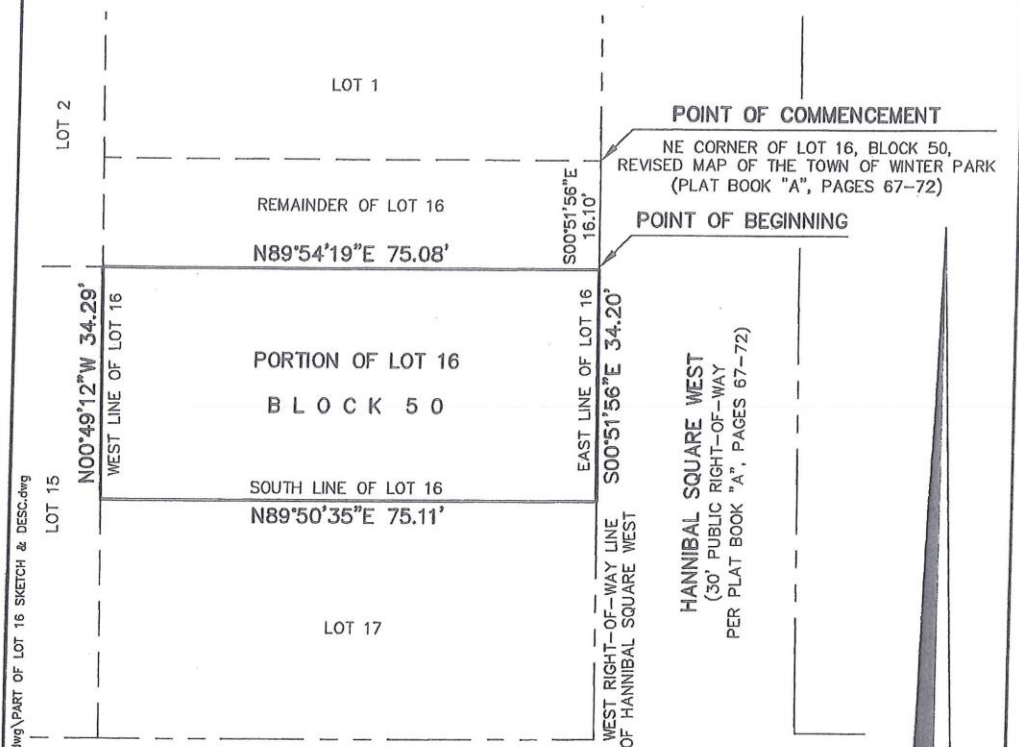
1. The lands as shown here lie within Section 5, Township 22 S., Range 30 E., Orange County, Florida.
2. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
3. All underground improvements or underground foundations have not been located except as noted.
4. This survey does not reflect or determine ownership.
5. All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
6. No title data has been provided to this surveyor unless otherwise noted.
7. Bearings shown hereon are related relative to the North line of Lot 1, said bearing being S89°58'04"E.
8. According to the Federal Insurance Rate Map, this property lies in Zone "X", Community Panel number 12095C0255 F, Dated: 9/25/2009.

Job No:	E-9078
Field Date:	4/9/13
Drawn By:	ADA
Field By:	WKP
Scale:	1"=30'

THIS SURVEY ~~SHALL~~ <sup>IS</sup> VALID ~~ONLY~~ <sup>ONLY</sup> ON THE COPIES THEREOF, ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

  
William F. Menard  
Professional Surveyor & Mapper  
Florida Registration #5625

**SKETCH OF DESCRIPTION**  
(THIS IS NOT A SURVEY)



**SURVEYOR'S REPORT:**

1. The lands as shown hereon lie within Section 5, Township 22 S., Range 30 E., Orange County, Florida.
2. All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
3. No title data has been provided to this surveyor unless otherwise noted.
4. Bearings shown hereon are assumed relative to the West right-of-way line of Hannibal Square West; said bearing being S00°51'56"E.

SCALE:  
1"=20'

SHEET 2 OF 2

**HLSM LLC**  
Henrich-Luke-Swaggerty-Menard  
Professional Surveyors & Mappers  
165 Middle Street, Suite 1101  
Lake Mary, Florida 32746  
P. (407) 647-7346  
F. (407) 647-8097  
WWW.FloridaLandSurveyor.com  
Licensed Business No. 7276

Job No: E-9078  
Date: 5/30/2013  
Drawn By: ADA  
Scale: 1"=20'

NOT VALID WITHOUT THE SIGNATURE AND THE  
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED  
SURVEYOR AND MAPPER.

SEE SHEET 1 OF 2  
FOR SIGNATURE & SEAL

**Notice of Intent to Dispose of Property at**  
**321 Hannibal Square W., Winter Park, Florida**

The City of Winter Park, Florida, on behalf of the City of Winter Park CRA Agency, intends to accept offers for the disposition of the City's property generally located at 321 Hannibal Square West, Winter Park, Florida, 32789. The specific property to be disposed of, is the South 34 feet of Lot 16, Block 50, Revised Map of the Town of Winter Park as recorded in Plat Book "A", Pages 67-72 of the Public Records of Orange County, Florida, being that portion of Tax Parcel Identification Number, 05-22-30-9400-50-160. The property is zoned R-1A. The City is interested in disposing of this property in return for a commitment to redevelop the site within the Community Redevelopment Area (CRA) and other consideration as may be proposed.

The CRA is obligated to devote such real property only to the uses specified in the Community Redevelopment Plan and demonstrate that the proposed activity will serve to prevent the reoccurrence of blight.

Respondents must indicate in writing the offer and consideration proposed for the acquisition of the South 34 feet of Lot 16, Block 50 and indicate the anticipated use of the property if acquired. All offers and proposals must be made contingent upon the payment of all closing costs incurred by both parties. Sealed proposals, 1 original and 5 copies, shall be delivered to the Office of the City Clerk, in City Hall, 401 Park Avenue South, Winter Park, Florida 32789 on or before Tuesday, January 28, 2014 at 10:00 A.M. or they will not be considered. It is the sole responsibility of the respondent to see that the company or individual's proposal is in the hands of the City, stamped and dated by personnel in the Clerk's office before the due date and time indicated herein.

It is the respondent's responsibility to be sure that all information submitted is correct and complete and that the requirements for the proposal have been met. Failure to do so may cause the proposal to be rejected from consideration. The City reserves the right to accept or reject any or all proposals, in part or in total, as deemed in the best interests of the City. The City accepts no responsibility for any costs incurred during the preparing or presenting of the proposals. All proposals must be submitted in writing; no FAX or telephone proposals will be accepted. ALL PROPOSALS MUST BE MARKED ON THE OUTSIDE OF THE ENVELOPE WITH THE PROPOSAL NAME AND THE TIME AND DATE OF THE OPENING.

This public notice complies with Florida Statutes Section 163.380. Further information is available in the Planning and Community Development Office at City Hall and by calling the Director at 407-599-3665. The notice of the CRA's ultimate disposition of the subject real property to a specific party, and the terms and conditions of the disposition will be made at a duly noticed public meeting.

/s/: Cynthia Bonham, MMC, City Clerk

**ACTION ITEM REQUIRING DISCUSSION**

**DATE: JANUARY 11, 2010**

**SUBJECT: PURCHASE OF THE REMAINING PORTION OF THE PARKING  
PIAZZA**

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**PROPOSED ACTION:** The City Commission has been asked by the Hannibal Square Ltd. to formally decide whether to purchase the remaining portion of the parking piazza for \$65,000.

**BACKGROUND:** The City owns approximately 80% of the public parking lot (parking piazza) on New England and Pennsylvania Avenues. Hannibal Square Ltd. owns the southern 30 feet of that parking lot and has 12 private parking spaces on that property. The City Commission has received an unsolicited offer to sell all of that property for \$65,000 unifying the entire parking lot in public ownership.

Staff has talked with two appraisers who have told the City that it is close to impossible to find other comparable sales where someone has sold a portion of an existing parking lot. However, they have also said that for the purposes of appraising improvements on properties, they typically assign a value of \$5,000 per parking space. So that would be in the same \$60,000 range as the suggested offer.

The property is now zoned multi-family (R-3) with a conditional use for parking. If this were a stand-alone R-3 lot, that could be used for duplex, then again the \$60,000-\$65,000 price is in line with expected values.

The City will not gain any parking with this purchase. However, there is value to having public ownership of this entire parking lot in order to use it as the City desires for special events, etc.

**STAFF RECOMMENDATION:** Staff recommendation is for approval of the \$65,000 purchase. Technically, the City Commission would need to approve this purchase as the CRA governing board since it is anticipated that CRA funds will be used for this purchase. Staff seeks direction to move forward on this purchase as a CRA action item.



**City Commission Minutes Excerpt:**  
**January 11, 2010**

**Action Items Requiring Discussion:**

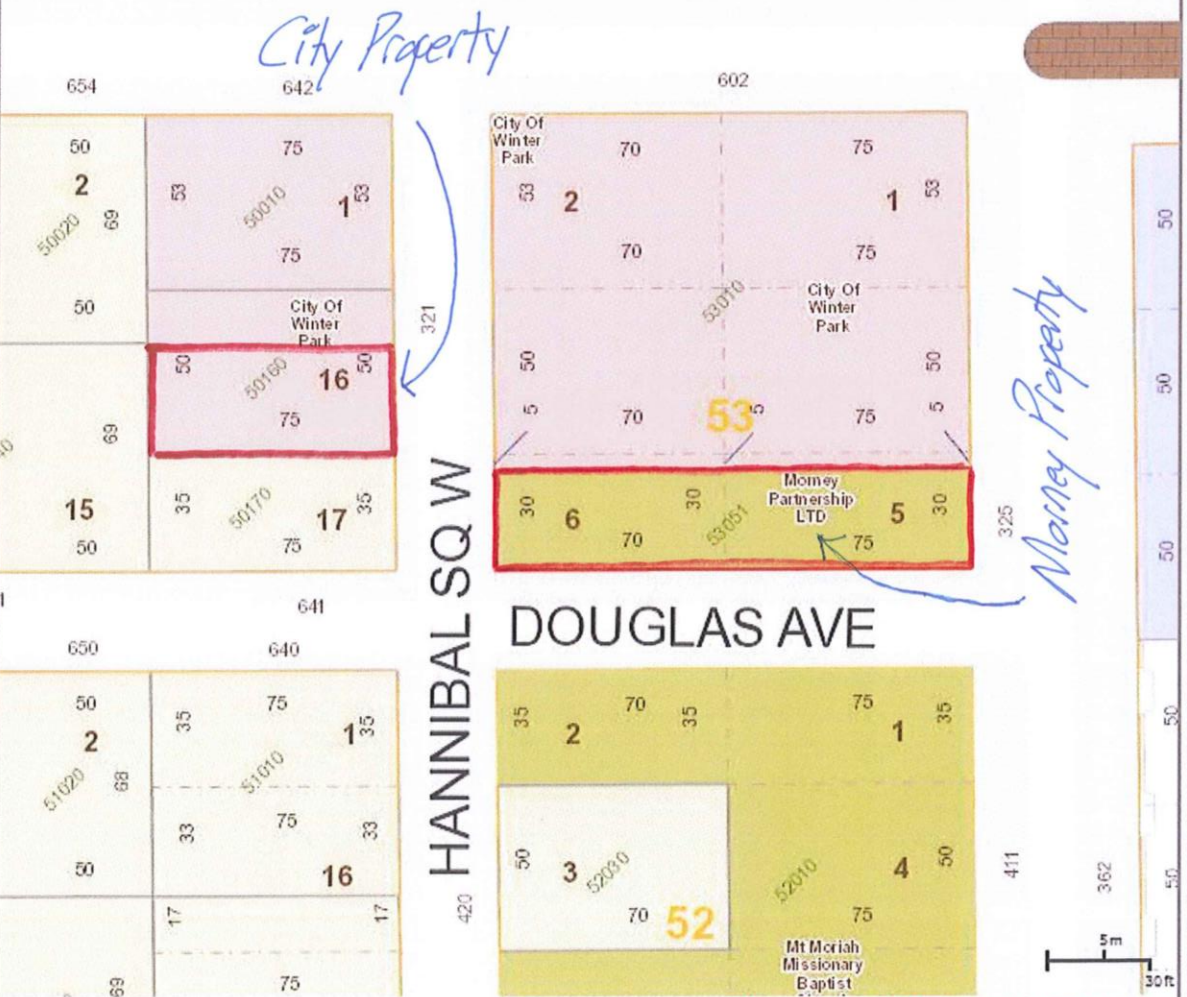
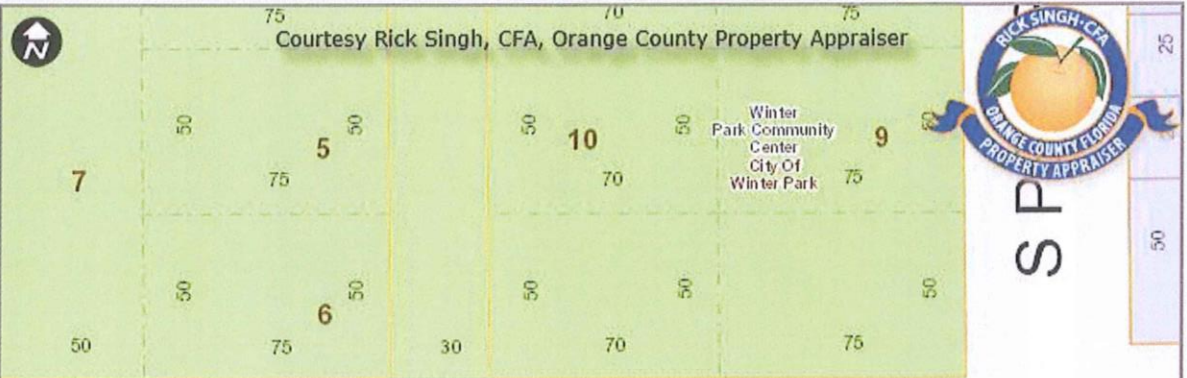
- a) Purchase of the remaining portion of the parking piazza on New England and Pennsylvania Avenues

Planning Director Briggs explained the benefits of purchasing this property located across from Dexter's. He explained that the southern 30 feet (south 12 parking spaces) are owned by St. Michael's LTD who has offered the sale of the spaces to the City. He explained it would cost \$60,000-\$65,000 for the 12 parking spaces with funding to come from CRA funds. No public comments were made.

After questions were posed by the Commission, a **motion made by Commissioner Dillaha to approve the purchase of the remaining portion of the parking piazza for \$60,000; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.**

# OCPA Web Map

	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks	6	Lot Number
	Public Roads		Brick Road		Agriculture		Agricultural Curtilage		Lakes and Rivers	06060	Parcel Number
	Gated Roads		Block Line		Commercial/Institutional		Hydro		Building	3106	Parcel Address
	Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land	E	Block Number	111.9	Parcel Dimension

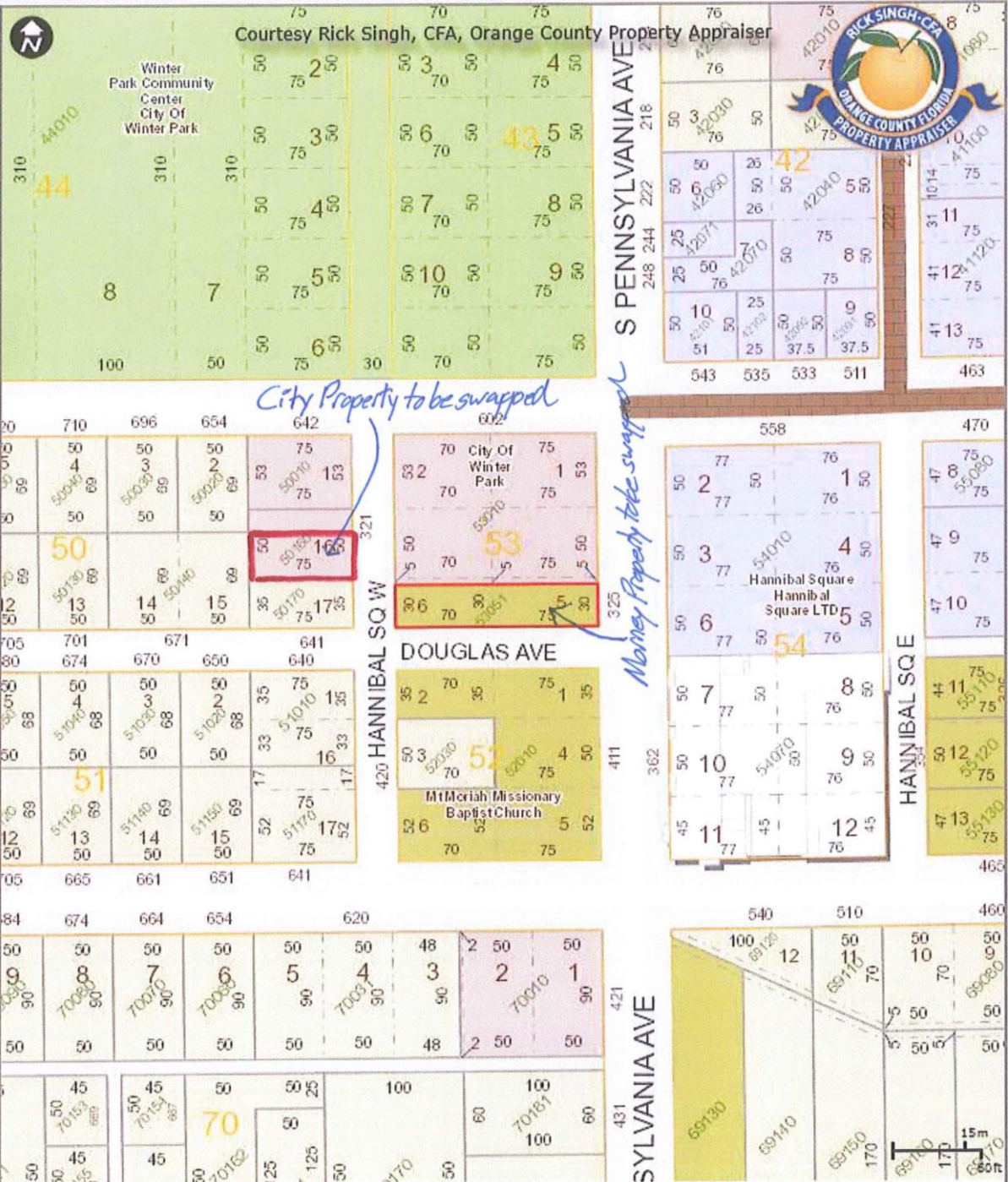
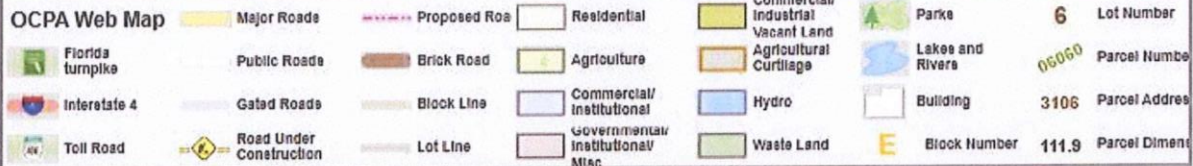


Created: 1/28/2014

This map is for reference only and is not a survey.



# OCA Web Map



This map is for reference only and is not a survey.

01-07-14A10:34 RCVD

January 6, 2014

Mr. Jeff Briggs  
C/o Office of City Clerk  
401 Park Avenue South  
Winter Park, FL 32789

RE: Notice of Intent to dispose of property at 321 Hannibal Square West  
Winter Park, FL 32789

Morney Partnership, Ltd proposes to trade the city of Winter Park for the south 34 feet of Lot 16, Block 50, revised map of the town of Winter Park as recorded in plat book A, pages 67-72 of the public records of Orange County, Florida being a portion of Tax Parcel Identification number: 05-22-30-9400-50-160

In exchange for:

The south 30 feet of Lots 5 and 6, Blk 53 town of Winter Park plat book A, page 67 and plat book B, page 86 and misc. book 3, page 220 of the Public Records of Orange County, Florida. Tax Parcel Identification Number: 05-22-30-9400-53-051, currently owned by Morney Partnership, Ltd. This is an improved twelve (12) space parking lot.

Upon the receipt of the fee simple interest of the cities portion of Lot 16, Block 50 as described above and per the attached sketch of description. Morney Partnership, Ltd will make application to combine this parcel with the adjacent Lot 17, Blk 50 Parcel Identification Number: 05-22-30-9400-50-170, also already owned by Morney Partnership, Ltd.

Morney Partnership, Ltd proposes to develop the newly combined parcel in a residential concept supportive of the Hannibal Square redevelopment efforts currently underway.

Sincerely,

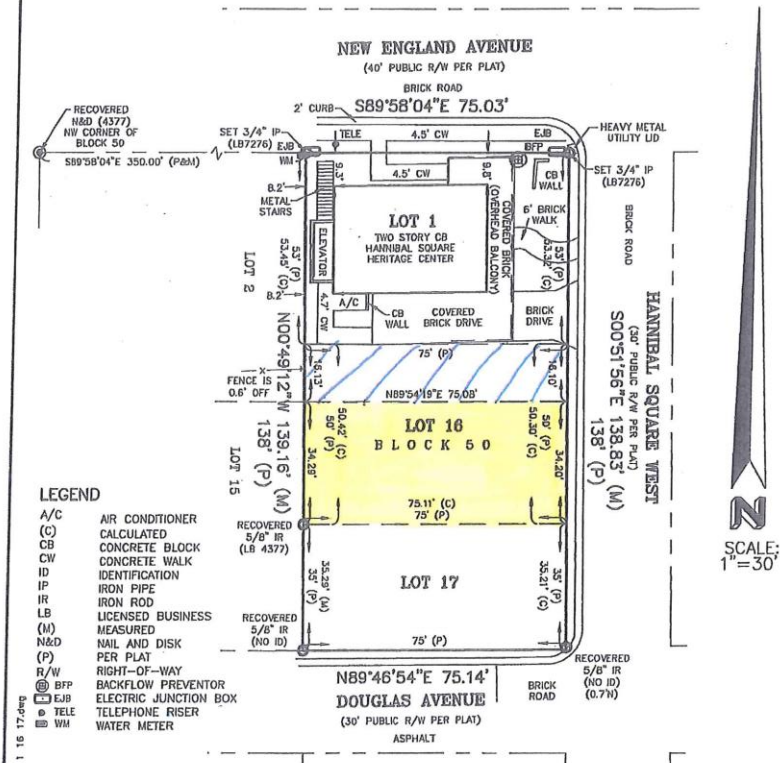


Morney GP Corporation  
Sydney M. Bellows  
President



# BOUNDARY SURVEY FOR SYDGAN CORPORATION

DESCRIPTION:  
LOTS 1, 16 AND 17, BLOCK 50, REVISED MAP OF THE TOWN OF WINTER PARK, ACCORDING TO THE  
PLAT THEREOF, RECORDED IN PLAT BOOK "A", PAGES 67-72, PUBLIC RECORDS OF ORANGE COUNTY,  
FLORIDA.

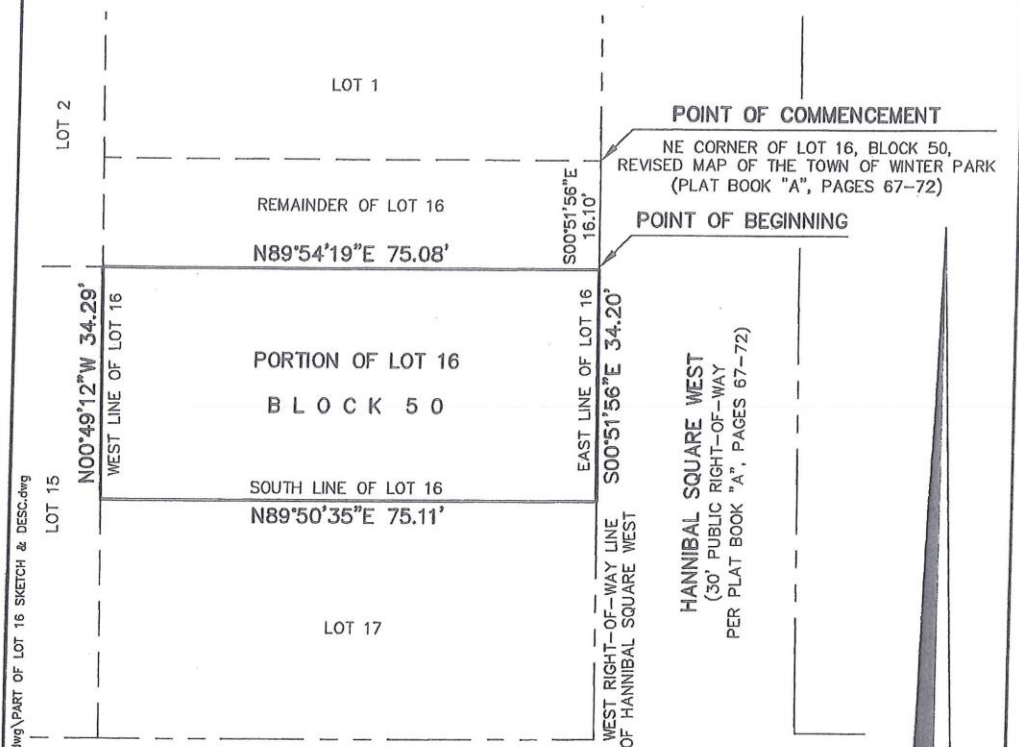


**HLSM L.L.C.**  
Henrich-Luke-Swagger ty-Menard  
Professional Surveyors & Mappers  
165 Middle Street, Suite 1101  
Lake Mary, Florida 32746  
P. (407) 647-7346  
F. (407) 647-8097  
WWW.FloridaLandSurveyor.com  
Licensed Business No. 7276

Job No: E-9078  
Field Date: 4/9/13  
Drawn By: ADA  
Field By: WKP  
Scale: 1"=30'

THIS SURVEY IS VALID REPORT OR THE  
COPIES THEREOF ARE NOT VALID WITHOUT THE  
SIGNATURE AND THE ORIGINAL RAISED SEAL OF  
A FLORIDA LICENSED SURVEYOR AND MAPPER.  
  
William F. Menard  
Professional Surveyor & Mapper  
Florida Registration #5625

**SKETCH OF DESCRIPTION**  
(THIS IS NOT A SURVEY)



**SURVEYOR'S REPORT:**

1. The lands as shown hereon lie within Section 5, Township 22 S., Range 30 E., Orange County, Florida.
2. All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
3. No title data has been provided to this surveyor unless otherwise noted.
4. Bearings shown hereon are assumed relative to the West right-of-way line of Hannibal Square West; said bearing being S00°51'56"E.

SCALE:  
1"=20'

SHEET 2 OF 2

**HLSM LLC**  
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NOT VALID WITHOUT THE SIGNATURE AND THE  
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED  
SURVEYOR AND MAPPER.

SEE SHEET 1 OF 2  
FOR SIGNATURE & SEAL

**Notice of Intent to Dispose of Property at**  
**321 Hannibal Square W., Winter Park, Florida**

The City of Winter Park, Florida, on behalf of the City of Winter Park CRA Agency, intends to accept offers for the disposition of the City's property generally located at 321 Hannibal Square West, Winter Park, Florida, 32789. The specific property to be disposed of, is the South 34 feet of Lot 16, Block 50, Revised Map of the Town of Winter Park as recorded in Plat Book "A", Pages 67-72 of the Public Records of Orange County, Florida, being that portion of Tax Parcel Identification Number, 05-22-30-9400-50-160. The property is zoned R-1A. The City is interested in disposing of this property in return for a commitment to redevelop the site within the Community Redevelopment Area (CRA) and other consideration as may be proposed.

The CRA is obligated to devote such real property only to the uses specified in the Community Redevelopment Plan and demonstrate that the proposed activity will serve to prevent the reoccurrence of blight.

Respondents must indicate in writing the offer and consideration proposed for the acquisition of the South 34 feet of Lot 16, Block 50 and indicate the anticipated use of the property if acquired. All offers and proposals must be made contingent upon the payment of all closing costs incurred by both parties. Sealed proposals, 1 original and 5 copies, shall be delivered to the Office of the City Clerk, in City Hall, 401 Park Avenue South, Winter Park, Florida 32789 on or before Tuesday, January 28, 2014 at 10:00 A.M. or they will not be considered. It is the sole responsibility of the respondent to see that the company or individual's proposal is in the hands of the City, stamped and dated by personnel in the Clerk's office before the due date and time indicated herein.

It is the respondent's responsibility to be sure that all information submitted is correct and complete and that the requirements for the proposal have been met. Failure to do so may cause the proposal to be rejected from consideration. The City reserves the right to accept or reject any or all proposals, in part or in total, as deemed in the best interests of the City. The City accepts no responsibility for any costs incurred during the preparing or presenting of the proposals. All proposals must be submitted in writing; no FAX or telephone proposals will be accepted. ALL PROPOSALS MUST BE MARKED ON THE OUTSIDE OF THE ENVELOPE WITH THE PROPOSAL NAME AND THE TIME AND DATE OF THE OPENING.

This public notice complies with Florida Statutes Section 163.380. Further information is available in the Planning and Community Development Office at City Hall and by calling the Director at 407-599-3665. The notice of the CRA's ultimate disposition of the subject real property to a specific party, and the terms and conditions of the disposition will be made at a duly noticed public meeting.

/s/: Cynthia Bonham, MMC, City Clerk

**ACTION ITEM REQUIRING DISCUSSION**

**DATE: JANUARY 11, 2010**

**SUBJECT: PURCHASE OF THE REMAINING PORTION OF THE PARKING  
PIAZZA**

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**PROPOSED ACTION:** The City Commission has been asked by the Hannibal Square Ltd. to formally decide whether to purchase the remaining portion of the parking piazza for \$65,000.

**BACKGROUND:** The City owns approximately 80% of the public parking lot (parking piazza) on New England and Pennsylvania Avenues. Hannibal Square Ltd. owns the southern 30 feet of that parking lot and has 12 private parking spaces on that property. The City Commission has received an unsolicited offer to sell all of that property for \$65,000 unifying the entire parking lot in public ownership.

Staff has talked with two appraisers who have told the City that it is close to impossible to find other comparable sales where someone has sold a portion of an existing parking lot. However, they have also said that for the purposes of appraising improvements on properties, they typically assign a value of \$5,000 per parking space. So that would be in the same \$60,000 range as the suggested offer.

The property is now zoned multi-family (R-3) with a conditional use for parking. If this were a stand-alone R-3 lot, that could be used for duplex, then again the \$60,000-\$65,000 price is in line with expected values.

The City will not gain any parking with this purchase. However, there is value to having public ownership of this entire parking lot in order to use it as the City desires for special events, etc.

**STAFF RECOMMENDATION:** Staff recommendation is for approval of the \$65,000 purchase. Technically, the City Commission would need to approve this purchase as the CRA governing board since it is anticipated that CRA funds will be used for this purchase. Staff seeks direction to move forward on this purchase as a CRA action item.



**City Commission Minutes Excerpt:**  
**January 11, 2010**

**Action Items Requiring Discussion:**

- a) Purchase of the remaining portion of the parking piazza on New England and Pennsylvania Avenues

Planning Director Briggs explained the benefits of purchasing this property located across from Dexter's. He explained that the southern 30 feet (south 12 parking spaces) are owned by St. Michael's LTD who has offered the sale of the spaces to the City. He explained it would cost \$60,000-\$65,000 for the 12 parking spaces with funding to come from CRA funds. No public comments were made.

After questions were posed by the Commission, a **motion made by Commissioner Dillaha to approve the purchase of the remaining portion of the parking piazza for \$60,000; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.**



# city commission public hearing

item type	Public Hearing	meeting date	February 10, 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

**SECOND READING** - 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 7<sup>th</sup> 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.

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Mayor Kenneth W. Bradley

ATTEST:

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Cynthia S. Bonham, MMC, 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	February 10, 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:** **Second Reading** of Ordinances to establish Single family FLU and Zoning.

On January 27<sup>th</sup> the City Commission had the first reading of the ordinances to add the property at 612 E. Lake Sue Avenue 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 7<sup>th</sup> 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.**

**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.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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# 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. If this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, 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