Meeting Called to Order

Invocation
Reverend Alison Harrity, St. Richard’s Episcopal Church

Pledge of Allegiance

Approval of Agenda

Citizen Budget Comments
3 minutes each

Mayor’s Report
a. Presentation - Winter Park Blaze 12 and under baseball team 2011-2012 season (won multiple tournaments and ranked #1 in the State of Florida)
b. Employee of the Quarter – Felix Raudales, Streets Division

20 minutes

City Manager’s Report

Projected Time

City Attorney’s Report

Projected Time
## 8 Non-Action Items

<table>
<thead>
<tr>
<th>Item</th>
<th>Projected Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Summary of proposed changes to City Tree Preservation Ordinance</td>
<td>20 minutes</td>
</tr>
</tbody>
</table>

## 9 Citizen Comments  | 5 p.m. or soon thereafter
(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)

## 10 Consent Agenda

<table>
<thead>
<tr>
<th>Item</th>
<th>Projected Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Approve the minutes of 7/9/2012.</td>
<td></td>
</tr>
<tr>
<td>b. Approve the following contracts:</td>
<td>5 minutes</td>
</tr>
<tr>
<td>1. Piggybacking the State of Florida contract 425-001-12-1 with Storr Office Environments of Central Florida for Furniture: Office and Files and authorize the Mayor to execute the contract.</td>
<td></td>
</tr>
<tr>
<td>2. Piggybacking the State of Florida contract DMS-10/11-008C with Verizon Wireless for Mobile Communication Services and authorize the Mayor to execute the contract.</td>
<td></td>
</tr>
<tr>
<td>c. Approve the budget adjustment of $40,000– Contribution to Habitat for Humanity for the purchase of a building lot at 626 W. Comstock Avenue.</td>
<td></td>
</tr>
</tbody>
</table>

## 11 Action Items Requiring Discussion

<table>
<thead>
<tr>
<th>Item</th>
<th>Projected Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Set the tentative millage rate.</td>
<td>15 minutes</td>
</tr>
<tr>
<td>b. Federal lobbyist.</td>
<td></td>
</tr>
</tbody>
</table>

## 12 Public Hearings

<table>
<thead>
<tr>
<th>Item</th>
<th>Projected Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Request of the City of Winter Park:</td>
<td>20 minutes</td>
</tr>
<tr>
<td>1. Ordinance – Revising the permitted uses along Park Avenue, south of Comstock Avenue (1)</td>
<td></td>
</tr>
<tr>
<td>b. Ordinance – Amending Ordinance No. 2843-11, Advisory Board to establish a Keep Winter Park Beautiful and Sustainable Advisory Board (by combining the Environmental Review Board with the Keep Winter Park Beautiful Board) (1)</td>
<td>5 minutes</td>
</tr>
<tr>
<td>c. Resolution – Supporting quiet zones</td>
<td></td>
</tr>
</tbody>
</table>

## 13 City Commission Reports

<table>
<thead>
<tr>
<th>Item</th>
<th>Projected Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Commissioner Leary</td>
<td></td>
</tr>
<tr>
<td>b. Commissioner Sprinkel</td>
<td></td>
</tr>
<tr>
<td>c. Commissioner Cooper</td>
<td></td>
</tr>
<tr>
<td>d. Commissioner McMacken</td>
<td></td>
</tr>
<tr>
<td>e. Mayor Bradley</td>
<td></td>
</tr>
</tbody>
</table>

## 14 Projected Time

Projected Time

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.”
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.

<table>
<thead>
<tr>
<th>issue</th>
<th>update</th>
<th>date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget</td>
<td>The Proposed Budget was presented to the City Commission on July 9\textsuperscript{th}. Individual Commission member meetings were scheduled as well as a workshop on August 13\textsuperscript{th} before the regularly scheduled meeting. The budget will be adopted in September.</td>
<td>September 2012</td>
</tr>
<tr>
<td>Electric Undergrounding Project</td>
<td>Project refinement and preliminary design is beginning.</td>
<td></td>
</tr>
<tr>
<td>Tree Preservation Ordinance</td>
<td>A non-action item discussion for July 23\textsuperscript{rd} is scheduled.</td>
<td></td>
</tr>
<tr>
<td>City Hall Renovation</td>
<td>Punch list items, exterior painting and landscaping are scheduled for the next two weeks. A grand reopening celebration is being planned for August</td>
<td>August 2012</td>
</tr>
<tr>
<td>Lee Road Median Update</td>
<td>After approval of the final landscaping plan additional comments to the final landscape plan were received from FDOT and are currently being addressed.</td>
<td></td>
</tr>
<tr>
<td>Fairbanks Improvement Project</td>
<td>Working on finalizing contract and issuing notice to proceed. It is anticipated that construction will begin in early August</td>
<td>July 2013</td>
</tr>
<tr>
<td>Parking Study Alfond Inn</td>
<td>Consultant is about 50% complete on the study. Expect a draft in late August. Staff will be arranging meetings with the residents on Alexander Place, with Jim Campesi, owner/rep. for of the Villa Siena condos and the Rollins College to vet the proposals and recommendation. Expect the results to be ready for City Commission review in late September but with budget on agenda perhaps the first meeting in October.</td>
<td>October 2012</td>
</tr>
<tr>
<td>Tree Team Updates</td>
<td>The Tree Team continues to work on the Urban Forestry Management Plan and will soon begin tree condition analysis.</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Wayfinding Signs</td>
<td>Nearly all non-FDOT wayfinding signs are installed. Permitting of the FDOT signs continues.</td>
<td></td>
</tr>
<tr>
<td>Street Musicians</td>
<td>No additional action at this time.</td>
<td></td>
</tr>
<tr>
<td>125th Anniversary Celebration</td>
<td>The 125th Anniversary Task Force continues to meet on a monthly basis. Since June 8, the special 125th Anniversary pages were launched and historical facts are being posted on Facebook and Twitter. A calendar of events planned thus far can be found on the 125th Anniversary web pages. Subcommittees continue to meet to plan their special events. 125th Anniversary stickers were handed out at the 4th of July event and Mayor included the 125th Anniversary in his opening welcome remarks.</td>
<td></td>
</tr>
<tr>
<td>ULI Fairbanks Avenue TAP</td>
<td>The two-day workshop held at the Community Center on June 18th and 19th. A presentation was made to the Community on June 19th based on the team’s recommendations. A formal white paper will follow.</td>
<td></td>
</tr>
<tr>
<td>Strategic Plan</td>
<td>Staff shared a communication tool (scorecard) with the Commission on June 25th. Staff will continue to bring forward ideas in the development of the Strategic Plan to prepare for its adoption as part of the budget process.</td>
<td></td>
</tr>
</tbody>
</table>

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.
subject

Summary of proposed changes to City Tree Preservation Ordinance

motion | recommendation

Receive summary and any further suggested guidance

background

With the permission of the City Commission, over the last several months, the Tree Preservation Board reviewed the City’s current Tree Preservation Ordinance, including the process of tree removal permits, method(s) of compensation for removal of protected trees, uses of the Tree Replacement Trust Fund and others areas recommended by staff that needed fine tuning. The Board completed their review with the unanimous approval of an ordinance incorporating proposed changes to the current Tree Preservation Ordinance.

The following items summarize the proposed changes in the Ordinance:

Sec. 58-284. - Tree removal permits (b)

Staff initiated to clarify when a tree removal permit is NOT required:

Exception: The removal of protected trees that fall or the removal of limbs of protected trees which have fallen due to acts of nature such as storms, fire or natural decay shall not require a tree removal permit.

Sec. 58-286 Tree removal permit procedure

(d)Appeals.

Board initiated to allow City Commission to set schedule of fees related to tree replacement compensation rather than automatically imposing a rate of 1 ½ times the replacement compensation established in the ordinance.

(4)If the city commission upholds the decision of the tree preservation board to deny granting a tree removal permit, then the applicant may ultimately remove the subject tree(s) after a 60-day period and after notification of the intent to remove the subject tree(s) at the end of the 60-day waiting period in writing. Replacement compensation shall be provided at the rate of 1 ½
times the in accordance with the replacement compensation required in section 58-287. Removal of subject tree(s) prior to the end of the 60-day period shall require the same compensation as an unpermitted tree removal. (see section 58-299).

Sec. 58-287. - Tree replacement and financial compensation requirements.

(1) Tree replacement

Board initiated to encourage tree re-planting rather than paying compensation by required prescribed sizes and numbers of replacement trees based on the size of the protected tree(s) being removed. If the applicant may choose to provide actual tree replantings, financial compensation or a combination of both with fees determined by the Schedule of Fees adopted by the City Commission.

Protected trees requested to be removed and not deemed to be dead or beyond recovery, hazardous, or deteriorated shall be replaced with one approved replacement tree or trees as follows:

a. Replacement of non-specimen protected trees shall require replacement by one or two trees with a dbh equal to or greater than three inches based on the dbh of the tree to be removed. If the dbh of the tree to be removed is less 19 inches then one replacement tree is required to be replanted. If the dbh of the tree to be removed is less than 24 inches then two replacement trees are required to be replanted, be based on a one-to-one (1:1) ratio of the cumulative dbh of the protected trees removed.

b. Replacement of specimen trees shall require replacement by four (4) trees with a dbh equal to or greater than three inches. Two of the trees may be replaced by one tree with a dbh of at least 4 1/2 inches be based on a two-to-one (2:1) ratio of the cumulative dbh of the protected tree(s) removed.

c. Replacement of an historic tree shall require replacement by two (2) trees with a dbh equal to or greater than four and one half inches.

d. Multiple understory trees may be approved as replacement trees with a cumulative caliper of at least six inches and shall be planted on the same property where the tree was removed. Replacement of historic trees shall be based on a three-to-one (3:1) ratio of the cumulative dbh of the protected tree(s) removed.

(2) Financial compensation. Caliper inches not planted as replacement trees are to be compensated by payment to the tree replacement trust fund at a rate per caliper inch set by the city commission in the schedule of fees. Compensation shall equal the rate per caliper inch set by the city commission in the schedule of fees multiplied by the caliper inches of protected trees removed.

When the cumulative caliper inches of replacement trees is insufficient to meet the replacement requirements referenced in (a) below, financial compensation shall be paid to the tree replacement trust fund.

a. Compensation is established in the schedule of fees and shall be dispersed per section 58-289 “Tree replacement trust fund".
Sec. 58-289. - Tree replacement trust fund.

**Board initiated** to limit use of fund as indicated below:

(a) There is hereby created a tree replacement trust fund. All funds collected as tree replacement fees shall be administered by the director of parks and recreation or designee.

(b) Disbursements from the tree replacement trust fund shall be made only for the following purposes:

1. Purchasing trees for planting and any associated costs in accordance with the city's tree planting program; or
2. Purchases necessary for improvements (except vehicles), including contract services for the city's tree nursery or, for educational purposes as provided in Section 58-283(d)(7).
3. Protection of trees and enforcement of this ordinance.

(c) Fees for the tree replacement trust fund are established by the city commission in the schedule of fees.

**GW Note:** The Board made a recommendation that the fee for Tree Preservation Board appeals be reduced from $100 to $35.

Sec. 58-300 Enforcement and Authority to Enforce Division 6 “Tree Protection”

**Staff initiated** to clarify notification, enforcement and appeal process to have hazardous or dead trees removed.

**alternatives | other considerations**

Retain existing ordinance without changes.

**fiscal impact**

Under this proposal the tree replacement fund will likely not receive as much compensation due to the options to replants trees at a lower cost than paying into the tree fund.

**long-term impact**

Should result in planting more shade trees.

**strategic objective**

Quality environment
ORDINANCE NO. ___

AN ORDINANCE OF THE OF WINTER PARK, FLORIDA, CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE V, “ENVIROMENTAL PROTECTION REGULATIONS” DIVISION 6, “TREE PRESERVATION AND PROTECTION” SO AS TO AMEND TREE REMOVAL COMPENSATION REQUIREMENTS, AMEND USE OF THE TREE REPLACEMENT FUND, PROVIDE EXEMPTION FROM REQUIRING A TREE REMOVAL PERMIT, AND ESTABLISH ENFORCEMENT PROCEDURE FOR REMOVING HAZARDOUS TREES; PROVIDE FOR CONFLICT, SEVERABILITY AND EFFECTIVE DATE.

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

SECTION 1. That Chapter 58 “Land Development Code,” Article V “Environmental Protection Regulations” of the Code of Ordinances is hereby amended and modified by amending Section 58-284 (b), adding paragraph (d) to Section 58-286 “Tree removal permit procedure” and amending Section 58-287 to read as follows:

Sec. 58-284. - Tree removal permits

(b) Trees requiring tree removal permits. It shall be unlawful to cut down, destroy, improperly prune, remove, top, or move any protected or replacement tree, or to authorize the cutting down, destruction of, removal of, topping of, moving of, or damage to, any protected or replacement tree within the city, without prior issuance by the city of a tree removal permit approving the act or acts, or a removal authorization by the city, as further described in this division; provided, however, that these requirements do not apply to trees specifically designated as exempt from this division in section 58-284

Exception: The removal of protected trees that fall or the removal of limbs of protected trees which have fallen due to acts of nature such as storms, fire or natural decay shall not require a tree removal permit.

For all properties, any protected tree, excluding those exempted in subsection 58-284(a), shall require a permit prior to removal.

Removal of any protected tree that is determined to be dead, beyond recovery or hazardous by the city shall require a tree removal permit. In case of an emergency a tree may be removed as authorized by the city. (See section 58-283)
Sec. 58-286 Tree removal permit procedure

(d) Appeals.

(4) If the city commission upholds the decision of the tree preservation board to deny granting a tree removal permit, then the applicant may ultimately remove the subject tree(s) after a 60-day period and after notification of the intent to remove the subject tree(s) at the end of the 60-day waiting period in writing. Replacement compensation shall be provided at the rate of 1½ times the in accordance with the replacement compensation required in section 58-287. Removal of subject tree(s) prior to the end of the 60-day period shall require the same compensation as an unpermitted tree removal. (see section 58-299).

Sec. 58-287. - Tree replacement and financial compensation requirements.

Conditions for approval of a tree removal permit shall include tree replacement, and/or financial compensation or a combination of tree replacement and financial compensation.

Tree replacement may be made in the form of planting replacement tree(s) on the subject property or other property within city limits or public property with city approval in accordance with the following criteria:

(1) Tree replacement. Protected trees of any dbh requested to be removed because they are deemed to be dead or beyond recovery, hazardous, or deteriorated shall be replaced with one approved replacement tree having a minimum caliper of three inches.

Protected trees requested to be removed and not deemed to be dead or beyond recovery, hazardous, or deteriorated shall be replaced with one approved replacement tree or trees as follows:

a. Replacement of non-specimen protected trees shall require replacement by one or two trees with a dbh equal to or greater than three inches based on the dbh of the tree to be removed. If the dbh of the tree to be removed is less 19 inches then one replacement tree is required to be replanted. If the dbh of the tree to be removed is less than 24 inches then two replacement trees are required to be replanted. be based on a one-to-one (1:1) ratio of the cumulative dbh of the protected trees removed.

b. Replacement of specimen trees shall require replacement by four (4) trees with a dbh equal to or greater than three inches. Two of the trees may be replaced by one tree with a dbh of at least 4 ½ inches be based
on a two-to-one (2:1) ratio of the cumulative dbh of the protected tree(s) removed.

c. Replacement of an historic tree shall require replacement by two (2) trees with a dbh equal to or greater than four and one half inches.

d. Multiple understory trees may be approved as replacement trees with a cumulative caliper of at least six inches and shall be planted on the same property where the tree was removed. Replacement of historic trees shall be based on a three-to-one (3:1) ratio of the cumulative dbh of the protected tree(s) removed.

e. No single replacement shade tree shall have a caliper of less than three (3) inches. No single replacement understory tree, if approved, shall have a caliper of less than two inches.

f. If understory trees are approved as replacement, the caliper inches required shall be double that required when using approved shade trees.

f. At least one tree used for replacement of each specimen tree or historic tree shall have a caliper of no less than 4½ inches.

g. Tree replacement may be made in the form of planting replacement tree(s) on the subject property or other property within city limits or public property with city approval.

g.h. Any tree removed from a non-R1 or R2 property that removes the property's compliance with the Division 8, Landscape Regulations needs to be replanted on the property.

h. Replacement trees may count toward meeting the planting requirements of Division 8, Landscape Regulations.

i. All replacement trees shall adhere to the current guidelines established by the Florida Grades and Standards for nursery-grown trees and must be Florida grade #1 or better. Replacement trees shall be installed with their top main root one inch above the surrounding grade.

j. Replacement tree(s) shall be maintained and warranted to survive for a period of one year from installation. Trees not deemed to have satisfactorily survived shall be replaced with new tree(s) of the same size. Replacement tree(s) shall comply with the same maintenance and replacement warranty as the original replacement tree(s) and the warranty period will restart at the date of replanting. In the event that a tree planting is approved on public property or city rights of way, maintenance fees as established by the city commission may be assessed as part of the permit process.

k. Minor deviations regarding the required replacement trees in this section may be determined by the city based on the condition of the tree(s) being removed and other conditions that exist on the subject property.
(2) **Financial compensation.** Caliper inches not planted as replacement trees are to be compensated by payment to the tree replacement trust fund at a rate per caliper inch set by the city commission in the schedule of fees.

Compensation shall equal the rate per caliper inch set by the city commission in the schedule of fees multiplied by the caliper inches of protected trees removed.

When the cumulative caliper inches of replacement trees is insufficient to meet the replacement requirements referenced in (a) below, financial compensation shall be paid to the tree replacement trust fund.

a. Compensation is established in the schedule of fees and shall be dispersed per section 58-289 “Tree replacement trust fund”.

b. In the event that a tree planting is approved on public property or city right of ways, maintenance fees as established by the city commission may be assessed as part of the permit process.

b. c. A stop work order may shall be issued for any development or active construction project until all applicable permit compensation conditions are satisfied.

c. d. No The certificate of occupancy or certificate of completion shall not be issued for any development until all applicable permit conditions have been satisfied.

d. e. No A tree removal permit shall not be issued until the required financial compensation for removal is paid.

e. When more than one tree is permitted to be removed, the total dbh of the protected trees to be removed shall provide the basis for compensation.

SECTION 2. That Chapter 58 “Land Development Code,” Article V “Environmental Protection Regulations” of the Code of Ordinances is hereby amended and modified by add paragraph (b) to Section 58-289 “Tree replacement trust fund” to read as follows:

**Sec. 58-289. - Tree replacement trust fund.**

(a) There is hereby created a tree replacement trust fund. All funds collected as tree replacement fees shall be administered by the director of parks and recreation or designee.

(b) Disbursements from the tree replacement trust fund shall be made only for the following purposes:
(1) Purchasing trees for planting and any associated costs in accordance with the city's tree planting program; or
(2) Purchases necessary for improvements (except vehicles), including contract services for the city's tree nursery or, for educational purposes as provided in Section 58-283(d)(7).
(3) Protection of trees and enforcement of this ordinance.

(c) Fees for the tree replacement trust fund are established by the city commission in the schedule of fees.

GW Note: The Board made a recommendation that the fee for Tree Preservation Board appeals be reduced from $100 to $35.

(d) Fees for the tree replacement trust fund shall be reviewed annually by the city commission to reflect cost of living adjustments and/or market conditions and may be modified by approval of the city commission. In establishing fees, the city shall consider the cost of material, labor, transportation, planting, watering and mortality rate of replacement trees.

Sec. 58-299. - Penalties for tree removal without required permit or for tree damage.

(a) Any protected tree(s) removed without a permit or destroyed or receiving major damage in violation of this division must be replaced and/or compensated at the rate of twice the requirements of section 58-287.

SECTION 3. That Chapter 58 “Land Development Code,” Article V “Environmental Protection Regulations” of the Code of Ordinances is hereby modified by adding paragraph (e) to Section 58-300 Enforcement and Authority to Enforce Division 6 “Tree Protection” to read as follows:

Sec. 58-300 Enforcement and Authority to Enforce Division 6 “Tree Protection”

(e) Failure to remove or otherwise make safe any hazardous or dead tree (protected or unprotected) shall constitute a violation of this Article and will result in giving notice to the owner or the agent of the owner an order to correct the violation by either removing the entire tree or hazardous limb(s) of the tree or the City will take the necessary action to remove the tree or hazardous limb(s) of the tree and assess all costs incurred by the City to the owner of the property plus an administrative fee as established under the City’s Schedule of Fees as determined by the City Commission. Where the full amount due the city is not paid by such owner or agent of the owner within 30 days after invoicing the owner for removing the hazardous or dead tree or limb(s) such charges shall be declared a lien on the property. In addition, nothing shall prevent the city from pursuing other legal courses of action to correct the violation including referring the matter to the Code Enforcement Board. Additionally, appeals of
an order to remove a tree or hazardous limb(s) of a tree may be heard by the Tree Preservation Board and must be filed with the City within 30 days of receipt of notice or within 30 days of posting the property with a notice to remove the tree or hazardous limb(s). An appeal must include payment of required fee and provision of documentation verifying the health of the tree and any other information which will justify removing the order to remove the tree or hazardous limb(s). Appeals of the decision of the Tree Preservation Board on this matter shall be taken to the Code Enforcement Board.

SECTION 4. All ordinances or portions or ordinances in conflict herewith are hereby repealed, any part of this ordinance declared to be unlawful by any court shall not constitute repeal of the remainder of the ordinance.

SECTION 5. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of ____________, 2012.

Mayor Kenneth W. Bradley

ATTEST:

________________________________
City Clerk
The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:32 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Fire Chief Jim White, 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**

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

**Mayor’s Report**

Mayor Bradley thanked City staff for a wonderful 4th of July celebration.

**City Manager’s Report**

1. City Manager Knight recommended that the formal dedication of the Martin Luther King Jr. Park take place in January on Martin Luther King Day. The Commission agreed. The appropriate wording for the park signage was discussed. By acclamation, it was agreed that City Manager Knight will work with the task force and staff to finalize the naming for the signage.

2. Commissioner McMacken expressed concerns with the removal of the architectural wood terrace from the exterior of City Hall because he believed it to have historical value. He asked if this went before the Historic Preservation Board prior to removal. City Manager Knight said it did not. He explained that prior to removal, staff coordinated with a local architect that is very involved in historic preservation.

3. Commissioner Cooper mentioned the parking study for the Alfond Inn and asked if the Women’s Club could be included in those conversations. Mayor Bradley suggested including anyone residing within a certain radius. Planning Director Jeff Briggs clarified that the study pertains to the turning movements on New England and not to parking.
4. Commissioner Sprinkel suggested that the bi-weekly development report be listed on the website as a separate document so the public can view it.

5. Commissioner Cooper asked what the next steps are for the historical district signs and if this item can be added to the City Manager’s report. Mayor Bradley indicated the need to first identify the historic district prior to sign implementation. This item was deferred to City Manager Knight to work with staff and come back with a recommendation. The request was acknowledged.

6. Mayor Bradley requested to add the tree preservation ordinance to the next agenda for discussion. The request was acknowledged.

7. Mayor Bradley expressed that we need to be aggressive and offer various communication outlets for citizen feedback regarding the upcoming construction of Fairbanks Avenue. City Manager Knight advised that staff is currently working on this item.

8. Commissioner Cooper asked if the proposed WAWA store is qualified as a Brownfield project. Planning Director Jeff Briggs said no.

**City Attorney’s Report** – No items.

**Non-Action Item**

a. Update on the Art on the Green 2012 sculpture exhibition

Joseph Roviaro, Public Art Advisory Board, provided a PowerPoint presentation illustrating the artwork pieces selected. He advised that eight sculptures will be displayed along Park Avenue from September 1, 2012 to March 1, 2013.


Finance Director Wes Hamil presented the financial report for May 2012 and answered questions.

**Motion made by Commissioner McMacken to accept the financial report; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

c. Budget Presentation

City Manager Knight provided a PowerPoint presentation on the 2013 budget. The presentation included the budget goals, building for the next 125 years, key statistics, notable items, taxable value & operating millage, millage rate comparison, general fund balance, human resources, capital improvement plan, electric undergrounding, the potential add backs or new items, voting millage
options and budget schedule. City Manager Knight noted that his office will be scheduling individual briefings with the Commission this week to discuss the proposed budget.

Discussion ensued regarding the scheduling of budget work sessions. The Commission rescheduled the CRA Agency meeting for August 27 so that a budget work session can be held on August 13 from 2:00-3:30 p.m.

d. Constitutional Amendment #4 discussion

City Manager Knight provided a brief overview of the proposed amendment and how it would impact the City and taxpayers if adopted. Commission discussion included home rule authority, homestead exemption/Save Our Homes and the potential effects on property values. This was an informational item so no action was taken.

Consent Agenda
a. Approve the minutes of 6/25/2012. — PULLED FOR DISCUSSION, SEE BELOW
b. Approve the following bids and change order:
   1. Award of RFP-12-2012 (categories 1, 2, 3 and 5), Printing & Mailing Services to Designers’ Press, Inc. and authorize the Mayor to execute the contract.
   2. Award of RFP-12-2012 (category 4), Printing & Mailing Services to International Press and authorize the Mayor to execute the contract.

Motion made by Commissioner McMacken to approve Consent Agenda items ‘b.1-3’; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

   Consent agenda item ‘a’ – Approve the minutes of 6/25/2012

Motion made by Commissioner Cooper to amend the minutes on page 9, first sentence to read “A majority of the Commission supported the three requests listed above to be placed on future agendas.”; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Public comments

Bill Swartz, 2020 Taylor Avenue, provided comments on the proposed budget including the tree preservation fund, vehicle replacement policy and the Azalea Lane management.
Joe Terranova, 151 N. Virginia Avenue, said he would prefer the electrical undergrounding project to be started earlier and within a shorter time frame.

**Action Items Requiring Discussion**

a. 90 Day Plan

City Manager Knight presented the proposed 90 day plan and addressed questions/comments. Discussion ensued as to what items should be listed on the 90 day plan.

Mayor Bradley requested to change the wording of “Challenge Administrative Rule regarding Police and Fire Pension/Lobby Governor” to “Pension discussion”. A majority of the Commission agreed to add the tree ordinance update and remove the street musician ordinance from the list.

**Motion made by Mayor Bradley to approve the 90 day plan as presented tentatively with the deletion of the street musician ordinance; seconded by Commissioner Sprinkel.** No public comments were made. Upon further discussion, this was approved by acclamation with a 4-1 vote. **Commissioner Cooper voted no.** Commissioner Cooper felt they should focus on items directly impacting the budget and disagreed with listing the comprehensive plan update on the 90 day plan.

**Public Hearings**

No public hearings.

**City Commission Reports:**

a. Commissioner Leary – no report.

b. Commissioner Sprinkel – no report.

c. Commissioner Cooper

1. Commissioner Cooper suggested reviewing the Economic Development Plan from last year which included performance goals.

2. Commissioner Cooper advised that she was approached by the League of Women’s Voters asking if the City would be interested in considering adoption of a “Cool Cities” ordinance to support combating the urban heat. Mayor Bradley said it would be appropriate to defer this item to the Sustainability Advisory Board.

3. Commissioner Cooper expressed her concern with our action minutes that are currently prepared in that manner and felt that specific information needs to be
included so that people can better understand what the Commission based their decisions on. She asked that when the Commission asks for legal counsel or asks a senior staff member a question that the content of that counsel and the answer to that question be reflected in our minutes. She asked the Commission if they would support this compromise.

Commissioner Sprinkel explained that she would like to continue with action minutes using the current format as previously agreed upon. Mayor Bradley felt the current action minutes are sufficient and reminded the Commission that they have the opportunity to adjust the minutes prior to approval. Commissioner Leary said he is happy with the action minutes being presented. Commissioner McMacken expressed that the City hired legal counsel to provide input and that it is nice to go back to the minutes to see what the legal advice was at that time.

d. **Commissioner McMacken** – no report.

e. **Mayor Bradley**

Mayor Bradley asked for continued support of the quiet zone effort and recommended that a Resolution be issued which states that the Commission in general supports the concept of quiet zones and that it continue to be studied. A majority of the Commission agreed with the recommendation. Mayor Bradley asked City Manager Knight to place this item on the next agenda. The request was acknowledged.

The meeting adjourned at 5:33 p.m.

______________________________
Mayor Kenneth W. Bradley

ATTEST:

______________________________
City Clerk Cynthia S. Bonham
## Piggyback contracts

<table>
<thead>
<tr>
<th>vendor</th>
<th>item</th>
<th>background</th>
<th>fiscal impact</th>
<th>motion</th>
<th>recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Storr Office Environments of Central Florida</td>
<td>Piggybacking contract for Furniture: Office and Files</td>
<td>Total annual expenditure included in approved FY12 budget.</td>
<td>Commission approve piggybacking the State of Florida contract 425-001-12-1 with Storr Office Environments of Central Florida and authorize the Mayor to execute the Piggyback Contract.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The State of Florida utilized a competitive bidding process to award this contract. The contract term expires on March 1, 2016.

| 2. Verizon Wireless | Piggybacking contract for Mobile Communication Services | Total annual expenditure included in approved FY12 budget. | Commission approve piggybacking the State of Florida contract DMS-10/11-008C with Verizon Wireless and authorize the Mayor to execute the Piggyback Contract. | |

The State of Florida utilized a competitive bidding process to award this contract. The contract term expires on January 19, 2017.
Subject: Budget Adjustment – Contribution to Habitat for Humanity for the purchase of a building lot at 626 W. Comstock Avenue.

Summary:

The City’s affordable housing linkage fee and the affordable housing trust fund has provided financial assistance to the non-profit affordable housing providers in the City since 1992. They are Habitat for Humanity, the Hannibal Square Community Land Trust and the Winter Park Housing Authority.

Historically, Habitat for Humanity has been provided with an annual donation of a building lot from the City or they have been provided an annual budget allocation of $65,000 to use to purchase a lot. For the past four years all of the affordable housing outlays ($100,000/annually) have gone to the Winter Park Housing Authority related to the redevelopment of the Plymouth Apts. During that time the City allocated building lots that were previously purchased by the Affordable Housing Trust Fund to Habitat and the Land Trust. At this time, the City has used up our inventory of affordable housing building lots but fortunately the allocations to the Winter Park Housing Authority have been ended.

Fiscal Impact:

This budget adjustment would allocate $40,000 to Habitat for Humanity from revenues in the affordable housing trust fund. There is funding from the Affordable Housing Trust Fund for this allocation.
subject – set tentative millage rate

The Commission must adopt and submit the tentative millage rate to the Property Appraiser by August 4, 2012. This is the rate the Property Appraiser will use in preparing the “Notice of Proposed Property Taxes” to all property owners in August 2012. Once the tentative millage rate is set, it may not be exceeded unless an extensive notification to property owners is undertaken. The final millage can be lower than the tentative millage without additional notification requirements.

motion | recommendation

Adopt a tentative operating millage rate of 4.0923 mills. Voted debt service millages of .1051 and .2209 mills are required to service debt on the General Obligation Bonds, Series 2004 (Golf Course bonds) and Series 2011 (Public Safety Complex bonds), respectively.

background

The proposed budget presented to the Commission on July 9 was based on keeping the current operating millage at 4.0923 mills.
alternatives | other considerations

If the Commission chooses, it can increase property tax revenue as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Vote</th>
<th>Rate</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current millage rate</td>
<td>Simple majority</td>
<td>4.0923</td>
<td>$14.2M</td>
</tr>
<tr>
<td>Rolled-back millage rate</td>
<td>Simple majority</td>
<td>4.1216</td>
<td>$14.3M</td>
</tr>
<tr>
<td>Adjusted rolled back rate - Maximum millage rate allowed with simple majority</td>
<td>Simple majority</td>
<td>5.5180</td>
<td>$19.4M</td>
</tr>
<tr>
<td>Up to 10% above adjusted rolled-back rate</td>
<td>Super majority (four votes)</td>
<td>6.0698</td>
<td>$21.5M</td>
</tr>
<tr>
<td>More than 10% above the adjusted rolled-back rate and up to 10 mills</td>
<td>Unanimous vote</td>
<td>6.0699 – 10.0</td>
<td>$3.5M for each mill added</td>
</tr>
</tbody>
</table>

fiscal impact
An increase in the millage rate of one tenth of one mill increases property tax revenue by about $350,000.

strategic objective
The current millage rate of 4.0923 mills will allow the City to have a budget that meets the goals presented to the Commission at the strategic planning session held on April 4, 2012.
**subject**

Discuss issuance of RFQ for Federal Lobbying services.

**motion | recommendation**

Determine whether or not the Commission wants to issue an RFQ for federal lobbying services, continue with Alcalde and Fay, or discontinue use of a federal lobbyist at this time.

**background**

At the June 11, 2012 meeting the Commission directed staff to prepare an evaluation form for federal lobbying services and distribute the form the Commission for completion. That was done and attached it the summary of the results. The evaluation summary was also forwarded to Alcalde and Fay for their consideration and input. Attached two letters from Alcalde and Fay discussing their services to the City.

Also attached is the agenda backup from the May 14th meeting.

**fiscal impact**

The current cost is $5,000 per month. While the potential return is great as can be seen from the results above, there are no guarantees of return.

**long-term impact**

Unknown.

**strategic objective**

N/A
Federal Lobbyist Evaluation Form

Please use the following scale in the evaluation:

1 = Did Not Meet Expectations  
2 = Met Expectations  
3 = Exceeded Expectations

Evaluation of performance on Scope of Services from Part 1(A) of the Contract. Please rank the Federal Lobbyist in its performance of the following:

<table>
<thead>
<tr>
<th></th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Developing strategies to obtain and maximize funding for public works, transportation, economic development, water resources, housing and federal grant programs.</td>
<td>1.4</td>
</tr>
<tr>
<td>2. Coordinating funding, legislation and policy related activities with the United States Congress and federal agencies.</td>
<td>2.2</td>
</tr>
<tr>
<td>3. Securing appropriate authorizations and funding from the United States Congress and federal agencies to implement the City’s projects.</td>
<td>1.8</td>
</tr>
<tr>
<td>4. Maintain direct and frequent contact with key U.S. Senators and Representatives.</td>
<td>2.4</td>
</tr>
<tr>
<td>5. Advocating City interest during the U.S. Legislative and regulatory process.</td>
<td>2.2</td>
</tr>
<tr>
<td>6. Providing the City with a written report of activities and attending City meetings upon the City’s request.</td>
<td>2.4</td>
</tr>
<tr>
<td>7. Upon reasonable written request from City, Contractor shall provide to City a complete statement identifying all Florida state, county or municipal entities upon whose behalf Contractor currently provides professional services.</td>
<td>2.05</td>
</tr>
</tbody>
</table>

Total 14.05

Completed by ____________________ Date ____________________
MEMORANDUM

TO: Kenneth W. Bradley, Mayor  
Steven Leary, Vice Mayor  
Carolyn Cooper, Commissioner  
Tom McMacken, Commissioner  
Sarah Sprinkel, Commissioner  
Randy Knight, City Manager

FROM: Skip Bafalis, Partner  
Maurice Kurland, Partner  
Jim Davenport, Partner

SUBJECT: Executive summary of recent federal consulting services by Alcalde & Fay for Winter Park

Setting of Priorities for Winter Park
Throughout the year, we confer with the City to establish Winter Park priorities and convey them via formal correspondence, meetings, and other communication to your members of Congress, key Congressional committees and federal agencies. Winter Park projects have included:

- Acquisition of Post Office Park Property and Right of First Refusal
- Rail Road Crossing Safety Enhancement and Quiet Zone
- Fairbanks Avenue Road Improvements – Traffic Flow
- Howell Branch Creek Parkland Property
- Mead Garden Lake Lillian Restoration
- Expansion of Water Reuse and Reclamation System

Preservation of Federal Programs

We have lobbied to preserve federal funding programs of benefit to Winter Park, as Congress has sought reductions in community programs such as:

- Economic Development Administration Grants
- FEMA Programs – Pre-Disaster Mitigation and Assistance to Firefighters
- HUD - Community Development Block Grant (CDBG)
- Justice Department - Byrne and COPS Hiring Grants
Department of Transportation - Transportation and Community System Preservation (TCSP) and “TIGER” Grant funding.
EPA - State Revolving Fund low interest loans/grants for water/wastewater

Federal Grant Assistance
We send out a biweekly Alcalde & Fay’s Grant Alert for Local Government as we continuously monitor grant opportunities for infrastructure; economic development; emergency response, law enforcement, and other priorities. Alcalde & Fay’s grant writing team analyzes these funding opportunities to help draft, review and secure support for grant applications Winter Park pursues.

Examples of key grant opportunities that we have brought to the City’s attention:
- Assistance to Firefighters Grant and COPS Hiring for equipment and personnel
- TCSP and TIGER Grants – for a variety of road, bridge, and transit projects
- EDA– Planning and/or Public Works Grant for infrastructure with job creation

Advocating Authorizations and other Legislation Supporting Winter Park Initiatives

- Reauthorization of the Surface Transportation Bill passed June 27th
  We lobbied in support of a multi-year highway bill reauthorization, with provisions that would benefit Florida and for local interests of concern to Winter Park. On June 27th, Congress passed a 2 year reauthorization bill, “Moving Ahead for Progress in the 21st Century (MAP-21)” that provides $120 billion for federal transportation programs from July 1, 2012 – September 30, 2014. FDOT can now plan and fund new projects, including those impacting Winter Park. Key provisions of interest to Winter Park include:
  - Return 95% of the federal gas tax revenues to Florida, up from 92%
  - Streamline environmental permitting and approval processes
  - Retain eligibility of Transportation Enhancement projects such as for bike/pedestrian projects, “Safe Routes to Schools” and Trails Program
  - Off-System Bridges: retain 15% set aside for funding off-system bridges.

- Budget Control Act of 2011: Debt-Ceiling Increase – We have been advocating for deficit reduction without sacrificing vital services to municipalities.

- Marketplace Fairness Act (S. 1832) – We have advocated in support of equal imposition of sales tax, whether via the internet, mail order, or local retailer.

- 3% Withholding Requirement (H.R. 674) – We successfully advocated for a repeal of I.R.S. withholding requirement on localities of 3% of payments due from vendors of goods and services, that would have burden the City.
- **National Flood Insurance Program (NFIP) Reauthorization of 2011** - We successfully advocated for renewal of the NFIP, and for removal of a provision that would have required flood insurance by residents currently protected by flood control infrastructure. A five year NFIP was passed as part of MAP-21.

- **EPA’s Water Quality Standards for Florida** - We successfully advocated to the EPA and the Florida Congressional Delegation to prevent, or delay, the implementation of costly EPA “Water Quality Standards for Florida’s Lakes and Flowing Waters” that would establish numeric nutrient criteria and significantly burden Winter Park with its lakes and bodies of water. EPA agreed to allow Florida to develop its own rules establishing nutrient criteria and to withdraw federal standards for Florida waters provided that the Florida Dept. of Environmental Protection (FDEP) rule was approved by the Legislature and Governor. This occurred in February and FDEP sent the rules to EPA for approval, and the EPA proposed to extend the approval deadline to July 6, 2013.

- **Clean Water Affordability Act (S. 2094)**
  We have advocated for this authorization of $1.8 billion in grant funding for sewer infrastructure. If passed, it could assist Winter Park with clean water projects and benefit the City’s Water Reuse or Lake Lillian restoration. The program would be administered by the EPA and would pay for 75% of the cost of planning, designing and constructing treatment plants for both combined and sanitary overflows. The bill would extend State Revolving Fund loans from 20 to 30 years, and allow the EPA to prioritize sewer projects.

**Annual Winter Park trip to Washington**

- We arranged and coordinated the annual trip by City officials to Washington, D.C. held May 7 -8 to meet with your Congressional Delegation and key agencies including: Economic Development Administration, EPA, and Federal Highway Administration, and previously the U.S. Postal Service.

- Emphasized priority projects for assistance, obtained grant guidance, and urged support for various programs that provide federal funding for local communities.

- As to U.S. Postal Service, we have ongoing discussions with their real estate division and legal counsel to secure a right of first refusal for the City to their central park property. Currently the City is working to submit a proposal of specific consideration the City would provide to secure the right of first refusal. We are coordinating with the City as to next steps in negotiating an agreement.

Please contact us with any questions regarding this recent recap of our federal representation on behalf of Winter Park.
July 13, 2012

MEMORANDUM

TO: The Honorable Kenneth W. Bradley, Mayor
    The Honorable Steven Leary, Vice Mayor
    The Honorable Carolyn Cooper
    The Honorable Tom McMacken
    The Honorable Sarah Sprinkel
    Randy Knight, City Manager

FROM: Skip Bafalis, Partner
       Maurice Kurland, Partner
       Jim Davenport, Partner

SUBJECT: Summary of Recent Federal Consulting Services for Winter Park

We are writing to provide a recap of our federal legislative consulting services for Winter Park.

Setting of Priorities for the City
Throughout the year, we confer with the City to establish Winter Park objectives, including updates of ongoing projects, adding new projects, and reprioritizing projects that are no longer of high interest. We help prepare and submit correspondence to your Congressional Delegation to request their assistance for the City’s priorities. Winter Park projects have included:

* Acquisition of Post Office Park Property and Right of First Refusal
* Rail Road Crossing Safety Enhancement and Quiet Zone
* Fairbanks Avenue Road Improvements – Traffic Flow
* Howell Branch Creek Parkland Property
* Mead Garden Lake Lillian Restoration
* Expansion of Water Reuse and Reclamation System

Advocating for and protecting Federal Programs that Benefit Winter Park

As part of our advocacy for the City, we lobby to preserve and sustain federal funding programs of benefit to Winter Park, and strategically position the City as Congress makes changes in its budgetary priorities. When the 112th Congress
commenced in January 2011, the new House leadership sought to eliminate or cut federal programs and reduce federal spending across the board. Several of the programs targeted for cuts or elimination included federal discretionary and competitive grant programs of importance to Winter Park.

Thus, we have made it a priority to defend these programs for the past two fiscal years. We have been lobbying the Appropriations Committees, Chairman and Ranking members and staff; and your congressional delegation to protect programs that are critical to Winter Park slated for elimination or reductions:

  o Department of Homeland Security – all community programs, including FEMA Programs: Pre-Disaster Mitigation and Assistance to Firefighters (i.e. Winter Park Fire Department)

  o Department of Housing and Urban Development – all community programs, including Community Development Block Grant (CDBG). CDBG received only $2.9 billion in FY 2012, a $369 million reduction from FY2011.

  o Economic Development Administration (EDA) Grants

  o Department of Justice – all community programs, including: Community Oriented Policing Services (COPS) Hiring Grants, and Justice Assistance and Juvenile Justice Grants (i.e. Winter Park Police Department).

  o Department of Labor - employment training activities under the Workforce Investment Act (WIA); Dislocated Workers, and Youth Grants; and Community-Based Job Training.

  o Department of Transportation - programs that support rail, transit, bridges, highways and roads including Transportation and Community System Preservation (TCSP) (i.e. Fairbanks Avenue, Sun Rail, Quiet Zones) and Transportation Investment Generating Economic Recovery (TIGER) Grant funding.

  o Environmental Protection Agency - for State Revolving Fund (SRF) loans/grants for water/wastewater infrastructure/restoration. (i.e. Winter Park Water Reuse and Reclamation, Lake Lillian).
Federal Grant Assistance

On a bi-weekly basis, we send the City Alcalde & Fay’s Grant Alert for Local Governments. We continuously monitor each of the federal agencies to identify grant opportunities to meet your goals relating to transportation; economic development; fire, rescue and law enforcement; disaster mitigation; water infrastructure, environment and energy.

Our grant writing team analyzes the funding opportunities and provides Grant “Blue Prints.” If the City pursues a grant, we are available to assist in every step of the application process - to draft and edit the grant proposal, as well as obtain additional clarifying information before submission. We then work with your members of congress to obtain letters of support that are sent to senior Agency staff who make funding decisions. We seek to assist the City to take advantage of grant opportunities, and successfully secure funding awards.

Below are several key grant opportunities that we directed to the City’s attention:

- **Federal Highway Administration** – TCSP Program and TIGER Grants – Winter Park participated in the “Orlando Regional Multimodal Pedestrian Safety Project” TIGER IV Grant Application

- **Federal Emergency Management Agency** (FEMA) - Assistance to Firefighters Grant and Staffing for Adequate Fire and Emergency Response (SAFER) Grant - Winter Park Fire Department

- **Department of Justice** - Community Oriented Policing Services - (COPS) Hiring Grant - Winter Park Police Department.

- **Economic Development Administration** (EDA) – Planning and/or Public Works Grant. We stand ready to assist the City with a grant application under either of these EDA grants. During the City’s trip to D.C., we arranged a meeting with Barrett Haga, Senior Intergovernmental Affairs Specialist, to discuss EDA grant opportunities. Mr. Haga provided details of the grant programs, and of the significant potential funding opportunities toward public infrastructure projects for Winter Park if linked with a job creation component. Since the EDA solicits grants quarterly, the City has four opportunities annually to submit a grant application to EDA.
Advocating for Federal Authorizations and other Legislation and Policy that Supports Winter Park Initiatives

We have continuously advocated for or against legislation and federal rules that would impact Winter Park, including federal regulations that would create a financial hardship to the City. The following is a list of several bills and proposed federal rules in which we have actively lobbied on behalf of the City.

- **Reauthorization of the Surface Transportation Bill**
  With Partners that include a former staff director of the Transportation (T&I) Committee and a former legislative aide for T&I Chairman John Mica (R-FL), Alcalde and Fay has been aggressively working with the T&I Committee and Environment and Public Works Committee to pass a surface transportation authorization that would provide needed funding to Florida and establish federal competitive grant programs that can be accessed by Winter Park. We were pleased to report on June 27, that Congress passed a 27-month reauthorization bill, the “Moving Ahead for Progress in the 21st Century” (MAP-21, H.R. 4348) bill. It provides $120 billion for transportation programs from July 1, 2012 – September 30, 2014.

  Among other things, the new surface transportation bill provides the following policies and provisions of interest to Winter Park:

  - Return 95% of the federal gas tax revenues to Florida, up from 92%
  - Streamlines various permitting and approval processes
  - Transportation Enhancement projects such as for bike/pedestrian/sidewalk projects, environmental mitigation activities, “Safe Routes to Schools” and the Recreational Trails Program remain eligible for funding under Transportation Alternatives (TA). Also projects are eligible for “planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.”
  - Off-System Bridges: The bill maintains the 15 percent funding set-aside for off-system bridges, which had been deleted in earlier House and Senate versions of the bill.

By reauthorizing the surface transportation programs, Congress has now established state formula funding levels and transportation policy, and the
Florida Department of Transportation (FDOT) can now plan and fund new projects, including those impacting Winter Park.

- **Budget Control Act of 2011: Debt-Ceiling Increase**
  On August 2, 2011, the President approved the Budget Control Act of 2011 (S. 365) to raise the $14.3 trillion debt-ceiling by at least $2.1 trillion. Because the Joint Committee on the Deficit failed to agree on a deficit reduction plan last November, automatic spending cuts will begin on January 1, 2013, unless Congress takes action. For FY 2013 – FY 2021, $1.2 trillion will be cut equally from the Defense Department and all other federal departments. While the full impact is unclear, we expect several federal programs important to Winter Park to be targeted for reductions.

  Alcalde & Fay is advocating to Congress to address the deficit without sacrificing vital services to municipalities. We continue to work with the Appropriations and Budget Committees to protect programs that benefit Winter Park from Budget Control Act cuts.

- **Marketplace Fairness Act (S. 1832)** – We have advocated in support of this bill, that expresses that states should be able to enforce their existing sales tax laws to treat sales transactions equally, whether via the internet, mail order, or local retailer. Currently, local governments are losing billions in owed tax revenue, and local retailers are at a competitive disadvantage against operations that do not have to collect sales taxes.

- **Three Percent Withholding Requirement (H.R. 674)** – We advocated for a repeal of the I.R.S. 3% withholding requirement of all payments made by local governments to vendors for goods and services. This burdensome requirement would have forced Winter Park to spend significant resources on federal tax collection, and would have required costly upfront payments to the I.R.S.

- **Workforce Investment Act Reauthorization Bill**
  We are monitoring the Senate Committee on Health, Education, Labor and Pensions (HELP) and its release of three discussion drafts of the Workforce Investment Act (WIA) reauthorization bill.

  All three drafts address local governments’ key concerns with the current Workforce Investment Act. The drafts call for: (a) Enhancing the role of local officials by giving them more and clearer responsibility for planning
and implementing workforce development programs; (b) Streamlining the governance structure of the state and local workforce systems by making clear the responsibilities of local elected officials and state and local workforce boards; and (c) Allowing for regional workforce development areas, by designating regional workforce development areas or creating regional planning districts that include two or more workforce development areas.

- **National Flood Insurance Program (NFIP) Reauthorization of 2011**
  Congress attached a five year reauthorization of the NFIP to the highway reauthorization legislation as a means of renewing NFIP through September 30, 2017. We advocated against a provision requiring flood insurance by residents currently protected by flood control infrastructure, as a duplicative burden on property owners who already paid taxes for flood control measures. We were pleased to report that the bill’s lead negotiators removed the mandatory purchase provision from the final bill, and in passing the bill greater certainty is provided to the real estate market in flood-prone areas.

- **EPA’s Water Quality Standards for the State of Florida**
  Over the past year, we have been communicating with EPA and Florida’s Congressional Delegation to prevent, or delay, the implementation of the EPA’s originally proposed “Water Quality Standards for the State of Florida’s Lakes and Flowing Waters” that established numeric nutrient criteria. In November 2011, EPA agreed to allow the Florida Department of Environmental Protection (FDEP) to develop its own rules establishing nutrient criteria and also agreed to withdraw its federal standards for Florida waters if the FDEP rule was approved by the Florida Legislature and the Governor, which occurred in February, 2012 (S.B. 2060/H.B. 7051). Thereafter the FDEP sent the rules to EPA for approval. Recently, EPA proposed to extend the approval deadline to July 6, 2013.

- **Clean Water Affordability Act (S. 2094)**
  We are monitoring and advocating in support of this bill that authorizes $1.8 billion in grant funding over five years to update sewer infrastructure. If passed, it could provide funding to Winter Park for clean water projects. The program would be administered by the EPA and would pay for 75% of the cost of planning, designing and constructing treatment plants for both combined and sanitary overflows. The bill would tailor repair schedules to a community’s financial situation.
and extend the payback of State Revolving Fund loans from 20 to 30 years. It would also allow the EPA to prioritize sewer infrastructure projects.

**Annual Winter Park advocacy trip to Washington**

Annually we encourage City officials to make a trip to Washington, D.C. for meetings with your Congressional Delegation, and key federal agencies and departments. These meetings allow for direct communication about funding opportunities, and facilitate discussion about additional federal issues of concern. We arranged meetings in Washington on May 7 and 8th for Mayor Bradley, Commissioners Cooper, Leary, and Sprinkel, and Assistant City Manager Del Valle, with your Congressional Delegation, along with the Economic Development Administration, EPA, and Federal Highway Administration to discuss the City’s respective projects, and secure key information about grant opportunities.

Also, previously we met with the U.S. Postal Service, and have had follow up communication with the Postal Service Congressional liaison, its real estate division and legal counsel to secure a right of first refusal for the City. Currently the City is working on a formal proposal detailing specific consideration the City would provide to the Postal Service in exchange for a right of first refusal. We will continue to assist the City to coordinate next steps in the process of negotiating an agreement.

Overall, we feel strongly that the meetings conducted in Washington were productive as evidenced by the conversations that occurred between the City and federal agencies, along with discussions with your Members of Congress and their Washington legislative staff.

Please contact us with any questions regarding this report.
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF WINTER PARK AND
ALCALDE AND FAY, LTD.

The following is an agreement between the City of Winter Park, hereinafter referred to as “CITY” and the firm of Alcalde & Fay, Ltd., a Virginia corporation, hereinafter referred to as “CONTRACTOR”.

WHEREAS, CONTRACTOR has duly qualified experts in the field of public works, transportation, communications, water resources, housing and Federal grant programs; and

WHEREAS, in the judgment of the City Commission, it is necessary and desirable to employ the services of the CONTRACTOR to assist the CITY with public works, transportation, communications, water resources, housing and Federal grant programs administered by the Federal government.

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

PART I - SPECIFIC PROVISIONS

A. SERVICES TO BE PROVIDED: CONTRACTOR will consult and advise, as requested, on public works, transportation, economic development, communications, water resources, housing and Federal grant programs, including but not limited to:

1. Developing strategies to obtain and maximize funding for public works, transportation, economic development, water resources, housing and Federal grant programs.
2. Coordinating funding, legislation and policy related activities with the United States Congress and federal agencies;
3. Securing appropriate authorizations and funding from the United States Congress and federal agencies to implement the CITY’S projects;
4. Maintaining direct and frequent contact with key United States Senators and Representatives;
5. Advocating CITY interests during the United States legislative and regulatory process;
6. Providing the CITY with a written report of activities and attending CITY meetings upon the CITY’S request;
7. Upon reasonable written request from CITY, CONTRACTOR shall provide to CITY a complete statement identifying all Florida state, county or municipal entities upon whose behalf CONTRACTOR currently provides professional services.

B. PAYMENT: CONTRACTOR’s compensation for the services provided hereunder shall not exceed $5,000.00 per month. The monthly $5,000.00 fee invoice shall be submitted by CONTRACTOR at the first of each month, beginning on February 1, 2003. The CITY shall reimburse the contractor for reasonable expenses incurred in connection with the CONTRACTOR’S work at actual cost. Expenses that are to be reimbursed include, but not limited to; photocopying, postage, telephone, delivery, and telecopy charges. Expenses will be reimbursed to CONTRACTOR on a monthly basis. All travel expenses will be incurred only following written approval by the City Manager.

C. KEY PERSONNEL: CONTRACTOR has represented to CITY that CITY will have L.A. “Skip” Bafalis and Jim Davenport, principals of CONTRACTOR’s services, in the performance of CONTRACTOR’S duties hereunder, and has relied on that representation as an inducement to entering into this Agreement.
PART II - GENERAL PROVISIONS

A. ASSIGNMENT AND DELEGATION: Except as above, neither party hereto shall assign or delegate any interest in or duty under this Agreement without written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.

B. STATUS OF CONTRACTOR: The parties intend that CONTRACTOR, in performing the services hereinafter specified, shall act as an independent contractor and shall have control of the work and the manner in which it is performed. CONTRACTOR is not to be considered an agent or employee of CITY and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CITY provides its employees.

C. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS AND MAKING PAYMENTS: All notices, bill, and payments shall be made in writing and may be given by personal delivery or by mail. Notices, bills and payments sent by mail should be addressed as follows:

CITY: JAMES WILLIAMS
CITY MANAGER
CITY OF WINTER PARK
401 SOUTH PARK AVENUE
WINTER PARK, FL 32789

CONTRACTOR: ALCALDE & FAY, LTD.
2111 WILSON BLVD., 8TH FLOOR
ARLINGTON, VA 22201
(703) 841-0626

D. NON-DISCRIMINATION: CONTRACTOR shall comply with all applicable federal, state and local laws, rules and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, age, marital status, medical condition, or physical or mental disability.

E. TERM OF AGREEMENT: This Agreement shall become effective on February 1, 2003 and shall terminate upon 30 day's written notice by either party with or without cause.

F. JURISDICTION: This Agreement and performance hereunder and all suits and special proceedings hereunder shall be construed in accordance with the laws of the State of Florida. In addition, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this Agreement, the laws of the State of Florida shall be applicable and shall govern to the exclusion of the law of any other forum.

G. PUBLIC RECORD: The parties understand that any record, document, computerized information and program, audio, or video tape, or other writing completed by the CONTRACTOR related directly or indirectly to the Agreement is a public record pursuant to Chapter 112, Florida Statutes, whether in the possession or control of the CITY or the CONTRACTOR. Such public records may not be destroyed without the specific written approval of the Mayor. Upon request by the CITY, the CONTRACTOR shall promptly supply copies of said public records to the CITY. Nothing contained in this paragraph shall require the disclosure of information that is exempt from public records disclosure pursuant to state or federal law.
H. MEDIATION: All controversies, claims, and disputes between the parties arising out of or related to this Agreement or the interpretation thereof, will first be submitted to mediation by a mediator certified by the Supreme Court of Florida, which mediator shall be selected and retained by the City of Winter Park. The cost of the mediator’s fee shall be borne equally by the parties. The mediation process shall be invoked by written notice from either party. The CITY shall retain the mediator and schedule a mediation within thirty (30) days of sending or receiving the written notice, or on a date as agreed by the parties. Mediation shall be a condition precedent to filing a lawsuit by either party.

I. ATTORNEY’S FEES: COSTS: VENUE: In the event that any party hereto shall bring an action or proceeding for an alleged breach of any provision of this Agreement, the prevailing party shall be entitled to recover, as part of such action or proceeding, reasonable attorney’s fees, paralegal fees, and court costs at both trial and appellate levels. For the purpose of any suit, action or proceeding arising out of or relating to this Agreement, the parties hereby consent to the jurisdiction and venue of any of the courts of record of the State of Florida, Orange County.

J. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the parties and supersedes all prior oral or written agreements. No waiver, modifications, additions or addendum to this Agreement shall be valid unless in writing and signed by both the CONTRACTOR and CITY.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 20TH day of JANUARY, 2003.

ATTEST:  

CITY OF WINTER PARK  

By:  

Alfredo R. Martinez

WITNESSES:  

ALCALDE AND FAY, LTD.

By:  

L. A. Bajale
Subject: Ordinance to Expand the Permitted Uses along Park Avenue, in the block south of Comstock Avenue.

This proposed ordinance amends the C-2 commercial zoning rules for the Central Business District area by proposing to revise the permitted uses along Park Avenue in the one block south of Comstock Avenue. This block of Park Avenue has struggled for many years. It is ‘cut-off’ by City Hall for many pedestrians and also has challenges with available parking. Historically there has been more turnover and vacancies in this block than elsewhere along Park Avenue. In order to help with the “economy” of this one block of Park Avenue, south of Comstock Avenue, this ordinance originally proposed to allow all types of restaurants (not just fine dining restaurants) within that block and to allow offices and salons on the ground floor (that otherwise are not permitted).

This proposed change was discussed by the Economic Development Advisory Board at their June 12th meeting. The Board is in support of the change.

Recommendation:

The Planning and Zoning Board voted unanimously (6-0) to Table and Delete the provisions altering the zoning rules for restaurants. They directed the planning staff to return with other alternatives for further discussion.

The Planning and Zoning Board voted unanimously (6-0) to Approve the provisions altering the zoning rules to allow offices, salons, cosmetic treatment businesses and others to be allowed on the ground floor within this one block, south of Comstock Avenue.

Summary:

Context South of Comstock Avenues:

This ordinance addresses the C-2 zoning rules just for the specific one block area along Park Avenue between Fairbanks and Comstock Avenues. This has always been a difficult “retail” block. City Hall represents a stopping point for sidewalk window shoppers. The proximity to Fairbanks Avenue gives it some of the general commercial character versus the traditional CDB feel.
This proposed change has not been requested by the three property owners in this block. This is a staff generated proposal from Economic Development and Planning because staff believes will help the economic growth in this block without affecting the predominant character of the Park Avenue experience. It does have the support however of those owners.

This ordinance only affects the five properties on Park Avenue, south of Comstock Avenue (see map attached) which encompasses about 180 feet of length along Park Avenue. There are three property owners who collectively own the five properties and they have all been contacted about this proposed change.
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, TO AMEND CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” SECTION 58-75 “COMMERCIAL (C-2) DISTRICT”, TO REVISE THE PERMITTED USES ALONG PARK AVENUE, SOUTH OF COMSTOCK AVENUE, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at its July 10, 2012 meeting; and

WHEREAS, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning change set forth hereunder and considered advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park’s Comprehensive Plan.

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

SECTION 1. That Chapter 58 “Land Development Code”, Article III “Zoning” is hereby amended and modified by amending Section 58-75 “Commercial (C-2) District”, subsections (b) and (c) to read as follows:

Sec. 58-75. Commercial (C-2) District.

(b) Permitted uses. All permitted uses shall be conducted so as to emphasize the pedestrian orientation of the district. Thus, drive-in type businesses or uses which have a drive-in component as part of their operation shall not be permitted except to a limited degree in the area on Morse Boulevard, west of Virginia Avenue and confined to non-retail use. All uses permitted shall be conducted exclusively within a building except those uses permitted which are customarily conducted in the open such as off-street parking and out-door patio seating for dining. Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building. Bars, taverns and cocktail lounges are prohibited in this zoning district.

(1) Retail businesses involved in the sale of merchandise on the premises within enclosed buildings but excluding resale establishments or pawn shops (other than clothing resale stores). Liquor stores, provided the store is more than 300 feet from residentially used properties.

(2) Personal services limited to hotels, and shoe/watch repair businesses; but excluding places of amusement such as game rooms, video or internet arcades, tattoo, body art or fortune telling businesses and the like.

(3) Bank, savings and loans, financial institutions, travel agencies, photographic studios, interior design studios, barber shops, beauty/nail salons, spas, state licensed massage therapists, cosmetic treatments businesses, governmental, educational, medical, real estate and other offices but only when such uses are located above the
ground floor within the Park Avenue Corridor or located on any floor outside the Park Avenue Corridor or on any floor within the Park Avenue Corridor, south of Comstock Avenue. This shall be referred to as the Park Avenue corridor vertical zoning restrictions.

(4) Residences located on any floor outside of the Park Avenue Corridor or above the ground floor within the Park Avenue Corridor.

(5) Public and semi-private facilities such as museums, lodges, libraries and the like.

(6) Fine dining restaurants, as well as ice cream, tea, coffee, cheese, pastry and bakery stores with retail sales and consumption of food and beverage products on premises.

(7) Churches, non-profit organizations’ halls/lodges and schools less than 5,000 square feet in size. (See parking requirements for limitations).

**SECTION 2. SEVERABILITY AND CONFLICTS.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 4 - EFFECTIVE DATE.** This ordinance shall become effective immediately upon its final passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ______ day of ________________, 2012.

_________________________________ Mayor

ATTEST:

_________________________________ City Clerk
CITY OF WINTER PARK
Planning & Zoning Board

MINUTES

July 10, 2012
5:00 p.m.

Regular Meeting
Welcome Center

Chairman Krecicki called the meeting to order at 5:00 p.m. in the Welcome Center. Present: Drew Krecicki, Tom Sacha, Peter Gottfried, Randall Siocum, James Johnston and Robert Hahn. Staff: Planning Director Jeffrey Briggs, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

Approval of minutes – June 5, 2012

Motion made by seconded by to approve the May 1, 2012, meeting minutes. Motion carried unanimously with a 6-0 vote.

PUBLIC HEARINGS:

REQUEST OF THE CITY OF WINTER PARK FOR: TO AMEND THE “ZONING REGULATIONS”, SECTION 58-75 “COMMERCIAL (C-2) DISTRICT,” TO REVISE THE PERMITTED USES ALONG PARK AVENUE, SOUTH OF COMSTOCK AVENUE.

Mr. Briggs explained that this agenda item amends the C-2 commercial zoning rules for the Central Business District area by proposing to revise the permitted uses along Park Avenue in the one block south of Comstock Avenue. This block of Park Avenue has struggled for many years. It is ‘cut-off’ by City Hall for many pedestrians and also has challenges with available parking. Historically there has been more turnover and vacancies in this block than elsewhere along Park Avenue. In order to help with the “economy” of this one block of Park Avenue, south of Comstock Avenue, this ordinance proposes to allow all types of restaurants (not just fine dining restaurants) and to allow offices and salons on the ground floor (that otherwise are not permitted).

This proposed change has not been requested by the three property owners in this block. This is a staff generated proposal because staff believes will help the economic growth in this block without affecting the predominant character of the Park Avenue experience. It does have the support however of those owners.

This ordinance only affects the five properties on Park Avenue, south of Comstock Avenue (see map attached) which encompasses about 180 feet of length along Park Avenue. There are three property owners who collectively own the five properties and they have all been contacted about this proposed change.

This proposed change was discussed by the Economic Development Advisory Board at their June 12th meeting. The Board is in support of the change. Staff recommendation was for approval.

The Board questioned how restaurants are now regulated and Mr. Briggs responded that in 1982, the retail merchants were complaining that these restaurants were hurting the “Avenue” because all of the available parking was being dominated by the restaurant staff and customers. So in response to the merchants and
other parking concerns, the City Commission established a Downtown Parking Advisory Commission to make recommendations on the parking issues in the downtown. Their recommendation on the zoning issue, which was adopted by the City Commission in early 1983, was to make the highest parking generators a “Conditional Use”. The idea was that new restaurants then could be approved only when they had sufficient parking.

Ten years later in 2003, the Economic Development Advisory Board recommended a change to the zoning rules to allow “fine dining” restaurants to be treated as permitted uses versus conditional uses. The definition of “fine dining” restaurants are waiter/waitress table service versus front counter order or self service restaurants.

Since 2003, that zoning code change has allowed five new “fine dining” restaurants to locate along Park Avenue. They are the Orchid Thai, Paris Bistro, Prado, Bosphorus and Cocina 214. (Luma and Panera’s are also new since 2003 but they would have been permitted regardless since they have parking allocated within their building’s parking garage)

Mr. Briggs expressed his opinion that relaxing the rules for this one block of Park Avenue to allow any type of restaurant will not be detrimental to the overall character of Park Avenue as a retail shopping and fine dining restaurant district.

The following people spoke concerning the ordinance: Sally Flynn, 1400 Highland Road, expressed that she feels that the City should be very careful in lowering standards as that is the gateway to Park Avenue and the effect that it could have on the historic district. She also questioned how public notice was provided to the citizens concerning the ordinance. She said that she feels that notice should be given prior to the public hearing so that citizens can voice their concerns prior to the hearings.

Frank Hamner, attorney, represented the Holler Family and spoke regarding issues that they have had filling vacancies with the current standards in place.

Bee Epley, 151 North Orlando Avenue, spoke concerning the importance of Park Avenue.

Mr. Sacha indicated that his discussions years ago with Don Sexton, owner of the Orvis store, was that they struggled to get pedestrian traffic to come down to this block which was major reason they relocated. The Board consensus was that this block did need some help in relaxing the rules to aid in the leasing and retention of businesses. Mr. Gottfried and Mr. Slocum mentioned types of business such as a real estate office or hair salon that would be a good fit in this block. The Board expressed that they agreed with the existing regulations for the bulk of Park Avenue but this context was different.

The Board however expressed concern about opening the door to any kind of franchise fast food restaurant in this block that is a gateway to the core of Park Avenue. Mr. Krecicki felt the hybrid which staff discussed where there was both the counter service option as well as table service was his preferred option. Mr. Hahn expressed that the City needs to proceed cautiously as this is the gateway entrance to the downtown for most visitors. Mr. Johnston said that his understanding from the Board discussion was that the goal was to be more flexible with certain types of counter service only restaurants just in this block but not necessarily every type of counter service only restaurant. He encouraged the Board to keep working on this with staff to hopefully find the solution. There was consensus to proceed in that manner.

Motion made by Mr. Krecicki, seconded by Mr. Gottfried to approve the ordinance with the exception to delete the blue wording in item #8. Staff was instructed to bring that issue back to the board at a work session at a later date. Motion carried unanimously with a 6-0 vote.

Respectfully submitted,
Lisa M. Smith,
Recording Secretary

Planning & Zoning Board Page 2 July 10, 2012
Meeting was called to order at 8:37 a.m. in the Welcome Center, 151 W. Lyman Avenue.

**BOARD MEMBERS PRESENT:** Marc Reicher, Stephen Flanagan, Patrick Chapin, Kelley Olinger, and Owen Beitsch

**BOARD MEMBERS ABSENT:** John Gill and Daniel Smith

**STAFF MEMBERS PRESENT:** Dori Stone, Gabriella Serrado, and Peter Moore

Marc Reicher welcomed the board and took a couple of minutes to introduce new board member Kelly Olinger.

**ADMINISTRATIVE ITEMS**

A. **Approval of Minutes**

Motion made by Owen Beitsch, seconded by Stephen Flanagan, to approve the March 13, 2012 minutes. Motion carried unanimously with a 5-0 vote.

**ACTION ITEMS**

A. **Review of Proposed Code Change for Park Avenue**

Peter Moore, Economic Development/CRA Assistant Director, presented the board with the possible code changes for Park Avenue. The city’s Planning Department is requesting several LDC changes to allow flexibility in downtown dining alternatives along South Park Avenue. These changes apply to the block south of Comstock. This south end has seen the highest rate of vacancy on the Avenue for several years. The current code does not accommodate the “fast casual” genre of restaurants such as Panera, Five Guys, and, in this case, BurgerFi. Mr. Moore pointed out that any fast casual restaurant wishing to open on the south end of the avenue still needs to abide by Park Avenue design standards.

Board had mixed feelings on this issue. Members asked whether these changes would allow any fast food chain to move into the south end. Under these changes fast food places, such as Burger King, McDonald’s, or Wendy’s, would be allowed in the south end as long as they fit design standards. The board agreed that they have to look at this from the economic development perspective and not from a zoning and planning issue. Mr. Beitsch pointed out that the impact of vacancies is more deleterious than the potential succession of McDonald’s locating to the south end.

Motion made by Stephen Flanagan, seconded by Owen Beitsch, to endorse the proposed Park Avenue codes changes. Motion carried unanimously with a 5-0 vote.

B. **Update of Economic Development Plan Objectives and Budget**

Dori Stone, Economic Development/CRA Director, reported back on the progress of the Economic Development Plan. Staff has been working on the 15 work items of the Plan over the past nine months. Program highlights include the ULI TAP for West Fairbanks Avenue, a survey of
subject

Consolidation of Environmental Review and Keep Winter Park Beautiful boards

motion | recommendation

To approve a revised version of ORDINANCE NO. 2843-11 which combines the Environmental Review and Keep Winter Park Beautiful boards to create a Keep Winter Park Beautiful and Sustainable Advisory Board.

Background

At the June 25th meeting, Public Works Director Troy Attaway and Sustainability Coordinator Tim Maslow explained the request to combine the Environmental Review Board and the Keep Winter Park Beautiful Board into a single board called Sustainability Advisory Board.

Motion made by Mayor Bradley to approve the combining as mentioned in the June 20, 2012 minutes (attached) with the same details and add one element regarding the fifteen members: five will be appointed for a one year term, five will be appointed for a two year term and five will be appointed for a three year term initially; seconded by Commissioner McMacken.

Mr. Attaway answered questions pertaining to the intent of the request. City Manager Knight advised that if the Commission approves the combining of the boards that the board ordinance will have to be changed and adopted.

Commissioner Cooper stated that she would prefer to have the Utilities Advisory Board (UAB) make the final decision on any matters that relate to the functions of their board.

Commissioner Cooper also mentioned that going to a platinum level certification is very costly and recommended that a cost benefit analysis be provided to the Commission prior to moving ahead with obtaining the certification. Mayor Bradley agreed and requested to delete the one line (in the minutes) “while also achieving the Florida Green Building Coalition’s Green Local Government certificate at the Platinum level”; seconded by Commissioner McMacken. 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.
alternatives | other considerations

Not combining the two boards.

fiscal impact

Reduction in Board expenses ($1,500 per year)

long-term impact

Having one board dedicated to development of a sustainability action plan, working toward achieving the Green Local Government Platinum certification and other issues effecting certification and overall environmental, economic and social sustainability of the city.

strategic objective

Quality Environment and Quality Government Services
AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ESTABLISHING THE KEEP WINTER PARK BEAUTIFUL AND SUSTAINABILITY ADVISORY BOARD; AMENDING SECTIONS 2-47, 2-57, AND 2-62 OF THE MUNICIPAL CODE; REPEALING SECTION 2-57 OF THE MUNICIPAL CODE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park has received information and recommendations from the City Manager, and has considered these matters and determines that it is in the best interest of the City that an advisory board should be established through consolidation of existing advisory boards, for the purpose of promoting and developing thoughtful recommendations regarding matters related to the environmental, economic and social sustainability of the City of Winter Park; and

WHEREAS, the City Commission has the authority under the Charter and Florida law to exercise powers for municipal purposes except where expressly prohibited by law; and

WHEREAS, the Keep Winter Park Beautiful and Sustainability Advisory Board shall be concerned with matters related to the environmental, economic and social sustainability of the City of Winter Park.

NOW, THEREFORE, the City Commission of the City of Winter Park, Florida, hereby ordains as follows:

SECTION 1. Recitals. The recitals set forth above are hereby adopted and incorporated herein by reference and are fully made a part of this Ordinance.

SECTION 2. Amendment of Section 2-47 of the Municipal Code. Chapter 2, Article III, Division One, Section 2-47 of the Municipal Code is amended by crossing out language that is deleted, and by showing new language in color other than black, as follows:

“List and Size of Boards Established. The following boards and number of members are established. The general requirements are specified in Division Two herein and the board specific requirements are specified in Division Three. Unless the City Charter or state law requires a different number of members, each board shall have seven members and one alternate member, although boards that had more than seven members prior to May 9, 2011, shall continue to have the greater number of members plus one alternate, and other boards by ordinance of the City Commission may have a greater number of members, as shown hereinafter:

1. Board of Adjustments
2. Civil Service Board
3. Code Enforcement Board (which also sits as the Nuisance Abatement Board)
4. Community Redevelopment Agency
5. Community Redevelopment Advisory Board
6. Construction Board of Adjustments and Appeals
7. Economic Development Advisory Board
8. Environmental Review Advisory Board – Nine members, one alternate
9. Ethics Advisory Board
10. Historic Preservation Board
11. Housing Authority Board
12. Independent Personnel Review Board
13. Keep Winter Park Beautiful and Sustainability Advisory Board – Eleven members, one alternate.
14. Lakes and Waterways Advisory Board
15. Parks and Recreation Advisory Board
16. Pedestrian and Bicycle Advisory Board
17. Planning and Zoning Board
18. Public Art Advisory Board – Eleven members, one alternate.
19. Tree Preservation Board
20. Utilities Advisory Board – Nine members, one alternate.
21. Winter Park Firefighters Pension Board
22. Winter Park Police Officers Pension Board

SECTION 3. Repeal of Section 2-57 of the Municipal Code and Closure of the Environmental Review Advisory Board. Chapter 2, Article III, Division Three, Section 2-57, entitled the “Environmental Review Advisory Board” is hereby deleted and repealed in its entirety, and the Environmental Review Advisory Board shall be closed and its functions consolidated with the newly established advisory board to be known as the Keep Winter Park Beautiful and Sustainability Advisory Board.

SECTION 4. Amendment of Section 2-62 of the Municipal Code. Chapter 2, Article III, Division Three, Section 2-62 of the Municipal Code (which shall be renumbered as 2-61 following the effective date of this Ordinance) is amended by crossing out language that is deleted, and by showing new language in color other than black, as follows:

“Keep Winter Park Beautiful and Sustainability Advisory Board. Pursuant to the authority of the City Commission, there is established within the City of Winter Park, a Keep Winter Park Beautiful and Sustainability Advisory Board, subject to the following provisions:
(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provision in Divisions One and Two of this Article.
(2) Advisory Board. The Keep Winter Park Beautiful and Sustainability Advisory Board is an advisory board, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the City Commission concerning matters related to the promotion of beautification and maintenance of the beauty, the environmental, economic and social sustainability of the City of Winter Park, including but not limited to advice regarding the maintenance and improvement of the appearance of the public spaces within the City. The Keep Winter Park Beautiful and Sustainability Advisory Board shall have no adjudicatory or enforcement authority. However, the Keep Winter Park Beautiful and Sustainability Advisory Board shall have the authority to develop and explore opportunities for fundraising and other awareness programs, but all of such opportunities shall be subject to the ordinances, resolutions and policies for such purposes established from time to time by the City Commission, and the Keep Winter Park Beautiful and Sustainability Advisory Board shall have no authority to commit or obligate the City with respect to the terms, conditions, or any other matters related to fundraising or commitments or agreements related to fundraising. The role and function of this Board with respect to fundraising is to explore opportunities and to give advice and make recommendations to the City Commission, and in all instances the City Commission shall be the responsible entity to enter specific fundraising programs on behalf of the City of Winter Park.

(3) Procedures. The procedures and rules for operation of the Keep Winter Park Beautiful and Sustainability Advisory Board shall be in accordance with the general requirements stated in Divisions One and Two of this Article.”

SECTION 5. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the substantive code provisions of this Ordinance, stated in Sections 2, 3 and 4 hereof, shall become and be made a part of the Municipal Code of the City of Winter Park, Florida, and that any change, amendment or correction that does not affect the substance of any matter may be made to correct scriveners’ errors, to renumber, re-letter or otherwise to conform the substantive requirements of this Ordinance into the Municipal Code so long as there are no changes in the substance or legal effect of the provisions hereof, through or as a result of such codification.

Without limiting other non-substantive changes that may be made during the process of codification in the Municipal Code, the removal of the Environmental Review Advisory Board, previously found at Section 2–57, will result in a renumbering of the sections in Chapter 2, Article III, Division Three, such that Sections 2–71 through 2–80 will now be reserved (whereas, previously, Sections 2–72 through 2–80 were reserved).
**SECTION 6.** Severability. If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Ordinance, and such invalid or unlawful portion shall be severed from the remainder, and the remainder shall be fully enforced and effective.

**SECTION 7.** Conflicts. All ordinances or parts of ordinances that conflict in any manner with any of the provisions of this Ordinance are hereby repealed.

**SECTION 8.** Appointment of Members of the Keep Winter Park Beautiful and Sustainability Advisory Board. The Mayor shall appoint, as provided in the City Charter, the members of the Keep Winter Park Beautiful and Sustainability Advisory Board, on or before 30 days following the effective date of this Ordinance.

**SECTION 9.** Effective Date. This Ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, Florida on this _____ day of __________________, 2012.

________________________________________
Mayor Kenneth W. Bradley

Attest:

________________________________________
Cynthia S. Bonham, City Clerk
July 16, 2012

Michelle del Valle, Assistant City Manager
Cindy Bonham, City Clerk
City of Winter Park
401 Park Ave. South
Winter Park, FL 23789

via email & regular U.S. Mail

Re: Keep Winter Park Beautiful and Sustainability Advisory Board

Dear Michelle and Cindy:

Enclosed please find a proposed ordinance that amends the Municipal Code to establish the Keep Winter Park Beautiful and Sustainability Advisory Board. This also repeals the Environmental Review Advisory Board.

A couple of items for your consideration. The Advisory Board that is repealed (Environmental Review) had nine members and one alternate. The information I received from staff is that the new consolidated Board will have 15 members (whereas the previous Keep Winter Park Beautiful had 11 members). Therefore, some folks won't be appointed because you had 20, now 15. Therefore, I put in a provision that the Mayor will make nominations to the new Board on or before 30 days following the effective date. Is that okay?

The revisions I received from staff refer to the new Board as a "Sustainable"
July 16, 2012
Page 2

Advisory Board. I think "Sustainability" reads better and is more grammatically correct. Agreed?

Let me know if I can be of any further assistance.

Sincerely,

Usher L. Brown

ULB:tla
Enclosure
cc: Randy Knight, City Manager (w/encl.)
    Troy Attaway, Public Works Director (w/encl.)

G:\Docs\Cities\Winter Park\Boards\Sustainability Board\Correspondence\ltr.del valle and bonham with redline ordinance.wpd
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ESTABLISHING THE KEEP WINTER PARK BEAUTIFUL AND SUSTAINABILITY ADVISORY BOARD; AMENDING SECTIONS 2-47, 2-57, AND 2-62 OF THE MUNICIPAL CODE; REPEALING SECTION 2-57 OF THE MUNICIPAL CODE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park has received information and recommendations from the City Manager, and has considered these matters and determines that it is in the best interest of the City that an advisory board should be established through consolidation of existing advisory boards, for the purpose of promoting and developing thoughtful recommendations regarding matters related to the environmental, economic and social sustainability of the City of Winter Park; and

WHEREAS, the City Commission has the authority under the Charter and Florida law to exercise powers for municipal purposes except where expressly prohibited by law; and

WHEREAS, the Keep Winter Park Beautiful and Sustainability Advisory Board shall be concerned with matters related to the environmental, economic and social sustainability of the City of Winter Park.

NOW, THEREFORE, the City Commission of the City of Winter Park, Florida, hereby ordains as follows:

SECTION 1. Recitals. The recitals set forth above are hereby adopted and incorporated herein by reference and are fully made a part of this Ordinance.

SECTION 2. Amendment of Section 2-47 of the Municipal Code. Chapter 2, Article III, Division One, Section 2-47 of the Municipal Code is amended by crossing out language that is deleted, and by showing new language in color other than black, as follows:

"List and Size of Boards Established. The following boards and number of members are established. The general requirements are specified in Division Two herein and the board specific requirements are specified in Division Three. Unless the City Charter or state law requires a different number of members, each board shall have seven members and one alternate member, although boards that had more than seven members prior to May 9, 2011, shall continue to have the greater number of members plus one alternate, and other boards by ordinance of the City Commission may have a greater number of members, as shown hereinafter:

1. Board of Adjustments
2. Civil Service Board
3. Code Enforcement Board (which also sits as the Nuisance Abatement Board)
4. Community Redevelopment Agency
5. Community Redevelopment Advisory Board
6. Construction Board of Adjustments and Appeals
7. Economic Development Advisory Board
8. Environmental Review Advisory Board — Nine members, one alternate
9. Ethics Advisory Board
10. Historic Preservation Board
11. Housing Authority Board
12. Independent Personnel Review Board
13. Keep Winter Park Beautiful and Sustainability Advisory Board — Eleven members, one alternate.
14. Lakes and Waterways Advisory Board
15. Parks and Recreation Advisory Board
16. Pedestrian and Bicycle Advisory Board
17. Planning and Zoning Board
18. Public Art Advisory Board — Eleven members, one alternate.
19. Tree Preservation Board
20. Utilities Advisory Board — Nine members, one alternate.
21. Winter Park Firefighters Pension Board
22. Winter Park Police Officers Pension Board“

SECTION 3. Repeal of Section 2-57 of the Municipal Code and Closure of the Environmental Review Advisory Board. Chapter 2, Article III, Division Three, Section 2-57, entitled the “Environmental Review Advisory Board” is hereby deleted and repealed in its entirety, and the Environmental Review Advisory Board shall be closed and its functions consolidated with the newly established advisory board to be known as the Keep Winter Park Beautiful and Sustainability Advisory Board.

SECTION 4. Amendment of Section 2-62 of the Municipal Code. Chapter 2, Article III, Division Three, Section 2-62 of the Municipal Code (which shall be renumbered as 2-61 following the effective date of this Ordinance) is amended by crossing out language that is deleted, and by showing new language in color other than black, as follows:

“Keep Winter Park Beautiful and Sustainability Advisory Board. Pursuant to the authority of the City Commission, there is established within the City of Winter Park, a Keep Winter Park Beautiful and Sustainability Advisory Board, subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provision in Divisions One and Two of this Article.
(2) **Advisory Board.** The Keep Winter Park Beautiful and Sustainability Advisory Board is an advisory board, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the City Commission concerning matters related to the promotion of beautification and maintenance of the beauty and sustainability of the City of Winter Park, including but not limited to advice regarding the maintenance and improvement of the appearance of the public spaces within the City. The Keep Winter Park Beautiful and Sustainability Advisory Board shall have no adjudicatory or enforcement authority. However, the Keep Winter Park Beautiful and Sustainability Advisory Board shall have the authority to develop and explore opportunities for fundraising and other awareness programs, but all of such opportunities shall be subject to the ordinances, resolutions and policies for such purposes established from time to time by the City Commission, and the Keep Winter Park Beautiful and Sustainability Advisory Board shall have no authority to commit or obligate the City with respect to the terms, conditions, or any other matters related to fundraising or commitments or agreements related to fundraising. The role and function of this Board with respect to fundraising is to explore opportunities and to give advice and make recommendations to the City Commission, and in all instances the City Commission shall be the responsible entity to enter specific fundraising programs on behalf of the City of Winter Park.

(3) **Procedures.** The procedures and rules for operation of the Keep Winter Park Beautiful and Sustainability Advisory Board shall be in accordance with the general requirements stated in Divisions One and Two of this Article.”

**SECTION 5. Codification.** It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the substantive code provisions of this Ordinance, stated in Sections 2, 3 and 4 hereof, shall become and be made a part of the Municipal Code of the City of Winter Park, Florida, and that any change, amendment or correction that does not affect the substance of any matter may be made to correct scriveners’ errors, to renumber, re-letter or otherwise to conform the substantive requirements of this Ordinance into the Municipal Code so long as there are no changes in the substance or legal effect of the provisions hereof, through or as a result of such codification.

Without limiting other non-substantive changes that may be made during the process of codification in the Municipal Code, the removal of the Environmental Review Advisory Board, previously found at Section 2–57, will result in a renumbering of the sections in Chapter 2, Article III, Division Three, such that Sections 2–71 through 2–80 will now be reserved (whereas, previously, Sections 2–72 through 2–80 were reserved).
SECTION 6. Severability. If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Ordinance, and such invalid or unlawful portion shall be severed from the remainder, and the remainder shall be fully enforced and effective.

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

SECTION 8. Appointment of Members of the Keep Winter Park Beautiful and Sustainability Advisory Board. The Mayor shall appoint, as provided in the City Charter, the members of the Keep Winter Park Beautiful and Sustainability Advisory Board, on or before 30 days following the effective date of this Ordinance.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held in City Hall, Winter Park, Florida on this _____ day of __________________, 2012.

________________________________________________________________________
Mayor Kenneth W. Bradley

Attest:

________________________________________________________________________
Cynthia S. Bonham, City Clerk
### subject

Quiet zone resolution

### motion | recommendation

Adopt the attached resolution.

### summary

Per the direction of the City Commission, attached is the resolution.

### board comments

N/A
RESOLUTION NO. ______________

A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE CONSTRUCTION OF QUIET ZONES THROUGHOUT THE RAIL CORRIDOR IN CENTRAL FLORIDA AS PART OF THE SUNRAIL PROJECT.

WHEREAS, Federal regulations permit the silencing of train horns at intersections if certain safety parameters are in place (quiet zones), and

WHEREAS, the City of Winter Park City Commission has long supported the construction of quiet zones through the City, and

WHEREAS, quiet zones would improve the quality of life for residents and visitors as well as improve the redevelopment opportunities along the corridor, and

WHEREAS, the Florida Department of Transportation is in the process of modifying the rail corridor through Central Florida to accommodate SunRail, and

WHEREAS, it would be more efficient and less expensive to include the needed upgrades for quiet zones as part of the SunRail project instead of through a retrofit after SunRail is constructed.

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

Section 1. The City Commission of the City of Winter Park hereby supports the construction of quiet zones throughout the SunRail corridor.

Section 2. The City Commission calls upon the Federal Transit Administration, the Florida Department of Transportation, MetroPlan Orlando and the cities and counties along the SunRail corridor to work together to bring the quiet zones project to fruition as part of the SunRail project.

Adopted at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 23rd day of July, 2012.
Mayor

Attest: ________________________________

City Clerk