Meeting Called to Order

Invocation
Pastor Todd Haymans, Aloma Baptist Church

Pledge of Allegiance
Abigail & Emma Saint’Gregory Alexander, Catherine & Victoria Doyla

Approval of Agenda

Mayor’s Report
a. Presentation - Winter Park High School Principal Tim Smith

City Manager’s Report

City Attorney’s Report
### Non-Action Items

**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)

### Consent Agenda

<table>
<thead>
<tr>
<th>Projected Time</th>
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<td>5 minutes</td>
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**a.** Approve the minutes of May 22, 2017.
**b.** Approve the piggyback contract with MUSCO Sports Lighting, LLC; and authorize the Mayor to execute the agreement.

### Action Items Requiring Discussion

<table>
<thead>
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<td>60 minutes</td>
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**a.** Review of the Notice of Disposal (NOD) for 1111 W. Fairbanks Avenue (former Bowl America site)

### Public Hearings

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<td>15 minutes</td>
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**a.** Request of Kim Neitzel:
- Ordinance - Amending Chapter 58, “Land Development Code”, Article III, “Zoning” to revise the permitted uses in Office zoning districts to permit veterinary clinics (1)

**b.** Resolution – Repealing and replacing the policy governing City use of social media and external internet

### City Commission Reports

<table>
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<th>Projected Time</th>
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<td>10 minutes total</td>
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**a.** Commissioner Seidel
**b.** Commissioner Sprinkel
**c.** Commissioner Cooper
**d.** Commissioner Weldon
**e.** Mayor Leary

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### 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.”
The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Building Director George Wiggins, followed by the Pledge of Allegiance.

Members present:  
Mayor Steve Leary  
Commissioner Greg Seidel  
Commissioner Sarah Sprinkel  
Commissioner Carolyn Cooper  
Commissioner Pete Weldon

Also present:  
City Manager Randy Knight  
Debbie Wilkerson (for City Clerk Bonham)  
City Attorney Kurt Ardaman

Approval of the agenda

Motion made by Commissioner Seidel to approve the agenda; seconded by Commissioner Weldon and carried with a 4-0 vote (Commissioner Sprinkel was absent for the vote).

Mayor’s Report

No report.

City Manager’s Report

No report.

City Attorney’s Report

Attorney Ardaman and Randy Knight responded to questions from Commissioner Cooper and Commissioner Seidel regarding the new Foundation being considered by the City and the Memory Care facility mediation scheduled for June 29.

Commissioner Sprinkel arrived at 3:39 p.m.

Non-Action Item


Finance Director Wes Hamil summarized the report and answered questions of the Commission.
**Consent Agenda**

a. Approve the minutes of May 8, 2017.

b. Approve the following purchase and contracts:
   
   1. PR162066 to Wesco Distribution, Inc. for three-phase transformers for City undergrounding projects; $95,819.79.
   
   2. Piggyback contract (State of Florida Contract #DMS-10/11-008C) with Verizon Wireless for Mobile Communication Services; and authorize the Mayor to execute the contract.
   
   3. Piggyback contract (Orange County Contract Y16-1066 for Class III Landfill for Disposal of Construction Demolition & Vegetative Yard Waste Materials) with Hubbard Construction Company; and authorize the Mayor to execute the contract.

**Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

No public comments were made.

**Action Items Requiring Discussion**

a. **Sale of 301 W. Comstock Avenue**

City Manager Knight addressed the direction from the last meeting to have CBRE remarket the Blake Yard property. He stated the recommendation is to award the contract for the sale to Winter Park Redevelopment, Ltd. for $481,000 as the highest and best offer. An ordinance and contract will come back to the Commission for approval.

**Motion made by Commissioner Sprinkel to approve the proposal of Winter Park Redevelopment, Ltd. for $481,000; seconded by Commissioner Weldon.**

Commissioner Seidel expressed his preference not to sell the property. Commissioner Cooper spoke about the need to receive a public benefit when selling property and to not only look at the highest dollar.

Lee Ann Inman, 327 W. Comstock Avenue, asked about the process for the sale of the property and hoped to gain information as to the parking, the access on the cul-de-sac, etc. Mr. Knight and Planning Director Stone summarized the public hearing process and what is being proposed for the property. Ms. Stone will meet with Ms. Inman to explain what will take place next.

**Upon a roll call vote, Mayor Leary and Commissioners Sprinkel and Weldon voted yes. Commissioners Seidel and Cooper voted no. The motion carried with a 3-2 vote.**
Public Hearings:

a. Request of Kim Neitzel: - Postponed until June 12.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, "ZONING REGULATIONS” SECTION 58-72 “OFFICE (O-1) DISTRICT” AND SECTION 58-73 “OFFICE (O-2) DISTRICT” SO AS TO ALLOW VETERINARY CLINICS AS A PERMITTED USE SUBJECT TO LIMITATIONS ON A SINGLE TENANT BUILDING AND SEPARATION FROM RESIDENTIAL; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE  First Reading

b. RESOLUTION NO. 2185-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING CERTAIN DEADLINES IN ORDINANCE NO. 2965-14; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

Attorney Ardaman read the resolution by title. Public Works Director Troy Attaway explained the request to extend the deadline within ordinance 2965-14 that vacated a portion of Loren Avenue. He answered questions of the Commission.

 Commissioner Cooper addressed the need to complete the road by December 31, 2017 which is consistent with the condition put on the development project and gives the businesses assurance that by this date they will have a road that connects to Bennett because of her concerns with access. Discussion ensued regarding the current access to the businesses, the signalized intersection at Executive Drive, the realignment of the road, and the need to make sure the roads are presentable and easy to travel on during construction.

Motion made by Mayor Leary to adopt the resolution and that the existing roads (southern aspect of Loren Avenue and east/west of Kindel connected to Bennett) be reviewed by staff to make sure it is navigable and passable and up to standards without a full re-pave (and that the applicant repairs any holes); seconded by Commissioner Sprinkel.

Motion amended by Commissioner Cooper that consistent with the DRC that this new roadway connecting Bennett to Loren be complete by December 31, 2017. Motion failed for lack of a second.

Dan Bellows, representing Benjamin Partners, 411 W. New England Avenue, stated he agrees with the DRC about moving forward with constructing the Loren Avenue extension and to be completed by December 31, 2017. He asked after the extension is built that the reverter goes away.

Rebecca Wilson, Lowndes Drosdick Kantor and Reed law firm, representing Bainbridge, explained why is came before the Commission as a resolution.
Claramargaret Groover, attorney for Carol and Richard Bond, owners of the parcel located at 1501 Lee Road, addressed being pleased with Mr. Bellows request to extend their time because of their intent to build the connector between Loren and Bennett sooner that cancels out other concerns they have.

Motion amended by Commissioner Sprinkel to have the connection from Loren to Bennett completed by December 31, 2017; seconded by Commissioner Weldon.

Upon discussion, Mr. Bellows agreed to post a sign on the concrete barrier at Kindel Avenue that the road is closed but that the businesses are open with an arrow directing to the businesses.

Upon a roll call vote on the amendment, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

c. RESOLUTION NO. 2186-17: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA ASKING GOVERNOR RICK SCOTT TO VETO CS/CS/HB 687 AND SUPPORT THE HOME RULE AUTHORITY GRANTED AND GUARANTEED LOCAL MUNICIPALITIES BY THE FLORIDA CONSTITUTION

Attorney Ardaman read the resolution by title.

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

City Commission Reports:

a. Commissioner Seidel – Spoke about the letter received from Mr. Bendick regarding greenspace and asked to consider what Mr. Bendick provided. After discussion, a work session will be scheduled.

b. Commissioner Sprinkel – Asked about the status of the Foundation for the City and the status of Cady Way and the crossing (City Manager will provide her the date of completion). She also addressed being uncomfortable with receiving emails via the City Manager about a commissioner’s position before a Commission meeting. Sending out position papers was discussed. Attorney Ardaman clarified this issue and when Commissioners can take a position. He cautioned the Commission not to send out emails and advisory positions to other commissioners whether directly or through the City Manager or him.
c. Commissioner Cooper – Addressed case law that you can send out a position paper and the importance to have all information you need. She asked if they are interested in pursuing adaptive signalization on Lakemont, Phelps and St. Andrews per the conversation with FDOT. There was a consensus for the Transportation Advisory Board to have this discussion. She also spoke about the alignment of Executive and Bennett and when Lewis will be opened because of the current development. Planning Director Stone stated the DRC will be discussing Bennett and Executive in a work session about Ravaudage with the master developer.

d. Commissioner Weldon – Spoke about sending out emails and agreeing to have more meetings with Commissioners to discuss issues.

e. Mayor Leary – Reported that he spoke at the Support Our Scholars luncheon and the Winter Park High School for the 12 individuals who were recognized for videos by CSpan.

Public comments (items not on the agenda)

Shawn Shaffer, Winter Park Library Executive Director, announced that Polly Seymour recently was honored by the Florida Library Association with their Friend of the Year Award. She also spoke about the 32 valedictorians that were honored at their luncheon.

The meeting adjourned at 5:10 p.m.

______________________________
Mayor Steve Leary

ATTEST:

______________________________
City Clerk Cynthia S. Bonham, MMC
<table>
<thead>
<tr>
<th>vendor</th>
<th>item</th>
<th>background</th>
<th>fiscal impact</th>
<th>motion</th>
<th>recommendation</th>
</tr>
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<tbody>
<tr>
<td>1. MUSCO Sports Lighting, LLC</td>
<td>Piggyback Contract for Various Equipment &amp; Amenities for Parks &amp; Playgrounds</td>
<td>Total expenditure included in approved FY17 budget.</td>
<td>Commission approve Piggyback Contract with MUSCO Sports Lighting, LLC and authorize the Mayor to execute the Agreement.</td>
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Clay County, FL issued a formal solicitation to award this contract. The contract will expire February 10, 2018.

Approval of contract shall constitute approval for all subsequent purchase orders made against contract.
<table>
<thead>
<tr>
<th>Item type</th>
<th>Action Item Requiring Discussion</th>
<th>meeting date</th>
<th>June 12, 2017</th>
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<tr>
<td>prepared by</td>
<td>Dori Stone</td>
<td></td>
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<tr>
<td>department</td>
<td>Planning &amp; Community Develop.</td>
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<td>division</td>
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<tr>
<td>approved by</td>
<td>City Manager</td>
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<td></td>
<td>City Attorney</td>
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<td>N</td>
<td>A</td>
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</tr>
<tr>
<td>board approval</td>
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<td>no</td>
<td>N</td>
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<tr>
<td>final vote</td>
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<tr>
<td>vision themes</td>
<td>Cherish and sustain city's extraordinary quality of life.</td>
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<td>Plan growth through a collaborative process that protects city’s scale and character.</td>
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<td></td>
<td>Enhance city’s brand through flourishing arts and culture.</td>
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<td>Build and embrace local institutions for lifelong learning and future generations.</td>
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subject

Review of the Notice of Disposal (NOD) for 1111 W. Fairbanks Avenue (former Bowl America site)

motion | recommendation

Recommend review and approval of Notice of Disposal of surplus property located at 1111 W. Fairbanks Avenue for advertisement purposes

background

On April 24, 2017, the City Commission directed staff to prepare a Notice of Disposal for the sale of surplus property located at 1111 W. Fairbanks Avenue. Chapter 163.380, Florida Statutes requires surplus property within a CRA boundary purchased with CRA funds use a NOD process in the sale or distribution of property. The Winter Park CRA participated with the city in the purchase of this property in 2016.

Should the Commission approve the attached NOD, the advertisement of the NOD is set for Tuesday, June 13, 2017. CBRE will be the point of contact for all inquiries regarding the sale of the property and the NOD process. Bids are due back to the city’s Purchasing Division by July 13, 2017 no later than 2:00 p.m. All bids will be presented to the City Commission for consideration at the earliest available meeting.
alternatives | other considerations

The City Commission may choose to not advertise the NOD at this time.

fiscal impact

To be determined
Notice of Intent to Dispose of Property at 1111 West Fairbanks Avenue  
Winter Park, Florida

The City of Winter Park, Florida, intends to dispose of surplus property owned by the city that is located at 1111 W. Fairbanks Avenue, formerly the Bowl America site. This property is located east of the intersection of Fairbanks Avenue and U.S. Hwy 17-92 (Orlando Avenue). The property fronts along West Fairbanks Avenue and is bounded by Harper Street to the west, West Comstock Avenue to the north and Ward Avenue to the east.

The legal description of the site is from a survey prepared by the city.

Legal Description
Lots 7, 8, 9, 10, 11, 13, 14, 15, 16, 17 and 18, Block 1, LAKE ISLAND ESTATES, according to the Plat thereof, as recorded in Plat Book M, Page 95, of the public records of Orange County, Florida. Together with: That portion of the vacated 10.00 feet wide alley running East and West through said Block 1; (LESS the West 3.00 feet lying South of Lot 18 and lying North of Lot 7, Block 1); AND (LESS the South 5.00 feet lying North of and contiguous to Lot 12, Block 1), of said LAKE ISLAND ESTATES; AND ALSO: (LESS the South 20.00 feet of Lots 7, 8, 9, 10 and 11, Block 1), AND (LESS the West 3.00 feet of Lots 7 and 18, Block 1), of said LAKE ISLAND ESTATES, as recorded in the Plat Book M, Page 95 of the public records of Orange County, Florida.

The City will retain 20’ along Fairbanks Avenue and an additional 3’ along Harper Street as right-of-way, so that the property to be sold is approximately 1.51 acres in size (65,814 square feet). The Future Land Use designation on the parcel is Commercial and the zoning district is C-3. The appraised “AS IS” market value of the property is $2,960,000. The appraisal is available for review from the city’s Purchasing Division.
The intent of this Notice Of Disposal (NOD) is to request proposals for the sale of the entire parcel. Submittals should include highest and best offer of the property, types of use, square footage, height, public amenities and development schedule if acquired. Respondents must also complete a Letter of Intent document as part of the submittal package as well as indicate in writing, the offer and consideration proposed for the acquisition of 1111 W. Fairbanks Avenue, Winter Park, Florida.

Site Information

This property is located in the heart of downtown Winter Park, adjacent to Martin Luther King Jr. Park and within two blocks of the Hannibal Square commercial shopping area. This site is less than ½ mile from the downtown SunRail Station and provides easy access to the city’s historic Park Avenue district as well as the Orlando Avenue and Orange Avenue commercial corridors.

The entire property currently has a Future Land Use Designation of Commercial and is zoned C-3. The Commercial C-3 zoning district has a maximum Floor Area Ratio of 45%. The Comprehensive Plan has established a three story maximum height for this property.

To facilitate review of this proposal, the city is interested in quality development that will enhance the redevelopment of the Fairbanks Avenue corridor at a value in the public interest for uses in accordance with the Community Redevelopment Plan and the long-term benefits to the city. The city will give preference to proposed that do not include:

- Banks with or without drive-through facilities
- Fast food establishments with or without drive-through facilities
- Automobile repair or service

Among other conditions and documents, the city may require a deed restriction to closing to prohibit any future development of these types and other types of uses along with affirmative requirements. Additional consideration will be given to development that provides public benefit such as increased green/open space and/or connectivity with the city’s park site.

The Purchasing Manager in City Hall, 401 Park Avenue South, Winter Park, Florida 32789 will receive sealed proposals, until Thursday, July 13, 2017 at 2:00 P.M. It is the sole responsibility of the respondent to assure that his/her proposal is delivered to the Purchasing Manager by the required time and date, and that the response is properly sealed and labeled as required. The City will not be responsible for any proposal delivered incorrectly or to the wrong address or
location. All proposals received after the date and time specified will not be accepted or considered.
Sealed proposals shall include one (1) ORIGINAL, five (5) copies, and one (1) electronic copy on USB for document management purposes.

This Notice of Disposal is NOT a hard high bid, but instead is a solicitation for proposals whereby interested persons or firms will submit proposals for acquisition of the subject property. While price is a factor in the selection, the City Commission will evaluate the proposals on all factors including the price, the proposed use of the property, site design, the financial and legal ability of the proposer to carry out its proposal, and the benefit of the proposed development to the City at large. Respondents can sign up on VendorLink via the City’s website at the following: https://www.myvendorlink.com/common/register.aspx

Parties interested in proposing for this property or any other persons on behalf of the proposers SHALL NOT contact any members of the City Commission or city staff and all requests for information must be directed to Bobby Palta with CBRE. His contact information is:
R. Bobby Palta, First Vice President
CBRE Advisory & Transaction Services
200 South Orange Avenue, Suite 2100
Orlando, FL 32801
Tel +1 407-279-0050 | Fax +1 407-404-5101 | Ofc +1 407-404-5000
bobby.palta@cbre.com | www.cbre.com/bobby.palta

It is the respondent’s responsibility to be sure that all information submitted is correct and complete and that the requirements for the proposal have been met. Failure to comply with these requirements may deem your proposal non-responsive and will not be considered. The City reserves the right to accept or reject any or all proposals, in part or in total, as deemed in the best interests of the City.

Respondents may withdraw responses at any time before the due date and time. HOWEVER – NO RESPONSE MAY BE WITHDRAWN OR MODIFIED AFTER THE DUE DATE AND TIME.

NEGOTIATIONS/PURCHASE AND SALE AGREEMENT.
The intent of this NOD is to solicit offers to purchase the property based on the requirements specified in this NOD. This NOD is not an offer by the City to sell or convey the property. The City’s selection of the highest ranked proposer and proposal alone does not constitute a requirement for or an agreement by the City to sell or convey the property. After review and evaluation of the proposals, the City intends to enter into negotiations with the highest ranked Proposer. The City reserves the right to make counteroffers and negotiate terms and conditions of a purchase and sale agreement with the proposer the City selects as having the proposal most beneficial to the interests of the City. The City is not obligated to accept proposals as submitted by proposers and the City reserves the right to negotiate terms and conditions of a purchase and sale agreement that differ from the submitted proposals. Upon selection of the highest ranked Proposer, the City Attorney will draft a purchase and sale agreement incorporating the requirements of this NOD, the acceptable portions of the highest ranked proposal and other terms and conditions that are acceptable to the City and the City Attorney. The City will thereafter present the proposed purchase and sale agreement to the highest ranked Proposer for review and execution. In the event the City and highest ranked Proposer cannot reach an executed purchase and sale agreement within a reasonable period of time as determined by the City in its sole discretion, the City can thereafter, in the City’s discretion, reject all proposals, or reject the highest ranked proposer and move on to negotiate a purchase and sale agreement with the next highest ranked proposer.
RIGHT OF REJECTION BY THE CITY.
Notwithstanding other provisions of this NOD, the City reserves the right to enter into a purchase and sale agreement with the Proposer that best meets the requirements of this NOD and whose proposal the City finds is in the best interests of the City. Further, the City reserves the right to reject any or all proposals prior to execution of a purchase and sale agreement, with no penalty to the City. The City reserves the right to terminate or suspend this NOD process at any time.

PROPOSAL PREPARATION COSTS.
In no event shall the City nor its officers, officials, employees and representatives be liable for any expenses incurred by proposers in connection with preparation and presentation of a response to this Notice of Disposal. Proposers should prepare their proposals simply and economically, providing all information and prices as required. By submitting a proposal in response to this Notice of Disposal, proposers waive and release any and all right to make claims for reimbursement of proposal preparation costs against the City and its officers, officials, employees and representatives.

DISCLAIMER.
All proposers should conduct their own independent review and evaluation of the property, including the information supplied in this NOD and otherwise provided by the City. The City does not make any representations or warranties (implied or expressed) concerning the accuracy of information relating the property contained within this NOD. None of the information provided within this NOD or any statement made by the City during the NOD process shall be considered or deemed a representation or warranty (implied or expressed) as to the physical condition of the property, the environmental condition of the property, the suitability of the property for proposer’s intended use, the history of the property, the title of the property, the property’s compliance with federal, state and local laws, codes and ordinances, or any other matter concerning the property.

All proposals must be submitted in writing; no FAX, email or telephone proposals will be accepted. ALL PROPOSALS MUST BE MARKED ON THE OUTSIDE OF THE ENVELOPE WITH THE PROPOSAL NAME AND THE TIME AND DATE OF THE OPENING. The City reserves all discretion and the right to rank proposals, negotiate with proposers in the order of ranking, and/or to reject all proposals.

This public notice complies with Florida Statutes Section 163.380. Further information is available in the Purchasing Division at City Hall and by calling the office at 407-599-3267. The notice of the City Commission’s ultimate disposition of the subject real property to a specific party, and the terms and conditions of the disposition will be made at a duly noticed public meeting.

PUBLISH: Tuesday, June 13, 2017 (Orlando Sentinel)
**Subject:** Request for to Amend the Office Zoning Districts to Allow Veterinary Clinics, Subject to Certain Restrictions.

Kim and Jim Neitzel, owners of the Garden Veterinary Clinic at 308 E. Par Street desire to move their veterinary clinic to the property at 1479 Gene Street, which is a former medical doctor’s office building. As such the building interior is perfect for their medical veterinary clinic needs and the site has plenty of parking. However, that the property is zoned Office which allow medical clinics for people but not for animals. Thus their request asks to change that zoning distinction to allow veterinary clinics in office zoning subject to certain restrictions.

**Planning and Zoning Board Recommendation:**

Motion made by Tom Sacha, seconded by Randall Slocum to approve the Zoning Text Ordinance as presented. Motion carried unanimously with a 7-0 vote

**Summary:** This agenda item seeks to amend the Office (O-1 and O-2) zoning codes to allow veterinary clinics as a permitted use, subject to limitations, that such veterinary clinics (but not 24 hour veterinary hospitals) must be located in single tenant buildings and located at least two hundred (200) feet from the nearest residential building measured building to building. In addition, there could be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages.” The specific property that is requesting this amendment, 1479 Gene Street, meets these restrictions, but this Ordinance would change the Office zoning regulations city-wide. The City cannot change the zoning permitted uses just for one property.

**Planning and Zoning Board Summary:** The P&Z Board felt that this amendment will not have a negative impact on the community, and that the proposed limitations will provide a buffer to residences within close proximity and to other tenants by limiting it to single tenant office buildings.
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING REGULATIONS” SECTION 58-72 “OFFICE (O-1) DISTRICT” AND SECTION 58-73 “OFFICE (O-2) DISTRICT” SO AS TO ALLOW VETERINARY CLINICS AS A PERMITTED USE SUBJECT TO LIMITATIONS ON A SINGLE TENANT BUILDING AND SEPARATION FROM RESIDENTIAL; PROVIDING FOR CODIFICATION, 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 May 9, 2017 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; and

WHEREAS, the City Commission hereby find that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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" of the Code of Ordinances is hereby amended and modified by adding within Section 58-72 “Office (O-1) District”, a new Permitted Use for veterinary clinics subject to certain limitations, as subsection 58-72 (b) (9) to read as follows:

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

(b) Permitted uses.

(9) Veterinary clinics (but not 24 hour veterinary hospitals) provided that they are located in single tenant buildings and located at least two hundred (200) feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages.

SECTION 2. That Chapter 58 “Land Development Code”, Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding within Section 58-73 “Office (O-2) District”, a new Permitted Use for veterinary clinics subject to certain limitations, as subsection 58-72 (b) (8) to read as follows:

Sec. 58-73. Office (O-2) district.

(b) Permitted uses.
(8) Veterinary clinics (but not 24 hour veterinary hospitals) provided that they are located in single tenant buildings and located at least two hundred (200) feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages.

SECTION 3. SEVERABILITY. 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.

SECTION 4. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

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 provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

SECTION 6. 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 ____________________, 2017.

______________________________
Mayor Steve Leary

Attest:

______________________________
City Clerk
REQUEST OF KIM NEITZEL FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE”, ARTICLE III, “ZONING” TO REVISE THE PERMITTED USES IN THE OFFICE ZONING DISTRICTS TO PERMIT VETERINARY CLINICS.

Planning Manager Jeff Briggs presented the staff report and explained that the Applicants, Kim and Jim Neitzel, owners of the Garden Veterinary Clinic at 308 E. Par Street would like to move their veterinary clinic to the property at 1479 Gene Street, which is a former medical doctor’s office building. The building interior is perfect for their medical veterinary clinic needs and the site has plenty of parking. The only issue is that the property is zoned Office which allow medical clinics for people but not for animals. The Applicant is requesting to change that zoning distinction to include veterinary facilities.

Mr. Briggs went on to explain that the action is a P&Z Board recommendation on an Ordinance to amend the Office (O-1 and O-2) zoning codes to allow veterinary clinics as a permitted use, subject to limitations. The amended O-1/O-2 zoning text under permitted uses would allow “Veterinary clinics (but not 24 hour veterinary hospitals) provided that they are located in single tenant buildings and located at least two hundred (200) feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages.”

The specific property that is requesting this amendment, 1479 Gene Street, meets these restrictions, but this Ordinance would change the Office zoning regulations city-wide. The City cannot change the zoning permitted uses just for one property.

Staff feels that this amendment will not have a negative impact on the community, and the proposed limitations will provide a buffer to residences within close proximity and to other tenants by limiting it to single tenant office buildings. Staff recommendation was for approval.

Chairman Johnston asked the Board if there were any questions for Staff. Board Member, Ross Johnston, asked if there was any recourse for neighbors in instances where animal noise became an issue. Mr. Briggs responded that there is a general recourse in the code about noise generated by any business causing a noise nuisance that is “clearly audible” within another tenant space. Thus, the Code Enforcement Board can enforce in those instances.

Applicant Kim Nietzel addressed the Board and stated that she has been a Veterinarian in Winter Park for 30 years and her business has grown considerably. She asked the Board to consider this building for her purposes as it has minimal renovations needed in order for her to run her business and keeps her prices economical for customers. The building has been vacant for 1½ years and Mrs. Nietzel indicated that she is hoping to purchase the building in the future. She addressed the animal noise concerns and informed the Board that the room where dogs would be kept during the day happens to be the old radiology room on the property which has lead walls and that being the case, animal noise, if any, would be minimal. Ms. Nietzel closed by saying that the property was a good fit for her business and there would be minimal renovations. She would also be doing some landscaping to enhance the property. There was no further public comment. The public hearing was closed.

There was consensus amongst the Board members that the restrictions were sufficient to protect adjacent property owners and a veterinary clinic was comparable to other medical uses already permitted in the office zoning districts.

Motion made by Tom Sacha, seconded by Randall Slocum to Amend the Office (O-1 and O-2) Zoning Code to allow veterinary clinics in the office zoning districts subject to limitations on a single tenant building and separation from residential as follows. Motion carried unanimously with a 7-0 vote.
GARDEN VETERINARY CLINIC

March 28, 2017

To Whom It May Concern:

I would like to lease the building located at 1479 Gene Street, Winter Park, Fl, 32789, for use as a veterinary clinic. I understand that the zoning would need to be changed in order to use the building for this purpose. There will be very little change to the building’s exterior. The interior will have three sinks installed and the carpeting will be removed and replaced with either tile or laminate flooring to make it easier to clean. I am planning on signing a five year lease with the intent to purchase the building during that time. There will be no overnight boarding or hospitalized animals.

I have been practicing veterinary medicine in Central Florida for the last 30 years. I opened my own practice, Garden Veterinary Clinic, in 2013. It has been very successful, and we have outgrown our current location at 308 East Par Street in Orlando, Florida. I would like to stay in the area to make it convenient for my clients. The building located at 1479 Gene Street seems perfect as it is less than one mile away, and has double the square footage of my current location. The interior will need very little work to convert it from the previous use as an orthopedic clinic to a veterinary clinic. I hope that you will allow this zoning change.

Sincerely,

Kim Neitzel, DVM

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Kim Neitzel, DVM
308 East Par Street
Orlando, FL 32804

PHONE  407-250-5000
FAX  407-601-7841
EMAIL  gardenvetclinic@outlook.com
subject

Resolution – Repealing and replacing the policy governing city use of social media and external internet

motion | recommendation

Approval of resolution

background

In 2009, the city opened its official Facebook® page and that same year, adopted the original policy governing its use of social media. Since 2009, technology has changed and the number of social media tools and users have increased. Originally, only the Communications Department engaged in social media, but now, various city departments, elected officials and board members have their individual accounts. This policy outlines guidelines for using social media tools as they pertain to sharing city-related information. It also outlines protocol related to the Sunshine Law and compliance with the public records law.

The city now manages the following as of 6/1/17:

Facebook pages:
1. City of Winter Park @WinterParkFla (7,507 likes)
2. Winter Park Farmers’ Market @WinterParkFlaFarmersMarket (5,969 likes)
3. Winter Park Fire-Rescue Department @WinterParkFD (3,456 likes)
4. Winter Park Police Department @WinterParkPD (2,891 likes)
5. Winter Park Golf Course @WinterParkGC (965 likes)
6. Winter Park Community Center @WinterParkCommunityCenter (337 likes)

Twitter accounts:
1. City of Winter Park (7,398 followers)
2. Winter Park Police (4,429 followers)
3. Police Chief Michael Deal (15 followers)
4. Winter Park Golf Course (2,034 followers)

Instagram accounts:
1. City of Winter Park (1,074 followers)

Nextdoor – approximately 3,500 city residents use this tool:
1. City of Winter Park
2. Winter Park Police
3. Winter Park Fire-Rescue

Video tools:
1. Vimeo
2. YouTube

alternatives | other considerations

n/a

fiscal impact

n/a
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF WINTER PARK, FLORIDA, REPEALING AND REPLACING THE POLICY GOVERNING CITY USE OF SOCIAL MEDIA AND EXTERNAL INTERNET TO UPDATE AND CLARIFY THE CITY’S POLICIES GOVERNING CITY USE OF SOCIAL MEDIA AND EXTERNAL INTERNET AND TO ADOPT POLICIES AND RECOMMENDATIONS REGARDING THE USE OF PERSONAL SOCIAL MEDIA ACCOUNTS BY CITY COMMISSIONERS AND OTHER CITY BOARD MEMBERS; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, on or about October 26, 2009, the City adopted that certain Policy Governing City Use of Social Media and External Internet (the “2009 Policy”); and

WHEREAS, the City wishes to update and clarify the Policy, and to add provisions regarding the use of personal social media accounts by City Commissioners and other City board members, all to ensure consistency with the City of Winter Park brand and to facilitate compliance with the public records laws, Sunshine Law, and other laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF WINTER PARK, FLORIDA, AS FOLLOWS.

SECTION 1. Recitals. The above recitals are true and correct and are incorporated as part of this Resolution.

SECTION 2. Policy Adoption. The City hereby adopts the Policy Governing City Use of Social Media & External Internet, attached hereto as Exhibit “A.” The 2009 Policy that was adopted on October 26, 2009 is hereby repealed in full, and replaced with the policy attached hereto as Exhibit “A.”

SECTION 3. Conflicts. In the event of a conflict between this Resolution and any other resolution of the City, this Resolution shall control.

SECTION 4. Effective date. This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED this ____ day of __________, 2017, by the City Commission of the City of Winter Park, Florida.

CITY COMMISSION

ATTEST: ____________________________ ____________________________
CITY OF WINTER PARK

__________________________ ____________________________
Cynthia Bonham, City Clerk Steve Leary, Mayor/Commissioner
Policy Governing City Use of Social Media & External Internet

1. OBJECTIVE: To provide policies and procedures for City use of social media sites and other external web services in order to ensure consistency with the City of Winter Park brand and to facilitate compliance with the public records laws, Sunshine Law, and other laws.

2. AUTHORITY: This procedure is approved by the City Commission as of ________, ________.

3. DIRECTION: City’s Communications Department Director or designee (subject to direction by the City Manager), oversees and administers the City’s policies for the use of social media and external internet.

4. POLICIES:

   A. Definitions:

      (1) “Content managers” are the officers, employees, or agents of the City assigned responsibility for posting and/or maintaining content on a social media site or other external web service.

      (2) “External web applications” are web services that are hosted on a web server off of the City’s network but which can usually be embedded or used into a web page used by the City. Examples include but are not limited to Google Maps™, Vimeo® and YouTube™.

      (3) “External web services” include social media sites and all other websites and web services made available by non-City third-party entities that allow users to create, post, or share information or content.

      (4) “Social media sites” are websites and web services offered by non-City third-party entities that enable users to create and share information and content or to participate in social networking. Examples include but are not limited to Facebook®, Twitter®, Instagram® and LinkedIn®.

   B. General Requirements and Policies:
(1) Each social media site or other external web service used by the City must be approved by the Communications Department, who shall review each based on the following and other relevant considerations:

i. Determining whether the site allows public comments or posts to be turned off. If the City utilizes a social media site or other external web service that does not allow public comments or posts to be turned off, the City may implement controls in accordance with Subparagraph 4.E. of this Policy.

ii. Ensuring the site provides adequate mechanisms and features to allow the City to control content.

iii. Reviewing the concept, audience, and marketing plan for the site.

(2) Social media sites and other external web services shall be used to promote the City, City services, job opportunities, City events, and other matters that support the interests of the City or its residents.

(3) The Communications Department shall working in conjunction with respective department(s) in setting up the main administration account for each site. No personal information shall be used in setting up such an account, unless required by the service or site policy and the ability to obfuscate such information is provided.

(4) The Communications Department may establish City accounts on social media sites and other external web services even if the City does not currently plan to use them in order to reserve such for City use.

(5) All social media sites and other external web services used by the City shall clearly indicate that they are maintained by the City of Winter Park, shall provide relevant City of Winter Park contact information, and shall link to the City’s official website for forms, documents, online services, and other information necessary to conduct business with the City.

(6) No personal information about a City officer, employee, or other agent shall be displayed on a social media website or other external web service used by the City. City posts and content shall not express the personal opinion of any City officer, employee, or other agent, and shall be limited to expressing the views of the City or otherwise advancing the City’s interests.

(7) City use of social media sites and other external web services shall comply with
all provisions of Florida law, resolutions and ordinances of the City, and policies and directives issued by the City Manager or other authorized City officer or department.

(8) The Communications Department must have administrative rights to review all information posted by the City on a social media site or other external web service, except that the Communications Department Director, City Manager, or designee of the City Manager may delegate the responsibility of reviewing content to other departments as deemed appropriate.

(9) The Communications Department shall review the City’s use of all social media sites and other external web services at least on a yearly basis to ensure that such meet the City’s policies, that the use and function of such sites and services meet the needs of the City and its residents, to ensure that account information is updated, and other relevant considerations. The City may terminate use of any social media site or external web service at any time without notice.

(10) All policies governing social media sites and other external web services are applicable to the City’s use of external web applications, where applicable and relevant.

(11) The requirements described in this Policy apply regardless of whether the computer or device used is owned by the City or personally owned by a City officer or employee or other individual, where applicable and relevant. The use of personal computers and other electronic devices for communicating or posting regarding matters related to City business may subject such devices to inspection pursuant to the public records laws.

C. Public Records Law:

(1) Any post made by a City officer, employee, or other City agent, or by a member of the public, to a social media site or other external web service used by the City, may constitute a public record under Chapter 119, Florida Statutes. Content managers shall maintain an archive of all posts, content, and submissions made to the City’s social media sites and other external web services, and shall take all actions necessary to comply with the public records laws. For each social media site or other external web service that allows posts and submissions from the public, the statement described in Subparagraph 4.E.(4) of this Policy shall be prominently displayed or referred to via a link to the statement on the social media site.
(2) Social media sites and other external web services are not the appropriate channel for receiving public records requests, and any post purporting to make a public records request to the City should be removed.

(3) Where appropriate, transitory, obsolete, inappropriate, or otherwise undesirable posts and other electronic communications in the City’s determination made to the City’s social media sites and other external web services by the City and by third parties should be disposed of as quickly as is reasonable and allowable under the public records laws and the record retention schedules established by state regulations.

(4) Content managers are encouraged to consult with the City Communications Department Director and City Attorney if they have questions regarding compliance with the public records laws.

D. Sunshine Law:

(1) The City discourages any post by a member of any board, commission, or advisory committee of the City (hereinafter “Board Member”) to a social media site or other external web service regarding a matter currently pending or which may foreseeably come before the Board Member’s board, commission, or committee. In no event should a Board Member respond to a post by another member of such board, commission, or committee on any social media site or other external web service where such post relates to any matter pending before such board or which may foreseeably come before such board.

(2) Content managers shall not post information or content to a social media site or other external web service that reflects a statement made by or the position of a Board Member regarding a matter pending before or which may foreseeably come before the Board Member’s board, commission, or committee, in order to avoid facilitating communication between Board Members.

(3) Board Members and content managers are encouraged to consult with the City Communications Department Director and City Attorney if they have questions regarding compliance with the Sunshine Law.

E. Public Participation:

(1) If a social media site or other external web service used by the City allows comments to be posted or submitted by the public, a content editor may remove content and public comments of the type listed below:
i. Comments not topically related to the particular item being commented on;
ii. Comments that are inconsistent with the City’s purpose in allowing public comment upon a particular social media site or external web service;
iii. Profane language or content;
iv. Content that promotes, fosters, or perpetuates discrimination of any kind;
v. Sexual content or links to sexual content;
vi. Solicitations of commerce;
vii. Conduct or encouragement of illegal activity;
viii. Information that may tend to compromise the safety or security of any individual or of the public;
ix. Content that violates a copyright, trademark or other legal ownership interest of any other party;
x. Accusations that a particular individual, entity, city officer, city employee, or city agent is guilty of any criminal conduct, immoral activity, failure of duty, or other accusation.

(2) If an individual user makes a post or submission described under Subparagraph (1) above, a content manager may turn off the ability of such user to post or may otherwise block all future posts by such user as may be appropriate. If deemed advisable, a content editor may disable all posts and submissions from the public generally.

(3) A content manager shall not remove a public post or submission not described under Subparagraph (1) above based upon the viewpoint expressed in such post or submission.

(4) The following statement shall be prominently displayed or referred to via a link to the statement on all social media sites and other external web services used by the City that allow for public comment:

IMPORTANT:
Any post or submission to this site may be removed by the City if deemed inappropriate, irrelevant, or for any other reason, and participation by the public or by an individual may be disabled, all at the City’s discretion. Under Chapter 119, Florida Statutes, any post or submission to this site may constitute a public record, and may be treated as such by the City at its discretion, which may include archiving such post or submission, making such available for public inspection, and other actions at the City’s discretion, regardless of whether such
post or submission is removed by the City or by any individual. This site is not monitored for public records requests, questions, notices, or other requests from the public, and participants should not expect any response from the City. By submitting any post or content to this site, you consent to the copying, use, and disclosure by the City of any such post or content at the City’s discretion and waive all copyright, trademark, and other rights you may have in such post or content. You further agree to indemnify and hold harmless the City from and against any and all fees, costs, fines, penalties, lawsuits, claims, damages, attorneys’ fees and any other adverse matters caused by or related to your posting of any content to which you do not hold legal right, including copyright, trademark, or other legal rights.

5. COMMISSIONERS/BOARD MEMBERS & PERSONAL USE OF SOCIAL MEDIA:

A. Posting City-Related Information Discouraged:

City commissioners and members of City boards, commissions, and committees (“board members”) are encouraged not to post information related to city business on personal social media accounts in order to avoid potential issues under the public records and Sunshine laws.

B. Information and Recommendations:

The following information and recommendations are provided to commissioners and board members who choose to post city-related information to personal social media accounts.

(1) The Florida Attorney General’s Office has taken the position that posts and comments related to city business* made by a city commissioner on or to a private website may constitute public records. See AGO 2008-07. Therefore, all posts, comments and other content related to city business shared on any social media service (Facebook, Twitter, Instagram, LinkedIn, etc.) by a commissioner or board member should be treated as public records subject to Chapter 119, Florida Statutes, state regulations, and any City policies related to public records.

(2) Commissioners and board members in possession of public records are “records custodians” under Chapter 119, Florida Statutes, and are subject to all public records laws and regulations, including applicable record retention schedules. To ensure compliance, commissioners and board members should maintain copies of all social media posts and communications related to city business, including posts made by third parties, and must take all other actions as required by the public records laws and regulations, which may include disclosing records in response to
a public records request. Commissioners and board members are encouraged to forward copies of relevant posts and communications to the City Clerk as the City’s custodian of records, or copy communications to their own City email addresses, in which case the commissioner or board member is not required to personally retain the records.

(3) Commissioners and board members who post information related to city business on personal social media accounts should place disclaimers on such accounts that informs those that view or post upon such accounts that comments and content posted to such accounts may be subject to Florida’s public record laws.

(4) Any public records request received by a commissioner or board member should be forwarded to the City’s Communications Department Director and the City Clerk, though the commissioner or board member is responsible for responding to such request in accordance with the public records laws.

(5) A post or comment by a commissioner or board member on the social media account of another commissioner or member of the same board, respectively, in response to a post or comment related to city business could constitute a violation of the open meeting requirements under the Sunshine Law, Chapter 286, Florida Statutes. See AGO 2008-07. Accordingly, a commissioner or board member should not post on another commissioner’s or board member’s social media account regarding a matter related to city business.

(6) Any questions should be presented to the City’s Communications Department Director or City Attorney.

*The phrase “city business” has not been defined by statute, but it should be interpreted broadly to include any past or current matter in which the City has any involvement through any of its officers, staff, personnel, employees, or agents, and any future matter which may foreseeably be considered or require action by the City. In the case of board members other than City Commissioners, the meaning of “city business” may be limited to matters related to the function and duties of such member’s particular board.

6. LEGAL MATTERS:

A. Disclaimer: The City disclaims all liability and shall not be responsible for any effect, injury, damage, claim, or action related to or arising from 1) a post or submission to a social media site or other external web service by a member of the public, 2) the City’s removal of or failure to remove a post or submission by a member of the public, or 3) the City’s failure to follow or enforce this Policy. The City’s failure to comply with the policies described herein does not create any private, public, or other right of action against the City, its elected officials, officers, employees, personnel, or agents.
B. **Intent:** The purpose of the City’s use of social media sites and other external web services as described herein is to promote the City and to provide information to the public regarding City affairs, events, job opportunities, and other information deemed of interest by the City. As described in this Policy, the City in its discretion may allow, or may use a social media site or web service that allows, comments and submissions by members of the public. However, it is not the City’s intent thereby to create a public forum or to create any right or expectation in members of the public related to participation on the City’s social media sites and other web services.

C. **Rights to Content:** By posting information or content to a social media site or other external web service, the City does not waive any legal right or protection, including but not limited to copyright and trademark, and the City retains all rights to such information or content.

7. **EFFECTIVE DATE:**

This procedure adopted by the City Commission on __________, ______.
Policy Governing City Use of Social Media and External Internet

1. OBJECTIVE: To provide the policy and procedures for developing applications and providing content on external Web applications and social media platforms in order to ensure consistency with our City brand and content. This Policy also provides that such applications and platforms are not traditional open public fora for expression, and will be regulated to insure compliance with Florida’s Public Records Act (Chapter 119, Florida Statutes), and the appropriateness of content. The City disclaims liability for content that is posted and with regard to communications by personnel not acting in the course of their public duties with authorization.

2. AUTHORITY: This procedure is approved by the City Commission dated October 26, 2009, Item # 6c on the agenda.

3. DIRECTION: Director of Communications (subject to direction by the City Manager, and acting as the designee of the City Manager).

4. FUNCTIONS

A. Definitions.

(1) “Web based social network services” are external Web sites or services on non-city servers. Most social network services provide a variety of ways for users to interact, such as e-mail and instant messaging services. Examples of current social network services are MySpace, Facebook, Twitter and LinkedIn.

(2) “External Web applications” are Web functions that are hosted on a Web server off the City’s network. For example, the City’s Code is provided by a non-City Web site. These applications can be embedded into a City Web page or linked from a City Web page. This policy focuses on those applications that are provided for free. Current examples of these applications are Google Maps, YouTube, and Flicker.
(3) “Content managers” are the individuals responsible for maintaining the information on a site.

B. Selection of Social Media Sites

(1) Given that social network sites vary in content and use, the Communications Department will review a site before a City account is created, including:

i. Determining whether the site allows comments or posts to be turned off. It will be in the discretion of the City whether a site or platform will be used in the event that the particular format will not allow the City to turn off the comments or posts feature. If the City utilizes a site or platform that will not allow the comments or posts to be turned off, the City reserves the right to implement the controls set out in subparagraph C(2) hereinafter, and in all events, the City disclaims responsibility and liability to the fullest extent allowed by law for any inappropriate content or posting on any network site or platform.

ii. Ensuring the site provides adequate mechanisms, features and allows for the Communications Department to control content.

iii. Reviewing the concept, audience, and marketing plan for the site.

(2) The Communications Department working in conjunction with the Information Technology Division will setup the main administration account for the site, using a City e-mail address.

(3) The Communications Department may establish City of Winter Park accounts on social media sites, even if the City does not currently plan to use them. This will reserve the name and keep another person or organization from presenting themselves as the City of Winter Park.

C. Use of Social Media Sites

(1) Any social media site used for City business must be approved by the Communications Department.

(2) If a social media site or any other web based platform used by the City allows for comments to be posted by the public, the Communications Department reserves the right to edit or remove content based on the criteria listed below. The City also reserves the right to turn off the ability of third parties to post or comment, in its discretion. The City’s intent is not to
create a public forum, but to maintain a moderated online discussion directly relating to topics posted by the City, with language that is appropriate for citizens, (including minors), to read, consistent with the following criteria.

i. Comments not topically related to the particular article being commented upon;

ii. Profane language or content;

iii. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;

iv. Sexual content or links to sexual content;

v. Solicitations of commerce;

vi. Conduct or encouragement of illegal activity;

vii. Information that may tend to compromise the safety or security of the public or public systems; or

viii. Content that violates a copyright, trademark or other legal ownership interest of any other party.

ix. Accusations that a particular individual is guilty of any criminal conduct or immoral activity. Defamatory material will not be permitted. If a person believes that there is a legitimate basis to make a complaint against the City, any of its employees or any third party, then appropriate alternative means of registering the complaint must be utilized, and these social media and web based platforms designed solely for the communication of information determined to be relevant by the City will not be an appropriate forum for registering allegations of criminal activity or other accusations against individuals.

x. This use of social media and web based platforms shall be for the purpose of allowing the City to distribute information regarding topics determined by the City. If any platform allows for posting comments by third parties, then third party comments may be allowed by the City in its sole discretion subject to the right of the Director of Communications to remove inappropriate content that is determined to be
inappropriate in violation of one or more of the standards enumerated in this policy. To the extent the City permits a web based feature or social networking facility to be utilized as a limited forum for expression, the only content that will be permitted will be responses or postings that are relevant to the City initiated topics and discussion, and under circumstances where such comments and postings are consistent with the standards of appropriate communication available to all citizens (including minors) as set forth in this policy. The following statement will be prominently displayed on all City involved social networking sites/Internet facilities:

**IMPORTANT NOTICE UNDER FLORIDA’S PUBLIC RECORDS LAW:** Please be aware that under Chapter 119, Florida Statutes, every response and submission to this Site is a public record and will be posted for as long as the Site’s Host will allow for such item to remain posted. If any submission is removed by the City as allowed by Policy for reasons such as the use of profanity or other inappropriate content, please be advised that all of such removed submissions will be stored by the City offline and will be considered a public record available for inspection to the extent allowed by Chapter 119, Florida Statutes.

(3) Social network sites shall be used to promote the City, City services, job opportunities and City events.

(4) City use of social media sites will comply with all provisions of Florida law, resolutions and ordinances of the City of Winter Park and procedures issued by the City Manager. Without limitation, these laws and policies will include Chapter 119 (the Florida Public Records Act) and procedures, and laws governing the appropriate use of the Internet.

(5) All social media sites shall clearly indicate that they are maintained by the City of Winter Park and shall have City of Winter Park contact information available on the site.

(6) No City employee personal e-mail addresses should be posted on these sites.
(7) Notwithstanding any other provision hereof, the City’s Web site may link to the City’s official page on a social network site, as determined in the City’s discretion. Social networking and other web facilities that may be established pursuant to this policy will not be appropriate places where a person may request public records pursuant to Chapter 119. Social network and website applications pursuant to this policy will not be monitored for Chapter 119 requests but instead will only be monitored for appropriate content. The City staff responsible for implementation of this Policy and for providing services on behalf of the City with respect to social network and website applications implemented pursuant to this policy, are not custodians of public records. Any person communicating by means of a social networking or other web facility is not in communication with a custodian of public records. Requests for public records should be directed to the City Manager.

Social media sites and other network applications established pursuant to this policy will not be an appropriate forum by which citizens may ask questions of the City. Citizens are requested to go to the official City of Winter Park website at www.cityofwinterpark.org and link to the place established on that website for asking questions of the City. Questions that may be posed on a social media site established pursuant to this policy may not receive an answer because the site will not be monitored for this purpose.

D. External Web Applications

(1) The Communications Department will review an external Web application based on its purpose, audience and need.

(2) The Communications Department will submit external Web applications to Information Technology Division’s review, to ensure it is compatible to the City’s network environment and browsers.

E. The Communications Department will setup an administrative account with a City email address.

Content

(1) “Posting” in this section refers to employees posting official city business information.
(2) The Communications Department will review all City posted information prior to posting on social media or Web application sites.

(3) The Communications Department may disable functions on the site or applications that are not needed or desired in the sole discretion of the City. No rights are created in any third party with respect to how the City may utilize the applications and features on social media or web application sites, and the decisions on which features to maintain or disable will be in the sole discretion of the City. Similarly, the decision on whether to allow posting or responses by third parties and the deletion of any such responses or postings shall be in the sole discretion of the City and outside parties do not have any authority or right to control content or the length of time content may be posted.

(4) The Communications Department may delegate the responsibility of reviewing content to offices or departments. When a site is maintained by an office or department, information posted on the site will be reviewed prior to being released, in accordance with the department’s or office’s normal review process.

(5) All information posted by the City on external sites is subject to the Florida Public Records Act and the Sunshine law. Content managers for the site shall maintain an archive of all information posted to the site, in the event it cannot be retrieved from the actual site itself. City elected officials and members of all subsidiary boards, agencies and committees of the City of Winter Park shall not engage in on-line discussions concerning matters which may foreseeably come before them for City Commission or other Board or Committee action. All members of collegial bodies, agencies and committees of the City of Winter Park, including the City Commission, the Planning and Zoning Commission, Ethics Committee and other committees and agencies of the City, are subject to the Public Records Act and the Sunshine law. Members of such committees are encouraged to consult with the City Manager and the City Attorney if they have any questions concerning appropriate compliance with these laws. The Attorney General in AGO 2009-19 (dated April 23, 2009) opined that these types of websites and social media are subject to the Sunshine law as well as to the Public Records Act. Accordingly, elected officials and members of all advisory, elected and appointed boards, authorities and commissions of the City of Winter Park are encouraged to refrain from making any comment on a social media or external Internet facility on the web related to a matter of
public business that may be pending before the collegial body of which the person is a member or any matter that may reasonably be understood to potentially come up before such body or authority in the future, because of the substantial risk that other members of the same collegial body or authority may be online and may inadvertently respond to such communication, thereby establishing a “meeting” outside of the requirements of the Sunshine law.

(6) The Communications Department will review all applications and social media sites on a yearly basis to ensure they are updated and, for social media sites, that information is being posted on a regular basis.

(7) To the fullest extent possible, the City Manager and other personnel responsible for development and maintenance of the Records Retention Schedule of the City of Winter Park will develop categories of record retention that will permit the disposal of transitory electronic communications received from third parties on such social media and external website facilities that are subject to this Policy on the shortest time frame reasonably allowable. Official materials posted by the City of Winter Park or authorized personnel will be scheduled for disposal on the records retention schedule in accordance with the content of such items. Officials and employees of the City are reminded that the use of personal computers and other electronic communication devices such as PDA’s, Blackberries and other similar devices for communication or posting of matters related to public business of the City of Winter Park may subject such devices to inspection pursuant to a Chapter 119 request for public records (although to the extent lawfully permitted under then applicable law, including case law interpreting Chapter 119, personal communications and personal information are not subject to Chapter 119).

(8) On each social media and external Internet site established by the City, the City shall cause a notice to be published that informs third parties that any posting or information submitted by the third party will be a public record subject to Chapter 119, Florida Statutes, and advising third parties that the City reserves the right to suspend posting of information by outside parties and to remove inappropriate material that is deemed inappropriate because it is in violation of a standard set out in this policy.
5. FORMS:
None.

6. REFERENCES:
This procedure adopted by the City Commission, Item 6c, dated October 26, 2009.