

ORDINANCE 3218-21

AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS TO REESTABLISH THE LAKE KILLARNEY ADVISORY BOARD AND AMENDING ARTICLE III OF CHAPTER 114 REGARDING THE LAKE KILLARNEY ADVISORY BOARD TO MAKE SUCH PROVISIONS CONSISTENT WITH THE CITY CHARTER; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to reestablish the Lake Killarney Advisory Board as contemplated by Ordinance 2528-03 adopted on September 8, 2003; and

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

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

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

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

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

DIVISION 1. ESTABLISHMENT OF CITY BOARDS

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

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

- (1) Board of adjustments;
- (2) Civil service board (also sits as the independent personnel review board);
- (3) Code compliance board (which also sits as the nuisance abatement board and performs the functions of a code enforcement board pursuant to F.S. ch. 162);
- (4) Community redevelopment agency;
- (5) Community redevelopment advisory board;
- (6) Construction board of adjustments and appeals;
- (7) Economic development advisory board;
- (8) Historic preservation board;
- (9) Housing authority board;
- (10) Keep Winter Park beautiful and sustainable advisory board;
- (11) Lakes and waterways advisory board;
- (12) Parks and recreation advisory board;
- (13) Transportation advisory board;
- (14) Planning and zoning board;
- (15) Public art advisory board;
- (16) Utilities advisory board;
- (17) Winter Park Firefighters' pension board;
- (18) Winter Park Police Officers' pension board;
- (19) Orange Avenue Overlay Appearance Review Advisory Board;
- (20) Tree preservation board;
- (21) Lake Killarney Advisory Board.

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

Sec. 2-73. – Lake Killarney Advisory Board.

There is established within the City of Winter Park as contemplated by Ordinance 2528-03, and by the authority of the City Commission, a Lake Killarney Advisory Board. Except as may otherwise be provided in chapter 114, article III of the city code, the provisions of divisions 1 and 2 of this article shall apply to the Lake Killarney Advisory Board and its members. The functions, procedures and duties of the Lake Killarney Advisory Board are as set forth in chapter 114, article III of the city code.

Section 3. Amendment/Adoption. Chapter 114, Article III of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; language not included is not being amended):

ARTICLE III. LAKE KILLARNEY ADVISORY BOARD

Sec. 114-41. Creation and membership.

- (a) There is created and established the Lake Killarney Advisory Board. Such board shall consist of seven members, who shall be appointed and serve in accordance with section 2.0619 of the Charter and section 2-48, of the city code. Members to the board must be residents of the city except as stated below. One of the mayor's appointments to the board must be a Lake Killarney lakefront property owner or resident in unincorporated Orange County. With city commission approval, an additional member of the board may be a Lake Killarney lakefront property owner or resident in unincorporated Orange County.
- (b) ~~Members shall be residents of the city and~~ shall be appointed from persons in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. No city employee, officer, official or commissioner shall be appointed to the board.
- (c) If requested by the board, a secretary designated by the city manager shall serve as secretary to the board, but shall have no vote in any proceeding.

Sec. 114-42. ~~Terms of office.~~

- ~~(a) All appointed members of the Lake Killarney Advisory Board shall be appointed for terms of three years. Initial terms shall be staggered. Vacancies shall be filled by appointment for the unexpired term only. Members of the lakes and waterways board may be permitted to serve more than two terms if specifically approved by the city commission.~~

~~(b) Board members may be removed by the city commission for any reason, but they shall be removed for failure to attend three consecutive regular meetings in any one year, unless excused by the chairperson of the board. Resignations shall be in writing and delivered to the mayor.~~

Sec. 114-43. Organization and meetings.

- (a) The Lake Killarney Advisory Board shall meet for the purpose of transacting such business as may properly come before it. Regular meetings shall be held each month, on a day, time and place convenient to the members. The board shall annually select a chairperson who shall preside at all meetings, and a vice-chairperson who shall serve in the absence of the chairperson. A majority of the board shall constitute a quorum, and the affirmative vote of a majority of a quorum present shall be required for any action to be taken. Members of the board shall serve without compensation.
- (b) The board shall adopt rules necessary to the conduct of its affairs in keeping with this article and subject to approval by the city commission.
- (c) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its hearings and other official actions, all of which shall be of public record retained by the city clerk. All meetings and proceedings of the board shall be open to the public and notice of all meetings shall be posted in city hall not less than 24 hours prior to the meeting.
- (d) Special meetings may be convened from time to time upon 24 hours prior written notice delivered to the members. The chairperson, vice-chairperson or a majority of the members shall have the power to convene special meetings.

Sec. 114-434. Functions, powers and duties.

The functions, powers and duties of the Lake Killarney Advisory Board shall be, in general, to:

- (1) To advise the city commission on all aspects of Lake Killarney and the interaction of that lake with water bodies outside the city.
- (2) Inquire into the condition of Lake Killarney, including the clarity, cleanliness, the desirability or undesirability of vegetation and growth therein, the use of the lake, the alteration of their shorelines and canals, the level of waters therein and all other matters pertaining to Lake Killarney.

- (3) Prepare and recommend to the city commission ordinances, regulations and other proposals promoting, protecting and enhancing Lake Killarney and the proper patrol, regulation, restoration and maintenance of the lake and boating-related activities thereon.
- (4) Recommend expenditures and revenues for the proper patrol, regulation, restoration and maintenance of Lake Killarney and for boating-related activities in the city. Such recommendations shall be submitted by the board to the city manager for necessary and appropriate action.
- (5) Keep the city commission and the general public informed and advised as to these matters.
- (6) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of ordinances, regulations and other proposals relating to Lake Killarney.
- (7) Perform the quasi-judicial duties of the lakes and waterways advisory board under section 2-63(4) and section 58-87, city code with respect to dock and boathouse review and approval for such structures proposed along Lake Killarney. Appeals from decisions made by the Lake Killarney Advisory Board will be in the same manner as set forth in section 2-63(4), city code.
- ~~(7)~~(8) Perform such other duties as may be requested by the city commission.

Section 4. Codification. Section 2 and Section 3 shall be codified in the City Code. Any section, paragraph number, letter or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in the Code, and additions, alterations and omissions not affecting a material substantive change in the construction or meaning of this Ordinance may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural or any other reason, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or portions hereof or hereto.

Section 6. Conflicts. In the event of any conflict between this Ordinance, or any part thereof, with any of the provisions of other City Ordinances or the City Code, this Ordinance shall control.

Section 7. Effective Date of Ordinance. This Ordinance shall become effective immediately upon adoption of the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the 22nd day of September, 2021.

CITY OF WINTER PARK

Mayor Phil Anderson

ATTEST:

Rene Cranis, City Clerk