



city commission agenda

Regular Meeting

3:30 p.m.
August 8, 2011
Commission Chambers

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

welcome

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

meeting procedures

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

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

1	Meeting Called to Order	
2	Invocation The Reverend Alison Harrity, St. Richard's Episcopal Church Pledge of Allegiance	
3	Approval of Agenda	
4	Citizen Budget Comments	
5	Mayor's Report	Projected Time
	<ul style="list-style-type: none"> a. Proclamation: Rollins College Community Service Day – August 20, 2011 b. Presentation of the Purchasing Division's Achievement of Excellence in Procurement Award c. Presentation of the Finance Department's Government Finance Officers Association Distinguished Budget Presentation Award 	20 minutes

12 Public Hearings	Projected Time
a. Request of Bank First for properties at 1289 and 1301 Gene Street. - Ordinance - Changing the Future Land Use Map designation of Office to Commercial (2) (Legislative Proceeding) - Ordinance - Changing the official zoning map designation of Office (O-1) District to Commercial (C-3) District (2) (Quasi-Judicial Proceeding)	10 minutes
b. Resolution – Designating 1240 Miller Avenue and 1111 South Orlando Avenue, as the Dingman Economic Enhancement District and as a Brownfield area for the purpose of environmental remediation, rehabilitation, and economic development (second required public hearing)	30 minutes
c. Resolution - Designation of the James S. Capen House at 520 North Interlachen Avenue as a historic landmark in the Winter Park Register of Historic Places	10 minutes
d. Ordinance -Amending Section 114-6 of the Code of Ordinances regarding lakeshore protection (1)	10 minutes
13 City Commission Reports	Projected Time
a. Commissioner Leary 1. West Fairbanks b. Commissioner Sprinkel c. Commissioner Cooper d. Commissioner McMacken e. Mayor Bradley	10 minutes each

appeals & assistance

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

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



city commission **city manager's report**

item type Non-Action Item

meeting date August 8, 2011

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

issue	update	date
Pensions	<p>The pension analysis for additional pension modifications is underway.</p> <p>The Pension Boards have modified the contracts with their actuary to provide a 10 year projection as suggested by the City.</p>	July/August
Lee Road Median Update	Responses to FDOT comments have been delivered to FDOT and we await their reply which we should receive in the next 30 days.	Dependent on acceptance of our responses.
Pro Shop Renovation	The project is underway.	Anticipate completion in August 2011
Community Center	We expect to get the report from GreenPlay on programming by the end of July. Turner estimates construction completion by the end of July, move-in during August and a soft opening in September.	Up and running in September
Fairbanks Improvement Project	The 90% drawings have been submitted to FDOT and comments received and incorporated into the plans. Permitting with FDEP and Orange County is underway.	Project should be out to bid by the middle of August and construction should begin in Sept/Oct.
Fairbanks/Orange/Pennsylvania	Reconfiguration, paving, striping, new traffic signals and lighting are substantially complete. Currently performing punch list cleanup and street light wiring. Island landscaping will be complete in the next 2 weeks.	Total project should be complete by the end of August.

Hazardous Waste	Another round of comments has been forwarded to the County for review. We have requested and received permission to temporarily allow Winter Park residents to use the Orange County HHW disposal facility while the details of the Interlocal Agreement are being finalized.	Anticipated agreement to City Commission in August.
Budget	Commission budget suggestions are planned for discussion on August 22 nd .	Adopted in September.

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.

Financial Report

For the Month of June (75% of fiscal year lapsed)

Fiscal Year 2011

General Fund

Financial results for the nine months of FY 2011 in the General Fund are favorable with the following items noted:

- Overall General Fund revenues are on track to meet budget expectations. Discussion of major revenue sources is below.
- As of June 30, we have collected 92.95% of budgeted property tax revenues as compared to 91.19% through June 30 of the prior year.
- Franchise fee revenues include only eight months of solid waste and electric franchise fees. Franchise fees from electric sales are higher in the summer months. Franchise fees are \$111,972 above June 2010 only because an extra month of solid waste franchise fees had been received in the current year and \$42,364 in tennis franchise fee revenue this year as compared to \$9,469 through June 2010. The City began receiving franchise fee revenue from the private operator of Azalea Lane Tennis Center in May of last year.
- Utility tax revenue includes only seven months of Communications Service Tax revenue. Communications Services Tax will likely be about \$60,000 short of the budget estimate. Electric and water utility tax revenues are on track to equal or exceed projections. Utility taxes in total are \$81,112 behind June 2010. However, both these revenue sources are on track with fiscal year 2011 budget estimates.
- Occupational licenses are renewed as of October 1 of each year so the largest portion of this revenue has already been received. Revenues are \$28,892 greater than June 2010.
- Building permit revenues are up \$90,151 in comparison to the first nine months of the prior year and 112% of nine months of the annual budget.
- Intergovernmental revenues are low in comparison to budget because only seven months of half cent sales and local option gas tax revenues had been received through June. Sales tax and local option gas tax are both on track with the annual budget estimate. State revenue sharing may be about \$50,000 short of the annual budget.

- Charges for services are up \$637,154 in comparison to the prior year. Ambulance transport revenues are the main reason for this increase and are \$583,200 higher than June 2010. The City was transitioning between billing agents at this point last year. Once the medicare application for the new billing agent was through all approval processes we received a large distribution of payments. Some of these were accrued to the prior year and a large amount remains for the current year. Overall, ambulance transport revenues will likely exceed the budget projection by about \$450,000.
- Fines and forfeiture revenues are a bit behind as the Orange County Clerk of Courts began retaining 10% of the traffic fines for the Public Records Modernization Trust Fund this past year. We will likely be \$315,000 below our budget estimate for this revenue. However, the additional transport revenues will more than offset this shortfall.
- Miscellaneous revenue is on track with the annual budget estimate.
- Legal services are over budget due to litigation matters.
- Organizational support for the Winter Park Historical Association (\$60,000) and United Arts (\$15,000) were paid at the beginning of the fiscal year. Contributions to the Winter Park Public Library are spread throughout the year at one twelfth of the budget each month.
- Other expenditures are generally in line with or below budget.

Community Redevelopment Agency Fund

Tax increment revenues decreased by \$867,738 as a result of a 16% decrease in valuation of properties within the CRA. Revenues are even with budget as expected and all tax increment revenues are credited to the CRA in December.

Charges for services revenue is from daily passes and sponsorships for the ice skating rink in the West Meadow earlier this year.

Operating expenditures are ahead of schedule because the City has already made its annual \$40,000 contribution for support of Heritage Center operations.

Capital project spending is largely for the new Community Center.

Debt service is higher than the prior year because this is the first year of debt service for the Community Center loan.

Water and Sewer Fund

Revenue is up \$992,044 in comparison to the prior year but is only 73% of the annual budget and we are 75% of the way through the fiscal year.

Expenditures are well within budgetary constraints.

Bottom line shows YTD net income of \$2,111,728. After subtracting capital contributions (impact fees), net income is still \$1,334,240 for the nine months ended June 30, 2011.

Revenues will be short of projections because we anticipated a rate increase being implemented in FY 2011. Our current timeline for the water and sewer rate study indicates rates will be adjusted October 1, 2011.

Although revenues will be approximately \$730K short of budget, there is contingency built into the budget as well as anticipated savings in wastewater treatment and debt service that largely offset this shortfall. The net effect of estimated negative and positive budget variances is a negative impact of about \$170K. We are working to make up as much of the remaining \$170k (7/10ths of 1% of annual revenue) as we can through reducing non-critical capital and other operational spending during the remaining part of the year.

Electric Services Fund

Revenues are down \$3,019,680 comparison to the prior year. Sales of kWh are running about 3.5% behind the prior year.

Bulk power costs are below budget as of June 2011. The new arrangement with Seminole Electric and Progress Energy should result in these costs being significantly below budget for the year with the exception of fuel costs which will be recovered from the customer through quarterly adjustments. Although sales of kWh are running about 3.5% behind the prior year our cost of purchasing power is 17.0% below the total through May 2010.

The large miscellaneous revenue is primarily insurance payments received from Progress Energy (PE) to offset the excess fuel costs the City has been paying while PE's Crystal River nuclear plant has been operating at less than full capacity.

Bottom line is net income of \$4,759,903 through June 30. After deducting \$1,322,722 in payments from Progress Energy for insurance funds, net income is still \$3,437,181. Net revenues should continue to improve through the hot summer months providing funding for payment of principal on debt, capital improvements and repayment of monies borrowed from other funds in prior years.

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
General Fund
Fiscal YTD June 30, 2011 and 2010
75% of the Fiscal Year Lapsed

	Fiscal YTD June 30, 2011						Fiscal YTD June 30, 2010				
	Actual		Budget			Variance from Prorated Adj. Annual	Actual		Budget		Variance from Prorated Adj. Annual
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual		YTD	Adjusted Annual	Prorated Adj. Annual		
Revenues:											
Property Tax	\$ 13,513,686	124%	\$ 14,538,871	\$ 14,538,871	\$ 10,904,154	\$ 2,609,532	\$ 14,494,708	\$ 15,895,265	\$ 11,921,445	\$ 2,573,263	
Franchise Fees	739,154	87%	1,130,000	1,130,000	847,500	(108,346)	627,182	1,088,094	816,071	(188,889)	
Utility Taxes	4,521,342	87%	6,921,536	6,921,536	5,191,152	(669,810)	4,602,454	6,712,270	5,034,203	(431,749)	
Occupational Licenses	473,678	140%	450,000	450,000	337,500	136,178	444,786	468,000	351,000	93,786	
Building Permits	869,559	112%	1,033,800	1,033,800	775,350	94,209	779,408	939,497	704,623	74,785	
Other Licenses & Permits	19,590	131%	20,000	20,000	15,000	4,590	17,093	16,100	12,075	5,018	
Intergovernmental	3,692,559	82%	5,995,605	5,995,605	4,496,704	(804,145)	3,512,976	5,660,612	4,245,459	(732,483)	
Charges for Services	3,160,560	114%	3,708,300	3,708,300	2,781,225	379,335	2,523,406	3,516,538	2,637,404	(113,998)	
Fines and Forfeitures	237,548	40%	797,500	797,500	598,125	(360,577)	296,758	664,570	498,428	(201,670)	
Miscellaneous	508,773	127%	504,610	533,810	400,358	108,415	454,423	499,414	374,561	79,862	
Fund Balance	-	-	-	566,257	424,693	(424,693)	-	802,709	602,032	(602,032)	
Total Revenues	27,736,449	104%	35,100,222	35,695,679	26,771,761	964,688	27,753,194	36,263,069	27,197,301	555,893	
Expenditures:											
City Commission	17,282	49%	47,057	47,057	35,293	18,011	21,281	19,477	14,608	(6,673)	
Legal Services - City Attorney	231,331	152%	202,800	202,800	152,100	(79,231)	238,816	266,596	199,947	(38,869)	
Legal Services - Other	72,058	96%	100,000	100,000	75,000	2,942	95,617	70,000	52,500	(43,117)	
Lobbyists	67,650	173%	52,000	52,000	39,000	(28,650)	93,633	112,000	84,000	(9,633)	
City Management	334,256	94%	476,603	476,603	357,452	23,196	351,413	478,863	359,147	7,734	
City Clerk	179,940	104%	229,966	229,966	172,475	(7,465)	181,594	235,547	176,660	(4,934)	
Communications Dept.	281,752	85%	440,584	441,384	331,038	49,286	307,062	481,212	360,909	53,847	
Information Technology Services	859,215	82%	1,252,217	1,399,459	1,049,594	190,379	912,072	1,362,712	1,022,034	109,962	
Finance	582,354	98%	789,862	789,962	592,472	10,118	594,480	807,357	605,518	11,038	
Human Resources	205,208	91%	300,859	300,859	225,644	20,436	188,339	353,479	265,109	76,770	
Purchasing	138,135	79%	202,494	232,988	174,741	36,606	144,362	210,825	158,119	13,757	
Planning & Community Development	398,015	78%	639,187	683,761	512,821	114,806	412,796	692,089	519,067	106,271	
Building & Code Enforcement	868,568	90%	1,289,136	1,293,628	970,221	101,653	867,795	1,275,919	956,939	89,144	
Public Works	4,908,096	94%	6,779,814	6,932,734	5,199,551	291,455	5,012,088	7,192,799	5,394,599	382,511	
Police	7,512,884	86%	11,044,550	11,646,997	8,735,248	1,222,364	7,827,693	11,672,252	8,754,189	926,496	
Fire	6,238,996	93%	8,643,108	8,962,375	6,721,781	482,785	6,375,152	9,162,232	6,871,674	496,522	
Parks & Recreation	3,963,036	89%	5,924,844	5,944,994	4,458,746	495,710	4,091,299	6,134,081	4,600,561	509,262	
Organizational Support	1,077,159	102%	1,411,212	1,411,212	1,058,409	(18,750)	1,161,843	1,386,212	1,039,659	(122,184)	
Non-Departmental	-	-	239,000	1,429,375	1,072,031	1,072,031	-	961,735	721,301	721,301	
Total Expenditures	27,935,935	87%	40,065,293	42,578,154	31,933,617	3,997,682	28,877,335	42,875,387	32,156,540	3,279,205	
Revenues Over/(Under)											
Expenditures	(199,486)	4%	(4,965,071)	(6,882,475)	(5,161,856)	4,962,370	(1,124,141)	(6,612,318)	(4,959,239)	3,835,098	
Operating transfers in	6,444,038	98%	8,782,012	8,782,012	6,586,509	(142,471)	6,718,641	9,139,505	6,854,629	(135,988)	
Operating transfers out	(1,413,403)	99%	(1,884,537)	(1,899,537)	(1,424,653)	11,250	(1,942,638)	(2,527,187)	(1,895,390)	(47,248)	
Other Financing Sources/(Uses)	5,030,635	97%	6,897,475	6,882,475	5,161,856	(131,221)	4,776,003	6,612,318	4,959,239	(183,236)	
Total Revenues Over											
Expenditures	\$ 4,831,149		\$ 1,932,404	\$ -	\$ -	\$ 4,831,149	\$ 3,651,862	\$ -	\$ -	\$ 3,651,862	

* As adjusted through June 30, 2011

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Community Redevelopment Fund
Fiscal YTD June 30, 2011 and 2010
75% of the Fiscal Year Lapsed

	Fiscal YTD June 30, 2011						Fiscal YTD June 30, 2010			
	Actual		Budget				Actual		Budget	
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual
Revenues:										
Property Tax	\$ 2,309,578	134%	\$ 2,305,963	\$ 2,305,963	\$ 1,729,472	\$ 580,106	\$ 3,177,316	3,222,158	\$ 2,416,619	\$ 760,697
Intergovernmental	-	0%	-	-	-	-	116,463	-	-	116,463
Charges for services	170,783	0%	200,000	200,000	150,000	20,783	116,840	-	-	116,840
Miscellaneous	16,235	18%	117,200	117,200	87,900	(71,665)	127,755	234,400	175,800	(48,045)
Fund Balance	-	0%	338,821	7,625,256	5,718,942	(5,718,942)	-	3,161,178	2,370,884	(2,370,884)
Total Revenues	2,496,596	32%	2,961,984	10,248,419	7,686,314	(5,189,718)	3,538,374	6,617,736	4,963,303	(1,424,929)
Expenditures:										
Planning and Development	412,466	85%	644,708	644,908	483,681	71,215	439,578	776,233	582,175	142,597
Capital Projects	6,465,125	115%	-	7,526,235	5,644,676	(820,449)	1,534,685	11,971,178	8,978,384	7,443,699
Debt service	1,160,647	103%	1,506,081	1,506,081	1,129,561	(31,086)	653,728	1,150,578	862,934	209,206
Total Expenditures	8,038,238	111%	2,150,789	9,677,224	7,257,918	(780,320)	2,627,991	13,897,989	10,423,493	7,795,502
Revenues Over/(Under)										
Expenditures	(5,541,642)	-1294%	811,195	571,195	428,396	(5,970,038)	910,383	(7,280,253)	(5,460,190)	6,370,573
Debt proceeds	-	-	-	-	-	-	8,100,000	8,100,000	6,075,000	2,025,000
Operating transfers out	(80,331)	100%	(107,108)	(107,108)	(80,331)	-	(88,396)	(117,862)	(88,396)	-
Other Financing Sources/(Uses)	(80,331)	100%	(107,108)	(107,108)	(80,331)	-	8,011,604	7,982,138	5,986,604	2,025,000
Total Revenues Over/(Under)										
Expenditures	\$ (5,621,973)		\$ 704,087	\$ 464,087	\$ 348,065	\$ (5,970,038)	\$ 8,921,987	701,885	\$ 526,414	\$ 8,395,573

* As adjusted through June 30, 2011

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Water & Sewer Funds
Fiscal YTD June 30, 2011 and 2010
75% of the Fiscal Year Lapsed

	Fiscal YTD June 30, 2011				Fiscal YTD June 30, 2010		
	YTD Actual	Original Budget	Adjusted Budget *	Adjusted %	YTD Actual	Adjusted Budget	Adjusted %
Operating Revenues							
Intergovernmental	\$ 48,918	\$ -	\$ -	0%	\$ -	\$ -	0%
Charges for services	19,765,920	27,129,592	27,129,592	73%	18,842,794	26,084,284	72%
Total Operating Revenues	19,814,838	27,129,592	27,129,592	73%	18,842,794	26,084,284	72%
Operating Expenses:							
General and Administration	1,031,387	1,434,592	1,474,745	70%	1,011,070	1,516,471	67%
Operations	8,074,034	14,450,260	14,571,094	55%	8,454,478	16,538,442	51%
Facility Agreements	2,092,115	3,530,000	3,530,000	59%	2,150,407	3,717,000	58%
Depreciation & Amortization	3,080,449	-	-	0%	3,985,817	-	0%
Total Operating Expenses	14,277,985	19,414,852	19,575,839	73%	15,601,772	21,771,913	72%
Operating Income (Loss)	5,536,853	7,714,740	7,553,753	73%	3,241,022	4,312,371	75%
Nonoperating Revenues (Expenses):							
Investment earnings	220,420	238,920	238,920	92%	306,420	745,900	41%
Debt Service - Principal	-	(2,410,000)	(2,410,000)	0%	-	(1,150,000)	0%
Debt Service - Interest	(2,957,171)	(3,589,908)	(3,589,908)	82%	(3,992,025)	(2,956,638)	135%
Miscellaneous revenue	1,177	2,300	2,300	0%	50	-	0%
Fund Balance	-	-	160,987	0%	-	1,459,718	0%
Total Nonoperating Revenues (Expenses)	(2,735,574)	(5,758,688)	(5,597,701)	49%	(3,685,555)	(1,901,020)	194%
Income (Loss) Before							
Operating Transfers	2,801,279	1,956,052	1,956,052	143%	(444,533)	2,411,351	-18%
Capital Contributions	777,488	-	-	0%	194,251	-	100%
Operating transfers in	-	-	-	0%	-	-	0%
Operating transfers out	(1,467,039)	(1,956,052)	(1,956,052)	75%	(1,665,339)	(2,181,400)	76%
Total Contributions and Transfers	(689,551)	(1,956,052)	(1,956,052)	35%	(1,471,088)	(2,181,400)	67%
Net Income	\$ 2,111,728	\$ -	\$ -		\$ (1,915,621)	\$ 229,951	

* As adjusted through June 30, 2011

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Electric Services Funds
Fiscal YTD June 30, 2011 and 2010
75% of the Fiscal Year Lapsed

	Fiscal YTD June 30, 2011				Fiscal YTD June 30, 2010		
	YTD Actual	Original Budget	Adjusted Budget *	Adjusted %	YTD Actual	Adjusted Budget	Adjusted %
Operating Revenues							
Intergovernmental	\$ -	\$ -	\$ -	0%	\$ 606,277	\$ -	0%
Charges for services	38,285,994	53,805,025	53,805,025	71%	40,699,397	57,337,970	71%
Total Operating Revenues	38,285,994	53,805,025	53,805,025	71%	41,305,674	57,337,970	72%
Operating Expenses:							
General and Administration	863,884	1,117,722	1,117,758	77%	763,029	1,142,806	67%
Operations	3,877,546	8,931,951	7,107,216	55%	3,823,631	7,038,744	54%
Purchased Power Cost	21,764,923	33,914,312	33,914,312	64%	26,356,447	37,592,170	70%
Deferred Purchased Power Fuel Cost	-	-	-	0%	(11,677)	-	0%
Transmission Power Cost	1,601,309	1,772,000	1,772,000	90%	1,584,396	1,771,875	89%
Depreciation & Amortization	2,576,013	-	-	0%	2,443,197	-	0%
Total Operating Expenses	30,683,675	45,735,985	43,911,286	70%	34,959,023	47,545,595	74%
Operating Income (Loss)	7,602,319	8,069,040	9,893,739	77%	6,346,651	9,792,375	65%
Nonoperating Revenues (Expenses):							
Investment earnings	(6,208)	(115,000)	(115,000)	5%	(65,403)	(100,000)	65%
Debt Service - Principal	-	(1,425,000)	(1,425,000)	0%	-	(65,000)	0%
Debt Service - Interest	(2,068,745)	(3,564,711)	(3,564,711)	58%	(2,079,925)	(3,967,260)	52%
Miscellaneous revenue	1,313,314	-	-	0%	87,114	-	0%
Fund Balance	-	-	356,358	0%	-	-	0%
Total Nonoperating Revenues (Expenses)	(761,639)	(5,104,711)	(4,748,353)	16%	(2,058,214)	(4,132,260)	50%
Income (Loss) Before Operating Transfers	6,840,680	2,964,329	5,145,386	133%	4,288,437	5,660,115	76%
Operating transfers in	-	-	-	0%	-	-	0%
Operating transfers out	(2,080,777)	(2,964,329)	(2,964,329)	70%	(2,290,339)	(3,209,075)	71%
Total Operating Transfers	(2,080,777)	(2,964,329)	(2,964,329)	70%	(2,290,339)	(3,209,075)	71%
Net Income (Loss)	\$ 4,759,903	\$ -	\$ 2,181,057		\$ 1,998,098	\$ 2,451,040	

* As adjusted through June 30, 2011

REGULAR MEETING OF THE CITY COMMISSION
July 25, 2011

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:35 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Parks and Recreation Director John Holland, 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
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Mayor Bradley to add Item 10.a) Redistricting conversation; seconded by Commissioner McMacken to approve the agenda with this one change. The motion carried unanimously with a 5-0 vote.

Citizen Budget Comments

Susan Skolfield, Executive Director for the Winter Park Historical Association, thanked the City for last year's contribution of \$60,000 and for considering a \$75,000 donation this year. She addressed the increase of attendance by 200% from 40 states and 22 countries with the recent renovations and the addition of a new exhibition. She also spoke about museum donations increasing by 150% in the past year, membership contributions increasing by 25% and that their speaker series attendance has doubled.

Mayor's Report

a. Board appointments

Mayor Bradley appointed the following board members:

Planning and Zoning Board

Tom Sacha (2011-2014)
Bob Hahn (2011-2014)

Motion made by Mayor Bradley that the above appointments are accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Mayor Bradley mentioned that per Florida Statutes the School Board will appoint a person for certain matters concerning the Comprehensive Plan. Attorney Brown said that individual has the right to attend and comment on any issue which could increase residential density, zoning or the Comprehensive Plan and currently they are non-voting unless the City adopts an ordinance

which allows them to vote. They also have the right as a fellow citizen or agency to weigh in on these matters.

Mayor Bradley advised that he will be drafting a letter to School Board Chairman Bill Sublette requesting that a person be appointed and to notify our office with the person's name once the selection has been made. A copy of this letter will also be sent to Joie Cadle, Orange County School Board Representative District 1. He reminded staff to include the School Board representative when agenda packets are distributed concerning these matters.

Mayor Bradley recognized Miss Winter Park Kristina Janolo on her recent scholarship award and her new title of Miss Florida. He noted that Ms. Janolo will be representing the state of Florida in the 2012 Miss America Pageant. Commissioner Sprinkel suggested that they invite Ms. Janolo to a future Commission meeting to recognize her great achievements. Mayor Bradley also suggested that a press release be done.

City Manager's Report

City Manager Knight followed up on the request for a work session on the Ravaudage project. There was consensus to schedule the work session for August 22 for a time certain possibly at the end of the regular Commission meeting. Commissioner Cooper requested that a copy of the contract and cost benefit analysis be included prior to the work session. City Manager Knight acknowledged.

There was a brief discussion regarding the budget request form that City Manager Knight sent to the Commissioners and if the results can be discussed at the August 22 meeting. Mayor Bradley instructed the Commission to submit their list of suggested items to City Manager Knight by August 15. There was consensus to discuss the results at the August 22 meeting.

City Attorney's Report

No items to report.

Non-Action Items

a. Redistricting

Mayor Bradley advised that the Senate and House will host more than two dozen joint public hearings around the state this summer regarding new redistricting standards in the Florida Constitution requiring the Legislature to draw lines based on factors unrelated to party and incumbency. Senators and Representatives want to hear from the public before redrawing the districts to comply with federal and state law. The meeting locations and information is listed on the Florida Senate website and Mayor Bradley encouraged all to attend.

Mayor Bradley suggested that we work closely with our nearby cities such as Maitland and Eatonville to help strategize our positions. Commissioner Sprinkel and McMacken agreed and said it might give us more power and influence if we partner with them since we have common interests and working relationships. Commissioner Leary said it is important that we come up with a formal action for what is best fit for our City.

Mayor Bradley requested that City Manager Knight contact our current elected officials in Tallahassee and Washington D.C. for their input and guidance. There was consensus to place this item on the August agenda for further discussion.

Consent Agenda

- a. Approve the minutes of 7/11/11.
- b. Approve the Encroachment Agreement for the property located at 1270 Burning Tree Lane between Paul & Emmanuela Bough and the City
- c. Approve the Encroachment Agreement for the property located at 1580 Palm Avenue between David & Ann Fuller and the City
- d. Approve the following purchases and contracts:
 1. PR 147235 to Reynolds Inliner, LLC for sanitary sewer rehab lining at various locations; \$342,340.00
 2. Sale of 12 surplus Motorola XTS500 portable radios to the Lake County Sheriff's Department and authorize the City Manager to sign corresponding agreement (if applicable); \$11,880.
 3. Sale of surplus XTS500 Motorola portable radios to the Lake County Public Safety Department and authorize the City Manager to sign corresponding agreement (if applicable)
 4. Piggybacking the City of Orlando contract BI09-2570 with Reynolds Inliner, LLC for Sewer Line Rehabilitation Cleaning and Video Recording and authorize the Mayor to execute the Piggyback Contract

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

Action Items Requiring Discussion:

- a. Set the tentative millage rate

Motion made by Mayor Bradley to approve the tentative millage rate (cap) of 4.0923 plus the voted debt service millages of .1046 and .2197; seconded by Commissioner Sprinkel.

Commissioner Sprinkel recalled the presentation given by Orange County Property Appraiser Bill Donegan last month and wanted to remind the citizens that they might have a slight increase in their tax bills due to the School Board tax. She said the increase has nothing to do with the Commission adopting the millage rate. Mayor Bradley mentioned that property tax bills might also go up or down depending on assessed valuations.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- b. Three year Economic Development Plan approval

CRA Director Dori DeBord provided background. In May 2011, staff presented a 3 year work plan outlining the mission, goal and five strategic objectives in a Citywide Economic Development Plan. Each strategic objective has a number of action steps that meet the objective and build the framework for a community wide economic plan.

After reviewing and accepting the work plan, the Commission asked staff to create a document that specifically sets out an annual work program for economic development activities over the next 3 years. Through the annual reporting process, staff has a mechanism to provide data regarding the success or challenges facing the programs as they are implemented. To set a base year, staff provided a FY 2010-11 Annual Report.

This Economic Development Plan allows the City to be competitive among other Central Florida communities. Implementation of this plan allows for proactive use of incentives by corridors, recognizing new and existing businesses within the city and working with partners to make Winter Park a place that people want to come to and do business. It would also be the first Economic Development Plan adopted by the City Commission.

Ms. DeBord explained that staff is asking for approval of the plan and suggested that they use it as a guide when going through the budget process to help evaluate the budget allocations for this year.

Motion made by Mayor Bradley to approve the three year Economic Development Plan as presented; seconded by Commissioner Leary.

Commissioner Cooper spoke about developing corridor master plans. She mentioned that over the past few years the City has spent over \$350,000 in corridor studies and she would like the focus to be on accumulating the studies and assess what can be used or applied rather than creating more studies. She also wanted to put this item under the auspice of the Planning Department. Commissioner Cooper then mentioned that there are items missing from the budget and wanted to increase the funding for the facade program and to possibly add additional funding to implement the marketing plan done by Engauge.

Ms. DeBord answered questions pertaining to the budget, code review and corridor studies. She further explained that they will look at each corridor and the financial impact of the future redevelopment of that corridor, the mix of uses and the incentive packages. More importantly right now they would like to find out what direction the City wants to go in with Economic Development, where to locate those individuals that want to come here, the City's return on investment and whether the City wants to incentivize or not.

Motion amended by Commissioner Cooper to designate some resources in this first year for community outreach to reach a consensus on growth. Commissioner Cooper clarified her motion by stating that whatever they budget for this plan would be a new action step to designate resources for community outreach so they can have a consensus relative to growth. **The motion was seconded by Commissioner McMacken.**

Motion amended by Commissioner Cooper to designate additional funds out of the budget for this action, whatever they decide that might be, to the façade program in the non CRA area of \$25,000. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that the local Planning Agency be included in the review of City codes and that it be an in-house item as opposed to a consultant item. Motion failed for lack of a second.

Motion amended by Commissioner Cooper to modify the action item on the corridor study to say that particular line item involves the analysis and comment on all of the existing corridor studies that have been done over the last 10 years. Commissioner Cooper further clarified her motion to focus the corridor review activity on the assessment of existing plans for Denning and 17-92 and move to complete the corridor review for Denning; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper to remove the words “existing” and “patterns” on page 21 of the Economic Development Plan, second strategy statement, first action step. Motion failed for lack of a second.

Motion amended by Commissioner Cooper to reference page 21, third strategy statement, first action step, to add the word “affordable” and delete the words “close to downtown”; seconded by Commissioner McMacken.

Patrick Chapin, Winter Park Chamber of Commerce complimented the CRA Department for their continuous efforts to the City as a whole and for a great job on the Economic Development Plan.

Mayor Bradley said the Economic Development Plan is about business and job creation in the City which is very important to our citizens along with a cultural consortium. He also felt that workforce housing is important throughout the entire City and not in specific sections. He commented that we should not have to pay for community consensus so he will be voting against that amendment and while Denning Drive is important he felt that there are other corridors that we should focus on.

Upon a roll call vote on the amendment (to designate some resources in this first year for community outreach to reach a consensus on growth), Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Upon a roll call vote on the amendment (to modify the action item on the corridor study to say that particular line item involves the analysis and comment on all of the existing corridor studies that have been done over the last 10 years. Commissioner Cooper further clarified her motion to focus the corridor review activity on the assessment of existing plans for Denning and 17-92 and move to complete the corridor review for Denning), Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Upon a roll call vote on the amendment (page 21, third strategy statement, first action step, add the word “affordable” and delete the words “close to downtown”), Mayor Bradley and Commissioners Cooper and McMacken voted yes. Commissioners Leary and Sprinkel voted no. The motion carried with a 3-2 vote.

Upon a roll call vote (to approve the three year Economic Development Plan as presented and page 21, third strategy statement, first action step, to add the word “affordable” and delete the words “close to downtown”), Mayor Bradley and Commissioners Leary,

Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Comments

Carla Lubet, 1501 Oneco Avenue, thanked the City for their efforts and contributions towards Fleet Peeples Park. She mentioned that since the new trail has opened the park attendance has increased significantly and that they could use the City's help with the development of the ADA bathrooms.

A recess was taken from 5:08 p.m. to 5:26 p.m.

c. Approval of "Pink Out Winter Park"

Mayor Bradley recused himself from the vote on this item by virtue of his employment with the Winter Park Hospital.

Teresa Mairn with Winter Park Hospital provided a Powerpoint presentation. She explained that "Pink Out" will be a partnership between the City, Park Avenue and Hannibal Square Merchants to go "pink" during the month of September to bring awareness to breast health and the importance of the early detection of breast cancer. Merchants donate a portion of their sales to the Mammography Scholarship Fund at Winter Park Memorial Hospital to support women who cannot afford a screening mammogram or further diagnostic testing.

She asked for the City's help with installing pink ribbons on key city buildings and trees, pink flamingos flocked in front of City Hall, Central Park and the Winter Park Golf Course in honor of those who have been touched by breast cancer. They also suggested turning the City fountains pink in Central Park, put pink flowers in key city areas with a small sign to explain the awareness campaign and to put an educational booth at the Farmers' Market for 2 weekends in September and to possibly have a mobile mammography unit parked outside the market or City Hall to do mammograms and to raise awareness. They are currently working on the "Pink Out" pole banners. She mentioned that currently there are 32 downtown merchants supporting this effort by offering retail promotions and educational opportunities in their stores.

Motion made by Commissioner Leary to approve "Pink Out Winter Park"; seconded by Commissioner Sprinkel. Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-0 vote. Mayor Bradley recused himself from voting.

d. Request to Advertise Notice of Disposal for City property located at 941 W. Morse Boulevard

CRA Director Dori DeBord stated that staff has been directed to evaluate future offers on the property owned by the City located at 941 W. Morse Boulevard, also known as the State Office Building. Several proposals have been discussed at the staff level and there is a need to formalize these discussions so the Commission can make a decision about the redevelopment of the property.

Under the requirements to dispose of property within a CRA, the City must advertise through a public notice of disposition at least 30 days prior to any decision about a proposal and give

anyone interested in redeveloping or rehabilitating the property the right to submit a proposal for consideration. This action is required for any type of redevelopment of this property that may involve the sale, lease, disposal or transfer of real property.

If approved, the advertisement will run in the Orlando Sentinel on July 28, 2011. Proposals will be due to the City Clerk's office on August 29, 2011. Staff anticipates bringing forward a recommendation to the Commission at their September 12, 2011 meeting.

This notice does not obligate the City Commission to accept any proposals to redevelop this property at this point in time and after the notice is over, the City may choose to reject all proposals. Staff is recommending approval to advertise the City's intent to solicit proposals to dispose of property in a community redevelopment area, subject to the statutory requirements of Chapter 163.380, Florida Statutes. Ms. DeBord answered questions of the Commission.

Motion made by Mayor Bradley to approve the request to advertise the notice of disposal for the property located at 941 W. Morse Boulevard; 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.

Public Hearings

- a. Request of Bank First for properties at 1289 and 1301 Gene Street:

Attorney Brown read the ordinances by title.

- AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF OFFICE TO COMMERCIAL ON THE PROPERTIES AT 1289 AND 1301 GENE STREET, MORE PARTICULARLY DESCRIBED HEREIN. First reading. (Legislative proceeding)

- AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF OFFICE (O-1) DISTRICT TO COMMERCIAL (C-3) DISTRICT ON THE PROPERTIES AT 1289 AND 1301 GENE STREET, MORE PARTICULARLY DESCRIBED HEREIN. First reading. (Quasi-Judicial Proceeding)

Planning Director Jeff Briggs explained that these requests by Bank First are to amend the Comprehensive Plan future land use map and zoning map on the two lots at 1289 and 1301 Gene Street from Office to Commercial to allow the construction of a McDonald's restaurant. These two lots, fronting on Gene Street are combined in ownership with four other lots including the adjacent lot on Gene Street and the three adjacent lots fronting on West Fairbanks Avenue that are all designated Commercial. If these requests are approved and they have a drive-in restaurant, they will also require a conditional use approval for a drive-in business.

Mr. Briggs explained the Planning and Zoning Board 4-2 vote for approval of the requested changes. The majority of the Planning Board felt there was no substantial reason for these two

lots in this location to be office versus commercial, especially because only one third of this property is office and two-thirds are already zoned commercial. The majority also felt that circumstances have changed since the office zoning was established in 1953. The majority also recognized that since these two lots could be used as a parking lot under the existing office zoning and commercial development could be concentrated on the commercial portion of the overall property, that a case could be made that no increase in traffic generation would result from this change; only more flexibility on the location of buildings. In addition, the majority of P&Z felt that to the extent traffic issues might exist from a future fast-food restaurant; the appropriate venue for those issues was during the conditional use review.

The minority of the Planning Board felt that the additional potential impacts of added traffic and additional hours of operation by a commercial business versus an office business would not be compatible with the surrounding area.

Commissioner Leary commented that he did not have any ex-parte communications. Commissioner Sprinkel disclosed that she had ex-parte conversations with the client's Attorney, Rebecca Wilson. Commissioner Cooper commented that she did not have any ex-parte communications. Commissioner McMacken disclosed that he had ex-parte conversations with the client's Attorney, Rebecca Wilson. Mayor Bradley disclosed that Mrs. Wilson attempted to contact him but he was out of town and did not speak with her on this matter. He mentioned that if there was anything else it would be in the city email.

Mr. Briggs noted that staff is not in favor of the request due to the added traffic. He then answered questions of the Commission.

Rebecca Wilson with the Lowndes Drosdick Doster Kantor and Reed law firm on behalf of Bank First provided a Powerpoint presentation. She explained that 2/3 of the property is already commercial and the character of the neighborhood is very much commercial, especially on the more eastern side of Gene Street. She noted that the floor area ratio is not being increased nor is the actual envelope of the building, the impervious surface area does not increase, the height does not change and according to current code they are within the proposed uses allowed and are compatible with the surrounding uses. Ms. Wilson mentioned that this does not adversely impact the adopted levels of service and that they have a traffic study that was prepared for the conditional use permit and are consistent with the Comprehensive Plan and City policies which encourage redevelopment along this corridor.

Motion made by Commissioner Cooper to deny the request. Motion failed for lack of a second.

Motion made by Commissioner Leary to accept the ordinance on first reading (changing the Future Land Use Map designation of Office to Commercial); seconded by Commissioner Sprinkel.

Motion made by Commissioner Leary to accept the ordinance on first reading (changing the official zoning map designation of Office (O-1) District to Commercial (C-3) District); seconded by Commissioner Sprinkel.

Mary Black, 1334 Dallas Avenue, expressed concerns with the traffic implications and parking constraints on their neighborhood. She suggested that a traffic study be done once the Publix

supermarket reopens. She also asked the Commission not to allow any high volume businesses to open in this area because it will decrease home values and their quality of life.

Motion amended by Commissioner Sprinkel that when they look at this as a conditional use they also require a traffic study for this area. Mr. Briggs clarified that the traffic study is required as part of the conditional use process and the notice requirement for conditional use is 500 feet. **Commissioner Sprinkel withdrew her motion.**

Commissioner Cooper explained why she made a motion to deny this request. She stated that she does not see any overriding justification for the change, nor does she see how increasing the intensity of use on this particular piece of property is going to have a positive effect on the surrounding properties.

Upon a roll call vote (changing the Future Land Use Map designation of Office to Commercial), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote (changing the official zoning map designation of Office (O-1) District to Commercial (C-3) District), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- b. RESOLUTION NO. 2090-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING CERTAIN LAND WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK LOCATED AT 1240 MILLER AVENUE, WINTER PARK, FLORIDA 32789 (PARCEL ID. NO. 12-22-29-3412-02-070) AND 1111 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, 32789 (PARCEL ID. NO. 12-22-29-3412-02-010) AS THE DINGMAN ECONOMIC ENHANCEMENT DISTRICT AND AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION, AND ECONOMIC DEVELOPMENT; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, AND AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. Economic Development Director Dori DeBord provided background. In September 2010, City staff received a letter from Mr. Richard Dingman and Mr. William Dingman asking the City to designate their property as a brownfield area. Mr. Dingman informed staff that he has received three requests to consider the site for the development of medical office space and that those entities making the requests have also asked if the site is designated as a brownfield.

City staff has spent the last 6 months working with EDAB and the State Department of Environmental Protection to understand the use of the special districts and in March of 2011, EDAB voted unanimously to approve Mr. Dingman's request and to move it for consideration before the City Commission.

Brownfield Coordinator for Central Florida George Houston, Department of Environmental Protection, provided a PowerPoint presentation on brownfields. He explained that there is no funding anticipated for this program and that a designation requires the passage of a resolution by the local municipality. DEP has also informed staff that the adopted comprehensive plan meets the requirement of a redevelopment plan for the purpose of passing the resolution and

that specific site plans for a property are not required at this stage for designation. Designation simply opens the door for a property owner to access benefits offered by the State for projects that meet their requirements as they relate to job creation and contamination if found.

Ms. DeBord noted that it is staff's intention to use this designation as an opportunity to educate the community on brownfields and their use and to open the door for consideration of establishing larger brownfield districts in such areas as West Fairbanks and 17-92.

Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- c. Request of the City of Winter Park: **BOTH ORDINANCES WERE WITHDRAWN BY THE APPLICANT PLANNING DEPARTMENT:** Ordinance Repealing within Chapter 10 "Alcoholic Beverages" and within Chapter 58 "Land Development Code" special hours of sale and consumption of alcoholic beverages for the Hannibal Square or Westside Neighborhood (1); and Ordinance Amending Chapter 62 regarding noise ordinance violations the Hannibal Square Neighborhood Commercial District and other commercial properties located within 300 feet of residential properties (1)

City Commission Reports:

a. Commissioner Leary

No comments.

b. Commissioner Sprinkel

Commissioner Sprinkel mentioned that she attended the SunRail opening and it was a great event.

Commissioner Sprinkel suggested that the Park Avenue Brand video be available to the citizens for their viewing and to possibly put it on the City's website. The request was acknowledged.

Commissioner Sprinkel asked how many people use the trail at Fleet Peoples Park and if the Parks and Recreation Department could provide them with that information. Mayor Bradley requested to include the cost of ADA bathroom. The request was acknowledged.

For clarification purposes, the ribbon cutting on new Community Center is 10:00 a.m. on September 23, 2011.

c. Commissioner Cooper

Commissioner Cooper informed Ms. DeBord that she is always available to attend the Economic Development Advisory Board meetings and to keep her informed of the upcoming meetings.

Discussion regarding first right of refusal for purchase of Post Office Property

Commissioner Cooper mentioned that our legislative advisors sent out a letter to the Post Office asking for first right of refusal for the purchase of the post office property. She explained that the next step is for a meeting to be held and offered the Commissioners the opportunity to attend if they are interested.

d. Commissioner McMacken

1. Non-active construction sites

Commissioner McMacken addressed his conversation with Code Enforcement Director George Wiggins concerning the property on Denning Drive. Mr. Wiggins advised that last year the City adopted an amendment to an ordinance regarding inactive construction sites. Currently, there are two inactive commercial sites in the City; the incomplete condominium project on Canton and Knowles in which a bank has taken title to the property in the last 60 days; and the location at Denning and Swoope.

Mr. Wiggins noted that they have been in contact with the owner for several months and the owner is proposing to offer part of the property as a free lease and to turn the open area into a ball field or recreational area and to also secure the building. Mr. Wiggins said as soon as the owner formally submits his offering he will bring it to the Commission. Commissioner McMacken said he would be more than willing to partner with the owner to get the property cleaned up. There was consensus for staff to continue the conversation with the owner.

2. Mayor Bradley asked for a status on the former Florida Power building/property located on Denning, Orange Avenue and Minnesota. Mr. Wiggins said the owner has renewed their permit and are fully intending to complete the project. He noted that he will follow up on this request.

3. Commissioner McMacken mentioned that last week there were solicitors that came through his neighborhood and he received a number of telephone calls from residents asking him for a non-emergency phone number for the police. He suggested that a link or an "easy button" be placed on the City's website listing commonly used phone numbers. There was consensus for staff to handle this task.

e. Mayor Bradley

Mayor Bradley mentioned that the Florida League of Cities is having their annual meeting in Orlando, August 10-13, 2011 and encouraged everyone to attend.

The meeting adjourned at 6:39 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

item type	Consent Agenda	meeting date	August 8, 2011
prepared by department division	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		final vote

Purchases over \$50,000

	vendor	item background	fiscal impact	motion recommendation
1.	Trane US, Inc.	PR 147268: Energy Improvements to Various City Buildings	Energy efficiency improvements funded by grant dollars and self-sustaining energy cost savings program guaranteed through Trane US, Inc. Amount: \$501,022	Commission approve PR 147268 to Trane US, Inc. for energy improvements to various City buildings
The City Commission approved negotiating and contracting with Trane US, Inc. on April 25, 2011. A portion of the costs will be paid through the Florida Energy and Climate Commission Grant Agreement No. ARS049 – Clean Energy Program Lighting Retrofit. Commission approved the grant agreement on January 24, 2011.				
2.	Trane US, Inc.	PR 147272: Energy Efficiency Building Improvements for Various City Buildings	Energy efficiency improvements funded by grant dollars and self-sustaining energy cost savings program guaranteed through Trane US, Inc. Amount: \$1,909,841	Commission approve PR 147272 to Trane US, Inc. for energy efficiency building improvements for various City buildings
The City Commission approved negotiating and contracting with Trane US, Inc. on April 25, 2011. A portion of the costs will be paid through the Florida Energy and Climate Commission Grant Agreement No. ARS 011 – EECBG Block Grant. Commission approved the grant agreement on January 24, 2011.				
3.	MUSCO Lighting, Inc.	PR 147308 new light poles and fixtures at Ward baseball field #7 and backlite field #4	Total expenditure is included in approved FY11 budget. Amount: \$187,401	Commission approve PR 147308 to MUSCO Lighting, Inc. and authorize the Mayor to execute the Submittal Approval document
This purchase will be made piggybacking the Clay County contract #08/09-3, which the City Commission approved on February 14, 2011.				

Contracts

	vendor	item background	fiscal impact	motion recommendation
4	ZHA	Change Order for Additional Services Related to the Construction Phase of the Community Center Project	Amount: \$16,500	Commission approve Change Order to ZHA and authorize the Mayor to execute the Change Order
The City Commission approved contracting with ZHA on January 29, 2008.				

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
5.	Florida Municipal Power Agency (FMPA)	Piggybacking for Thermal/Infrared Imaging Services	Total expenditure is included in approved FY11 budget. Projected spend: \$10,000	Commission approve piggybacking the FMPA contract for thermal/infrared imaging services and authorize the Mayor to execute the Piggyback Contract
FMPA utilized a competitive bidding process to award this contract. The contract was awarded in July 2011 for a period of three (3) years.				



city commission agenda item

item type	Consent Agenda	meeting date	August 8, 2011
prepared by	Don Marcotte	approved by	<input type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
department	Public Works		
division	Engineering		
board approval		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A	final vote

subject

Perpetual Easement for SunRail

motion | recommendation

Motion to approve the agreement for a Perpetual Easement allowing for wider SunRail platforms and canopies.

background

The City of Winter Park supports and agrees to participate in the Commuter Rail, SunRail project. The City entered into and revised its agreement with Orange County to participate in the SunRail project. The Florida Department of Transportation (FDOT) in cooperation with the City developed plans for a SunRail stop in Winter Park with a craftsman style design. The plan includes removing the existing asphalt center platform, relocating the eastern tracks to the west, constructing new platforms and canopies east of the relocated tracks, and reconstructing the west platforms and canopies.

April 2009 – Funds were earmarked by FTA for the Amtrak station reconstruction project. The City Commission hired HHCP architects to prepare preliminary design concepts for a new Amtrak station.

June 2011 – City Commission agreed to execute and deliver to the FDOT the Joint Participation Agreement (JPA) for the reconstruction of the Winter Park Amtrak Station.

July 2011 - FDOT received its full funding grant agreement (FFGA) from the Federal Transit Administration (FTA) for SunRail.

The FDOT is currently finalizing documents and plans in order to give notice to proceed to their design/build contractor for track and platform work. This allows opportunity for any final adjustments in the plans for the SunRail stop in Winter Park. The current plans were developed given the constraints with the existing Amtrak station remaining in place. Therefore, the canopy column spacing was limited to six feet (see exhibit attached). The reconstruction of the Amtrak building allows for wider, more useful column spacing. HHCP suggested to staff and the FDOT has agreed to modify their plans to open the column spacing to ten feet. In order to complete the design and construct the wider platforms and canopies, the FDOT requires approval of the perpetual easement as described (see attached).

alternatives | other considerations

Keep the current FDOT design of the Winter Park SunRail stop with the narrower column spacing.

fiscal impact

Federal funds cover all of the capital costs for the SunRail stop in Winter Park.

long-term impact

FDOT operates and maintains SunRail for the first seven years beginning 2014, and then the Commuter Rail Commission takes over the O&M. The interlocal agreement with Orange County as amended in December 2010 limits the City's O&M obligation.

strategic objective

This project helps to meet the City Commission's strategic objective to deliver the highest quality facilities and infrastructure.

07-PE02-09/01

August 2, 2011

This instrument prepared by

LYNN W. BLAIS

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 856.1

SECTION 75000

F.P. NO. 412994 2

STATE ROAD CRT PROJECT

COUNTY ORANGE

PERPETUAL EASEMENT

THIS EASEMENT made this _____ day of _____, _____, by the CITY OF WINTER PARK, a Florida municipal corporation, of 401 Park Avenue South, Winter Park, FL 32789, grantor(s), to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual railroad right of way easement for the purpose of clearing, excavating, constructing, operating, and maintaining exclusively, for a public railroad, including, but not limited to, railroad stations and platforms, with all such fills, cuts, drains, ditches and other incidents which the grantee may deem necessary or convenient in connection therewith, such other incidents to include, but not necessarily be limited to, any and all activities of grantee and third parties as may be expressly or impliedly authorized under the Florida Transportation Code, in, over, under, upon and through the following described land in Orange County, Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to the hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

CITY OF WINTER PARK

ATTEST: _____
Cynthia S. Bonham, City Clerk

Kenneth W. Bradley, Mayor

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by KENNETH W. BRADLEY, Mayor of the City of Winter Park, a Florida municipal corporation, who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

DESCRIPTION

PARCEL 856

That parcel of land in Block 35, Revised Map of the Town of Winter Park, as per plat thereof, as recorded in Plat Book A, Pages 67-72, Public Records of Orange County, Florida, being more particularly described as follows:

Commence at a Nail and Disc stamped "SSMC LB 2108" marking the South quarter corner of Section 6, Township 22 South, Range 30 East; thence run North 89°40'12" East, along the South line of the Southeast quarter of said Section 6, a distance of 301.02 feet to a point on a curve being 5.00 feet westerly of and concentric with the CSX railroad Westerly right of way line as recorded in Deed Book EE, Pages 191-192 of the Public Records of Orange County, Florida for a Point of Beginning; said curve being a non-tangent curve, concave Northwesterly, having a radius of 1095.28 feet, a chord bearing of North 02°08'46" East and a chord distance of 106.54 feet; thence departing said South line, from a tangent bearing of North 04°56'01" East, through a central angle of 05°34'31", run Northeasterly along the arc of said curve, a distance of 106.58 feet to the point of tangency; thence North 00°38'30" West, a distance of 83.29 feet; thence run North 89°21'30" East, a distance of 11.00 feet to a point on said CSX railroad Westerly right of way line as recorded in Deed Book EE, Pages 191-192 of the Public Records of Orange County, Florida; thence run South 00°38'30" East, along said Westerly right of way line, a distance of 74.97 feet; thence continue along said Westerly right of way line, South 89°21'29" West, a distance of 6.00 feet; thence continue along said Westerly right of way line, South 00°38'30" East, a distance of 8.32 feet to the point of curvature of a curve concave Northwesterly, having a radius of 1100.28 feet, a chord bearing of South 02°55'40" West and a chord distance of 137.00 feet; thence continue along said Westerly right of way line, through a central angle of 07°08'19", run Southwesterly along the arc of said curve, a distance of 137.09 feet; thence departing said Westerly right of way line and said curve, run North 83°30'11" West, a distance of 5.00 feet to a non-tangent curve, concave Northwesterly, having a radius of 1095.28 feet, a chord bearing of North 05°42'59" East and a chord distance of 29.84 feet; thence, from a tangent bearing of North 06°29'49" East, through a central angle of 01°33'40", run Northeasterly along the arc of said curve, a distance of 29.84 feet to the Point of Beginning.

Containing 1550 square feet, more or less.

SURVEYORS NOTES:

1. Bearings shown hereon are based on South line of the Southeast Quarter of Section 6, Township 22 South, Range 30 East, Orange County, Florida being North 89°40'12" East.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets Minimum Technical Standards for Land Surveying Chapter 61G17-6 requirements.
3. Not valid without the Signature and Raised seal of a Florida licensed surveyor and mapper.

Chapter 5J-17.050-.052 Florida Administrative Code requires that a legal description drawing bear the notation that

THIS IS NOT A SURVEY



GARY B. KRICK

CERT. NO. LB2108

SEE SHEETS 2 & 3 FOR SKETCH

NOT VALID WITHOUT SHEETS 2 & 3

REGISTERED LAND SURVEYOR NO. 4245

				FLORIDA DEPARTMENT OF TRANSPORTATION			
				SKETCH OF DESCRIPTION - THIS IS NOT A SURVEY			
REVISE DESCRIPTION	JEM	08/02/11	CENTRAL FLORIDA COMMUTER RAIL TRANSIT			ORANGE COUNTY	
REVISE DESCRIPTION	JEM	08/18/10					
REVISE DESCRIPTION	JEM	02/17/10	BY	DATE	PREPARED BY:	DATA SOURCE:	
REVISE PARCEL	JEM	10/22/08	DRAWN	S. WARD	10/15/08	SOUTHEASTERN SURVEYING & MAPPING CORP.	
REVISION	BY	DATE	CHECKED	G. KRICK	10/20/08	F.P. ID. 412994-2 SECTION 75000 SHEET 1 OF 3	



CSX RAILROAD

R/W VARIES PER DEED BOOK EE, PG 191 ORANGE COUNTY, FLORIDA

APPROXIMATE LOCATION OF EXISTING RAILROAD TRACKS

WESTERLY CSX RIGHT OF WAY LINE

PARCEL ID NO.
05-22-30-9400-35-003
ORB 4508, PG 0252

SEE SHEET 3 OF 3

P.O.C. - PARCEL 856
SET N&D SSMC LB 2108
SOUTH 1/4 CORNER
SECTION 6-22-30

REVISED MAP OF THE TOWN OF WINTER PARK P.B. A, PG 70

N00°38'30"W
8.32'
Curve JMI05-JMI02

S LINE, SE 1/4
SEC 6-22-30
T.B. = N04°56'01"E
N89°40'12"E
301.02'

P.O.B.
PARCEL 856

Curve JMI03-JMI05

35

856

T.B. = N06°29'49"E

N83°30'11"W
5.00'

Curve JMI05-JMI02
Δ = 05°34'31"
R = 1095.28'
L = 106.58'
C = 106.54'
CB = N02°08'46"E

Curve JM83-JMI04
Δ = 07°08'19"
R = 1100.28'
L = 137.09'
C = 137.00'
CB = S02°55'40"W

Curve JMI03-JMI05
Δ = 01°33'40"
R = 1095.28'
L = 29.84'
C = 29.84'
CB = N05°42'59"E

LEGEND

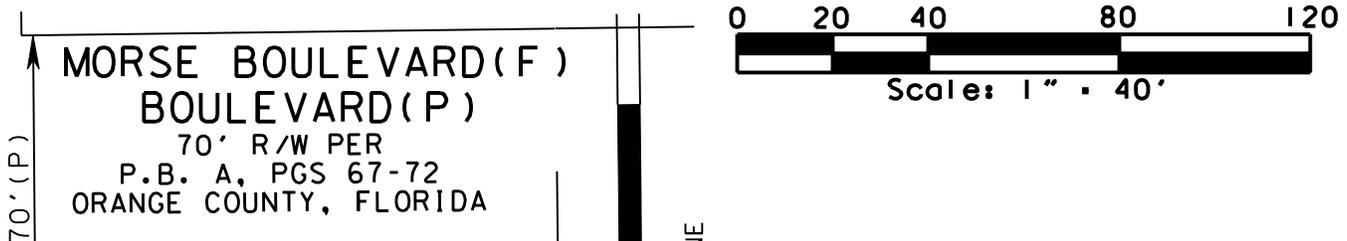
- Δ = DELTA
- R = RADIUS
- L = LENGTH
- C = CHORD
- CB = CHORD BEARING
- ⊙ = BLOCK NUMBER
- CSX = CHESSIE SEABOARD MULTIPLIER
- PG(S) = PAGE(S)
- R/W = RIGHT OF WAY
- NO. = NUMBER
- SEC = SECTION

- (P) = PLAT
- P.B. = PLAT BOOK
- P.T. = POINT OF TANGENCY
- ORB = OFFICIAL RECORDS BOOK
- MP = MILE POST
- T.B. = TANGENT BEARING
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- N&D = NAIL & DISC
- N.T.S. = NOT TO SCALE
- LB = LICENSED BUSINESS
- (F) = FIELD

NOT VALID WITHOUT SHEETS 1 & 3

THIS IS NOT A SURVEY
See Sheet 1 for Description

		FLORIDA DEPARTMENT OF TRANSPORTATION			
		SKETCH OF DESCRIPTION - THIS IS NOT A SURVEY			
REVISE DESCRIPTION	JEM	08/02/11	CENTRAL FLORIDA COMUTER RAIL TRANSIT		ORANGE COUNTY
REVISE DESCRIPTION	JEM	08/18/10			
REVISE DESCRIPTION	JEM	02/17/10	BY	DATE	PREPARED BY: SOUTHEASTERN SURVEYING & MAPPING CORP.
REVISE PARCEL	JEM	10/22/08	DATA SOURCE:		
REVISION	BY	DATE	DRAWN	S. WARD	10/15/08
	CHECKED	G. KRICK	10/20/08	F.P. ID. 412994-2	SECTION 75000 SHEET 2 OF 3



MORSE BOULEVARD (F)
BOULEVARD (P)
70' R/W PER
P.B. A, PGS 67-72
ORANGE COUNTY, FLORIDA

70' (P)

SOUTHERLY
RIGHT OF WAY LINE

WESTERLY CSX
RIGHT OF WAY LINE

Curve JMI 05 - JMI 02
 $\Delta = 05^{\circ}34'31''$
 $R = 1095.28'$
 $L = 106.58'$
 $C = 106.54'$
 $CB = N02^{\circ}08'46''E$

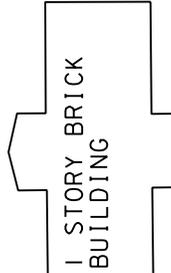
REVISED MAP OF THE
TOWN OF WINTER PARK
P.B. A, PG 70

35

856

PARCEL ID NO.
05-22-30-9400-35-003
ORB 4508, PG 0252

SEE DETAIL



$N89^{\circ}21'30''E$
11.00'

$N00^{\circ}38'30''W$
83.29'

$S00^{\circ}38'30''E$
74.97'

CSX RAILROAD

R/W VARIES PER
DEED BOOK EE, PG 191
ORANGE COUNTY, FLORIDA

APPROXIMATE LOCATION
OF EXISTING RAILROAD TRACKS

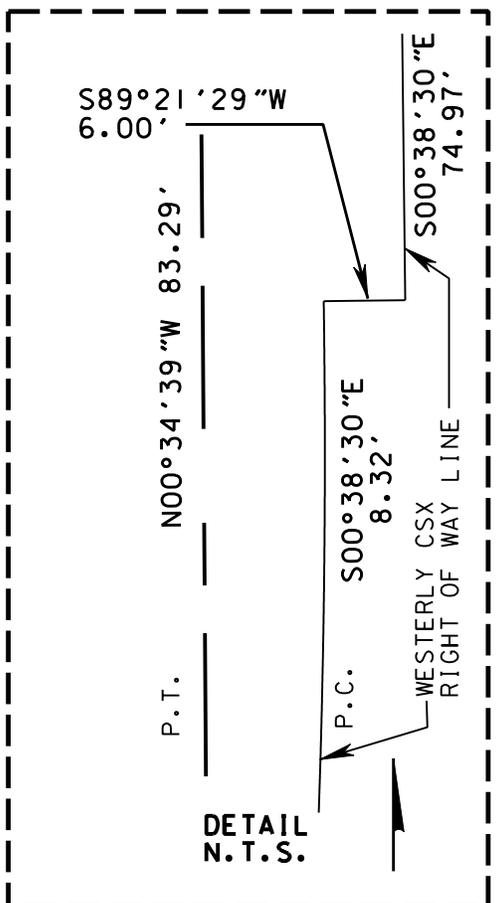
Curve JMI 05 - JMI 02

Curve JM83 - JMI 04

Curve JM83 - JMI 04
 $\Delta = 07^{\circ}08'19''$
 $R = 1100.28'$
 $L = 137.09'$
 $C = 137.00'$
 $CB = S02^{\circ}55'40''W$

T.B. =
 $N04^{\circ}54'35''E$

SEE SHEET 2 OF 3



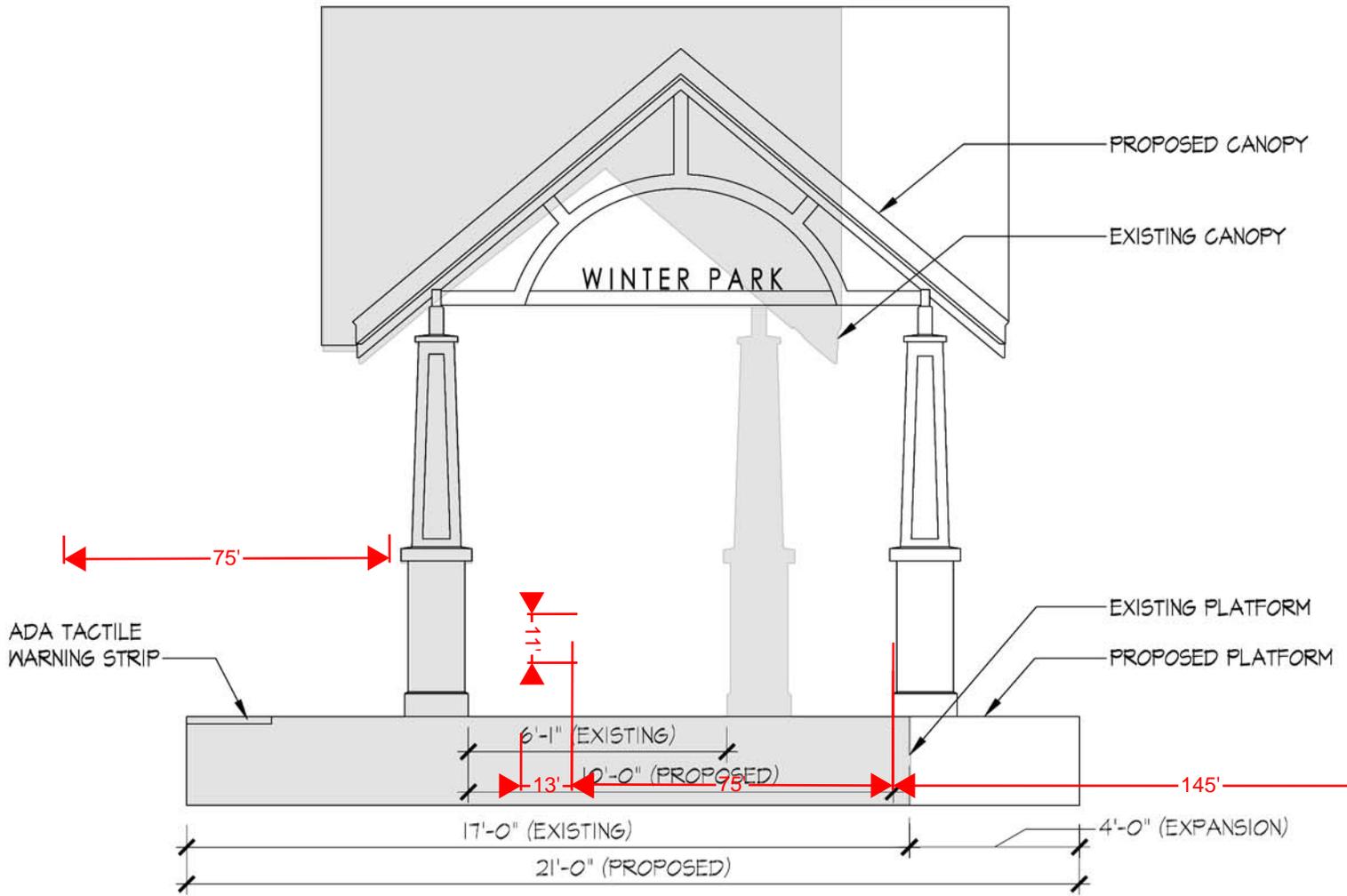
THIS IS NOT A SURVEY
See Sheet 1 for Description

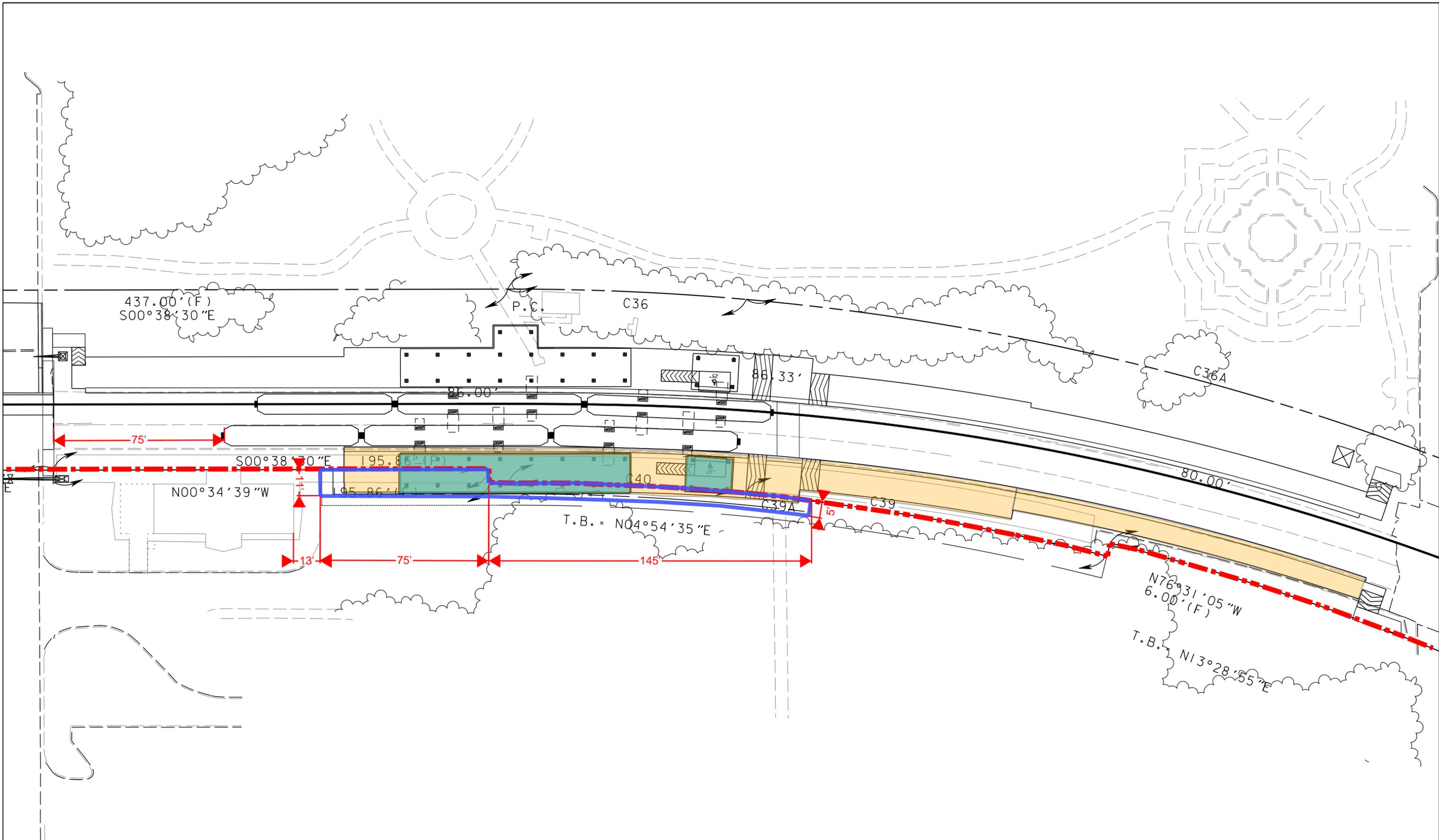
NOT VALID WITHOUT SHEETS 2 & 3

FLORIDA DEPARTMENT OF TRANSPORTATION
SKETCH OF DESCRIPTION - THIS IS NOT A SURVEY

CENTRAL FLORIDA COMUTER RAIL TRANSIT ORANGE COUNTY

REVISION	BY	DATE	CHECKED	G. KRICK	10/20/08	F.P. ID. 412994-2	SECTION 75000	SHEET 3 OF 3	
REVISION	JEM	10/22/08	DRAWN	S. WARD	10/15/08	SOUTHEASTERN SURVEYING & MAPPING CORP.			
REVISION	JEM	02/17/10	BY		DATE	PREPARED BY:	DATA SOURCE:		
REVISION	JEM	08/18/10							
REVISION	JEM	08/02/11							







city commission agenda item

item type	Consent Agenda	meeting date	August 8, 2011
prepared by	Wes Hamil	approved by	<input checked="" type="checkbox"/> City Manager
department	Finance		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		final vote

subject

Adjust EMS transport and traffic fine revenue budget estimates based on current projections of revenues that will be realized in FY 2011.

motion | recommendation

Approve budget adjustment to increase the estimate for EMS transport revenues by \$317,000 and reduce the estimate for traffic fine revenues by the same amount.

Background

The City changed EMS transport billing and collection agents at the beginning of fiscal year 2010. After an initial period of several months of laying groundwork and obtaining approval of the Medicare application, collections have greatly improved. FY 2011 EMS transport revenues are projected to exceed the original budget by \$450,000. Another budget adjustment appropriates \$133,000 of these revenues for paying billing agent fees and purchasing a system to track EMS medical supplies, leaving \$317,000 for other purposes. Traffic fine revenues are projected to be about \$315,000 short of the annual budget estimate as the Orange County Clerk of Courts began retaining 10% of traffic fines for the Public Records Modernization Trust Fund this past year. This adjustment will revise both revenue sources based on current projections.

alternatives | other considerations

Do not adjust the budget. It will not have any net effect on total General Fund revenues.

fiscal impact

There is no net fiscal impact for this budget adjustment.

long-term impact

There is no net fiscal impact for this budget adjustment.

strategic objective

None. It helps keep our individual revenue estimates more in line with current projections but there is no impact to the bottom line for the General Fund.

**CITY OF WINTER PARK
BUDGET ADJUSTMENT**

SUBMITTING DEPARTMENT: Fire ADJUSTMENT NUMBER: _____

DATE: July 25, 2011 GROUP NUMBER: _____

SOURCE OF FUNDS:			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT NUMBER	ADJUSTMENT
001-0000-342.60-10	EMS transport revenues		317,000.00
001-0000-351.10-00	Fines and forfeitures		(317,000.00)
TOTAL			<u> -</u>

USE OF FUNDS:			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT NUMBER	ADJUSTMENT
TOTAL			<u> -</u>

REASON FOR ADJUSTMENT REQUEST:

Adjust EMS transport and traffic fine revenues based on current projections for fiscal year 2011.

APPROVALS:

	Commission Approval Date	City Manager	Date
Finance Director	Date	Department Head	Date



city commission agenda item

item type	Consent Agenda	meeting date	August 8, 2011
prepared by	Wes Hamil	approved by	<input checked="" type="checkbox"/> City Manager
department	Finance		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		final vote

subject

Appropriate a portion (\$133,000) of EMS transport revenues in excess of the budget estimate for use in paying the associated billing agent fees and purchasing a system to track EMS medical supplies.

motion | recommendation

Approve budget adjustment to appropriate \$133,000 in EMS transport fees for use in paying billing agent fees and purchasing a system to track EMS medical supplies.

Background

The City changed EMS transport billing and collection agents at the beginning of fiscal year 2010. After an initial period of several months of laying groundwork and obtaining approval of the Medicare application, collections have greatly improved. FY 2011 EMS transport revenues are projected to exceed the original budget by \$450,000.

alternatives | other considerations

Do not purchase the EMS medical supply tracking system.

fiscal impact

The net fiscal impact of the budget adjustment is the purchase of the \$33,000 system to track EMS medical supplies.

long-term impact

The EMS medical supply tracking system will improve controls over supplies and put the removal of supplies from inventory on a more "as needed" basis.

strategic objective

Quality government services and financial security.

**CITY OF WINTER PARK
BUDGET ADJUSTMENT**

SUBMITTING DEPARTMENT: Fire ADJUSTMENT NUMBER: _____

DATE: July 25, 2011 GROUP NUMBER: _____

SOURCE OF FUNDS:			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT NUMBER	ADJUSTMENT
001-0000-342.60-10	EMS transport revenues		133,000.00
TOTAL			<u><u>133,000.00</u></u>

USE OF FUNDS:			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT NUMBER	ADJUSTMENT
001-5104-522.34-40	Contractual services		100,000.00
001-5104-522.64-50	Capital outlay		33,000.00
TOTAL			<u><u>133,000.00</u></u>

REASON FOR ADJUSTMENT REQUEST:

Appropriate a portion of EMS transport revenues in excess of budget estimate to pay billing agent fees and purchase a system for tracking medical supplies used on transport vehicles.

APPROVALS:

	Commission Approval Date	City Manager	Date
Finance Director	Date	Department Head	Date



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	August 8, 2011
prepared by department division	Communications Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N A
board approval	Public Art Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N A	8-0 final vote

subject

Approval of the official City of Winter Park flag

motion | recommendation

Approval of the Public Art Advisory Board’s #1 recommendation as the official city flag

background

On May 25, the Communications Department presented three options for the City Commission to consider as the official city flag. At that meeting, the Commission directed staff to create a public participation process inviting the community to submit designs for the Commission to consider. On June 13, the City Commission approved the public participation process which opened on Flag Day, June 14, and ended on Independence Day, July 4. A total of 12 entries were submitted.

On July 26, the Public Art Advisory Board (PAAB) reviewed the submissions and their top four rankings are as follows:

#1 recommendation: Entry #12



#2 recommendation: Entry #9



#3 recommendation: Entry #10



#4 recommendation: Entry #6



The PAAB also recommended the following suggestions to be considered:

- Entry #12 – Further define the head of the peacock to not blend in with the blue background
- Entry #9 – replace the word “Florida” with the year “1882”

alternatives | other considerations

Select another flag entry.
Do not adopt a city flag.

fiscal impact

Approximately \$1,000 to print 25 (5' x 3') flags currently budgeted in the Communications Department's budget.

Additional funding will need to be budgeted on an ongoing basis to have flags printed and made for the following possible purposes:

- Available for city residents to purchase
- Commemorative keepsake given to distinguished city residents for their service to the city
- Replacement of flags as they have weathered
- Special occasions

long-term impact

Long-term visual representation and symbol of the city's valuable assets to our residents and visitors.

strategic objective

Quality facilities and infrastructure.



ENTRY #1

DESCRIPTION: What I love most about Winter Park is the warm sunshine and the beautiful blue sky. What sets Winter Park aside from other Florida areas are the magnificent southern oaks.



ENTRY # 2

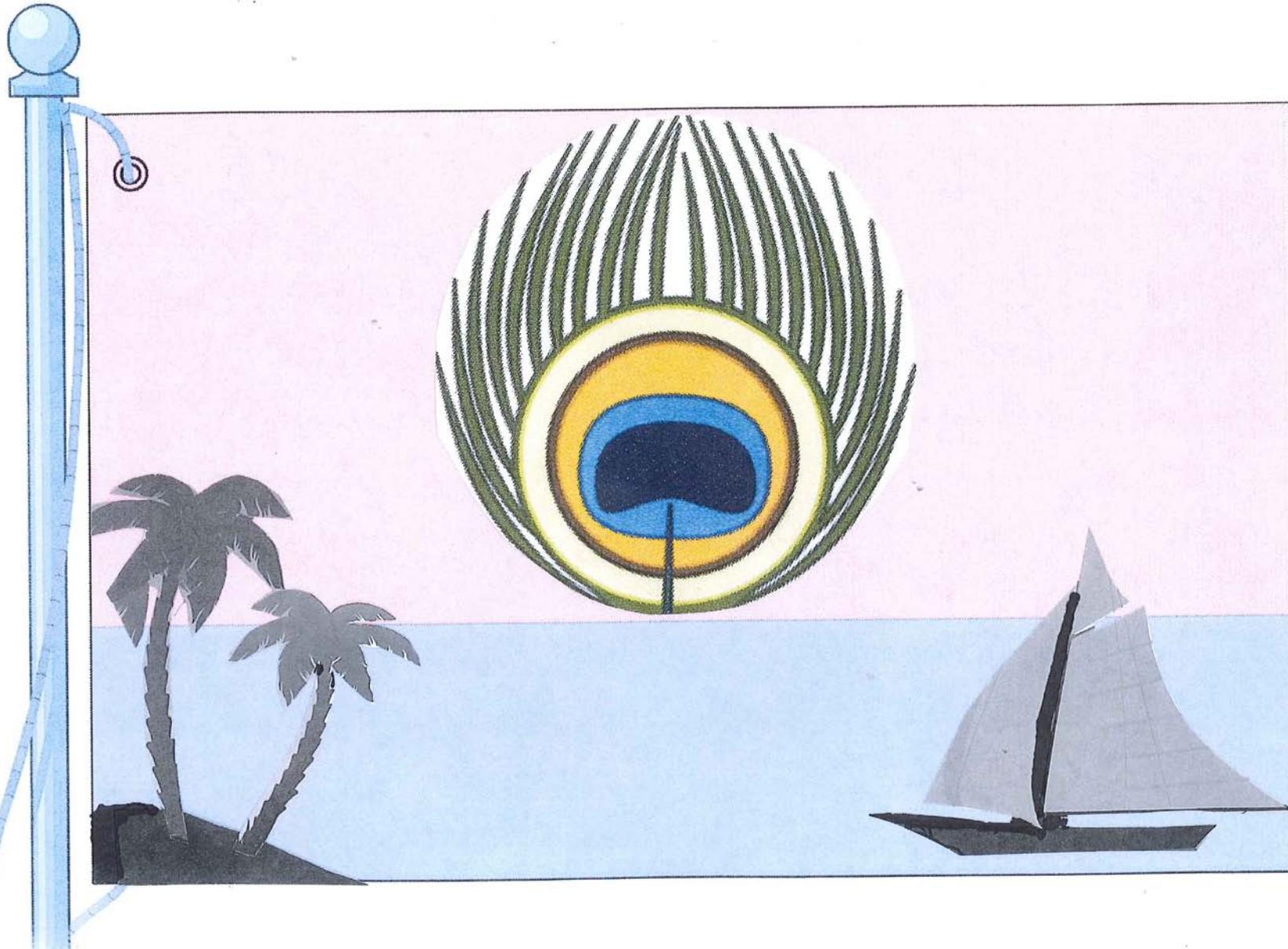
DESCRIPTION: My theme supports the desire for including the peacock and also Winter Park's well known symbol of an oak tree which reflects the City's well known reputation as "the city of trees."



ENTRY #3

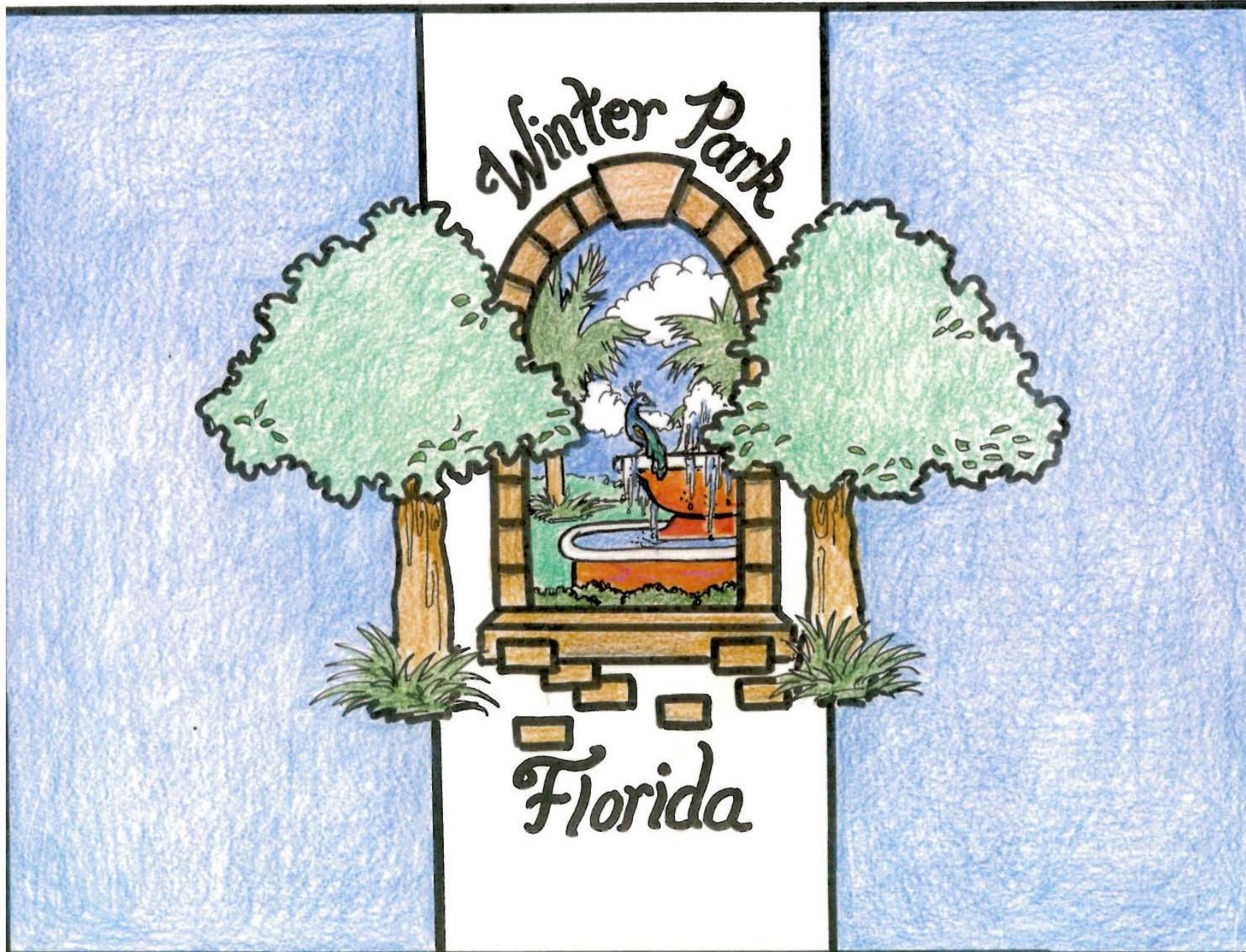
DESCRIPTION: The flag includes a number of colors and symbols that represent the culture, heritage, beauty, and history of Winter Park.

- The rambling green tree represents the natural beauty that surrounds us everywhere.
- The regal peacock has long been a symbol of Winter Park and early citizens who established it.
- The Hannibal Square monument is at the center of the flag to symbolize the cultural diversity that is the central strength of our community, just as diversity is the foundation upon which our nation is built.
- The yellow rays symbolize sunshine, hope, and optimism of the citizens of Winter Park.



ENTRY #4

DESCRIPTION: The elements of the flag design represent the various assests the city offers. Winter Park is blessed daily by the rays of the bright sunshine represented by the warm feather of a peacock. Our city lakes are vibrantly lined with the tropical Palm Trees and scattered about the waterways are our residents and vistors that enjoy the recreational, boating and fishing lifestyle. As the sun sets and rises on our fair city, the beautiful sky becomes a canvas of light pinks that invites all to experience the natural beauty of Winter Park.



ENTRY #5

DESCRIPTION: It is inspired by Winter Park's reverence of its natural surroundings, its honor of history, culture and its encouragement of the arts that will last for generations to come.

WINTER PARK
CITY OF CULTURE AND HERITAGE



1882

ENTRY #6

DESCRIPTION: The background of the flag echoes Florida's state flag while highlighting the hallmark lakes of Winter Park. The lake and oak tree (with Spanish Moss) represent the natural beauty of our town while the railroad conveys our unique heritage. The sun and her rays parallel the city seal and remind us of our sunny climate, while the canoe expresses our citizens' love for the outdoors and enjoying the beautiful habitat which we are blessed enough to be a part of. The city motto and founding date are also included to remind us of our heritage.



ENTRY #7

DESCRIPTION: The artwork is collage of hand painted papers adhered to wood panel. I hand paint all the papers myself. There is no paint on top, the complete image is collage. All of the peacock images I have done in the past are traditional blues and greens with color infused, this one however is truly a bird of a different feather.



ENTRY #8

DESCRIPTION: This flag serves as the visual representation of the City of Winter Park symbolizing the valuable assets the city has to offer in the form of the Peacock, a regal, rare, and unique bird, with distinct plumage and beauty, which complements the city seal and reinforces the city's commitment to culture and heritage. The flag was created utilizing a photograph of the beautiful peacock, and implementing special effects, via electronic media to make the peacock appear to be "hand-drawn." The two lines of text utilizing the font named "Mosaic" were created to remain in keeping with the look and feel of the current font used by Winter Park in its City Seal. Behind the words, Winter Park, Fl. and City of Arts and Culture are backdrops using colors taken from the photo itself. This colorful juxtaposition of photography and special effects, will indeed create an eye-catching display surely to incite a sense of pride and enduring loyalty to the city.



FLORIDA

ENTRY #9

DESCRIPTION: This was originally one of the designs the city presented and it was submitted by a resident because their design was very close to the city's. However, the residents' suggest using a stronger blue and green color. According to the residents, the design is simple and dynamic just what a flag should be.



ENTRY #10

DESCRIPTION: Meandering waterways, abundant sunshine, and rich natural foliage define Winter Park, FL as one of the most uniquely beautiful cities in the world. Winter Park's flag should symbolize these attributes, and the design at left accomplishes this symbolism. The blue, white, and green stripes represent Winter Park's lakes and canals, unyielding sunlight, and green spaces, and in that order as nature is a byproduct of water and light. The vertical tricolor design has been chosen because it is a time-tested image that appeals to the human eye, is easily identifiable, and has proven to engender pride and honor within those who revere it. This design is attractive, an ensign Winter Park residents would proudly fly from their flag poles, display on their car bumpers, and affix to the bows of their boats as a personal expression of the city's deep heritage.



ENTRY #11

DESCRIPTION: The primary focus of the flag is the beauty of Winter Park as symbolized by the peacock in the city logo. The city type face, "mascot" and colors are all part of the message about the exceptional beauty of Winter Park. The Flag can either be one sided, or a repeat of the design on the other side using an opaque fabric.



ENTRY #12

DESCRIPTION: Because the city seal is the city's official image, this flag design is consistent with all other marketing materials. It incorporates the most important element of the seal – the peacock and symbolizes the city's valuable assets through the use of color. Blue is characteristically associated with depth and stability and is a representation of our beautiful lakes. It also symbolizes trust, loyalty, wisdom, confidence, intelligence, faith, truth and heaven. Green is the color of nature. It symbolizes growth, harmony, freshness, fertility and wealth. Green also represents our goal to be a green local government, and the value we place on our elaborate park systems and open green spaces.



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	August 8, 2011
prepared by	Troy Attaway	approved by	<input checked="" type="checkbox"/> City Manager
department	Public Works		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N A
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N A	final vote

subject

Morse Boulevard East of Interlachen

motion | recommendation

Approve either option with implementation to follow installation of storm water improvements scheduled for this fall

Background

The city has been preparing to repave the existing asphalt portion of Morse Blvd. from Interlachen east to the lake. Some residents expressed interest in bricking the roadway, further beautifying this section of the roadway. After following the City's bricking policy, there was not sufficient support to brick the road. City staff developed 2 plans for the repaving: (1) leaving the shape of the road the same, (2) provide a turnaround and narrow the road slightly to provide landscaping areas.

This item was discussed at the May 23, 2011, Commission meeting at which the Commission requested staff to investigate ownership of the southern parking spaces and determine if parking spaces could be added in the plan with the turnaround so as to not affect the amount of parking. Additionally, the City Commission requested funding methods for the project. A plan has been refined which includes the turnaround and provides the same number of parking spaces as exists today (plan attached). The plan relocates some of the existing brick into the proposed turnaround to help accentuate this further. Other improvements requested by the residents include landscaping improvement in the island and decorative lighting. After further discussions with our stormwater team the City desires and has funding to install underground storm sewer treatment boxes on 2 stormlines that traverse this improvement area. The city is planning to construct these boxes later this year (2011 calendar year). Therefore, any improvement to the road will be performed after the storm work is completed. The cost of the curbing, drainage and road work will be funded by existing stormwater and general fund accounts.

An agreement can be drafted and executed, memorializing the city ownership and maintenance of the southern portion of the improvement area and parking spaces

alternatives | other considerations

Simply repave the existing asphalt road in its current configuration using existing funding.

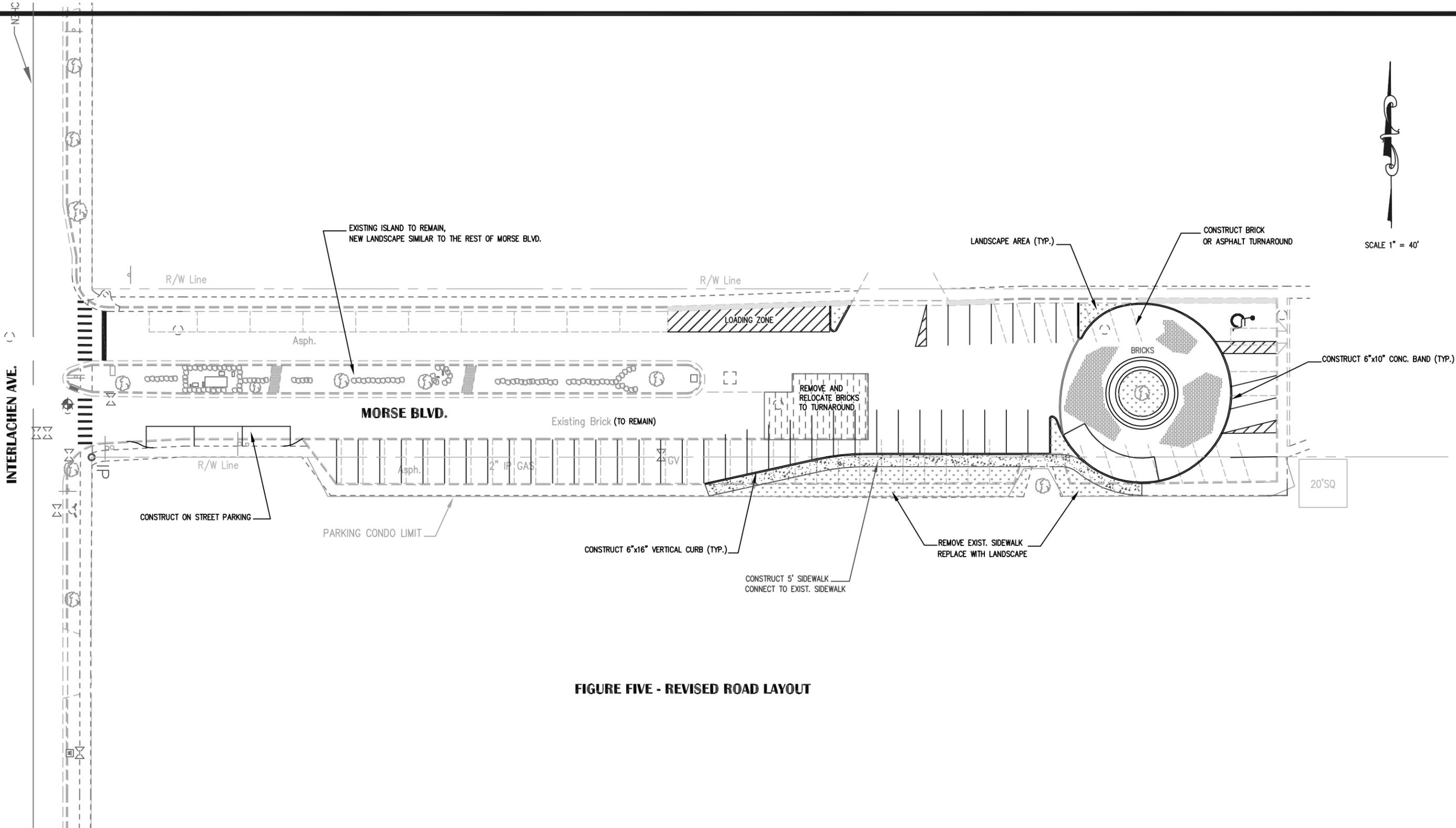
fiscal impact

Funding for the roadwork and drainage improvements will come from existing accounts in the general and stormwater funds.

long-term impact

strategic objective

Deliver the highest quality facilities and infrastructure



INTERLACHEN AVE.

MORSE BLVD.

FIGURE FIVE - REVISED ROAD LAYOUT

FILE NAME	MORSE INTER H11-4.DWG
PLOT CODE	40.PLT

DATE	REVISIONS	REVISED BY	CHKD. BY



City Of Winter Park

401 Park Avenue South
 Winter Park, Florida 32789
 Telephone (407) 623-3242

DESIGNED BY:	DRAWN BY:	CHECKED BY:	APPROVED BY:
HNN	HNN	TRA	TRA

MORSE BLVD. - INTERLACHEN AVE.

STREETSCAPE PROJECT - SITE PLAN

City of Winter Park
 Winter Park, Florida

PROJECT NUMBER	
DATE	JUNE 2011
SCALE	1" = 40'
SHEET NO.	1 of 1



city commission public hearing

item type	Public Hearing	meeting date	August 8, 2011
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning Department		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	4-2 final vote

Subject: 1289 & 1301 Gene Street - Future Land Use and Zoning Change

Second reading of the ordinance.

These requests by Bank First are to amend the Comprehensive Plan future land use map and zoning map on two lots of property at 1289 and 1301 Gene Street from Office to Commercial in order to build a restaurant. These two lots, fronting on Gene Street are combined in ownership with four other lots including the adjacent lot on Gene Street and the three adjacent lots fronting on West Fairbanks Avenue that are all designated Commercial.

Restaurants are not permitted on properties designated as "office". They need to be designated "commercial". So in order to build a restaurant, the applicant needs the City to change the Comprehensive Plan designation on these two lots from "office" to "commercial" and the zoning from O-1 to C-3.

Should a drive-in restaurant be the end user of this property, then ultimately they will need three approvals from the City of Winter Park. They first need the change to the Comprehensive Plan future land use map, which is a "legislative" change. Then, if that is successful, they secondly need the companion rezoning. The rezoning is a "quasi-judicial" decision because if the Comprehensive Plan future land use designation is changed to commercial, then the property owner is entitled to, in this case, commercial C-3 zoning.

Later on, at a subsequent meeting, if these approvals are granted; a drive-thru restaurant would need a Conditional Use approval for a drive-in business. That also is a "quasi-judicial" decision.

Recommendation:

The Planning and Zoning Board voted 4-2 for approval of the requested changes from office to commercial for the Future Land Use Map change and the Zoning Map change.

The majority of the Planning Board felt there was no substantial reason for these two lots in this location to be office versus commercial. Especially as only one third of this property is office and two-thirds are already zoned commercial. The majority felt that circumstances have changed since the office zoning was established in 1953. The majority also recognized that since these two lots could be used as a parking lot under the existing office zoning and commercial development could be concentrated on the commercial portion of the overall

property, that a case could be made that no increase in traffic generation would result from this change, just more flexibility on the location of buildings. In addition, the majority of P&Z felt that to the extent traffic issues might exist from a future fast-food restaurant; the appropriate venue for those issues was during the conditional use review.

The minority of the Planning Board felt that the additional potential impacts of added traffic and additional hours of operation by a commercial business versus an office business would not be compatible with the surrounding area.

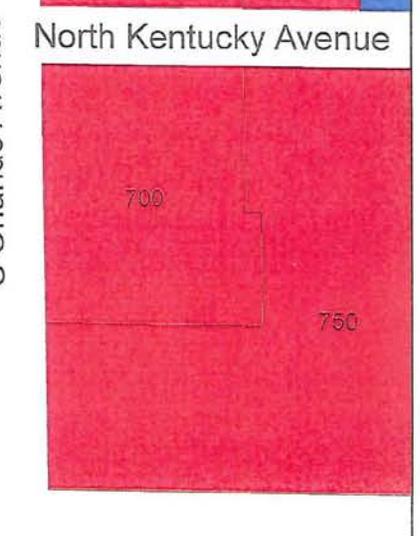
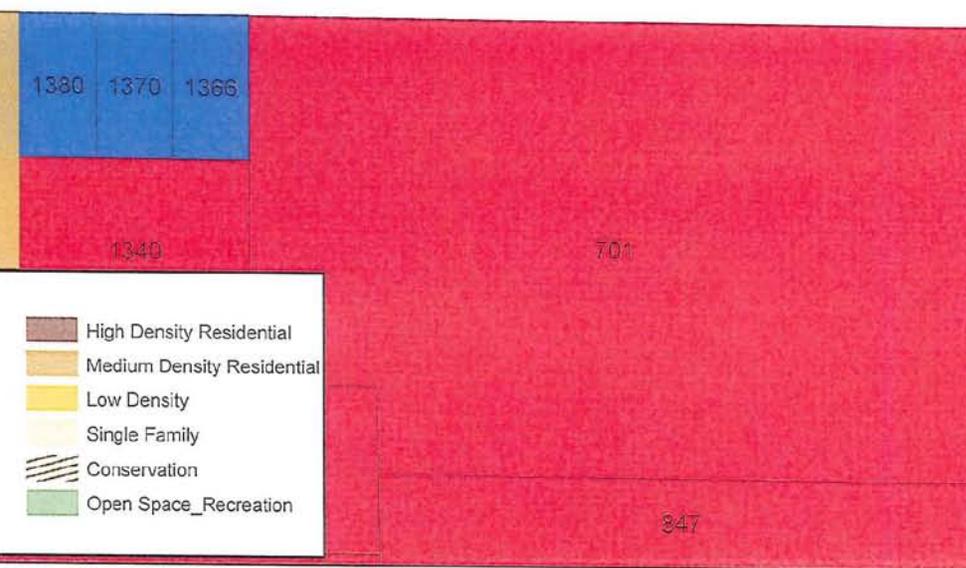
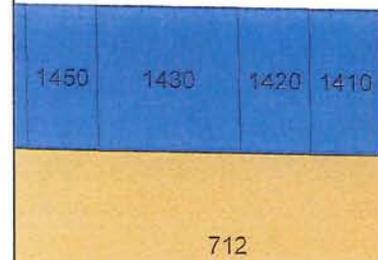
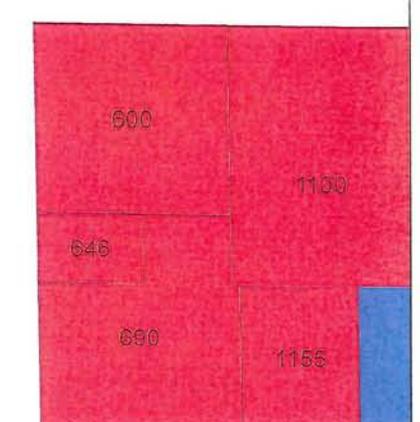
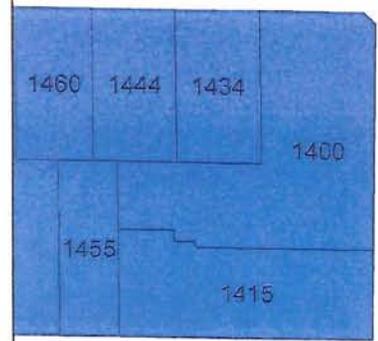
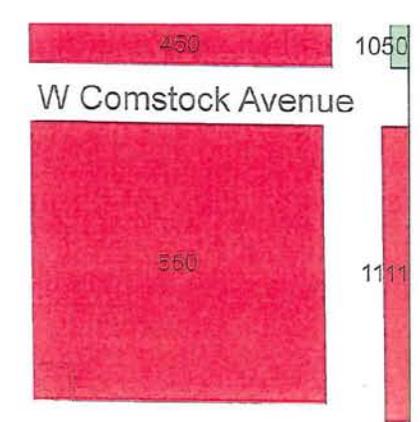
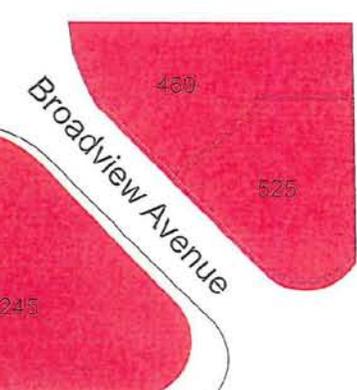
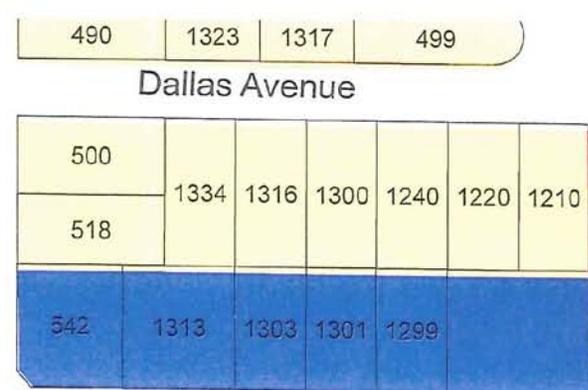
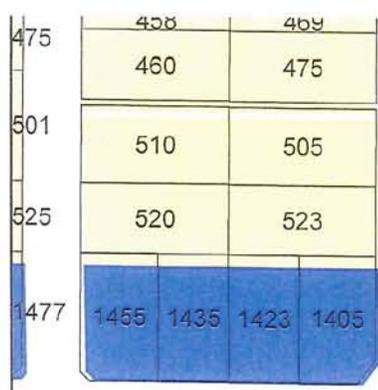
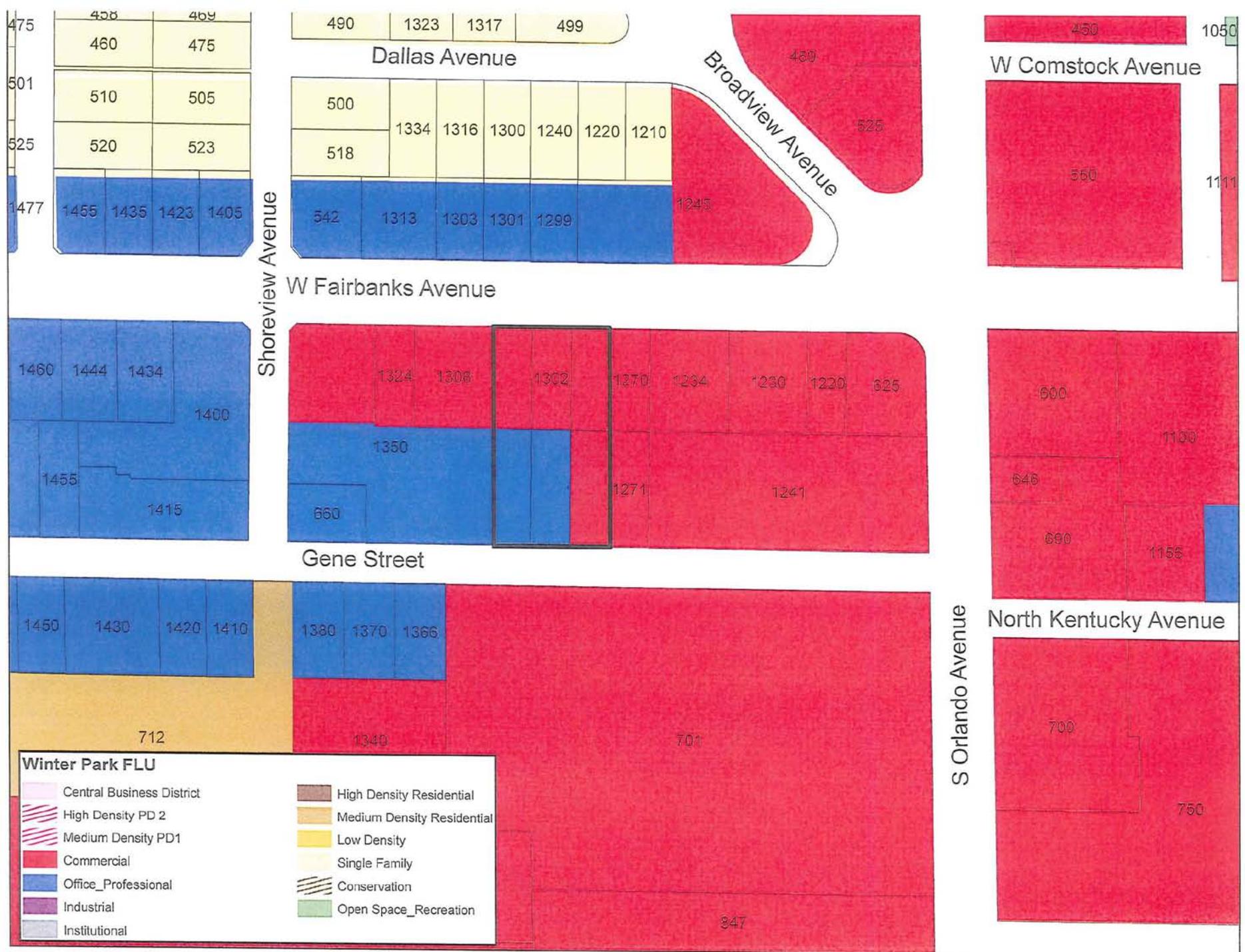
Background:

These two lots in question have been designated as "office" in the Comprehensive Plan since the City adopted our first Comprehensive Plan in 1976. They have been zoned office at least since 1953. (That's the earliest zoning map we have). It is likely that since Gene Street is a local brick street and Gene Street in the past was primarily residential (most of the offices along Gene Street were residential conversions) that office zoning was deemed appropriate given those circumstances.

The major differences between commercial and office land use is that commercial represents the potential for additional traffic and expanded hours of operation for versus typical office businesses. So that is part of the City Commission's consideration of this "legislative" question, as to whether that resultant increase in intensity (traffic & hours of operation) is in the best interests of the City at this location.

The City Code states that "all proposed comprehensive plan amendments shall be submitted to the planning and zoning commission for study and recommendation". The city commission shall study such proposals to determine:

- a. The need and justification for the change;*
- b. When pertaining to the future land use designation of land, the effect of the change, if any, on the particular property and the surrounding properties;*
- c. When pertaining to the future land use designation of land, the amount of undeveloped land in the general area and in the city having the same classification as that requested;*
- d. The relationship of the proposed amendment to the goals, objectives and policies text of the city's comprehensive plan, with appropriate consideration as to whether the proposed change will further, or at least not be contrary to the comprehensive plan.*



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF OFFICE TO COMMERCIAL ON THE PROPERTIES AT 1289 AND 1301 GENE STREET, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, this amendment of the Comprehensive Plan future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of office to commercial on the properties at 1289 and 1301 Gene Street, said properties being more particularly described as follows:

Lots 40 & 41, Beverly Park subdivision as recorded in Plat Book "K", Pages 45 of the Public Records of Orange County, Florida.

SECTION 2. This ordinance shall become effective 31 days after adoption on _____, 2011. If this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2011.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF OFFICE (O-1) DISTRICT TO COMMERCIAL (C-3) DISTRICT ON THE PROPERTIES AT 1289 AND 1301 GENE STREET, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the owner of the property more particularly described herein has requested rezoning in compliance with the Comprehensive Plan, and

WHEREAS, the requested zoning will achieve conformance with the Comprehensive Plan future land use designation for this property and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designation of office (O-1) to commercial (C-3) district zoning on the properties at 1289 and 1301 Gene Street, more particularly described as follows:

Lots 40 & 41, Beverly Park subdivision as recorded in Plat Book "K", Pages 45 of the Public Records of Orange County, Florida.

SECTION 2. This ordinance shall become effective 31 days after adoption on _____, 2011. If this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2011.

Mayor

Attest:

City Clerk

Lowndes
Drosdick
Doster &
Kantor &
Reed, P.A.

A T T O R N E Y S
A T L A W

RECEIVED
JUN - 6 2011
CITY OF WINTER PARK
PLANNING DEPARTMENT

M. REBECCA WILSON
DIRECT DIAL: 407-418-6250
NORTH EOLA DRIVE OFFICE
POST OFFICE BOX 2809
ORLANDO, FLORIDA 32802-2809
rebecca.wilson@lowndes-law.com

III MERITAS LAW FIRMS WORLDWIDE

June 3, 2011

Mr. Jeff Briggs
Planning & Community Development Director
Winter Park Planning Dept.
401 Park Avenue South
Winter Park, FL 32789

Re: Comprehensive Plan Amendment and Rezoning

Dear Jeff,

Enclosed please find an application to amend the Comprehensive Plan Future Land Use and Rezone two lots on Gene Street ("Subject Property"), our Check No. 236811 in the amount of \$1,000.00 fees as well as an Agent Authorization form. We are requesting that they be amended to Commercial/C-3.

The City Code sets forth the following criteria for consideration of Comprehensive Plan amendments:

- (a) need and justification for the change;
- (b) effect of the change, if any, on the particular property and the surrounding properties;
- (c) the amount of undeveloped land in the general area and in the City having the same classification as requested;
- (d) relationship of the proposed amendment to the goals, objectives and policies test of the City's comprehensive plan, with appropriate consideration as to whether the proposed change will further, or at least not be contrary to the comprehensive plan.

Below please find an analysis of how each of these criteria is met:

(a) Need and Justification for the Change

The Subject Property is approximately 15,000 sq. ft. The adjacent property to the north and east are Commercial/C-3. To the south is the Hollianna Shopping Center which is also Commercial/C-3. The Subject Property's location as part of the 17-92 corridor (as set forth in the City's Comprehensive Plan Planning Area J) and its proximity to the Hollianna Shopping Center make it appropriate for commercial development. In addition, the property owner also owns the adjacent lot on Gene Street along with the adjacent three lots which face Fairbanks Avenue. These four lots are Commercial/C-3. In order to most efficiently redevelop those lots, they should be under a common development pattern instead of having piecemeal development.

(b) Effect of the Change

The change will not negatively affect the Subject Property or the surrounding properties. The Subject Property was previously developed, that development has been demolished and this property is now vacant. The Office/O-1 category allows up to .45 FAR which is the same intensity as allowed for Commercial/C-3. As to the surrounding properties, to the north, south and east they are all Commercial/C-3. The C-3 to the north is vacant; to the south is a large parking lot and the side of Tuesday Morning; and to the east is a drive-thru for a bank. To the west is a lot which is partially zoned C-3 and partially zoned O-1. The O-1 portion is a parking lot and the C-3 portion is a vacant flower shop and further west is a funeral home. The pattern of development surrounding the Subject Property is commercial and the proposed request is compatible with the surrounding properties.

(c) Amount of Undeveloped Land in the General Area

There is little, if any, undeveloped Commercial property in this area (with the exception of our adjacent lots). In addition, the City has been working to encourage redevelopment of its commercial corridors in order to enhance its commercial tax base. The change to the Subject Property's designation will put it and four other lots back on the tax rolls as developed commercial property.

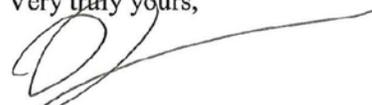
(d) Goals, Objectives and Policies

The proposed amendment is consistent with the City Goal 1-1 in particular by "allowing new growth and redevelopment which (i) enhances the City's attractive environment; (ii) preserves the City's economic, socio-economic and ethnic diversity; (iii) strengthens the City's excellence, character and reputation by promoting quality in-fill development conducive to the most efficient provision of services; . . ." In addition, the Subject Property will also have to go through a Conditional Use Permit application process to ensure "good design, pedestrian connectivity, landscaping and buffering, harmonious building colors, materials and signage, outdoor photo metrics and good proportional relationships in design of building mass and scale." (Policy 1-1.1.2)

Mr. Jeff Briggs
June 3, 2011
Page 3

As demonstrated above, the proposed request meets the City's criteria for a Comprehensive Plan Amendment and Rezoning. We are available to meet with staff to discuss any aspect of the application.

Very truly yours,



M. Rebecca Wilson

MRW/nle
Enclosures

cc: Lynne West
Ramon Santos
Justin Polk
Catherine Reischmann, Esq.
0215038\151478\1380068\1



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
Commission Chambers

July 12, 2011
7:00 p.m.

MINUTES

Mr. Krecicki called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall.

Present: Chairman Drew Krecicki, Sarah Whiting, George Livingston, Randall Slocum and James Johnston, and Peter Gottfried. City Attorney: Catherine Reischmann. Staff: Planning Director Jeffrey Briggs, Senior Planner Stacey Hectus, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

Approval of minutes – June 7, 2011

Motion made by Mrs. Whiting, seconded by Mr. Livingston to approve the June 7th meeting minutes as amended. Motion carried unanimously with a 6-0 vote.

PUBLIC HEARINGS:

REQUEST OF BANK FIRST TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP SO AS CHANGE THE FUTURE LAND USE MAP DESIGNATION OF OFFICE TO COMMERCIAL ON TWO LOTS OF PROPERTY AT 1289 AND 1301 GENE STREET.

REQUEST OF BANK FIRST TO: AMEND THE OFFICIAL ZONING MAP DESIGNATION OF OFFICE (O-1) DISTRICT TO COMMERCIAL (C-3) DISTRICT ON TWO LOTS OF PROPERTY AT 1289 AND 1301 GENE STREET.

Mr. Briggs announced that there will be a simultaneous public hearing on these two items.

Planning Director Jeffrey Briggs presented the staff report. He explained that the applicant, Bank First is requesting to amend the Comprehensive Plan future land use map and zoning map on two lots of property at 1289 and 1301 Gene Street from Office to Commercial. These two lots, fronting on Gene Street are combined in ownership with four other lots including the adjacent lot on Gene Street and the three adjacent lots fronting on West Fairbanks Avenue that are all designated Commercial. He noted that the same request had been advertised for the March meeting of P&Z when the CPH engineering firm had made the request on behalf of McDonald's who was prospectively either leasing or buying this entire property to use for a new fast food restaurant. The current application only states the request is for "all uses consistent with C-3 zoning including restaurant", however, the staff assumes it is the same end user. He said that restaurants are not permitted on properties designated as "office". They need to be designated "commercial". So in order to build a restaurant, the applicant needs the City to change the Comprehensive Plan designation on these two lots from "office" to "commercial" and the zoning from O-1 to C-3. He gave an overview of the approval process, the differences between legislative versus quasi-judicial decisions, the comprehensive plan history, the West Fairbanks Avenue Improvement project and the Form Based Code, and provided a code standard analysis.

Staff indicated that these two lots in question have been designated as "office" in the Comprehensive Plan since the City adopted our first Comprehensive Plan in 1976. They have been zoned office at least since 1953. (That's the earliest zoning map we have). It is likely that since Gene Street is a local brick street and Gene Street in the past was primarily residential (most of the offices along Gene Street were residential conversions) that office zoning was deemed appropriate given those circumstances.

Staff indicated that the major differences between commercial and office land use is that commercial represents the potential for additional traffic and expanded hours of operation for versus typical office businesses. So that is part of the City Commission's consideration of this "legislative" question, as to whether that resultant increase in intensity (traffic & hours of operation) is in the best interests of the City at this location.

He summarized by stating that staff believes this Comprehensive Plan change has the potential to create significant and detrimental additional traffic onto a local street and it creates additional (evening/weekend) hours of operation that are not compatible with the character of the surrounding area that includes residential properties. Staff recommended denial. Mr. Briggs responded to Planning Board member questions and concerns.

Mr. Johnston asked if the two lots in question (as part of the overall parcel of six lots) could be used solely as parking for a commercial business, then in that case there would be no increase in potential traffic generation. Mr. Briggs agreed with that scenario but indicated that his analysis was based only on these two lots developing by themselves which lead to a different conclusion.

Mr. Gottfried asked whether the Police Department had examined the traffic safety issues raised. Mr. Briggs indicated that the full traffic analysis happens at the conditional use stage of approval.

Becky Wilson, (Lowndes, Drosdick, Kantor & Reed PA) 215 North Eola Drive, Orlando, FL represented the applicant. She stated that the property is under contract to be sold to McDonalds. She noted that representatives from Bank First, McDonalds and engineers are present to answer any questions that the Board members may have. She used a Power Point presentation to give details of the request and to provide an overview of the dynamics of the neighborhood adjacent to the property. Mrs. Wilson also spoke concerning West Fairbanks Avenue improvement, the proposed form based code, and traffic flow by providing a brief traffic analysis. She also discussed the proposed future land use amendment with regard to compatibility and consistency. She also expressed her concerns regarding the effect that the proposed form based code would have on the subject property, traffic generation and new growth management legislation. She stressed that Gene Street is no longer residential in nature. She responded to Board member questions and concerns. Mrs. Wilson was questioned by the City Attorney as to if she objects to the speakers being sworn in. Mrs. Wilson expressed no objection, and requested that all of the speakers make it known where their property is in relation to the site.

The following people spoke in opposition to the request: Nort Northam, 120 Broadview; Tommy Drake, 500 Shoreview Avenue; Jeff Adams, 490 Shoreview; Mary Black, 1334 Dallas Avenue; Heather Huddleston, 1366 Gene Street; Rick Frazee, 1921 Englewood; Judith Knight, 712 Nicolette; James McClain, 659 and 808 Nicolet; and Jim Strollo, 777 French Avenue. The speakers expressed concern with the following issues: traffic going to and from the site, cut thru traffic, future redevelopment along the Fairbanks corridor, noise to the adjacent home and appropriateness of the location for the proposed use. No one else wished to speak concerning the request.

In a brief rebuttal, Mrs. Wilson acknowledged residential properties owned by Mr. Jim Veigle that are located adjacent on Gene Street. She restated that the requests are to change the zoning and future land use on properties on Gene Street. She responded to traffic concerns for the 17/92 and Fairbanks Avenue intersection. She also noted that it was at the request of staff that the conditional use did not accompany this item. There was no further public comment. The public hearing was closed.

Mrs. Reischman, requested that the Board members disclose any ex-parte communications concerning this request. The Board members provided that information.

Mr. Johnston stated that he understands staff's position as well as those of the residents. He said that that issue for the board to consider is the future land use map amendment and rezoning of the Gene Street parcels and the appropriateness of the potential change. He said that he feels that it is appropriate for commercial to abut office and that the line dividing the two should conform to ownership. He expressed that there was no substantial reason for these two lots in this location to be office versus commercial, especially as only one third of this property is office and two-thirds are already zoned commercial. He said that he feels that many of the issues raised tonight will be discussed further when the conditional use application is dealt with. He was in support of the request. Mrs. Whiting said that she appreciates the neighborhood input, but feels the focus needs to remain on the two lots in question. She said that she is comfortable with those parcels changing from office to commercial usage. She agreed with the comments made by Mr. Johnston. She spoke to the issues raised concerning traffic. She said that she feels that there should be consideration given to the safety of access to Gene Street and Fairbanks Avenue deserves more study. Mr. Livingston expressed that he felt that circumstances have changed since the office zoning was established in 1953. Mr. Gottfried said that he feels that the entire Fairbanks Avenue corridor must be taken into consideration. He discussed the necessity of future planning for Fairbanks Avenue, and that this corridor is a major consideration needing future planning, including potential improvements to Gene Street. He said that he does not want to see "piece meal" along the Fairbanks Avenue. Mr. Krecicki stated that he does not support the request. He said that when looking at the future land use map for Gene Street, and as you move away from the 17/92 Fairbanks intersection, the uses become less intense especially on the north side. He said that he does not think it is an appropriate change and that approval will add to the increased intensity on Gene Street. Mr. Slocum stated that he agrees with Mr. Krecicki and further the residents that spoke have a vested interest in that area and those concerns have to be taken into consideration. He said that he feels that the applicant should design the project within the parameters of the zoning category that they are in.

Motion made by Mr. Gottfried, seconded by Mr. Johnston to approve the comprehensive plan future land use map designation change from office to commercial on 1289 and 1301 Gene Street. Motion carried with a 4-2 vote. (Board members Gottfried, Livingston, Whiting and Johnston voted yes. Board members Krecicki and Slocum voted no.)

Motion made by Mr. Johnston, seconded by Mr. Gottfried to approve the zoning change from office to commercial on 1289 and 1301 Gene Street. Motion carried with a 4-2 vote. (Board members Gottfried, Livingston, Whiting and Johnston voted yes. Board members Krecicki and Slocum voted no.)

The City Attorney was excused from the meeting at 8:15 p.m.



city commission public hearing

item type	Public Hearing	meeting date	August 8, 2011
prepared by	Dori DeBord	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N A
department division	Economic Development/CRA		
board approval	Economic Development Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N A	6-0 final vote

subject

Second Public hearing of the resolution to designate 1240 Miller Avenue and 1111 S. Orlando Avenue as the Dingman Economic Enhancement District and as a brownfield area according to State statute.

motion | recommendation

Approval of designating 1240 Miller Avenue (Parcel ID# 12-22-29-3412-02-070) and 1111 S. Orlando Avenue (Parcel ID# 12-22-29-3412-02-010) as the Dingman Economic Enhancement District and as a brownfield area.

summary

In September 2010 of last year, city staff received a letter from Mr. Richard Dingman and Mr. William Dingman asking the city to designate their property as a brownfield area (letter attached). Mr. Dingman has informed staff that he has received three requests to consider the site for the development of medical office space and that those entities making the requests have also asked if the site is designated as a brownfield. Brownfields as a redevelopment tool have grown in popularity in the last couple years and now the private sector is becoming more familiar with them.

City staff has spent the last 6 months working with EDAB and the State Department of Environmental Protection to understand the use of the special districts and in March of 2011, EDAB voted unanimously to approve Mr. Dingman's request and move it for consideration before the City Commission (adopted minutes attached).

Under the auspices of the State's Department of Environmental Protection, brownfield designations offer communities another tool to encourage redevelopment of blighted areas in accordance with existing comprehensive planning guidelines adopted by the city. In the last few years these districts have been aggressively used throughout Central Florida and now include such notable areas as Downtown Orlando, most of the Hwy 17-92 corridor (excluding Winter Park), Maitland, Altamonte Springs, Longwood, Sanford, and Winter Garden (see attached map of already designated areas). Brownfields, much like the State QTI program, offer job creation based grants to redevelopment projects that meet certain criteria as well as other benefits related to loan guarantees and sales tax credits (see attached program sheet on brownfields). In addition the program offers State funding to assist with any environmental remediation that may need to take place as part of the development process. Suffering from an unfortunate name, a brownfield designation does not require that there be any contamination present but can be overlaid on properties and areas to encourage redevelopment.

There is no funding anticipated for this program. Designation requires the passage of a resolution by the local municipality. The only funding consideration that could be required with a brownfield

designation is a matching component similar to the state QTI program where the local municipality pays 20% of the job credit. This match is entirely at the discretion of the municipality and is not required for the state to still pay its 80% portion. Eventually the DEP will require the city to set up a monitoring board to govern brownfields in the city but has stated that EDAB could fulfill that duty and that this can be decided at a later date. DEP has also informed staff that the adopted comprehensive plan meets the requirement of a redevelopment plan for the purpose of passing the resolution and that specific site plans for a property are not required at this stage for designation. Designation simply opens the door for a property owner to access benefits offered by the State for projects that meet their requirements as they relate to job creation and contamination if found.

It is staff's intention to use this small designation as an opportunity to educate the community on brownfields and their use and to open the door for consideration of establishing larger brownfield districts in such areas as W. Fairbanks and 17-92.

The resolution, notice, and presentation delivered to EDAB by Mr. George Houston the DEP Brownfield Coordinator for Central Florida, are attached for review.

board comments

EDAB had requested that the official name of the brownfield area exclude the use of the term brownfield and instead follow the format of other districts and refer to it as an economic enhancement district (see attached minutes).

RESOLUTION NO. 2090-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING CERTAIN LAND WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK LOCATED AT 1240 MILLER AVENUE, WINTER PARK, FLORIDA 32789 (PARCEL ID. NO. 12-22-29-3412-02-070) AND 1111 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, 32789 (PARCEL ID. NO. 12-22-29-3412-02-010) AS THE DINGMAN ECONOMIC ENHANCEMENT DISTRICT AND AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION, AND ECONOMIC DEVELOPMENT; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, AND AN EFFECTIVE DATE.

WHEREAS, Sections 376.77 - 376.85, of the Florida Statutes, as amended, (the "Brownfields Redevelopment Act" or the "Act") authorizes the City Commission to designate by resolution certain lands as a "Brownfield Area" for purposes of environmental remediation, rehabilitation, and economic development for such areas; and

WHEREAS, William E. Dingman and Richard A. Dingman, the property owner, has requested that the property located at 1240 MILLER AVENUE, WINTER PARK, FLORIDA 32789 (PARCEL ID. NO. 12-22-29-3412-02-070) AND 1111 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, 32789 (PARCEL ID. NO. 12-22-29-3412-02-010) and more particularly described in Exhibit "A" attached hereto and incorporated by reference (the "Dingman Property") be designated as a Brownfield Area; and

WHEREAS, the City Commission of the City of Winter Park, Florida has considered the criteria set forth in Section 376.80(2)(a), Florida Statutes, namely:

- 1 . Whether the Brownfield Area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

WHEREAS, the City Commission of the City of Winter Park, Florida has reviewed the requirements for designation set forth in Section 376,80(2)(b), Florida Statutes, and based on the representations of the property owner, William E. Dingman and Richard A. Dingman, has determined that the proposed area qualifies for designation as a Brownfield Area because the following requirements have been satisfied:

1. William E. Dingman and Richard A. Dingman, the owner of the proposed parcel, has requested the designation and has agreed to rehabilitate and redevelop the brownfield site;
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area and William E. Dingman and Richard A. Dingman has provided

assurances that the redevelopment of the site will result in the creation of at least 5 new permanent jobs at the brownfield site which are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and which are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment agreement;

3. The redevelopment of the proposed brownfield site is consistent with the City of Winter Park Comprehensive Policy Plan and is a permissible use under the City's land development regulations;

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and William E. Dingman and Richard A. Dingman has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation; and

5. William E. Dingman and Richard A. Dingman has provided reasonable assurance that he has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

WHEREAS, the City Commission of the City of Winter Park, Florida wishes to notify the Florida Department of Environmental Protection of its decision to designate a Brownfield Area for remediation, rehabilitation, and economic development for the purposes set forth in the Act; and

WHEREAS, the procedures set forth in Section 376.80 of the Act, including the notice and public hearing requirements set forth in Sections 125.66 and 125.66(4)(b)(2) Florida Statutes (2010), have been complied with.

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

Section 1. The recitals and findings set forth in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as fully set forth in this Section.

Section 2. Upon application by William E. Dingman and Richard A. Dingman, the Dingman Property described in Exhibit "A" attached hereto and incorporated herein by reference, located entirely within the municipal boundaries of the City of Winter Park, is hereby designated as the "Dingman Economic Enhancement District" which shall hereafter be known as the "Dingman: EED" and as a Brownfield Area for environmental remediation, rehabilitation, and economic development as set forth in the Act, under the following terms and conditions:

a. Pursuant to Section 376.80(3), Florida Statutes, William E. Dingman and Richard A. Dingman shall be the entity responsible for the brownfield site rehabilitation as that term is defined in Section 376.79(13), Florida Statutes.

b. The designation of the Brownfield Area by this Resolution does not, by itself, render the City Commission of the City of Winter Park, Florida responsible for the costs and liabilities associated with site remediation, rehabilitation, economic development, or source removal, as those terms are defined in the Act, unless the City Commission of the City of Winter Park,

Florida specifically designates itself as a responsible person pursuant to Section 376.80(3), thereof.

c. Nothing in this Resolution shall be deemed to prohibit, limit, or amend the authority and power or the City Commission of the City of Winter Park, Florida, otherwise legally available, to designate any other property or properties as a Brownfield Site or Brownfield Area, or to modify, amend, or withdraw the designation as established herein.

Section 3. In accordance with Section 376.80(1), Florida Statutes (2007), the City Commission of the City of Winter Park, Florida hereby directs the Economic Development/CRA Department of the City of Winter Park to notify the Florida Department of Environmental Protection of the City of Winter Park, Florida's, decision to designate this Brownfield Area for the purposes of remediation, rehabilitation, and economic development.

Section 4. All prior resolutions or parts of resolution in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

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 8th day of August, 2011.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

Exhibit "A"

Lots 1 and 2, and the northerly 43 feet of Lot 3, also all of Lot 6, of Block "B" of Harper Place, as recorded in Plat Book N, Page 57 of the Public Records of Orange County, Florida, and being further described as follows:

Commencing at an iron located at the southwest corner of the intersection of Orlando and Miller Avenues, in the City of Winter Park, Florida, and run thence south along the western boundary of Orlando Avenue, a distance of 143 feet to an iron; run thence west and parallel with Miller Avenue, a distance of 195 feet, more or less, to a point located in the southwest corner of Lot 6; run thence north along the west line of Lot 6 and parallel with Orlando Avenue, a distance of 143 feet to a point in the southerly line of Miller Avenue, being the northwest corner of Lot 6; run thence east along the south line of Miller Avenue, a distance of 195 feet, more or less, to an iron located at the southwest corner of Orlando and Miller Avenues, being the point of beginning.

LESS AND EXCEPT that portion thereof conveyed to the State of Florida for right-of-way purposes by Gulf Oil Corporation by Warranty Deed dated October 16, 1968 and recorded in O.R. 1779, Page 999 on November 13, 1968 in the office of the Clerk of the Circuit Court of Orange County, Florida.

Being a portion of the property conveyed to Gulf Oil Corporation by Arthur E. Harper by Warranty Deed dated February 4, 1947 and recorded in the office of the Clerk of the Circuit Court of Orange County, Florida, in Book 731, Pages 53-54 on February 4, 1947.

00382 | PG | 326

RECORDED & INDEXED
J. Thomas G. Parker
County Registrar, Orange County, FL

OWNED BY WILLIAM E. DINGMAN AND RICHARD A. DINGMAN

EXHIBIT "A"

PARCEL #1:

LOT 4 AND THE SOUTH 7 FEET OF LOT 3, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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LOT 5, THE EAST 12.8 FEET OF LOT 20, LOT 21, LOT 22 AND LOT 23, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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LOTS 7 AND 8 AND THE EAST 12.8 FEET OF LOT 9, BLOCK "B", HARPER PLACE, AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL #4:

THE WEST 39.03 FEET OF LOTS 9 AND 20, AND THE EAST 35.7 FEET OF LOTS 10 AND 19, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK N, PAGE 57, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

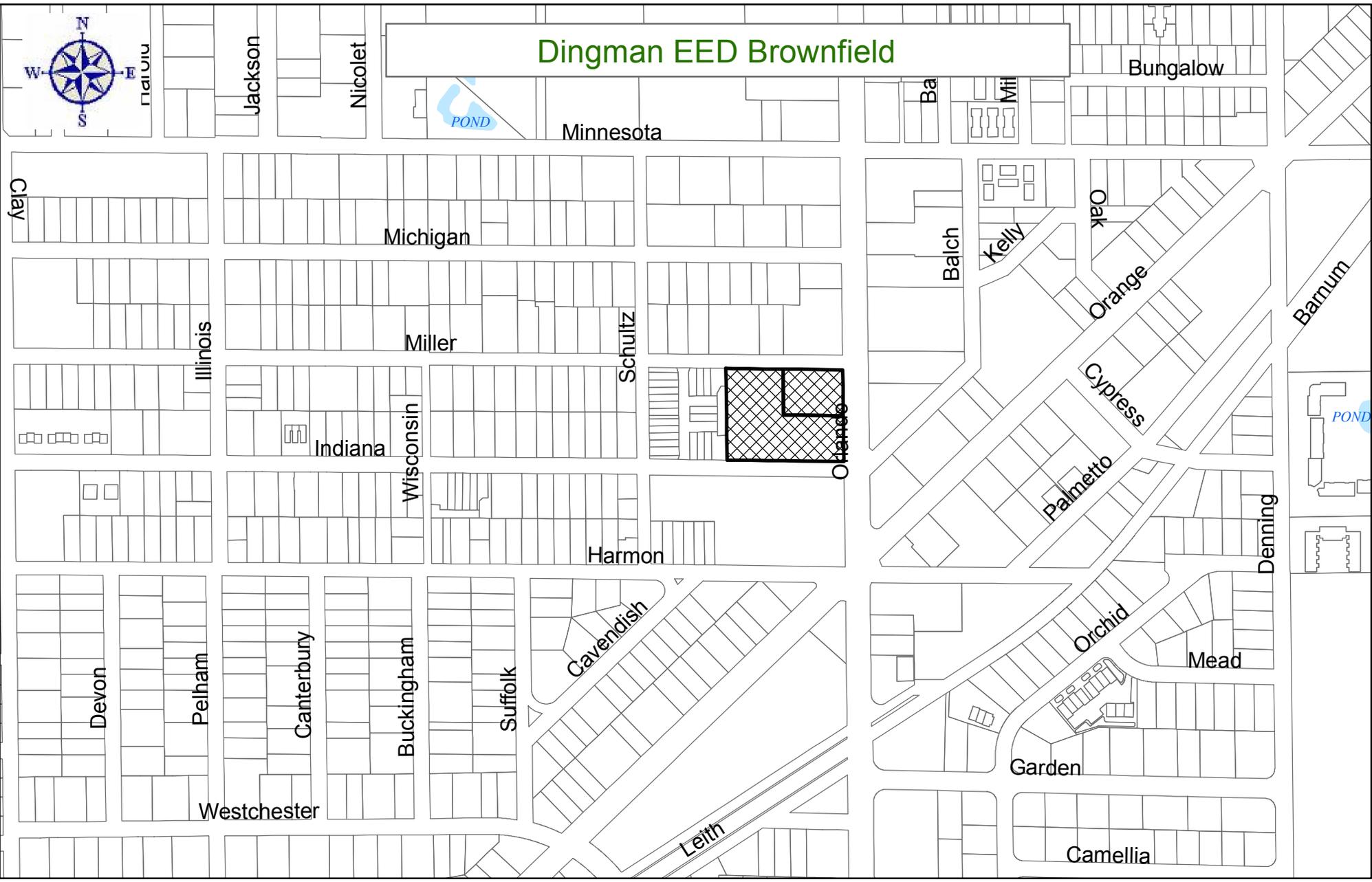
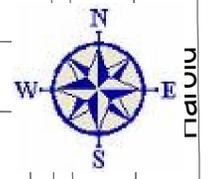
TOGETHER WITH:

THE 10 FOOT ALLEY LYING BETWEEN LOTS 4 AND 5, BLOCK B AND LOT 23, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND THE EAST 5 FEET OF THE ALLEY LYING WEST OF THE SOUTH 7 FEET OF LOT 3, BLOCK B, HARPER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS VACATED IN ORDINANCE NO. 1538 RECORDED SEPTEMBER 18, 1984 IN OFFICIAL RECORDS BOOK 3555, PAGE 1573, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS THAT PART DEEDED TO STATE OF FLORIDA IN DEED RECORDED OCTOBER 4, 1968 IN OFFICIAL RECORDS BOOK 1770, PAGE 254; AND DEED RECORDED OCTOBER 4, 1968 IN OFFICIAL RECORDS BOOK 1770, PAGE 246; AND LESS ROAD RIGHT OF WAYS.

OWNED BY DINGMAN BROS., LLC

Dingman EED Brownfield



POND

Bungalow

Minnesota

Michigan

Miller

Indiana

Wisconsin

Harmon

Devon

Pelham

Canterbury

Buckingham

Suffolk

Cavendish

Leith

Westchester

Ba

Mil

Balch

Kelly

Oak

Orange

Cypress

Palmetto

Orchard

Mead

Garden

Camellia

Denning

Barnum

POND



The Dingman Group, Inc.

September 29, 2010

Mr. Peter Moore
Assistant Director Economic Development/CRA
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Dear Mr. Moore,

The undersigned, as owners of the property attached hereto,
hereby request that the City proceed with designation of
this property pursuant to the provisions of Section 373.79,
Florida Statutes.

Please advise if you need any additional information.

A handwritten signature in black ink, appearing to read 'RAD', written over a horizontal line.

Richard A. Dingman

A handwritten signature in black ink, appearing to read 'WED', written over a horizontal line.

William E. Dingman

1051 W. Webster Avenue
Winter Park, Florida 32789
(407) 644-6043 Phone
(407) 644-3799 Fax



Earl K. Wood Orange County Tax Collector Property Tax Information

- | | | | |
|------|--------|-----------|------------|
| Home | Search | Locations | Contact Us |
|------|--------|-----------|------------|

The Orange County Tax Collector makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. Utilization of the search facility indicates understanding and acceptance of this statement by the user. This Site Should not be relied upon for a title search.

Parcel/Tangible Number: 12-22-29-3412-02010 Date: 9/23/2010 Tax Year: 2009	Owner & Address: DINGMAN WILLIAM E DINGMAN RICHARD A 1051 W WEBSTER AVE WINTER PARK, FL 32789-3033												
<table style="width: 100%;"> <tr> <td style="width: 30%;">Total Assessed Value:</td> <td style="text-align: right;">\$568,960</td> </tr> <tr> <td>Taxable Value:</td> <td style="text-align: right;">\$568,960</td> </tr> <tr> <td>Gross Tax Amount:</td> <td style="text-align: right;">\$9,627.67</td> </tr> <tr> <td>Millage Code:</td> <td style="text-align: right;">6 WP</td> </tr> </table>	Total Assessed Value:	\$568,960	Taxable Value:	\$568,960	Gross Tax Amount:	\$9,627.67	Millage Code:	6 WP	<table style="width: 100%;"> <tr> <td style="width: 20%;">Legal Description:</td> <td>HARPER PLACE N/57 LOTS 1 2 6 & NLY 43 FT</td> </tr> <tr> <td>Location Address:</td> <td>1111 S ORLANDO AVE WINTER PARK 32789</td> </tr> </table>	Legal Description:	HARPER PLACE N/57 LOTS 1 2 6 & NLY 43 FT	Location Address:	1111 S ORLANDO AVE WINTER PARK 32789
Total Assessed Value:	\$568,960												
Taxable Value:	\$568,960												
Gross Tax Amount:	\$9,627.67												
Millage Code:	6 WP												
Legal Description:	HARPER PLACE N/57 LOTS 1 2 6 & NLY 43 FT												
Location Address:	1111 S ORLANDO AVE WINTER PARK 32789												

Comments:

Current Taxes and Unpaid Delinquent Warrants:

Year	Owner Information	Amount Due	Download Taxbill	Make Payment
2009	DINGMAN WILLIAM E DINGMAN RICHARD A	* PAID (View Taxbill For Receipt) *	Taxbill	
2008	DINGMAN WILLIAM E DINGMAN RICHARD A	* PAID (View Taxbill For Receipt) *	Taxbill	

2007	DINGMAN WILLIAM E	* PAID (View Taxbill For Receipt) *	Taxbill	
2006	DINGMAN WILLIAM E	* PAID (View Taxbill For Receipt) *	Taxbill	

Unpaid Real Estate Certificates:

Year	Current Payoff	If Paid By	Current Payoff	If Paid By	Make Payment
* NONE *	* NONE *	* NONE *	* NONE *	* NONE *	* NONE *

*** UNPAID DELINQUENT TAXES MUST BE PAID BY A CASHIERS CHECK, MONEY ORDER, OR CERTIFIED FUNDS AND ARE DUE BY THE LAST BUSINESS DAY OF THE MONTH.**

BAH

Earl K. Wood, Tax Collector 2009 REAL ESTATE
ORANGE COUNTY NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER 0179386-8	EXEMPTIONS 0	L.I.S. EXEMPTION	TAXABLE VALUE 568,960	ASSESSED VALUE 568,960	ESCROW CODE 0	MILLAGE CODE 6 WP
TAX MONTH	Nov/2009	Feb/2010	12-22-29-3412-02010			
	Dec/2009	MARCH GROSS TAX	HARPER PLACE N/57 LOTS 1 2 6 & NLY 43 FT LOT 3 BLK B (LESS RD R/W)			
	Jan/2010	INTEREST/ADV				
SITUS ADDRESS	1111 S ORLANDO AVE WINTER PARK 32789					



DINGMAN WILLIAM E & RICHARD A
1051 W WEBSTER AVE
WINTER PARK FL 32789

PAID 09-004420 \$9,242.56 11/30/2009

PO Box 545100
Orlando, FL 32854-5100

Return with payment. Make checks payable to: Earl K. Wood, Tax Collector PO Box 545100 Orlando, FL 32854-5100

Earl K. Wood, Tax Collector
DINGMAN WILLIAM E
DINGMAN RICHARD A
1051 W WEBSTER AVE
WINTER PARK, FL 32789-3033

RETAIN FOR YOUR RECORDS 2009 REAL ESTATE

12-22-29-3412-02010
HARPER PLACE N/57 LOTS 1 2 6 & NLY 43 FT
LOT 3 BLK B (LESS RD R/W)

SITUS ADDRESS 1111 S ORLANDO AVE WINTER PARK 32789

Receipt will be mailed upon request.

AD VALOREM TAXES

TAX AUTHORITY	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	MILLAGE*	TAX LEVIED
GEN COUNTY	568,960	0	568,960	4.4347	\$2,523.17
STATE SCHOOL	568,960	0	568,960	5.4250	\$3,086.61
LOCAL SCHOOL	568,960	0	568,960	2.2480	\$1,279.02
SJWM	568,960	0	568,960	.4158	\$236.57
WINTER PRK	568,960	0	568,960	4.0923	\$2,328.36
WP DEBT 3	568,960	0	568,960	.2144	\$121.99
WP DEBT 4	568,960	0	568,960	.0913	\$51.95

TOTAL MILLAGE*:	16.9215	*DOLLARS PER \$1,000 OF TAXABLE VALUE	AD VALOREM TOTAL:	\$9,627.67
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NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY

AMOUNT

To pay by credit card, call 1-888-255-0359 (jurisdiction code 1909), or visit www.octaxcol.com.

A fee will be charged by Official Payments for this service.

NON-AD VALOREM TOTAL:	\$0.00
COMBINED TAXES AND ASSESSMENTS:	\$9,627.67

ORANGE COUNTY NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER 0179386-8	MILLAGE CODE 6 WP	ASSESSED VALUE 568,960	EXEMPTIONS 0	L.I.S. EXEMPTION	TAXABLE VALUE 568,960
Nov/2009	Dec/2009	Jan/2010	Feb/2010	MARCH GROSS TAX	INTEREST/ADV
					ESCROW CODE 0

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013821 PG 1326

RECORDED & INDEXED
J. L. ...
County Clerk, Orange Co., FL

OWNED BY WILLIAM E. DINGMAN AND RICHARD A. DINGMAN

[Show Map](#) | [View Previous Year](#) | [View Interactive TRIM](#) | [View Property Taxes](#) | [Find Neighborhood Schools](#) | **Tax Year 2010**

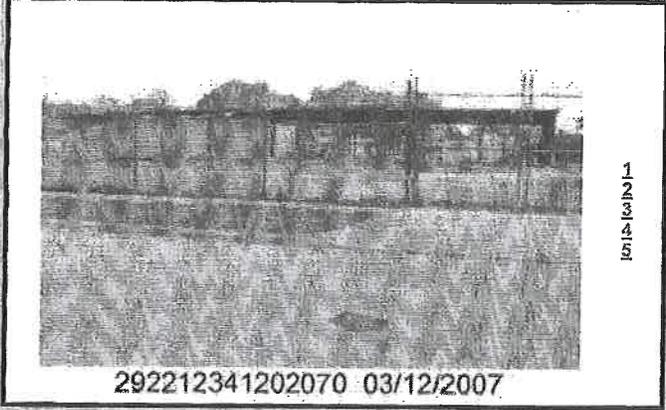
Quick Search Toolbar

Search by:

Parcel Information [Previous Parcel](#) [Next Parcel](#) [Tag Parcel](#) [Map](#) | [Tag](#) | [Photos](#) | [Location](#) | [GIS Map](#) | [Street View](#) | [Oblique View](#)

This map is not a survey. Used for illustrative purpose only

Parcel ID	12-22-29-3412-02-070
Location	1240 MILLER AVE
Municipality	WINTER PARK, FLORIDA
Millage Rate	16.9215 details
Property Use	1700



Name/Address Information

Name(s)	DINGMAN BROS LLC
Mailing Address	1051 W WEBSTER AVE WINTER PARK, FL. 32789

Property Description Information

[View Plat](#)

Description	HARPER PLACE N/57 THE S 7 FT OF LOT 3 & LOTS 4 & 5 & LOTS 7 8 & 9 & THE E 20.70 FT OF LOTS 10 & 19 & LOTS 20 THROUGH 23 BLK B
--------------------	-------------------------------------------------------------------------------------------------------------------------------

Sales Information

[Sales Analysis Tool](#)

[Display Similar Sales In Subdivision](#)

Instrument Number <small>(Click link below to view documents)</small>	OR Book/Page (Deeds)	Sale Date	Sale Amount	Deed Code	Vac/Imp Code
20100315733	10053/5013	05/07/2010	\$100,000	CT	Improved
20060127855	8498/2441	02/17/2006	\$3,900,000	WD	Improved

Value Summary

	2010 Working Values	2009 Certified Values
Method of Valuation	Market	Market
Number of Buildings	4	4
Building(s) Value	\$431,902	\$502,006
Extra Feature Value	\$16,380	\$16,380
Market Land Value	\$1,553,860	\$2,850,575
Ag Classification Granted	No	No
Ag and Non-Ag Land Value	\$1,553,860	\$2,850,575
Total Just Value	\$2,002,142	\$3,368,961
Portability Amount Applied	No - \$0	No - \$0
Save Our Homes Savings Applied	No - \$0	No - \$0
Assessed Value	\$2,002,142	\$3,368,961

Exemptions Applied	No	No
Exemptions		
Original Homestead Exemption Applied to All Millages	\$0	\$0
Amendment 1 Additional Homestead Exemption Amount	\$0	\$0
Additional Exemptions Applied to All Millages	\$0	\$0
Limited Income Senior Exemption Applied	No	No

2010 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assessed Value	Exempt Amount	Taxable Value Applied	Millage (Tax) Rate Applied	Ad Valorem Taxes Levied
Public Schools					
By State Law (RLE)	\$2,002,142	\$0	\$2,002,142	5.3960	\$10,803.56
By Local Board	\$2,002,142	\$0	\$2,002,142	2.4980	\$5,001.35
Orange County (General)	\$2,002,142	\$0	\$2,002,142	4.4347	\$8,878.90
City Of Winter Park	\$2,002,142	\$0	\$2,002,142	4.0923	\$8,193.37
City Of Winter Park Debt Service 2001	\$2,002,142	\$0	\$2,002,142	.2394	\$479.31
City Of Winter Park Debt Service 2004	\$2,002,142	\$0	\$2,002,142	.1019	\$204.02
St Johns Water Management	\$2,002,142	\$0	\$2,002,142	.4158	\$832.49
Millage Rate and Ad Valorem Tax Total				17.1781	\$34,393.00
Non-Ad Valorem Assessments					
Levying Authority	Assessment Description	Units	Rate	Assessment	
Non-Ad Valorem Tax Total					\$0
Estimated Gross Tax Total					\$34,393.00

The chart above provides a detailed analysis of how total taxes are calculated on this property. Tax amounts shown are based on 2010 proposed millage rates and 2010 preliminary taxable values. Formula used to calculate ad valorem taxes is (taxable value/1000 x millage rate). Tax amounts are subject to change when 2010 millage rates are determined and applied.

Value and Savings Tools		
 Save Our Homes 5 Year History	 NEWI Tax Estimator	 Portability Benefit View Portability Amount

Building Information

Bldg Subareas/Codes												
Bldg Sketch	Model Code	Type Code	Beds	Baths	Firs	Year Built*	Gross SF	Living SF	Int Wall Code	Ext Wall Code	Bldg Value	Est. Cost New
1	04 - Commercial	1700	0	0	1	1948	4206	4206	05	15	\$243,536	\$371,810
2	04 - Commercial	1700	0	0	2	1948	3223	3223	03	15	\$146,977	\$317,788
3	06 - Warehouse	4900	0	0	2	1962	10272	10272	07	24	\$29,460	\$98,201
4	06 - Warehouse	4900	0	0	1	1965	5780	3955	07	24	\$11,929	\$39,762

*Actual year built - does not reflect subsequent building improvements.
Update Pending - all building details are proposed and may change when finalized.

Land Information

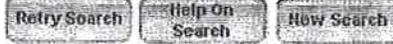
Item	Land Use Code	Zoning*	Frontage	Depth	Land Units	Unit Price	Land Value	Class Unit Price	Land Class Value
2	4900	O-2			17143 SQUARE FEET	\$20.00	\$342,860	\$0	\$342,860
1	1700	C-3			60550 SQUARE FEET	\$20.00	\$1,211,000	\$0	\$1,211,000

**Please contact your local Zoning Agency for the latest zoning information.*

Extra Feature Information

Item	Description	Date Built	Units	Unit Price	XFOB Value
1	PAV ASPH	01/01/1980	10920	\$2.00	\$16,380

This Data Printed on 09/20/2010 and System Data Last Updated on 09/17/2010



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[\[Map Searches\]](#) [\[Contact OCPA\]](#) [\[Departments\]](#) [\[Products\]](#)

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Working Values - Current year assessed values "under review" which have not yet been certified and are therefore subject to change.
 Certified Values - Final assessed values which have been certified by the Property Appraiser to the Tax Collector for collection of taxes.
 Note: This link displays documents maintained on the Orange County Comptroller's web site.
 Note: Due to programming changes necessitated by the Comptroller's new system, this link will direct to the Comptroller's main search form.

EXHIBIT "A"

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OWNED BY DINGMAN BROS., LLC

**CITY OF WINTER PARK
ECONOMIC DEVELOPMENT ADVISORY BOARD**

**Regular Meeting
8:15 a.m.**

**March 8, 2011
Welcome Center – 151 Lyman Ave.**

MINUTES

Meeting was called to order at 8:25a.m. in the Welcome Center at 151 Lyman Ave.

BOARD MEMBERS PRESENT: Daniel Smith, Stephen Flanagan, Marc Reicher, Michael English, Gwen Lennox, and Robert Lewis.

BOARD MEMBERS ABSENT: Michael Winn, Patrick Chapin

STAFF MEMBERS PRESENT: Dori DeBord, Peter Moore, and Craig O’Neal

INFORMATIONAL ITEMS

A. TIE Program Application

Staff discussed the results of the recent City Commission decision to adopt the TIE Program without the job retention component and asked board members for comments and opinions on the format of the application.

B. Database Development

Staff discussed the desire of the board to develop a property owner and broker database that could be used to connect prospective businesses with available vacant commercial, retail, and office space. Members offered opinions on how to set up the database including using existing private companies like Blacksguide and Grubman Ellis as well as reaching out to area associations like the NAOP.

C. Economic Development Plan

Staff gave the board the previously created economic development plan created by a consultant in 2009 as a starting point for discussion about an updated plan. Board will review the plan and return to staff with opinions and revisions.

Chairman Marc Reicher arrived.

ADMINISTRATIVE ITEMS

A. Approval of Minutes

Mr. Reicher asked for a motion to approve the minutes.

Motion made by Mr. Flanagan, seconded by Mr. English to approve the minutes. Motion carried unanimously with a 6-0 vote.

ACTION ITEMS

A. Citywide Banner Policy Revisions

Staff explained that with many of the new streetscapes implemented throughout Winter Park in the last few years, most of the major commercial corridors in Winter Park now have light poles capable of hanging promotional banners advertising major events. Banner policy has traditionally been under the purview of the Parks Department as it related primarily to how banners should be treated next to Central Park. With banners now able to be hung on Orange, New England, Pennsylvania, Park, and all of Morse Blvd, the Parks Board voted to turn over Banner Policy and implementation to the Economic Development Department.

Staff explained that most of the original policy had been maintained but highlighted some changes to the program including:

- Approval Process: instead of each individual applicant that wants to hang a banner having to get board approval every time, staff would make approvals based on adopted policy guidelines.
- Fees: the existing fees are insufficient to cover the employee time necessary to hang and remove banners. The new fee structure will be based on a fee of \$30 per banner (a 4-5 time increase) and will include all labor, reserve for maintenance, and overhead. Staff also looked into privatizing banner hanging but found pricing to be even higher.
- Banner Districts: major corridors were divided into banner districts that allow applicants to choose where they want banners. This will allow applicants to minimize cost by choosing areas closest to the event but still representing a large enough area as to make sure that banner coverage appears uniform.
- Morse Museum Exception: the six poles in front of the Morse Museum would be for their exclusive use to hang banners year-round.

The board discussed whether 3rd party sponsor logos should be allowed on banners to encourage support of local events but decided against it to limit commercialization.

The board suggested that when poles are not in use by an applicant that city banners be hung on the poles instead. Staff mentioned that Hannibal Square, Park Ave, and E. Morse Blvd. all had generic promotional banners that could be hung.

Motion made by Mr. Flannigan to approve the revised Banner Policy, seconded by Mr. Smith. Motion carried unanimously with a 6-0 vote.

B. Approval of Individual Brownfield Designation on 17-92

Staff explained that Mr. William Dingman sent a letter to staff requesting that the properties owned by him located at 1240 Miller Ave. and 1111 S. Orlando Ave. be designated as a brownfield in accordance with State statute. Mr. Dingman has informed staff that he has received three requests to consider the site for the development of medical office space and that those entities making the requests have also asked if the site is designated as a brownfield. Staff recapped the benefits and process of the designation approval and Mr. Dingman thanked the board for their consideration of the request.

The board suggested that staff use a different name other than “brownfield” to refer to the designation citing that the program was beneficial but that people could get hung up on the name.

Motion made by Mr. Flannigan to approve the designation of 1240 Miller Ave and 1111 S. Orlando Ave as a brownfield site, seconded by Mr. English. Motion carried unanimously with a 6-0 vote.

Staff explained that they would be scheduling an opportunity with the Commission to have a joint workshop on the brownfield issue as well as the citywide economic development plan.

NEW BUSINESS

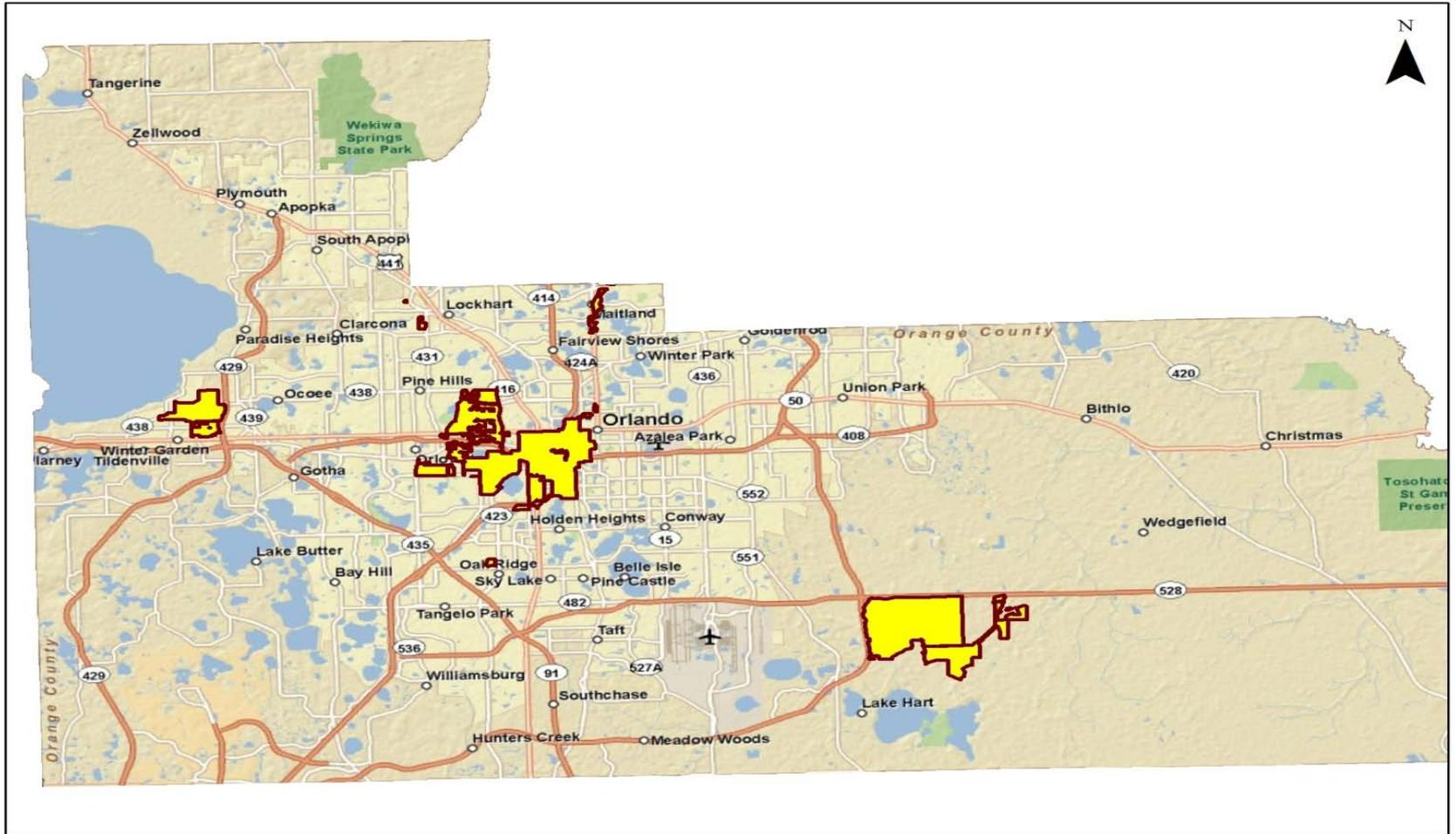
Chairman Marc Reicher asked staff to look into creating or designating a Winter Park representative to the Metro Orlando Economic Development Commission.

There was no further business. Meeting adjourned at 9:40 a.m.

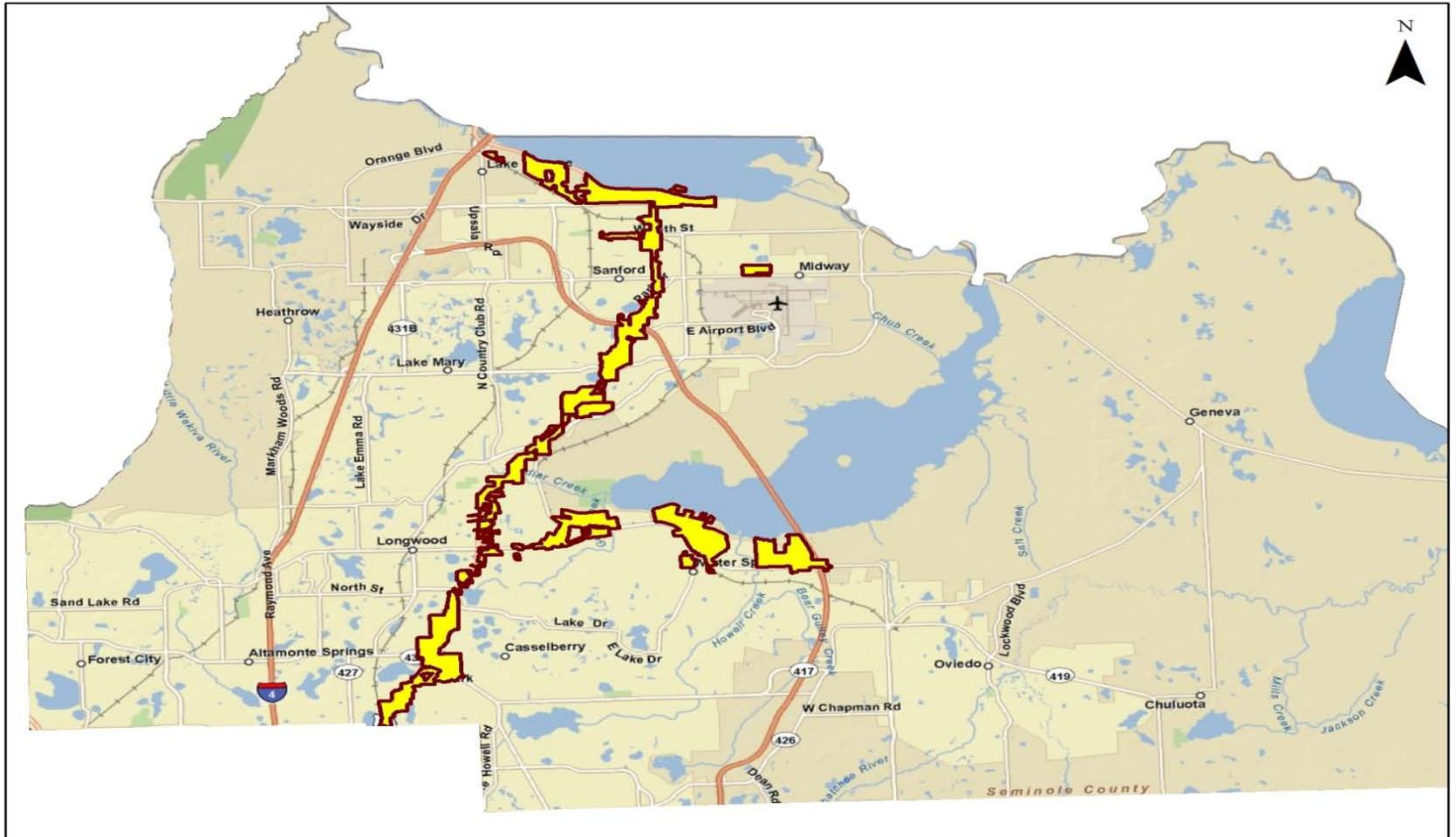
Marc Reicher, Chairman

Attest: _____
Peter Moore
Assistant Director Economic Development/CRA

Brownfield Areas in Orange County



Brownfield Areas in Seminole County



FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM

TRANSFORMING COMMUNITIES

Brownfield site means real property, the expansion, redevelopment or reuse of which may be complicated by actual or perceived environmental contamination. 376.79(3), F.S.

Brownfield area means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. 376.79(4), F.S.

Brownfields Program Process

BROWNFIELD AREA DESIGNATION
By Local Government

IDENTIFICATION OF RESPONSIBLE PERSON

EXECUTION OF CLEANUP AGREEMENT

IMPLEMENTATION OF CONTAMINATED SITE CLEANUP

“NFA” LETTER FROM DEP

BROWNFIELD PROGRAM TERMS

Responsible Person—Person Responsible for Brownfield Site Rehabilitation or PRFBSR

Agreement—Brownfield Site Rehabilitation Agreement or BSRA

NFA—No Further Action (i.e., Site Rehabilitation Completion Order or SRCO)

BROWNFIELDS PROGRAM BENEFITS

Brownfield Area Designation

- Bonus refund for job creation—up to \$2,500 per job
- Loan guarantees for primary lenders
 - ◆ Up to 50% on all sites
 - ◆ Up to 75% when end use is affordable housing
- Sales tax credit on building materials for affordable housing projects
- Brownfield area benefits administered by Enterprise Florida, Inc.

Brownfield Site Rehabilitation Agreement

- All benefits of Brownfield Area
- Regulatory framework for cleanup (Chapter 62-785, F.A.C.)
- Dedicated staff—expedited technical review
- Liability protection
- Tax credits
 - ◆ Florida corporate income tax
 - ◆ Credits may be transferred one time
- Brownfield Site Rehabilitation Agreement benefits administered by DEP

Summary of Available Tax Credits

Tax Credit Type	Application Frequency	Maximum Credit for Costs Incurred after 6/30/06	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action (i.e. SRCO)	Once	25%	\$500,000
Affordable Housing	Once	25%	\$500,000
Solid Waste (Removal, Transport, and Disposal)	Once	50%	\$500,000



Public Hearing

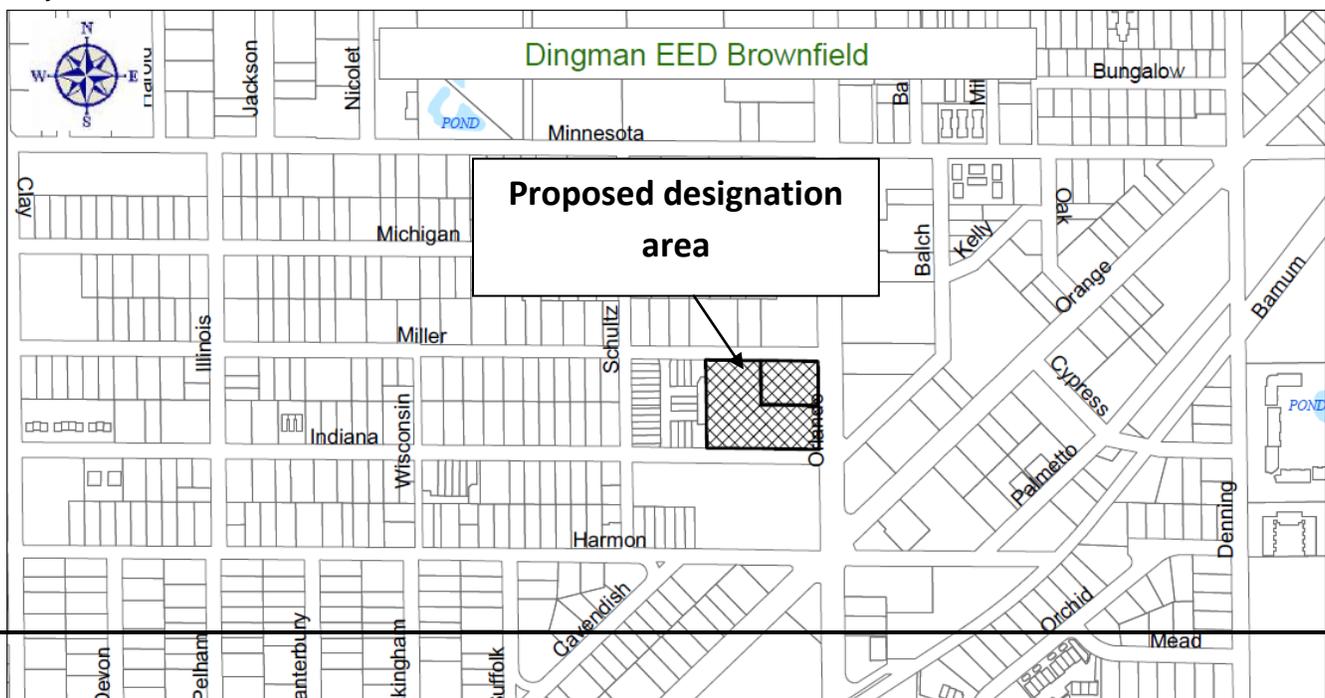
NOTICE OF BROWNFIELD AREA AND DESIGNATION AS THE DINGMAN ECONOMIC ENHANCEMENT DISTRICT AT 1240 MILLER AVENUE, WINTER PARK, FLORIDA 32789 AND 1111 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, 32789

NOTICE IS HEREBY GIVEN BY THE CITY OF WINTER PARK, FLORIDA, that the Winter Park City Commission proposes to adopt the following resolution:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING CERTAIN LAND WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK LOCATED AT 1240 MILLER AVENUE, WINTER PARK, FLORIDA 32789 (PARCEL ID. NO. 12-22-29-3412-02-070) AND 1111 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, 32789 (PARCEL ID. NO. 12-22-29-3412-02-010) AS THE DINGMAN ECONOMIC ENHANCEMENT DISTRICT AND AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION, AND ECONOMIC DEVELOPMENT PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, AND AN EFFECTIVE DATE.

Two public hearings on the resolution will be held on this resolution. The first public hearing will be Monday, July 25, 2011 and the second public hearing will be on Monday, August 11, 2011. Both public hearings will be held in City Hall Commission Chambers, located at 401 Park Avenue South in the City of Winter Park, Florida.

Copies of the proposed resolution are available for inspection in the Economic Development/CRA Department in City Hall, Monday through Friday, from 8 a.m. to 5 p.m., as well as on the city's official web site at www.cityofwinterpark.org under Government > City Commission > Agenda Packets > July 25.



All interested parties are invited to attend and be heard with respect to the adoption of the proposed area and designation. Additional information is available in the Economic Development/CRA Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the hearing.

Pursuant to the provisions of the Americans with Disabilities Act: any person requiring special accommodation to participate in this meeting, because of disability or physical impairment, should contact the Planning Department at 407-599-3453 at least 48 hours in advance of this hearing.

Pursuant to §286.0105 of the Florida Statutes: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.



city commission agenda item

item type	Public Hearing	meeting date	August 8, 2011
prepared by department division	Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Historic Preservation Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	4-0 final vote

subject

Designation of the James S. Capen House at 520 North Interlachen Avenue as a historic landmark in the Winter Park Register of Historic Places.

motion | recommendation

Recommend City Commission adoption of the attached resolution to list 520 North Interlachen Avenue, the James S. Capen House in the Winter Park Register of Historic Places.

background

Ms. Clardy Melugen, the owner of the property at 520 North Interlachen Avenue, proposed the house for historic designation. The Historic Preservation Board (HPB) reviewed the proposal at a hearing on Wednesday, July 13, 2011. The house was built in 1885 for the James S. Capen family. Mr. Capen became actively engaged in business, was appointed a Notary Public for the state by the governor and was elected as a Winter Park alderman in 1890 and 1891. By 1923, the house was acquired by Howard Showalter. Built in the Folk Victorian style in 1885, the house was then extensively remodeled in the Tudor Revival style; one of the architectural styles popular during the 1920s Florida Land Boom. The Showalter family. Like the Capens, were prominent in Winter Park's business, social and civic life. The HPB determined that the property meets the criteria for designation and recommends it for listing as a historic landmark on the Winter Park Register of Historic Places.

alternatives | other considerations

N/A

fiscal impact

N/A

long-term impact

The identification and preservation of this historic landmark estate home on Lake Osceola contributes to the beauty of Interlachen Avenue and to the heritage of the city.

strategic objective

Quality environment

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 520 NORTH INTERLACHEN AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC LANDMARK IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well being and quality of life of the citizens of Winter Park; and

WHEREAS, there is the desire foster awareness and civic pride in the accomplishments of the past; and

WHEREAS, the property located at 520 North Interlachen Avenue, Winter Park, Florida meets the criterion for historic resource status through its association with the James S. Capen Family and as an example of Tudor Revival style architecture,

NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida that: The City Commission of the City of Winter Park hereby supports and endorses the designation of the property located at 520 North Interlachen Avenue as a historic landmark on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 8th day of August 2011.

Kenneth W. Bradley, Mayor

ATTEST:

Cynthia S. Bonham, City Clerk



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

Staff Report
July 13, 2011

HDA 11-001 Request of Clardy Melugen to designate her property located at 520 North Interlachen Avenue, Winter Park, Florida to the Winter Park Register of Historic Places; Zoned R-1AAA, Parcel ID #05-22-30-9398-00-190.

520 North Interlachen Avenue, the James Capen House, is associated with the very early development of Winter Park. It was built in 1885 for James S. Capen, one of the City's early settlers. The house was originally a Folk Victorian style wood frame building. It was remodeled in 1923 in the Tudor Revival style which would have been more fashionable during the Florida Land Boom. It is significant for its association with James Capen and early development of Winter Park, and its altered original architecture has achieved its own significance over time.

Background. In 1885, Winter Park had a population of about 600. There were 63 cottages within a mile and a half of the train depot. The land for the Capen House was purchased from town founder Oliver Chapman and Loring Chase for \$675.00 by James Capen's mother, Mrs. L. W. Capen. The land was cleared and some of the timber used to construct a Folk Victorian style house for James Capen by local builder Royal R. Thayer. James Capen and his family moved into the house on October 5, 1885.

The Capens had moved to Winter Park at the urging of town founder Loring Chase who had been in college with James Capen. Mr. Capen became a citrus grove owner and manager, recognized in the town paper as warmly social and energetic. During his years in Winter Park he would serve as the secretary of the Winter Park Company, and would be appointed as a Notary Public for the state by the governor. He was elected to be a Winter Park town alderman in 1890 and 1891. Capen was instrumental in the formation of the Orlando and Winter Park Railroad Company (the Dinky Line) and was the secretary of the corporation. As one of Winter Park's leading citizens, he was on the greeting committee for President and Mrs. Harrison when they visited the town. After the big freeze of 1893 destroyed the citrus crop, the Capens moved to Detroit in 1896 where Mr. Capen operated a successful mercantile business. He and his family returned to Winter Park in 1925 when he retired. They lived at 907 Old England Avenue where he died in 1931.

The Capen House was sold to Amelia Hopkins in 1898 who sold it to Fred Snow in 1904. J. F. Jennings bought the house in 1910 and sold it to Howard Showalter in 1923. The Showalter family had extensive interests in oil, banking, and railroads in West Virginia. The house was

purchased as a winter residence, but the Showalters and their descendents were prominent in Winter Park's business, social and civic life even after they sold the house in 1949.

Description. The original building was a wood frame two-story, gable front and wing Folk Victorian style residence with front and back porches. The porches were detailed with Victorian jigsaw cut trim. The house achieved its current Tudor Revival style appearance after the Showalter family purchased the property. They added bedrooms, bathrooms and a sleeping porch. They enclosed the original front porch and added a concrete terrace. Central heating was also added. The Showalters added the freestanding two bay garage at the rear of the property that has since been renovated into living space. After the house was purchased by Dr. and Mrs. Jennings in 1949, the sleeping porch was enclosed and a large porch added across the rear of the house. The present owner has made a minor one story addition to the north side of the house which is in keeping with the architecture, and has added a freestanding single car garage on the southwest side of the lot.

The Capen House retains the original gable front and wing design with the various additions achieved over the years. The house was clad in stucco and Tudor Revival style half timbering and beams added to the front gable. The steeply pitched roofline of the original Folk Victorian is also typical of the Tudor Revival Style. The wood frame windows date from the 1920s remodeling and are divided light casements style. The front entrance door and the French doors that open on to the terrace feature fan lights; segmental over the front doors and arched over the terrace doors. The front gable has a shallow second floor balcony over the terrace doors and over the enclosed front porch. The north side terrace has a pergola supported by tapered round columns. The rear elevation has multiple rear facing gables over different additions and a hipped roof over the enclosed sleeping porch. The Jennings era screen porch is enclosed with casement windows, and has French doors opening onto a stepped terrace. The former garage mirrors the Tudor Revival style of the house and has two pairs of arched paneled wood doors facing the house, and a second floor shallow balcony with iron railings. The property slopes steeply down to Lake Osceola, and the lawn has been terraced down to a swimming pool at the level of the enclosed garage.

Architecture. The Tudor Revival style in Florida followed national trends. Nearly all the examples were found on middle and upper class residences dating from the 1920s; the Florida Land Boom period. The Tudor Revival style was loosely based on a variety of late Medieval English prototypes. The American expression almost always emphasized deeply pitched, front facing gables as a dominant facade element with half-timbering details. Masonry veneering techniques used after World War I allowed even modest houses to mimic English prototypes.

Significance. The Capen House is primarily significant for its association with James Capen and the early period of development in Winter Park. Although altered in appearance from that period, its present day 1920s Land Boom era Tudor Revival style architecture has achieved significance in its own right. The Capen House is a notable landmark along this section of Interlachen Avenue, which is recommended as a potential historic district in Winter Park historic resource surveys. The very attractiveness of the Interlachen Avenue lakefront leaves all

the historic properties threatened by redevelopment. The Capen House has been kept in good condition through the years, retains its significance and is recommended for listing as a local landmark in the previous survey reports.

STAFF RECOMMENDATION:

Recommended for listing as a historic landmark on the Winter Park Register of Historic Places.



RECEIVED
JUN 22 2011
CITY OF WINTER PARK
PLANNING DEPARTMENT

City of Winter Park
Planning Department
401 Park Avenue, South
Winter Park, Florida 32789
407-599-3498

City of Winter Park Historic Designation Application

1. 520 N. Interlachen Avenue, Winter Park, FL 32789
Building address
Clardy Malugen " " 407 644 8833
Owner's name(s) Address Telephone

Applicant's name (if different from above) Address Telephone

2. I, Clardy Malugen, as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.

Clardy Malugen 6/5/11
Owner's Signature Date

Historic Preservation Commission Office Use

Criteria for Designation

- A. Association with events that have made a significant contribution to the broad patterns of history including the local pattern of development; or
- B. Association with the lives of a person or persons significant in our past; or that
- C. Embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. Has yielded or are likely to yield information important in prehistory or history.

05-22-30-9398-00-190 1885, 1923
Legal description Year built

CAPEN HOUSE
Historic name of building (if any) Historic district name (if any)

Date received: 6-22-11 HPC Meeting: 7-13-11

Case File No.: HDA-11-001 Florida Master Site File No.: OR-0247

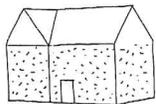
Local Historic Landmark

Local Historic Resource

"A FIELD GUIDE TO AMERICAN HOUSES"

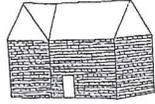


STUCCO WALL CLADDING



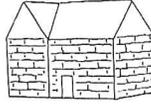
pages 360-1

BRICK WALL CLADDING



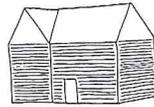
pages 362-5

STONE WALL CLADDING



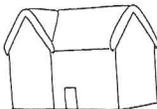
pages 366-7

WOODEN WALL CLADDING



page 368

FALSE THATCHED ROOF



page 369

PARAPETED GABLES



pages 370-1

PRINCIPAL SUBTYPES

IDENTIFYING FEATURES

Steeply pitched roof, usually side-gabled (less commonly hipped or front-gabled); facade dominated by one or more prominent cross gables, usually steeply pitched; decorative (i.e., not structural) half-timbering present on about half of examples; tall, narrow windows, usually in multiple groups and with multi-pane glazing; massive chimneys, commonly crowned by decorative chimney pots.

PRINCIPAL SUBTYPES

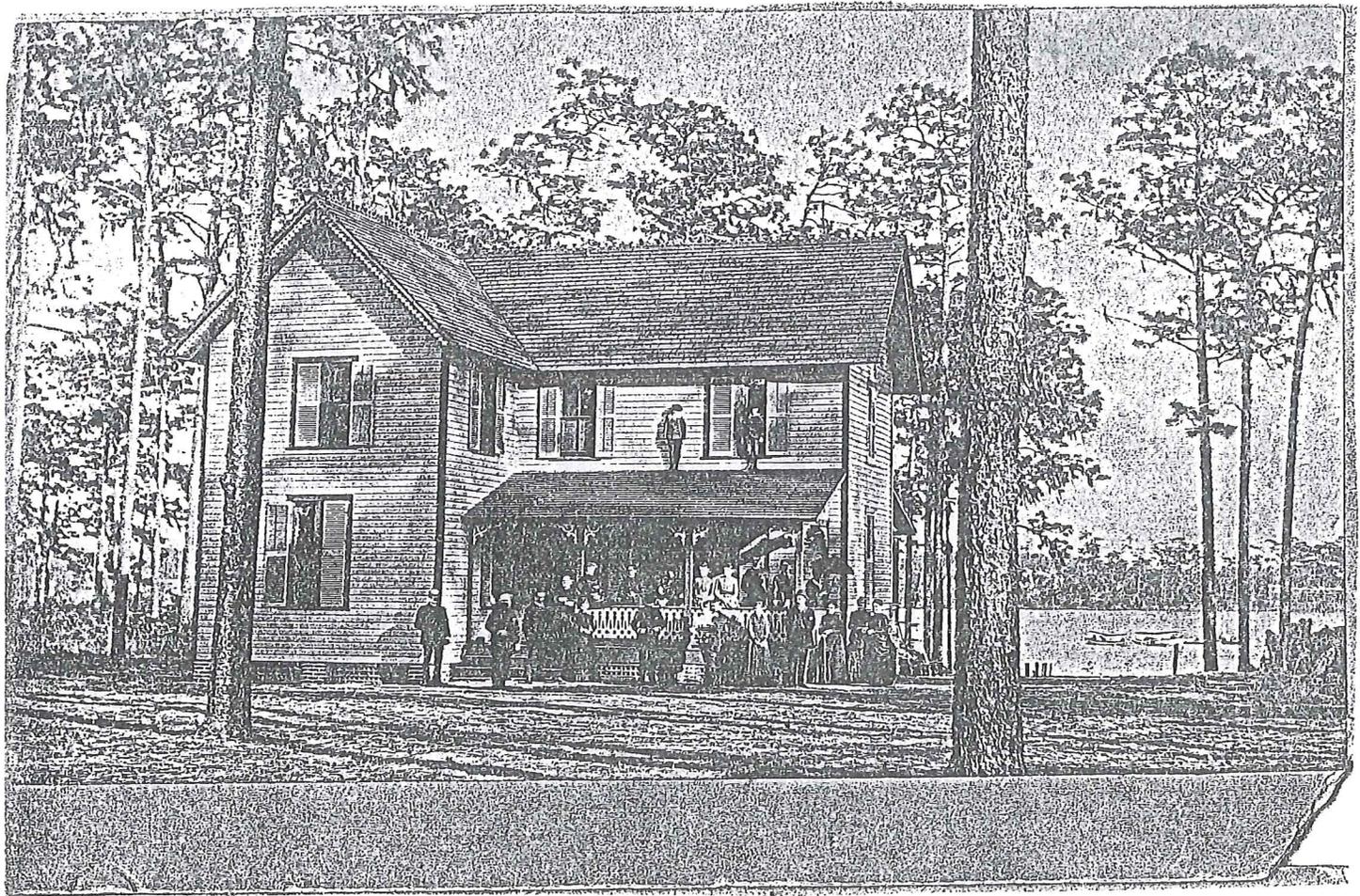
Six principal subtypes can be distinguished:

STUCCO WALL CLADDING—A relatively small percentage of Tudor houses have stucco walls. These are most common on modest examples built before the widespread adoption of brick and stone veneering techniques in the 1920s. In the early decades of the century wood-frame houses could be most easily disguised as masonry by applying stucco cladding over the wooden studs; many early Tudor houses used this technique, both with and without false half-timbering.

BRICK WALL CLADDING—This is the most common Tudor subtype. Walls of solid brick masonry were sometimes used on landmark examples early in this century, but brick became the preferred wall finish for even the most modest Tudor cottages after masonry veneering became widespread in the 1920s. Brick first-story walls are commonly contrasted with stone, stucco, or wooden claddings on principal gables or upper stories. False half-timbering occurs on about half the houses in this style, with infilling of stucco or brick between the timbers and, quite often, elaborate decorative patterns in the arrangement of timbers or brick.

STONE WALL CLADDING—Stone trim is common on Tudor houses of all subtypes but only a relatively small proportion have stone as the principal wall material. Like the ones just described, these were principally large landmark houses before 1920. During the 1920s and '30s, modest, stone-veneered cottages appeared. In this subtype, brick, stucco, or wooden trim is frequent on gables or second stories, as is false half-timbering.

WOODEN WALL CLADDING—Earlier American styles based on English Medieval precedents (Gothic Revival, Stick, Queen Anne) were executed predominantly in wood, whereas principal walls with wooden cladding are uncommon on Tudor houses. Modest examples are occasionally seen with weatherboard or shingled walls; stuccoed gables with half-timbering may be added above.



CAPEN HOUSE CIRCA 1885

FRONT ELEVATION



FRONT ELEVATION



REAR ELEVATION



REAR ELEVATION



VIEW FROM
REAR ELEVATION



CARRIAGE HOUSE
FRONT ELEVATION

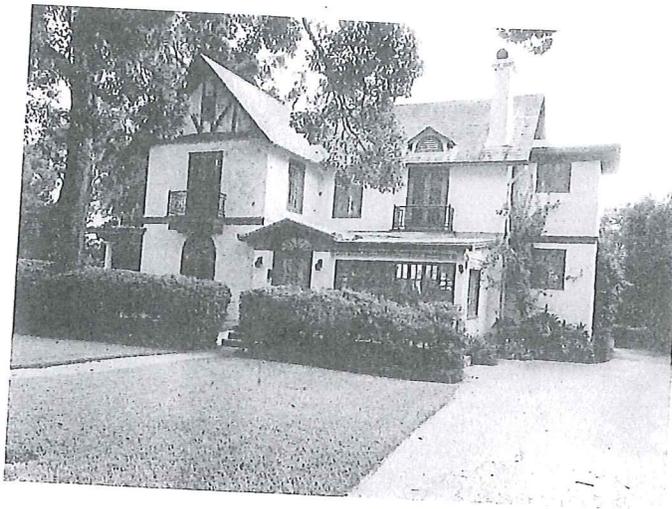


CARRIAGE
HOUSE
SIDE ELEVATION



CARRIAGE HOUSE
REAR ELEVATION





7. CAPEN HOUSE (1885)
520 North Interlachen Avenue

Built by J. S. Capen, one of Winter Park's founders and an organizer of the Orlando-Winter Park Railroad Company, the original house was quite small. There have been extensive alterations and additions over the years by the various owners, including the addition of bathrooms. The reception room of the house today was originally the front porch. The present owners, who bought the home in 1949, have added a large screened porch and boathouse and have totally remodeled the kitchen and butler's pantry. The original house was built for about \$825.

"HISTORIC WINTER PARK

a driving tour", copyright 1980

CAPEN - HOPKINS - SNOW - JOHNSON - SHOWALTER - JENNINGS HOUSE
520 N. Interlachen Avenue

- 1879 "From the records, the land was bought by Mr. Hiram Potter from the government."
Letter from Dr. Wilbur F. Jennings, Dec. 5, 1970. Historical Records of Winter Park, Historic Houses, etc. folder.
- 1883 Map of the Town of Winter Park, Orange County, Florida. Chapman & Chase, Prop's. There are three vacant lots north of Oliver Chapman's house on the corner of Interlachen and Canton Avenues.
Historic Records of Winter Park, Maps folder.
- 1885 "L. Chase and Oliver Chapman sold to James Capen, price of land #675."
Letter from Dr. Wilbur F. Jennings, Dec. 5, 1970.
- 1885 July 2.
"Mrs. L.W. Capen's beautiful lot on Lake Osceola is cleared and material for her cottage partly on the ground. Mr. Thayer has the contract and will have it ready for occupancy by Sept. 15th."
Winter Park Scrapbook
By Loring A. Chase
V. I, p. 101b
- Sept. 22nd.
"Our handsome friend, J.S. Capen, will soon move into his new house on the banks of beautiful Lake Osceola. It is an elegant house but none too good for Seymour, who is the very best of men."
Winter Park Scrapbook
By Loring A. Chase
V.I, p. 105
- Oct. 7
"J.S. Capen moved into the neat cottage just completed on Lake Osceola and belonging to his mother, on the 5th."
Winter Park Scrapbook
By Loring A. Chase
V.I, p. 110
- 1898 "House sold to Amelia Hopkins for #1,500."
Letter from Dr. Wilbur F. Jennings, Dec. 5, 1970
- 1904 "Amelia Hopkins sold to Fred Snow for #3,000."
Letter from Dr. Wilbur F. Jennings, Dec. 5, 1970
- 1910 "Snow peddled off the house to J.F. Johnson for #2,500. (no paint)"
Letter from Dr. Wilbur F. Jennings, Dec. 5, 1970

CAPEN - HOPKINS - SNOW - JOHNSON - SHOWALTER - JENNINGS HOUSE
(continued)

1923 "Johnson's estate sold to Showalter for #9,000. Showalter did extensive remodelling - added three toilets, the front concrete porch, changed windows and doors, enclosed front porch (now reception room) and back porch with sleeping porch upstairs. Added a steam heating plant, for the house was originally heated with fireplaces."

Letter from Dr. Wilbur F. Jennings, Dec. 5, 1970

1949 "Showalter sold to Dr. and Mrs. Wilbur F. Jennings who remodelled the kitchen, made sleeping porch into a full room - added windows and the large screen terrace.

Letter from Dr. Wilbur F. Jennings, Dec. 5, 1970

Note: Showalter was Howard W. Showalter of Fairmont, West Virginia.

Dorothy Shepherd Smith
1971

FLORIDA MASTER
SITE FILE

FDAHRM 802==

Site No. 800247 1009==

Site Name Capen House 830==

Other Name(s) for Site _____ 930==

Other Nos. for Site _____ 906==

NR Classification Category: _____ 916==

County Orange 808==

Instructions for locating site (or address) 520 N. Interlachen Avenue, Winter Park, Florida

813==

Location: Town of Winter Park / 1 / 499 868==
subdivision name block no. lot no.

Owner of Site: Name Dr. Wilber Jennings ;

Address 520 N. Interlachen Avenue, Winter Park, Florida 902==

Occupant, Tenant, or Manager: _____ ;

Name Same as above

Address Same as above 904==

Reporter (or local contact): _____ ;

Name Pam Honeywell and Martha Larsen

Address Junior League Administration Office 1080 Woodcock Rd., Orlando, Florida 32803 816==

Recorder: _____ ;

Name & Title Strassburger, Robin (Historic Sites Specialist)

Address FDAHRM 818==

Survey Date July 19, 1979 7907 820== Type Ownership Private 848==

Inventory Status _____ 914==

Previous Survey(s), Excavation(s) or Collection(s): (enter activity/title of project or survey/
name/date/repository)

839==

Recording Station HPS 804==

Specimens (Inventory Numbers) _____ 870==

Specimens (Present Repository of Materials) _____ 880==

Date of Visit to Site _____ 828== Recording Date 7910 832==

Photographic Record Numbers _____

860==

Location of Site (Specific):

Map Reference (incl. scale & date) City of Winter Park Date: 1073 Scale 1 " = 500' 809==

Township	Range	Section	¼ Sec.	¼ ¼ Sec.	¼ ¼ ¼ Sec.	
<u>T22S</u>	<u>R30E</u>	<u>S06</u>				812==

LATITUDE AND LONGITUDE COORDINATES DEFINING A POLYGON LOCATING THE PROPERTY							
LATITUDE				LONGITUDE			
Point	Degrees °	Minutes '	Seconds "	Degrees °	Minutes '	Seconds "	
	°	'	"	°	'	"	
	°	'	"	°	'	"	
	°	'	"	°	'	"	
	°	'	"	°	'	"	

OR

LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES							
Point	Degrees °	Minutes '	Seconds "	Degrees °	Minutes '	Seconds "	
	°	'	"	°	'	"	800==

UTM Coordinates:

Zone Easting Northing

890==

Description of Site:

Original Use(s) of Site Private residence 838==

Site Size (approx. acreage of property) 100' by 499' with 55' on lake 833==

<p>Condition of Site:</p> <p>Check one</p> <p><input checked="" type="checkbox"/> Excellent 863== <input type="checkbox"/> Deteriorated 863==</p> <p><input type="checkbox"/> Good 863== <input type="checkbox"/> Ruins 863==</p> <p><input type="checkbox"/> Fair 863== <input type="checkbox"/> Unexposed 863==</p> <p><input type="checkbox"/> Redeposited 863==</p>				<p>Integrity of Site:</p> <p>Check one or more</p> <p><input checked="" type="checkbox"/> Altered 858== <input type="checkbox"/> Restored (Date:) 858==</p> <p><input type="checkbox"/> Unaltered 858== <input type="checkbox"/> Moved (Date:) 858==</p> <p><input type="checkbox"/> Destroyed 858== <input type="checkbox"/> Original Site 858==</p>			
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--

Condition of Site (Remarks): () (The original frame house has been altered to the extent of being unrecognizable.) () 863==

Threats to Site:

- Check one or more
- | | |
|------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Zoning () () 878== | <input type="checkbox"/> Transportation () () 878== |
| <input type="checkbox"/> Development () () 878== | <input type="checkbox"/> Fill () () 878== |
| <input type="checkbox"/> Deterioration () () 878== | <input type="checkbox"/> Dredge () () 878== |
| <input type="checkbox"/> Borrowing () () 878== | |
| <input type="checkbox"/> Other (See Remarks below): <u>878==</u> | |

Threats to Site (Remarks): The home is in a prime residential area so that there is no problem with a change of zoning.

879==

HISTORIC SITE DATA SUPPLEMENT

Present Use (check one or more as appropriate)

- | | | | |
|----------------------------------------------|-------------------------------------------|-------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Agricultural 850== | <input type="checkbox"/> Government 850== | <input type="checkbox"/> Park 850== | <input type="checkbox"/> Transportation 850== |
| <input type="checkbox"/> Commercial 850== | <input type="checkbox"/> Industrial 850== | <input checked="" type="checkbox"/> Private Residence 850== | Other (Specify) _____ |
| <input type="checkbox"/> Educational 850== | <input type="checkbox"/> Military 850== | <input type="checkbox"/> Religious 850== | <input type="checkbox"/> _____ 850== |
| <input type="checkbox"/> Entertainment 850== | <input type="checkbox"/> Museum 850== | <input type="checkbox"/> Scientific 850== | <input type="checkbox"/> _____ 850== |

Original Use (check one or more as appropriate)

- | | | | |
|----------------------------------------------|-------------------------------------------|-------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Agricultural 838== | <input type="checkbox"/> Government 838== | <input type="checkbox"/> Park 838== | <input type="checkbox"/> Transportation 838== |
| <input type="checkbox"/> Commercial 838== | <input type="checkbox"/> Industrial 838== | <input checked="" type="checkbox"/> Private Residence 838== | Other (Specify) _____ |
| <input type="checkbox"/> Educational 838== | <input type="checkbox"/> Military 838== | <input type="checkbox"/> Religious 838== | <input type="checkbox"/> _____ 838== |
| <input type="checkbox"/> Entertainment 838== | <input type="checkbox"/> Museum 838== | <input type="checkbox"/> Scientific 838== | <input type="checkbox"/> _____ 838== |

Cultural Classification: _____ Specific Dates: Beginning 1 885 844==

Culture/Phase _____ 840==

Developmental Stage _____ 842==

Period (check one or more as appropriate)

- | | | | |
|----------------------------------------------|---------------------------------------------|--------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Pre-Columbian 845== | <input type="checkbox"/> 16th Century 845== | <input type="checkbox"/> 18th Century 845== | <input type="checkbox"/> 20th Century 845== |
| <input type="checkbox"/> 15th Century 845== | <input type="checkbox"/> 17th Century 845== | <input checked="" type="checkbox"/> 19th Century 845== | |

Areas of Significance (check one or more as appropriate)

- | | | | |
|--------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Aboriginal 910== | <input checked="" type="checkbox"/> Community Planning 910== | <input type="checkbox"/> Landscape Architecture 910== | <input type="checkbox"/> Sculpture 910== |
| <input type="checkbox"/> Archaeology Prehistoric 910== | <input type="checkbox"/> Conservation 910== | <input type="checkbox"/> Law 910== | <input type="checkbox"/> Social/Humanitarian 910== |
| <input type="checkbox"/> Archaeology Historic 910== | <input type="checkbox"/> Economics 910== | <input type="checkbox"/> Literature 910== | <input type="checkbox"/> Theater 910== |
| <input type="checkbox"/> Agriculture 910== | <input type="checkbox"/> Education 910== | <input type="checkbox"/> Military 910== | Other (Specify): _____ |
| <input type="checkbox"/> Architecture 910== | <input type="checkbox"/> Engineering 910== | <input type="checkbox"/> Music 910== | <input type="checkbox"/> _____ 910== |
| <input type="checkbox"/> Art 910== | <input type="checkbox"/> Exploration & Settlement 910== | <input type="checkbox"/> Philosophy 910== | <input type="checkbox"/> _____ 910== |
| <input type="checkbox"/> Commerce 910== | <input type="checkbox"/> Industry 910== | <input type="checkbox"/> Politics/Govt. 910== | <input type="checkbox"/> _____ 910== |
| <input type="checkbox"/> Communications 910== | <input type="checkbox"/> Invention 910== | <input type="checkbox"/> Religion 910== | <input type="checkbox"/> _____ 910== |
| | | <input type="checkbox"/> Science 910== | <input type="checkbox"/> _____ 910== |

Remarks & Recommendations:

Capen House has undergone so many dramatic structural changes that to classify it as an historical structure would be out of the question. For this survey community planning was checked as the structure was the home of one of Winter Park's first community leaders and developers.

Major Bibliographic References:

Plat book of the township of Winter Park, City Hall, Winter Park, Florida.

Union Floridiana Collection, Rollins College, Winter Park, Florida.
Case, Loring Augustus, Winter Park Scrapbooks, Volumes I, II, edited by
Dorothy Shepherd Smith, 1968.

Lochmeade, 1887-1889. Rollins College Archives.

Blackmon, William F., History of Orange County, DeLand, Florida E.O. Painter
Printing Co., 1927. Reprinted by the Mickler House, Chuluota, 1973.

Winter Park Library, Winter Park, Florida Eve Bacon Files.

Interviews of Dr. Wilber Jennings, 520 N. Interlachen Ave., Winter Park, Fla.
305-644-4307. May 15, 1979.

ARCHITECTURAL SITE DATA SUPPLEMENT

ARCHITECT _____ 872==

BUILDER _____ 874==

STYLE AND/OR MODE _____ 964==

PLAN TYPE COLONIAL _____ 966==

EXTERIOR FABRIC(S) STUCCO _____ 854==

STRUCTURAL SYSTEM(S) CONCRETE _____ 856==

FEATURE OF STRUCTURE (942):

FOUNDATION: CONCRETE AND BRICK _____ 942==

ROOF TYPE: PITCHED WITH SHAPES 3-2-1 _____ 942==

SECONDARY ROOF STRUCTURE(S): WOOD _____ 942==

CHIMNEY LOCATION: INTERIOR _____ 942==

WINDOW TYPE: WOOD CASEMENT _____ 942==

MATERIALS (882):

CHIMNEY: STUCCO _____ 882==

ROOF SURFACING: CRESTOS SHINGLE _____ 882==

INTERIOR WALLS: STUCCO & PLASTER _____ 882==

ORNAMENT INTERIOR: MIRRORED SURROUNDS & FIREPLACE _____ 882==

ORNAMENT EXTERIOR: WROUGHT IRON BALCONY RAILINGS _____ 882==

QUANTITATIVE DATA (950-960):

NO. OF STOREYS 2 _____ 950==

NO. OF CHIMNEYS 2 _____ 952==

OTHER (SPECIFY) _____ 954==

_____ 956==

OTHER NOTABLE FEATURES OF BUILDING (FREE TEXT) (865==):

ROOF STRUCTURAL SYSTEM: WOOD

MAIN ENTRANCE: HALF ROUND TRANSOM LIGHT

WINDOW PLACEMENT: HALF ROUND AND TRANSOM LIGHTS
OVER FRONT CASSETTE ENTRANCE

WINDOW SURROUNDS AND DECORATION: ALL WOOD PANELING

PORCHES, VERANDAS, GALLERIES AND BALCONIES: FRONT AND REAR PORCH
FRONT AND SIDE VERANDA

EXTERIOR ORNAMENT AND COLOR: WALLS W/IN - BROWN

INTERIOR COMMENTS: WOOD STAIN PINE FLOORING

OTHER (SPECIFY):

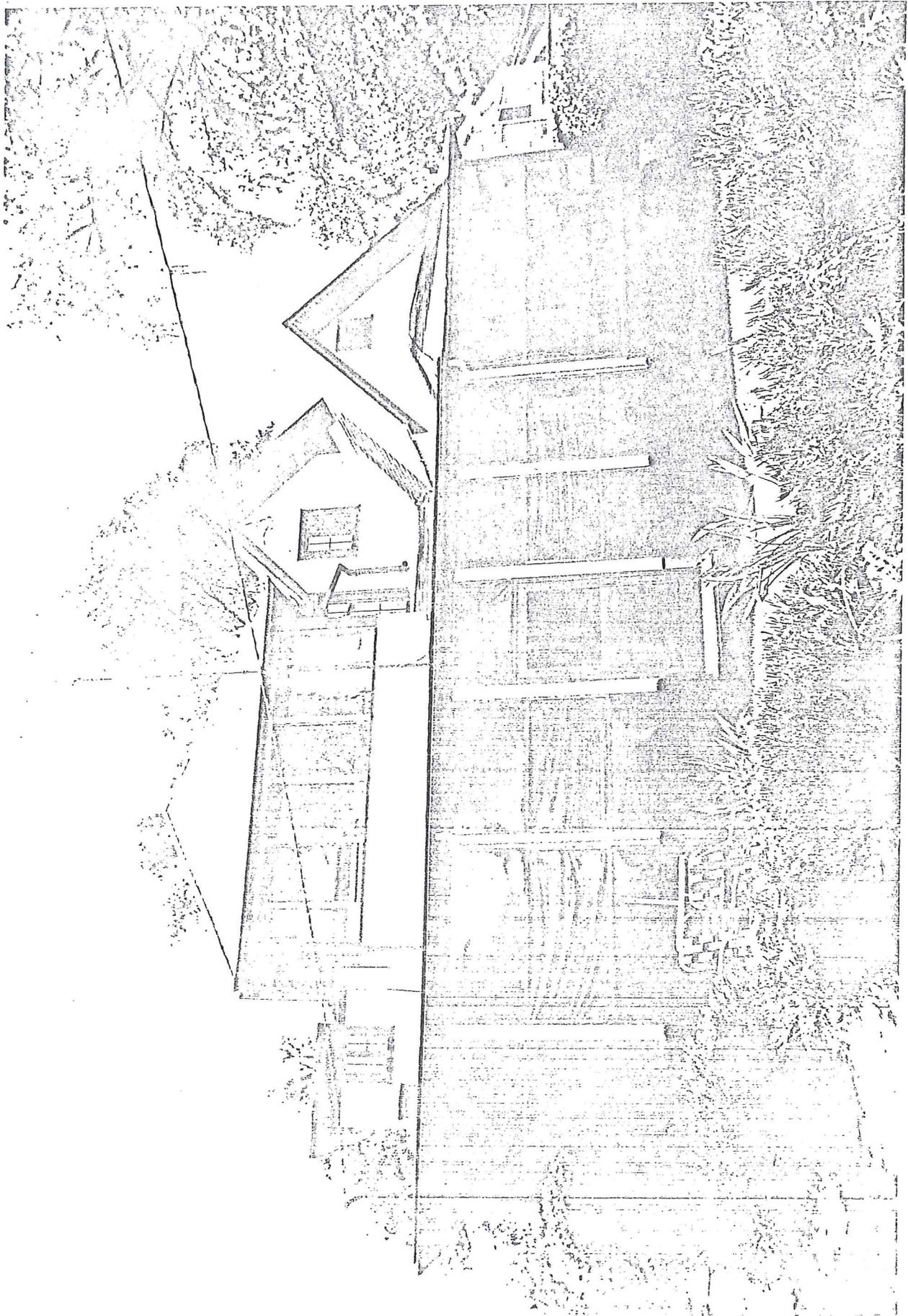
MAJOR ALTERATIONS (FREE TEXT) (857==): ADDITION 1923

OUTBUILDINGS (FEATURES OF SITE) (876==): SEPARATE GARAGE
AND SERVANTS QUARTERS; GYM HOUSE ADDED
IN 1929

SURROUNDINGS (CLASSIFICATION) _____ 864==

RELATIONSHIP TO SURROUNDINGS (FREE TEXT) (859==): LARGE WATERFRONT
OF 100' x 50' WITH 55' ON LAKE







city commission **public hearing**

item type	Public Hearing	meeting date	August 8, 2011
prepared by	Troy Attaway	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
department	Public Works		
division	Lakes		
board approval	Lakes and Waterways Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

subject

Ordinance amending section 114-6 of the City Code regarding lakeshore protection; providing for conflicts, codification, severability.

motion | recommendation

Approve ordinance

summary

Proposed changes:

- will allow City staff to require installation of a turbidity barrier prior to the use of jet pumps or other hydraulic methods for aquatic plant removal which will improve lakeshore protection and water quality.
- clarify the mowing exemption to be limited to areas above the ordinary high water elevation
- clarify the penalty provision to allow fines for any infraction of the section. Prior language implies that penalties would only apply violations related to failure to obtain a permit.
- Includes fees for violations in the City's fee schedule

board comments

ORDINANCE NO. _____

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AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 114-6 OF THE CODE OF ORDINANCES REGARDING LAKESHORE PROTECTION; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution and Section 166.021(1), Florida Statutes to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of Winter Park to provide for lakeshore protection, including the use of a turbidity barrier in appropriate circumstances in order to improve lakeshore protection and water quality; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of Winter Park to provide for procedures and sanctions if it is determined that an alteration or filling has occurred without prior approval or a permit as required by the Municipal Code with respect to alterations or filling occurring on the lakeshore.

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 of Section 114-6 Concerning Lakeshore Protection. Section 114-06 of the City Code is amended to provide as follows, with the language ~~crossed out~~ being language deleted and **bold** or underlined language being the new language added pursuant to this Ordinance and amendment.

Sec. 114-6. - Lakeshore protection.

- (a) Every person desiring to perform or cause to be performed any shoreline alteration involving the removal of shoreline or waterfront vegetation shall be required to obtain a permit in conformance with the procedures and standards set forth in this section, unless exempted. The commission, after recommendation from the lakes and waterways advisory board, shall be empowered to grant a permit only if the applicant demonstrates that this shoreline or waterfront clearing or alteration will not be adverse to the public purposes and benefits of maintaining lake water quality and fish and wildlife habitat and reducing nutrient loading by maintaining shoreline and waterfront vegetation necessary for the health and viability of a lake system. The applicant must further

demonstrate that the proposed removal of vegetation will not degrade water quality below the standards set forth in **Chapter 62, Florida Administrative Code, and any applicable requirements of state and federal law.** The procedures and standards required for the permit shall be as follows:

- (1) Each applicant for a shoreline alteration permit shall submit a site plan, photographs and materials containing information and addressing the following items:
 - a. The percentage, area and types of shoreline and waterfront vegetation proposed to be removed and to be maintained.
 - b. A plan showing any proposed changes in shoreline contour to include existing and proposed topographic elevations. Also included shall be the quantities of material to be removed and filled in cubic yards.
 - c. A plan showing the proposed method for controlling erosion, filtering runoff and reducing nutrient concentration and stabilizing the soil (the use of a jet pump requires a turbidity barrier – see paragraph 114-6 (6)).
 - d. The reasons for such request and an explanation of the hardship expected if a permit is not granted.
- (2) The permit fee for applications for shoreline or waterfront vegetation removal shall be established by the city to cover the administrative cost of processing such application and for inspection to ensure the clearing, if approved, is done in accordance with the permit and this chapter. The commission may include such terms and conditions on any permit issued as it may find reasonable and necessary to further the purpose and intent of this chapter.
- (3) The requirement to obtain a permit for the removal of shoreline or waterfront vegetation shall not apply to the following:
 - a. Any person or property owner clearing less than 50 feet or 50 percent of the lake frontage, whichever is less. **(However, notwithstanding the applicability of this exemption, the use of a jet pump will still require a turbidity barrier even if the exemption applies -- see paragraph 114-6 (6)).**
 - b. Maintenance or repairs to portions of an existing stormwater or drainage control system.
 - c. Lawn mowing, trimming of landscaping and other lawn maintenance activities that are above the Ordinary High Water Line (as defined in Section 58-83, Winter Park Code of Ordinances), and which

activity does not result in the removal or clearance of shoreline or waterfront vegetation.

- (4) All cleared or trimmed vegetation shall be removed from the lake and lakefront for off-site disposal. Any permit issued may be revoked by the city for violation or noncompliance with the provisions of the permit, this chapter, mistake of fact or conflict with other city, county or state regulations.
- (5) The changing of any shoreline by digging or adding fill, which alters or changes the shoreline or existing topography of the shoreline or waterfront of any water body within the city, shall be prohibited, unless done in accordance with an approved shoreline alteration permit. A permit shall also be required to pump or withdraw sand or any other material from lake bottoms.
- (6) **The use of a jet pump, or other hydraulic methods, for the removal of aquatic or shoreline vegetation is prohibited unless a properly installed turbidity barrier is in place prior to the commencement of work, and remains in place until turbidity within the work area returns to ambient levels.**

~~(6) If the public works director determines that any alteration or filling is occurring or has occurred without prior approval or not in accordance with this chapter or the approved permit, a written notice of violation shall be issued promptly to the property owner. The notice of violation shall include the description of the property involved, the provisions of this chapter or other applicable regulations which have been violated and the remedial action to be taken. Such remedial action may include restoration to the existing conditions, revegetation of the shoreline or waterfront, application for a permit, payment of permit fees or other action which is consistent with this chapter. If any person commences any shoreline alteration or the removal of any shoreline or waterfront vegetation before obtaining the necessary permit, he shall be subject to a penalty of five times the permit fees. If any person fails to apply for the necessary permit within 30 days of receipt of written notice of violation, such person shall also be subject to an additional penalty of five times the permit fees for each month or portion thereof occurring, commencing 30 days from the date of receipt of written notice of violation and continuing until proper application for the necessary permit is made.~~

- (7) Nothing in this subsection is intended to relieve a property owner or contractor of any obligation under state law to

- obtain required permits from the state Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission or other governmental authorities having jurisdiction, when applicable.
- (8) The public works director, director of planning and community development and police chief are responsible for enforcing this section. They may delegate enforcement authority to one or more appropriate designees.
- (b) The construction of retaining walls, seawalls or revetments on any lakefront, canal front, streamfront, etc., shall be prohibited except when done in accordance with law and after obtaining a permit from the city.
- (1) Permits for the construction of retaining walls or seawalls shall be granted only with the prior approval of the lakes and waterways advisory board after a public hearing. This board shall render a decision on the application for its approval, approval with conditions or denial within 60 days after receipt of an application.
 - (2) The application for a permit shall include plans drawn to scale including a site plan of the property showing the proposed location of the alteration and the relation to adjacent properties and construction plans showing details of materials proposed and pictures detailing existing shoreline conditions in the area. An application fee established by the city shall be paid to cover the administrative costs of processing the application. Notices shall be mailed at least ten days prior to the first hearing date to the owners of lakefront or canal front properties adjacent to the subject property noticing the date, time and location of all review hearings.
 - (3) Applications for seawalls or revetments should be considered favorably only when the structure is a dire necessity to stem erosion and loss of shoreline that is markedly different from that experienced in general. On lakefronts, vertical seawalls shall be disallowed in favor of sloped riprap revetments (minimum slope 3:1, horizontal to vertical) that allow wave energy dissipation and allow shoreline vegetation to propagate. Vertical sheet pile, with a nonvertical riprap face, may be allowed on a case-by-case basis to minimize turbidity, or vegetation disturbance during construction provided that the entire face of the vertical component is covered by the sloped riprap component, the finished face meets the 3:1 minimum slope requirement, and the elevation of the vertical component does not exceed the natural ground elevation. Vertical seawalls may be allowed on a case-by-case basis in canals

or other altered water bodies where sloped revetments could interfere with navigation, or where conditions make the construction of sloped revetments impractical. Construction for cosmetic reasons is not sufficient justification. The review by the city advisory boards and city commission shall include the environmental ramifications of the request, its relationship to the ecology of the lake or stream as a whole and the specific shoreline characteristics of the property involved. Approvals of any shoreline modification shall be the minimum necessary to allow relief. As a condition of the seawall/revetment permit, shorelines that do not meet the vegetation standards of this section (subsection 114-6(a)) shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.

- (4) Applications for a repair to a seawall shall be considered favorably only when the repair to the structure is a dire necessity and when the repair can be completed from the back side of the structure. With a city permit, repair to the front side and/or top of the seawall structure shall be limited to 25 percent of the entire length or 30 feet, whichever is less. Also, with a city permit, painting and covering the face of the seawall shall be allowed for cosmetic purposes, keeping in mind the 25 percent or 30 foot limit on repairs. As a condition of the repair permit, shorelines that do not meet the vegetation standards of this section (subsection 114-6(a)) shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.
 - (5) Nothing in this subsection is intended to relieve a property owner or contractor of any obligation under state law to obtain required permits from the city building department, state department of environmental protection or other governmental authorities having jurisdiction, when applicable.
- (c) The construction of new boat ramps shall be prohibited: (i) on lakes where access is available from public ramps; and (ii) on lakes where motorboats are prohibited by section 114-6105.
- (1) Shoreline alteration permits for the construction of boat ramps on lakes within the city that have no public access, or where motorboats are not prohibited, shall be granted only with the prior approval of the lakes and waterways advisory board after a public hearing. This board shall render a decision on the application for its approval,

- approval with conditions or denial within 60 days after receipt of an application.
- (2) The application for boat ramps shall include plans drawn to scale including a site plan showing the location of the proposed ramp and the relation to other properties, and construction plans showing details of materials proposed, and pictures detailing existing shoreline conditions in the area. An application fee, established by the city, shall be paid to cover the administrative costs of processing the application. Notices shall be mailed at least ten days prior to the first hearing date to owners of lakefront or canal front properties adjacent to the subject property noticing the date, time, and location of the review hearings.
 - (3) Applications for boat ramps will be considered favorably only when no other reasonable access is available. Boat ramps must be located at least ten feet from adjoining property lines, and must be located entirely within the applicant's exempted shoreline clear area.
 - (4) Applications to repair existing boat ramps shall be considered favorably only when the repair to the structure is a dire necessity, and when the structure meets all other provisions of this subsection.
 - (5) Nothing in this subsection is intended to relieve a property owner or contractor of any obligation under state or federal law to obtain required permits when applicable. A city building permit shall be required in addition to the shoreline alteration permit. The building permit shall not be issued until approval for the shoreline alteration is granted.
- (d) If the public works director (or designee) determines that any work, alteration or filling of land is occurring or has occurred without the owner or other person performing such work having obtained the approvals or permits required by this Chapter, and there is no available exemption for such work, then the violation will be processed as a Code violation in accordance with the provisions of Chapter 1 of the Code of Ordinances respecting Code Enforcement, and the provisions of Sections 1-15 through 1-26 of the Code shall apply except as otherwise provided in this Section. A written notice of violation will be issued promptly to the property owner, and the notice of violation shall include the description of the property, provisions of the Code allegedly violated, and a statement of the remedial action to be taken. The remedial action may include restoration, revegetation of the shoreline or waterfront, application for a permit, payment of permit fees or other action as allowed by law. A violation of any provision of this Chapter may be enforced, as set forth in the City of Winter Park Fee Schedule by a fine of Five Hundred Dollars

~~(\$500.00) per each violation, in addition to a requirement that fees required for permits be paid. A person who fails to take the required remedial action within thirty (30) days of receipt of written notice of the violation is also subject additional enforcement action, which may include additional fines, by the Winter Park Code Enforcement Board to an additional fine of Five Hundred Dollars (\$500.00) for each month or portion thereof during which the person fails to take the required action, with this additional fine for each month or portion thereof commencing thirty (30) days after the date of receipt of the written notice of violation and continuing until the required remedial action is accomplished.~~

Any person subject to Code Enforcement for an infraction pursuant to this Section shall be entitled to all rights of administrative appeal and judicial review as provided in Sections 2-101 through 2-110, regarding proceedings before the Code Enforcement Board and review of such actions as provided by Florida law.

Section 3. Codification. The previous Section 2 of this Ordinance shall be codified in the City Code as specified therein. 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 4. 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 5. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon adoption 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 ____ day of _____, 2011.

Mayor Kenneth W. Bradley

ATTEST:

Cindy Bonham, City Clerk

First reading: _____
Second reading: _____

