



city commission agenda

Regular Meeting

3:30 p.m.
November 28, 2011
Commission Chambers

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

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1	Meeting Called to Order	
2	Invocation Pastor Jeffrey Fair, Aloma Baptist Church Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report <ul style="list-style-type: none">a. Recognition of the Winter Park High School's 500th Football Victoryb. Proclamation - Florida Blood Centers "Season of Giving"c. FDEP and FDOT checks presentation from Public Works to the City Commission for recent stormwater and roadway projects grant payments	Projected Time 20 minutes
5	City Manager's Report	Projected Time
6	City Attorney's Report <ul style="list-style-type: none">a. Update on curbside post office mail boxes	Projected Time 10 minutes

7 Non-Action Items	Projected Time
<p>8 Citizen Comments 5 p.m. or soon thereafter (if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)</p>	
9 Consent Agenda	Projected Time
<ul style="list-style-type: none"> a. Approve the minutes of 11/14/11. b. Approve the following contracts: <ul style="list-style-type: none"> 1. Ricoh Americas Corporation order agreement for Aficio MP171F copier for Community Center and authorize the Mayor to execute the agreement; \$500 2. Piggybacking the Florida Sheriff's Association contract #11-19-0907 for administrative non-pursuit, utility vehicles, trucks and vans and other fleet equipment and authorize the Mayor to execute the Piggyback Contract; total annual expenditure included in approved FY 2012 budget. 3. Piggybacking the Pinellas County contract with USA Services of Florida for street sweeping services and authorize the Mayor to execute the Piggyback Contract; total annual expenditure included in approved FY 2012 budget 4. Piggybacking the US Communities/Maricopa County contract with The Home Depot for maintenance, repair & operating commodities and related services and authorize the Mayor to execute the piggyback contract 5. Piggybacking the City of Orlando contract with Reynolds Inliner, LLC for sewer line rehabilitation, cleaning & video recording and authorize the Mayor to execute the piggyback contract; \$600,000 c. Approve the encroachment agreement to encroach into the City's drainage easement located at 1764 Elizabeth's Walk for Sergio and Barbara Von Schmeling to construct part of the proposed residence. d. Approve the recommended rebates for the proposed Winter Park Electric Energy Conservation Program. e. Approve the purchase of a Computer Aided Forms Entry Report Management System (CAFÉ) and Computer Aided Dispatch from the Seminole County Sheriff's Office for the Police Department to replace the existing Report Management System (RMS) and Computer Aided Dispatch (CAD). f. Establish a policy whereby professional service contracts (attorneys, engineers, architects, lobbyist, insurance agents, and other professional consultants) be competitively shopped at a maximum of every five years, unless waived by the Commission. 	<p>5 minutes</p>

10	Action Items Requiring Discussion	Projected Time
a.	West Fairbanks design standards	30 minutes
11	Public Hearings	Projected Time
a.	State Office Building property: - Ordinance – Authorizing the conveyance of the City owned property located at 941 W. Morse Boulevard (2)	10 minutes
b.	Ordinance – Regarding lakeshore protection (1)	20 minutes
c.	Ordinance - Vacating a portion of the City right-of-way located at 2525 Via Tuscany (1)	10 minutes
d.	Resolution – Tobacco use in public places	10 minutes
e.	Resolution – Determining that Affordable Housing developments should be given priority processing in order to expedite their approval and encourage and promote their development and that new policies and regulations will be reviewed prior to adoption for their impact on the cost of Affordable Housing.	15 minutes
12	City Commission Reports	Projected Time
a.	Commissioner Leary	10 minutes each
b.	Commissioner Sprinkel	
c.	Commissioner Cooper	
d.	Commissioner McMacken	
1.	Residential irrigation/lighting codes	
e.	Mayor Bradley	

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 November 28, 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
City Hall Renovation	<p>Beginning after Thanksgiving, City Hall will be under construction until mid February. The renovations include new HVAC, lighting, as well as replacement of carpet and paint. We are also modifying the lobby and Commission Chambers to be more customers friendly.</p> <p>Many departments will be temporarily relocated to other buildings or moved within City Hall during this period. Additionally, Commission Meetings will be held at the Community Center during the renovation period. Signage has been placed throughout City Hall to assist in directing customers to the proper locations.</p>	February 2012
Pensions	Staff plans to hold Commissioner briefings on December 7 th to explain and distribute pension report calculations.	December 2012
Lee Road Median Update	FDOT comments restrict planting of canopy trees over the vast majority of the islands due to sight distance & bill board restrictions. Only possibility is low shrubs and single trunk crepe myrtles. Currently scheduling a meeting with FDOT District V secretary to discuss this ultra restrictive determination.	
Pro Shop Renovation	Interior improvements continue.	Anticipate completion December 2011

Fairbanks Improvement Project	A revised lift station location is being evaluated that will allow standard construction techniques and provide a larger easement. There will be a slight delay in the bidding to accommodate the lift station redesign.	Project should be out to bid by the middle of January and construction should begin in March.
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.	Currently waiting on Orange County.

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.

Cindy Valentin

To: Catherine Reischmann; Usher L. Brown
Subject: RE: winter park/sward

From: Catherine Reischmann
Sent: Tuesday, October 25, 2011 1:33 PM
To: Usher L. Brown
Cc: Tami Austin; Nancy Ham; William Reischmann
Subject: winter park/sward

Larry: Randy and I met with Rod Sward, Dave Maze (postmaster) and Jeff Sheldon, an attorney for the Postal Service. Jeff Sheldon basically said we aren't changing any mailboxes, even if you prove that some were moved illegally. He said the Post Office will no longer investigate addresses, as Mr. Maze has been doing. He doesn't believe the City would have a case to sue the Postal Service because of the time that has elapsed, and the exorbitant cost of moving all City street boxes (upwards of half a million per year). They are planning to allow a few boxes to be moved to the door, though. The Post Office pointed to a postal rule that says if an error in mailbox placement is not detected in 90 days, then service existing will stay in place. Rod Sward said he had an opinion from the Postal Service admitting that this rule was intended to apply in the event of a mistake by the Postal Service, not the customer. He is to get that to us. The Post Office did say if customers write to them, they will review their records and respond, but they will not respond to Mr. Sward's issues with other people's boxes any more. Mr. Sward admitted he is only concerned about under 1000 boxes, not all 2500 or so street boxes in the City.

Randy said he would present this position to the Commission and ask them if they want to direct us to research whether the City has standing to bring a claim on behalf of various postal customers, and whether the statute of limitations would bar the claim. Rod understood there were real problems with such a suit, since he concedes that nothing irregular has occurred since Mr. Maze took over in 2000. I don't see that these issues have ever been researched by the Holland and Knight firm or by you.

Katie



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in a timely manner. Accordingly, you should consider sending communications to us which are particularly important or time-sensitive by means other than e-mail.

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REGULAR MEETING OF THE CITY COMMISSION
November 14, 2011

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Building Director George Wiggins, 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 Commissioner McMacken to approve the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report

- a. Keep Winter Park Beautiful Award for the Post Office landscape improvements and Azalea Lane Volunteer Project Award

Mayor Bradley introduced Myriam Garzon Greenberg, Chairman of KWPB and Tim Maslow, KWPB Director/Sustainability Coordinator who presented awards to the following for their voluntary beautification efforts: Bill and Beth Neidlinger and SOS Landscaping for the new landscape improvements at the Post Office and Wendy Pham, Adventist Health System for 10 years of parks beautification projects.

- b. Proclamation - "National Hospice and Palliative Care Month"

Mayor Bradley proclaimed the month of November 2011 as "National Hospice and Palliative Care Month" in Winter Park. Jackie Cashmere, Community Liaison Florida Hospital Hospice Care, was present to accept the proclamation.

- c. Recognition of the Winter Park High School's 500th Football Victory

The Winter Park High School Football team was unable to attend as they were practicing to compete in this year's playoffs so this was rescheduled for the November 28, 2011 meeting.

- d. Presentation of Winter 2011 Webisode produced in partnership with Full Sail's SPARK program

Communications Director Clarissa Howard presented the Winter Webisode featuring the new Winter Park Community Center. Ms. Howard thanked all of the members of Full Sail who were involved in making it a success.

e. Appointment of Martin Luther King, Jr. Task Force members

Motion made by Mayor Bradley to appoint Dr. Mitchell Dawkins representing the Ministerial Alliance, Joyce Swain and Mary Daniels to the Martin Luther King Jr. Task Force; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

Mayor Bradley noted that several positions still remain open and he will be bringing those forward at the next meeting.

f. Board appointment: Board of Adjustment

Mayor Bradley nominated Jeffrey Jontz for the Board of Adjustment alternate vacancy; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

Item not on the agenda

Mayor Bradley announced that he presented a proclamation yesterday for "Catherine Ford Day" in Winter Park as Ms. Ford happily celebrated her 106th birthday at the AME Ward Chapel.

City Manager's Report

City Manager Knight thanked everyone for their hard work and effort in making the Veteran's Day celebration a huge success.

City Manager Knight advised that the City Hall renovation project has started and should be completed in about two months. During this time, several departments and staff members will be relocated and since the Commission Chambers will also be renovated the following Commission meetings will be held at the Rachel D. Murrah Civic Center located at 105 W. Morse Boulevard (December 12, January 9 and 23, February 13 and 27). Mr. Knight advised that this information will be made public and apologized in advance for any inconveniences this may cause.

City Manager Knight followed up on rescheduling the Mead Garden work session. It was agreed to have the work session on December 12 from 2:00-3:15 p.m. at the Civic Center.

City Manager Knight noted that he received one of the four studies from the pension consultant and the final report is forthcoming. He acknowledged the request to email this information to the Commissioners. Commissioner Sprinkel requested City Manager Knight to put an action plan in place for the next meeting in case they do not receive the final report from the consultant and to also address how they are going to be updating the different contracts.

City Attorney's Report

No items to report.

Non-Action Item

a. Financial Report – September 2011

Finance Director Wes Hamil provided the September 2011 financial report.

Motion made by Commissioner Sprinkel to accept the Financial Report; seconded by Commissioner McMacken and approved unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of 10/24/11.
- b. Approve the following contracts and purchase order:
 1. Piggybacking City of Sanford contract #RFP 09/10-23 with Florida Bearings, Inc. for repair of electric motors and pumps and authorize the Mayor to execute the Piggyback Contract; \$30,000
 2. Piggybacking Pasco County contract #05-114 with Owens, Renz & Lee, Inc. for janitorial services and authorize the Mayor to execute the Piggyback Contract; \$157,062.00
- c. Approve the Civility Code as recommended by the Ethics Board. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- d. Cancel the December 26, 2011 Commission meeting due to the holidays.
- e. Approve the On-Site Energy Audit Services Program Master Agreement with Progress Energy Florida (PEF) and authorize the Mayor to execute the agreement.

Motion made by Commissioner McMacken to approve Consent Agenda Items 'a', 'b.1-2', 'd' and 'e'; seconded by Commissioner Leary and approved by acclamation of the City Commission with a 5-0 vote.

Consent Agenda Item 'c' - Approve the Civility Code as recommended by the Ethics Board.

Motion made by Commissioner Sprinkel to approve the revised Civility Code as follows:

The City of Winter Park Civility Code is intended to clearly emphasize our commitment to maintain civility in the conduct of the public's business within our community.

Citizens, Board members, Employees, City Commissioners and the Mayor will demonstrate dignity, respect, and courtesy towards others by promoting to:

- **Respect the right of all citizens in our community to hold differing opinions;**
- **Avoid rhetoric intended to humiliate or question the wisdom of those whose opinions differ from ours;**
- **Strive to understand differing perspectives;**
- **Choose our words carefully;**
- **Speak truthfully without accusation and we will avoid distortion; and**
- **Speak out against violence, prejudice and incivility in all forms, whenever and wherever they occur.**

We shall honor each other and our great city by practicing the Civility Code.

Motion seconded by Commissioner Cooper. 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.

Action Items Requiring Discussion

No items.

Public Hearings

- a. Requests of the City of Winter Park: To revise the public notice requirements for City-wide notices to streamline the zoning approval process:
 - ORDINANCE NO. 2860-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO REVISE THE PUBLIC NOTICE REQUIREMENTS FOR ZONING AMENDMENTS AND CONDITIONAL USES AND THE EXTENSION OR RE-ESTABLISHMENT OF CONDITIONAL USES, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE Second Reading
 - ORDINANCE NO. 2861-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW PUBLIC NOTICE AND ADOPTION PROCEDURES FOR AMENDMENTS TO THE CITY OF WINTER PARK COMPREHENSIVE PLAN SUBSTITUTING FOR THE CURRENT AMENDMENT PROCEDURES, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE Second Reading

Attorney Brown read both ordinances by title. No public comments were made on either ordinance.

Motion made by Commissioner Sprinkel to adopt the first ordinance; seconded by Commissioner Leary.

Motion made by Commissioner Sprinkel to adopt the second ordinance; seconded by Commissioner Leary.

Motion amended by Commissioner Cooper to the first ordinance – Section 58-90 (d) (2), to add the following sentence: "If more than 3 years has passed since the conditional use expired and if that conditional use required city wide notice the first time that it receives the same level of notice if 3 years has passed since its expiration."; seconded by Commissioner McMacken. Upon discussion, a roll call vote on the amendment was taken with Mayor Bradley and Commissioner Sprinkel voting no. Commissioners Leary, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.

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

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

- b. Request of Bank First Realty, Inc. on behalf of McDonald's Corporation for: Conditional use approval to construct a McDonald's Restaurant with a drive-thru service at 1282/1288/1302 West Fairbanks Avenue and 1281/1289/1301 Gene Street, zoned C-3.

Planning Director Jeff Briggs explained the request and answered questions regarding the proposed project in terms of site and context, parking, traffic circulation and stacking, architecture and landscaping.

Commissioner McMacken disclosed his ex-parte communication and noted that he spoke with Attorney Rebecca Wilson, representing Bank First Realty, Inc. and City staff.

Ms. Rebecca Wilson, Lowndes Doster Kantor and Reed Law Firm, spoke on behalf of the applicant and explained the project upgrades including the building/landscape enhancements, new stormwater drains and fencing. Ms. Wilson advised that the applicant agrees to install an "on access" speaker system for the drive thru to control the sound, along with the two recommendations from Planning and Zoning.

Motion made by Commissioner McMacken to approve the conditional use request with the two following conditions: #1) the speaker system used at the drive thru is to be a directional speaker system; #2) the City receives a 10 foot easement for utilities, sidewalk and landscaping along Fairbanks Avenue and to also include the two conditions requested by Planning & Zoning (#1, That the landscape plan be augmented along the Fairbanks frontage with the addition of two ligustrum trees (30 gallon – 8 ft. min.) at the corner islands and with four sable palm trees (10-12 ft. min.) across the center landscape island; and #2, That conditioned upon acceptance by Florida Department of Transportation, the concrete median divider be extended to the western boundary of this site.); seconded by Commissioner Cooper.

Motion amended by Commissioner Leary to strike the sidewalk portion of Commissioner McMacken's motion; seconded by Commissioner Sprinkel.

Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

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

Public Comments

Patrick Chapin, Winter Park Chamber of Commerce, thanked everyone that was involved in making the Veterans Day event memorable. He also thanked City staff for supporting the upcoming Fall Business Saturday event on November 26 in which anyone who uses their

American Express card at the participating small businesses on Park Avenue will receive a \$25 credit.

c. Equalization Board Hearings – Dixie Parkway and Williams Drive:

RESOLUTION NO. 2095-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS IN AND FOR THE CITY, TO-WIT: UNDERGROUND ELECTRIC/CATV (BHN) FACILITIES ALONG DIXIE PARKWAY AND WILLIAMS DRIVE FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. No public comments were made.

Electric Utility Director Jerry Warren answered questions of the Commission.

Motion made by Commissioner Cooper to adopt the resolution; 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.

RESOLUTION NO. 2096-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170.03, FLORIDA STATUTES, CONFIRMING THE SPECIAL ASSESSMENTS FOR THE UNDERGROUNDING OF ELECTRIC/CATV (BHN) FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ADJACENT TO DIXIE PARKWAY AND WILLIAMS DRIVE, GENERALLY DESCRIBED AS THOSE PROPERTIES ADJACENT TO DIXIE PARKWAY AND WILLIAMS DRIVE, PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. No public comments were made.

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

A recess was taken from 5:04 p.m. to 5:31 p.m.

d. State Office Building property – Exchange Agreement and Ordinance

CRA Director Dori DeBord provided a PowerPoint presentation and background regarding value, timing, opportunity of sale, terms, benefits and risks (see attached).

Angela Brown, Meridian Appraisal Group provided a third party opinion of the value report based on the three existing appraisal reports that were previously prepared on the State Office Building and Progress Point properties. Ms. Brown provided background regarding property

values, market values, best and highest use of the properties, timing and the methods she used to create her assessment/analysis report.

Paul Ellis, President of CNL Real Estate/Progress Point, summarized their contract offer and the benefits associated with the transaction.

Each Commissioner asked questions of staff, Ms. Brown and Mr. Ellis. After discussion by the Commission on whether they should move forward or not, **motion made by Commissioner Cooper that they deny this application. Motion failed for lack of a second.**

Motion made by Commissioner Sprinkel that they accept this application and move forward with more discussion and hear from the public; but, that they move forward with this application; seconded by Commissioner Leary.

Peter Weldon, 700 Via Lombardy, stated that during previous Commission discussions he believes the Commission never indicated that they were considering increasing the density on the State Office Building property to anything other than what it currently is.

The following spoke in favor:

Joe Terranova, 700 Melrose Avenue
Mark Hagle, 1220 Park Avenue N.
Patrick Chapin, Winter Park Chamber of Commerce
Mark Squire, 400 Park Avenue S.

The following spoke in opposition:

James Moreland, 1618 Neola Trail
David Winters, 1251 Palmer Avenue
Nancy Shutts, 2010 Brandywine Drive
John Webb, 925 S. Denning Drive
Gene Randall, 1285 Richmond Road

A recess was taken from 7:48 p.m. to 8:00 p.m.

- Exchange agreement between the City of Winter Park and Progress Point LLC

Motion made by Commissioner Sprinkel to accept the exchange agreement; seconded by Commissioner Leary.

CRA Director Dori DeBord summarized the process and details involved with executing the exchange agreement, including the due diligence process and reverter clause.

Paul Ellis, President of CNL Real Estate/Progress Point, stated his objection with regards to the reverter clause and noted that it will impact the ability to obtain financing.

Upon discussion, **motion by Commissioner McMacken to amend the agreement as stated before with the reverter clause:** "The City would have one of the following options only if construction of an 80,000 sq ft Class A office building is not started on or before a certain date:
1. If the Orange Avenue site is desired to be retained by the City, the City would buy the Morse

site at \$4,575,000; 2. If the City does not want the Orange Ave site it would retrade at even value"; **seconded by Commissioner Cooper.**

Attorney Brown clarified his understanding on the above motion as follows: The Commission would establish a date by which they would have to pull a building permit on the defined building in terms of square footage and class 'A', and if they do not pull the building permit on that date the City would have an option on the reverter. One option would be to purchase back the Morse property at \$4,575,000 and then the City would keep both properties. If the City does not want the Orange Avenue site alternatively they could then do the original reverter language which is included in the agreement, which is to do a straight swap of the properties.

Motion amended by Commissioner Sprinkel to the exchange agreement so that demolition of the Progress Point property is a part of what they are working with. Commissioner Sprinkel clarified that she wants Progress Point LLC to demolish both sites right away (the Progress Point site and the State Office Building site); **seconded by Commissioner Cooper.**

Motion amended by Commissioner Cooper that they define a new office project as a project of at least 70,000 s.f.; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper, Item 5: Inspection Period, that the 45 days be reverted back to 60 days that was in the agreement the last time they saw it. Motion failed for lack of a second.

Motion amended by Commissioner Cooper, Item 7: Access to the Properties: Records and Other Information, that all reports will be given concurrent with the signature of the exchange agreement (instead of within 10 days of the effective date). Motion failed for lack of a second.

Motion amended by Commissioner Cooper, Item 12: Additional Owner Obligations, that the requirement for the conditional letters of intent will be provided by CNL prior to closing (instead of after closing). Motion failed for lack of a second.

Motion amended by Commissioner Cooper, Item 12: Additional Owner Obligations, require the \$30,000 annual payments to begin 1 year from the approval of the final conditional use by the City. Motion failed for lack of a second.

Motion amended by Commissioner Cooper, Item 13: Letter of Credit, Sections (A) & (B), that they change the 45 days for Commission action to 55 days; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper, Item 13: Letter of Credit, Section (D), that we define "force majeure" the same for both parties; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper, Item 15: Assignment of Sale, that documented costs be qualified as customary transaction costs; seconded by Commissioner McMacken.

Ms. Rebecca Wilson, Lowndes Law Firm spoke on behalf of the applicant regarding the proposed amendments and explained why the existing language needs to remain in the existing agreement.

Upon a roll call vote on the first amendment “The City would have one of the following options only if construction of an 80,000 sq ft Class A office building is not started on or before a certain date.....1. If the Orange Avenue site is desired to be retained by the City, the City would by the Morse site at \$4,575,000. 2. If the City does not want the Orange Ave site it would retrade at even value.”); 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 second amendment (Progress Point LLC to demolish both sites right away (the Progress Point site and the State Office Building site); Mayor Bradley and Commissioners Leary and McMacken voted no. Commissioners Sprinkel and Cooper voted yes. The motion failed with a 3-2 vote.

Upon a roll call vote on the third amendment (define a new office project as a project of at least 70,000 s.f.); 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 fourth amendment (change Commission action days), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote on the fifth amendment (define “force majeure” the same for both parties), 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 sixth amendment (that documented costs be qualified as customary transaction costs); Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote on the exchange agreement as presented, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 941 W. MORSE BLVD., WINTER PARK, FL 32789, REFERRED TO AS THE STATE OFFICE BUILDING PROPERTY, SUBJECT TO MINIMUM REQUIREMENTS AS SET FORTH HEREIN; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. First Reading.

Motion made by Commissioner Leary to adopt the ordinance on first reading; seconded by Commissioner Sprinkel.

Motion amended by Commissioner McMacken to provide that a condition of the ordinance in addition to the Commission approval of the exchange agreement will be that Palmetto Drive abutting and bisecting the Progress Point parcel shall be abandoned and

vacated by the City so that the parcels will be unified and contiguous; seconded by Mayor Bradley.

Upon a roll call vote on the amendment (that Palmetto Drive will be abandoned); 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 on the ordinance as amended, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

City Commission Reports:

- a. Commissioner Leary – no report
- b. Commissioner Sprinkel

Commissioner Sprinkel attended the Hall of Fame Full Sail event last week and said it was a great event and that Full Sail is a great asset to the community.

- c. Commissioner Cooper

Commissioner Cooper attended the Stroll and Roll for the Center of Independent Living last week and thanked everyone for attending and for their donations.

Commissioner Cooper announced that the Missionary Baptist Church will be holding a missionary convention this week and encouraged all to attend.

- d. Commissioner McMacken

- 1. Residential irrigation/lighting codes – Tabled to November 28, 2011 meeting.

- e. Mayor Bradley

Mayor Bradley thanked everyone for the wonderful Veterans Day event and commended all of those who participated. He announced that there are over 60 City employees who are veterans with five on reserve duty and one that is on active duty.

Mayor Bradley announced that the City has been nominated by the Orlando Business Journal to receive the Healthy Employer Award and is looking forward to City Manager Knight attending the event and reporting the results. Mayor Bradley wished everyone a Happy Thanksgiving.

The meeting adjourned at 9:09 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

item type	Consent Agenda	meeting date	November 28, 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	

Contracts

	vendor	item background	fiscal impact	motion recommendation
1.	Ricoh Americas Corporation	Order Agreement for Aficio MP171F Copier for Community Center	Total annual expenditure included in approve FY12 budget. Amount: \$500	Commission authorize the Mayor to execute the Order Agreement
The City of Winter Park is under contract with Ricoh for Multi-Function Devices, piggybacking the University of South Florida contract. This Order Agreement will place an additional unit at the Community Center.				

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
2.	Awarded contractors as identified by the Florida Sheriff's Association	Piggybacking the Florida Sheriff's Association contract for Administrative Non-Pursuit, Utility Vehicles, Trucks & Vans, & Other Fleet Equipment	Total annual expenditure included in approved FY12 budget.	Commission approve piggybacking the Florida Sheriff's Association contract #11-19-0907 and authorize the Mayor to execute the Piggyback Contract
The Florida Sheriff's Association utilized a competitive bidding process to award this contract. The contract was awarded to multiple vendors. The current contract term is October 1, 2011 through September 30, 2012.				
3.	USA Services of Florida	Piggybacking the Pinellas County contract for Street Sweeping Services	Total annual expenditure included in approved FY12 budget	Commission approve piggybacking the Pinellas County contract with USA Services of Florida for Street Sweeping Services and authorize the Mayor to execute the Piggyback Contract
Pinellas County utilized a competitive bidding process to award this contract. The current contract term expires on February 14, 2013. The City of Winter Park issued an RFP for Street Sweeping Services in October 2011, but proposals received reflected an 11% increased cost over piggybacking this contract.				
4.	The Home Depot	Piggybacking the US Communities/Maricopa County contract for Maintenance, Repair & Operating Commodities and Related Services	Total annual expenditure included in approved FY12 budget	Commission approve piggybacking the US Communities/Maricopa County contract with The Home Depot for

				Maintenance, Repair & Operating Commodities and Related Services and authorize the Mayor to execute the Piggyback Contract
Maricopa County utilized a competitive bidding process to award this contract. The current contract term is August 1, 2011 through July 31, 2014. The contract includes options to renew for three (3) additional one (1) year periods, upon mutual agreement.				
5.	Reynolds Inliner, LLC	Piggybacking the City of Orlando contract for Sewer Line Rehabilitation, Cleaning & Video Recording	Total annual expenditure included in approved FY12 budget. Amount: \$600,000	Commission approve piggybacking the City of Orlando contract with Reynolds Inliner, LLC for Sewer Line Rehabilitation, Cleaning & Video Recording and authorize the Mayor to execute the Piggyback Contract
The City of Orlando utilized a competitive bidding process to award this contract. The City Commission authorized piggybacking this contract on July 25, 2011. The City of Orlando has exercised a renewal option through November 15, 2012.				



city commission agenda item

item type	Consent Agenda	meeting date	November 28, 2011
prepared by	Don Marcotte	approved by	<input checked="" type="checkbox"/> City Manager
department	Public Works		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
	final vote		

subject

Drainage Easement Encroachment Agreement

motion | recommendation

Approve the agreement to be executed and recorded with Orange County Records.

background

The developer representing the owners, Sergio and Barbara Von Schmeling, of the property located at 1764 Elizabeth's Walk in Windsong approached the City with the design of their new home. A portion of their lot is occupied by an existing drainage easement. Given the shape of the lot and the orientation of an existing drainage easement on the lot, the developer was constrained and challenged while designing the home desired by the owners. Therefore, the home is designed with approximately 1000 square feet of its footprint encroaching into the easement.

The encroachment into the drainage easement is located at the top of bank of the existing stormwater treatment pond. The proposed elevation of the encroachment is well above the control elevation of the pond and would not impact the treatment volume. Maintenance of the easement area surrounding the encroachment would not be impacted.

Since the stormwater treatment systems (retention ponds) within Windsong were permitted by the St Johns River Water Management District (SJRWMD), staff instructed the developer to obtain permission from the district. On October 17, 2011 the owners received from the SJRWMD a letter modification to the original permit.

alternatives | other considerations

Deny the encroachment agreement which allows for the construction of the home as currently designed. Suggest that the owners through their developer submit a revised floor plan that would not encroach in to the drainage easement.

fiscal impact

N/A

long term impact

N/A

strategic objective

THIS INSTRUMENT PREPARED BY
AND RETURNED TO:

City Clerk's Office
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789-4386

ENCROACHMENT AGREEMENT

THIS AGREEMENT made this ____ day of *November* 2011, by and between The CITY OF WINTER PARK, FLORIDA, a Florida municipal corporation, (hereafter referred to as "City"), whose address is 401 Park Avenue South, Winter Park, Fl. 32789, and SERGIO VON SCHMELING and BARBARA VON SCHMELING, his wife, (hereafter referred to as "Owner"), whose address is 305 Turkey Run; Winter Park, Fl. 32789-6141.

WHEREAS, Owner presently owns that certain property described as:

Lot 30, Windsong-Elizabeth's Walk, as recorded in Plat Book 43, Page 81, of the Public Records Of Orange County, Florida:

(the "Property"), having a street address of 1764 Elizabeth's Walk, Winter Park, Fl. 32789, in Orange County, Florida, which property is being serviced by the City's water, sewer, and stormwater facilities: and

WHEREAS, the City presently has a drainage easement located on the Property which provides drainage of stormwater runoff from the Property and other properties; and

WHEREAS, the Owner shall construct part of the proposed residence (hereinafter referred to as "improvements", see "Exhibit A") on the property that encroaches into the City's drainage easement as shown on Lot 30, Windsong-Elizabeth's Walk, as recorded in Plat Book 43, Page 81, of the Public Records of Orange County, Florida " the Easement" as described in "Exhibit B".

WHEREAS, the parties hereto wish to enter into this Encroachment Agreement.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, the parties agree as follows:

1. The "Whereas" clauses set forth above are true and accurate and are hereby incorporated herein.

2. The City hereby authorizes and allows Owner's Improvements to encroach into the City's Easement. Owner agrees not to encroach any more than the actual footprint of the improvements as described in Exhibit A.

3. Owner states that the improvements have not in any way caused damage to the Storm Drainage Pond of the City. In the event Improvements do, in fact, damage said stormwater pond of the City, Owner shall repair said damage immediately and at Owner's expense; or, at the option of the City, City shall repair said damage and Owner shall immediately reimburse City for said cost and expense.

4. It is specifically understood by the parties that any future improvements constructed by the Owner on the Property shall not now or in the future encroach into said Easement. In the event that any of the Improvements on said Property, or any portions thereof, are destroyed, removed or demolished so that said encroachment is terminated, Owner, for themselves and their successors in interest in the Property, agree that any replacement structure built on the Property shall not encroach into the Easement without the prior written consent of the City.

5. To the fullest extent permitted by law, Owner hereby indemnifies and agrees to hold harmless the City, its officers, agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of or resulting from the construction, location and maintenance of the Owner's Improvements on and within the City's Easement.

6. The City will not be restricted in any manner from accessing, maintaining, repairing or reconstructing the Easement and other facilities located in the Easement.

7. This Agreement shall inure to the benefit of and be binding upon the respective heirs, personal representatives, successors and assigns of the parties hereto, and shall be recorded in the Public Records of Orange County, Florida.

8. Nothing contained herein shall be interpreted to grant or convey to the City any rights or interests or interests in the Property not already contained in the Easement.

9. This Agreement shall not be construed as a waiver of the City's sovereign immunity.

IN WITNESS WHEREOF, the parties have set their hands and seals hereto on the day and year first above written.

[signatures to follow]

Signed, sealed and delivered
in the presence of

CITY OF WINTER PARK, FLORIDA

By: _____
Kenneth Bradley, Mayor

(print)

ATTEST:

By: _____
Cynthia S. Bonham, City Clerk

(print)

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ___ day of _____, 2011 by Kenneth Bradley, as Mayor of the City of Winter Park, Florida, a municipal corporation, who is personally known to me or who produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Print name _____
My commission Expires: _____

Signed, sealed and delivered
In the presence of:

Sandra Velasquez

Sandra Velasquez
(print)

Maria C. Sousa
(print)

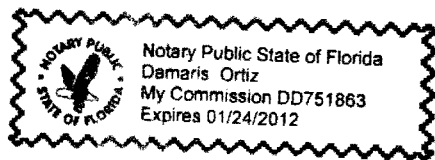
Sergio Von Schmeling
Sergio Von Schmeling

Barbara Von Schmeling
Barbara Von Schmeling

350 Turkey Run
Winter Park, Florida 32789

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1 day of
Nov, 2011, by SERGIO VON SCHMELING and BARBARA VON
SCHMELLING, (check one) ☒ who are personally known to me or ____
Who produced _____ as
identification.



Damaris Ortiz
Notary Public- State of Florida
Print Name: Damaris Ortiz
My Commission expires: 1/24/12

EXHIBIT "A"

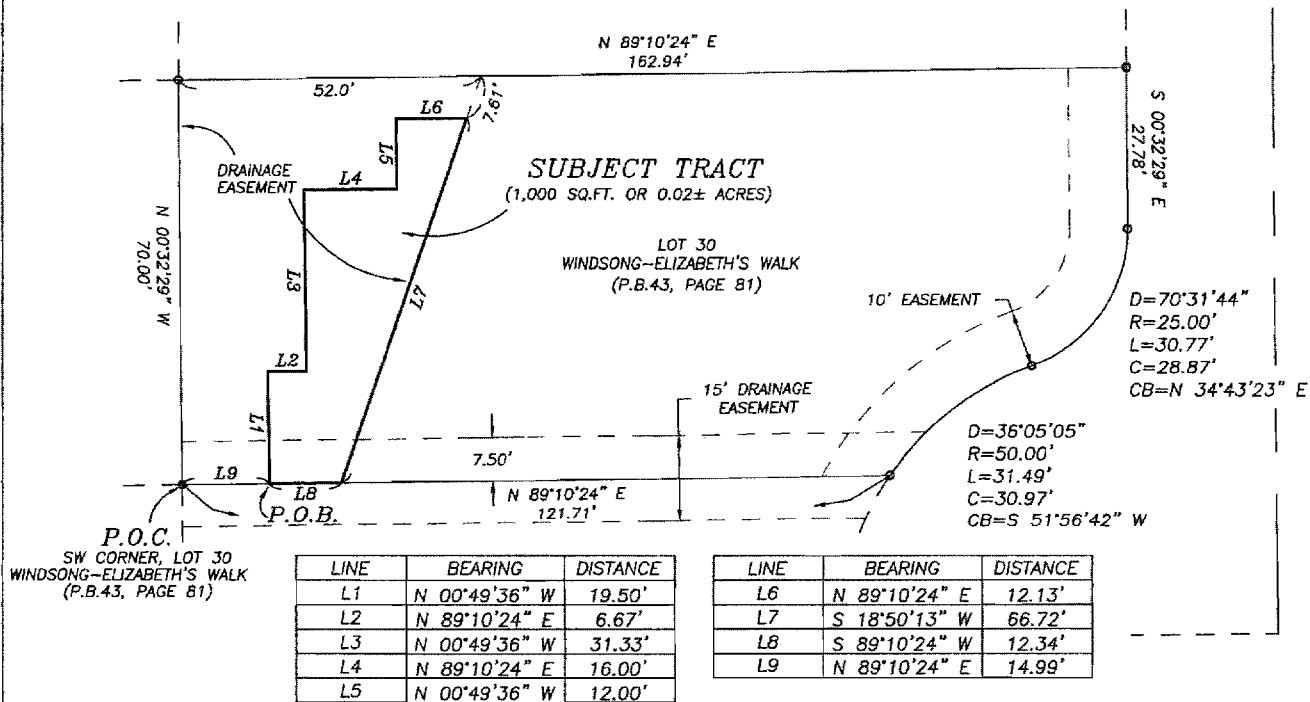
SKETCH AND DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION AS FOLLOWS:

Being a part of the platted drainage easements located on Lot 30, WINDSONG-ELIZABETH'S WALK, recorded in Plat Book 43, Page 81, Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Lot 30; Thence run N89°10'24"E, a distance of 14.99 feet to the POINT OF BEGINNING; Thence run N00°49'36"W, a distance of 19.50 feet; Thence run N89°10'24"E, a distance of 6.67 feet; Thence run N00°49'36"W, a distance of 31.33 feet; Thence run N89°10'24"E, a distance of 16.00 feet; Thence run N00°49'36"W, a distance of 12.00 feet; Thence run N89°10'24"E, a distance of 12.13 feet; Thence run S18°50'13"W, a distance of 66.72 feet; Thence run S89°10'24"W, a distance of 12.34 feet to the POINT OF BEGINNING. Containing 1,000 square feet or 0.0230 acres, more or less.

**GRUSENMEYER - SCOTT & ASSOC., INC. - LAND SURVEYORS**

LEGEND -

P = PLAT
F = FIELD
I.P. = IRON PIPE
I.R. = IRON ROD
C.M. = CONCRETE MONUMENT
SET I.R. = 1/2" I.R. w/#LB 4598
REC. = RECOVERED
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
E = CENTERLINE
N&D = NAIL & DISK
R/W = RIGHT-OF-WAY
ESMT. = EASEMENT
DRAIN. = DRAINAGE
UTIL. = UTILITY
CL.F.C. = CHAIN LINK FENCE
WD.F.C. = WOOD FENCE
C/B = CONCRETE BLOCK
P.C. = POINT OF CURVATURE
P.T. = POINT OF TANGENCY
DESC. = DESCRIPTION

LEGEND -

R = RADIUS
L = ARC LENGTH
D = DELTA
C = CHORD
C.B. = CHORD BEARING
P.O.L. = POINT ON LINE
TYP. = TYPICAL
P.O.R. = POINT OF REVERSE CURVATURE
P.C.C. = POINT OF COMPOUND CURVATURE
RAD. = RADIAL
N.R. = NON-RADIAL
W.P. = WITNESS POINT
CALC. = CALCULATED
P.R.M. = PERMANENT REFERENCE MONUMENT
F.F. = FINISHED FLOOR ELEVATION
B.S.L. = BUILDING SETBACK LINE
B.M. = BENCHMARK
B.B. = BASE BEARING
CONC. = CONCRETE
FIRM = FLOOD INSURANCE RATE MAP
ID. = IDENTIFICATION

5400 E. COLONIAL DR. ORLANDO, FL 32807 (407)-277-3232 FAX (407)-658-1436
CERTIFICATE OF AUTHORIZATION - LB 4596

NOTES:

1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.
2. UNLESS EMBOSSED WITH SURVEYOR'S SEAL, THIS SKETCH IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
3. THIS SKETCH WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
5. THIS SKETCH IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
7. BEARINGS, IF SHOWN, ARE BASED ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (B.B.).
8. ELEVATIONS, IF SHOWN, ARE BASED ON NGVD 1929, UNLESS OTHERWISE NOTED.

CERTIFIED BY:

R.L.S. #

JAMES W. SCOTT, R.L.S. # 4801

TOM X. GRUSENMEYER, R.L.S. # 4714

SKETCH AND DESCRIPTION FOR/CERTIFIED TO:

DATE ORDER #

10-03-11 2391-11

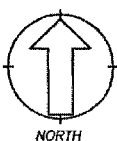
SCALE:
1" = 30'

EXHIBIT "B"

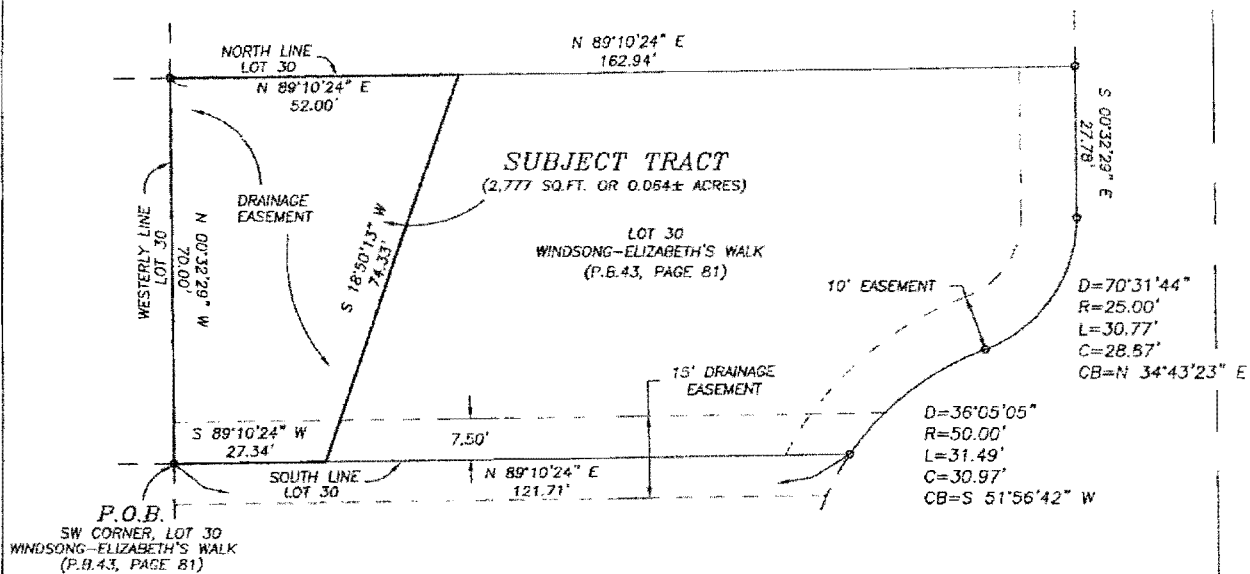
SKETCH AND DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION AS FOLLOWS:

Being a part of the platted drainage easements located on Lot 30, WINDSONG-ELIZABETH'S WALK, recorded in Plat Book 43, Page 81, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of said Lot 30; Thence run $N00^{\circ}32'29''W$, along the Westerly line of said Lot 30, a distance of 70.00 feet; Thence run $N89^{\circ}10'24''E$, along the North line of said Lot 30, a distance of 52.00 feet; Thence run $S18^{\circ}50'13''W$, a distance of 74.33 feet, to the South line of said Lot 30; Thence run $S89^{\circ}10'24''W$, along said South line, a distance of 27.34 feet to the POINT OF BEGINNING. Containing 2,777 square feet or 0.064 acres, more or less.

**GRUSENMEYER - SCOTT & ASSOC., INC. - LAND SURVEYORS**

LEGEND --

P. = PLAT
F. = FIELD
I.P. = IRON PIPE
I.R. = IRON ROD
C.M. = CONCRETE MONUMENT
SET I.R. = 1/2" I.R. #/P.B. 4396
REC. = RECOVERED
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
C.L. = CENTERLINE
N.M. = NAIL & DISK
R/W. = RIGHT-OF-WAY
E.S.W. = EASEMENT
DRAIN. = DRAINAGE
UTL. = UTILITY
CL.F. = CHAIN LINK FENCE
W.D.F. = WOOD FENCE
C/P. = CONCRETE BLOCK
P.C. = POINT OF CURVATURE
P.T. = POINT OF TANGENCY
DESC. = DESCRIPTION

LEGEND -

R. = RADIUS
L. = ARC LENGTH
D. = DELTA
C. = CHORD
C.B. = CHORD BEARING
P.O.L. = POINT ON LINE
TYP. = TYPICAL
P.R.C. = POINT OF REVERSE CURVATURE
P.C.C. = POINT OF COMPOUND CURVATURE
SAB. = SPIRAL
N.R. = NON-RADIAL
W.P. = WITNESS POINT
CALC. = CALCULATED
P.R.M. = PERMANENT REFERENCE MONUMENT
F.F. = FINISHED FLOOR ELEVATION
B.S.L. = BUILDING SETBACK LINE
B.M. = BENCHMARK
B.B. = BASE BEARING
CONV. = CONVEYANCE
F.I. = FLOOD INSURANCE RATE MAP
ID. = IDENTIFICATION

5400 E. COLONIAL DR. ORLANDO, FL. 32807 (407)-277-3232 FAX (407)-658-1436
CERTIFICATE OF AUTHORIZATION - LB 4596

NOTES:

1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 51-17 FLORIDA ADMINISTRATIVE CODE.
2. UNLESS EMBOSSED WITH SURVEYOR'S SEAL, THIS SKETCH IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
3. THIS SKETCH WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
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5. THIS SKETCH IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
7. BEARINGS, IF SHOWN, ARE BASED ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (U.S.).
8. ELEVATIONS, IF SHOWN, ARE BASED ON NAD 1983 UNLESS OTHERWISE NOTED.

CERTIFIED BY:

JAMES W. SCOTT (P.L.S. # 4401)

JAMES W. SCOTT (P.L.S. # 4401)

BY:

411F

DATE

ORDER #

NO. 100-100

NO. 100-100

SKETCH AND DESCRIPTION FOR: CERTIFIED TO:



St. Johns River Water Management District

Hans G. Tanzler III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.

October 17, 2011

Master Sergio Von Schmeting
305 Turkey Run
Winter Park, FL 32789

Re: The Preserve at Windsong (Ltr Mod)
Letter Modification Number 40-095-75939-9
(Please reference the above number on any submittal)

The St. Johns River Water Management District is in receipt of your request for letter modification to Permit Number 40-095-75939-2. Based upon staff review of the information you submitted, the proposed modification qualifies for a letter modification pursuant to 40C-4.331(1)(b), Florida Administrative Code (F.A.C.). A copy of the modified permit is enclosed for your records.

Please be advised that the District has not published a notice in the newspaper to advise the public that it is issuing this letter of modification. If you do not publish a notice in the newspaper, a party's right to challenge the issuance of this letter modification extends for an indefinite period of time. If you wish to have certainty that the period of filing such a challenge is closed, then you may publish, at your own expense, such a notice in a newspaper of general circulation within the area that includes the project to which the modification applies. A copy of the form of the notice is attached for your use. If you have any questions, please contact Alex Aboodi at (407) 659-4823 or Kim Garcia at (407) 659-4863.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victor Castro', is written over a faint, circular official stamp.

Victor Castro, Division Director
Division of Regulatory Support

cc: District Permit File

GOVERNING BOARD

W. Leonard Wood, CHAIRMAN
FERNANDINA BEACH

Lad Daniels
JACKSONVILLE

John A. Miklos, SECRETARY
ORLANDO

Chuck Drake
ORLANDO

Maryam H. Ghyabi, TREASURER
ORMOND BEACH

Richard G. Hamann
GAINESVILLE

Douglas C. Bournique
VERO BEACH

George W. Robbins
JACKSONVILLE

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 40-095-75939-9

DATE ISSUED: October 17, 2011

PROJECT NAME: The Preserve at Windsong (Ltr Mod)

A PERMIT AUTHORIZING:

Modification of Surface Water Management System Permit No. 40-095-75939-2 for the construction of a single-family home within Lot 30 Windsong - Elizabeth's Walk (p.k.a. The Preserve at Windsong Southwest) to be constructed and operated as per the plans received by the District on September 23, 2011.

LOCATION:

Section(s): 17 Township(s): 22S Range(s): 30E

Orange County

ISSUED TO:

Master Sergio Von Schmeting
305 Turkey Run
Winter Park, FL 32789

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated October 17, 2011

AUTHORIZED BY: St. Johns River Water Management District
 Department of Environmental Resource Permitting

By: 

David Dewey
Service Center Director-Maitland

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 40-095-75939-9
Master Sergio Von Schmeling
DATED OCTOBER 17, 2011

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance

documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings: 1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers; 2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters; 3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate; 4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system; 5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system; 6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.
11. The operation phase of this permit shall not become effective until the permittee has submitted the appropriate As-Built Certification Form, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes

effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.

12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
21. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
22. The proposed project shall be constructed and operated as per the plans received by the District on September 23, 2011.

23. This authorization to construct will expire two years from the date of issuance of Letter Modification.

Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of intended District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of intended District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of intended District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 5 below. Mediation pursuant to Section 120.573, Florida Statutes, is not available.
2. If the District takes action that substantially differs from the notice of intended District decision, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) at the office of the District Clerk at the mail/street address or email address described in paragraph no. 1 above, within twenty-six (26) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of final District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of final District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. Mediation pursuant to Section 120.573, Florida Statutes, is not available.
3. A person whose substantial interests are or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice Of Rights

5. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at floridaswater.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
8. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
9. A District action is considered rendered, as referred to in paragraph no. 8 above, after it is signed on behalf of the District, and is filed by the District Clerk.
10. Failure to observe the relevant time frames for filing a petition for judicial review as described in paragraph no. 8 above will result in waiver of that right to review.

Notice Of Rights

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Master Sergio Von Schmeting
305 Turkey Run
Winter Park, FL 32789

At 4:00 p.m. this 17th day of October, 2011.



Division of Regulatory Support
Victor Castro, Division Director

St. Johns River Water Management District
Post Office Box 1429
Palatka, FL 32178-1429
(386) 329-4570
Permit Number: 40-095-75939-9



city commission agenda item

item type	Consent Agenda	meeting date	November 28, 2011
prepared by department division	Electric Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A 5-1 final vote		

subject

Energy Conservation Program - Rebates

motion | recommendation

Approve the recommended rebates for the proposed Winter Park Electric conservation program

background

At the November 14, City Commission meeting, the Commission approved a Master Services Agreement under which Progress Energy Florida (PEF) personnel would provide energy audits to Winter Park Electric customers. Energy audits are an important element to any energy conservation program in that they provide general education to a utility's customers regarding the benefits of conservation. Additionally, audits help customers to identify the most cost effective measures for implementation for the specific residence or business.

The second element of most conservation programs is the rebate which provides additional incentive to get customers to take action and to implement the recommended conservation measures. Staff has evaluated the rebate programs offered by PEF and Orlando Utilities Commission (OUC) and determined that the rebates offered by both utilities are similar. Staff believes that it is desirable to implement a rebate program that is competitive with the programs offered by PEF and OUC. Two obvious advantages include: 1) Providing energy conservation services is an essential way to offer good customer services. Rates and good customer service are typically evaluated by our customers in the context of what competing utilities offer. Winter Park Electric customers see OUC and PEF as competing utilities. PEF is viewed as the primary competition due to the fact that most of our customers previously received service from PEF. Some Winter Park citizens currently receive service from both PEF and OUC. 2) Adopting the rebates from a competing utility avoids a costly and unnecessary consulting engagement to design rebates built specifically on Winter Park Electric's cost structure. Note that designing energy conservation rebates for a non-generating electric utility is inherently troublesome.

As a result, Staff recommends that the City of Winter Park offer energy conservation rebates that are the same as the rebates offered by PEF (with one exception). This has the advantage of providing competitive rebates and at the same time simplifies the job for the PEF auditors that will be providing audit services for both Winter Park's customers and PEF's customers.

The one exception is staff does not recommend that the City of Winter Park offer rebates for the installation of solar photovoltaic (PV). This recommendation is largely a practical one. PEF offers solar rebates of \$2 per watt up to \$1 million per year for its residential customers and up to \$1 million for its commercial customers. A \$2 per watt rebate is a fairly typical rebate for solar PV and for a 10 kW system this would amount to a rebate of \$20,000. PEF is roughly 100 times larger than Winter Park Electric in peak demand and in customer count. If \$1 million is an appropriate amount for PEF, then an appropriate amount for the City of Winter Park would be \$10,000 for residential and \$10,000 for commercial. That presents two dilemmas: 1) \$10,000 would amount to ½ of a rebate for a typical 10,000 watt system; and 2) \$20,000 (commercial + residential) amounts to nearly 6% of the FY 2012 \$350,000 budget amount approved by the City Commission for a City of Winter Park energy conservation program. As a result, the Utilities Advisory Board (UAB) concluded that the City should not provide rebates for the installation of solar PV. At \$6 per watt, the installation of solar PV is expensive. A 5,000 watt system costs \$30,000 to install. Even with 30% federal tax credit, the consumer would have to write a big check. As a result, the UAB worried that installation rebates would unfairly favors customers with the financial wherewithal to install solar PV at the expense of lower income customers. The UAB concluded that the City should offer a “feed-in tariff” (a rate by which a utility purchases excess KWh generated by customer owned solar PV generation). The UAB believes that the combination of federal solar PV tax credits coupled with an appropriate feed-in tariff provides ample incentive for solar PV. Staff intends to bring a recommended solar-feed in tariff rate to the City Commission for consideration at a December or January City Commission meeting.

A summary of the proposed City of Winter Park rebates program is attached along with a complete listing of PEF’s current residential and commercial rebates. Once approved by the City Commission, staff will create appropriate printed material similar to PEF’s with the City of Winter Park logo for posting of on the City’s web site and distribution to interested Winter Park Electric customers.

Fiscal impact

Due to lack of actual City experience in administering a conservation program to Winter Park Electric customers, actual program costs are unknown. Staff has estimated the cost of the conservation program based on penetration rates experienced by PEF. Due to the different demographics of Winter Park customers, and pent up demand, the actual penetration rates experienced by the City of Winter Park will likely be different. Staff views the initial program as a pilot program and expects that the program will require adjustments as experience is gained with the City’s electric customers. Staff has estimated the annual cost of implementing the audit/rebate program to be approximately \$370,000 on an annual basis. Implementation of the programs effective January 1 for the 9 remaining months of fiscal year 2012 is estimate d to be \$277,181. Backup material is attached which shows the specifics of the estimated program cost. Total conservation program costs will be limited to the FY 2012 budgeted amount of \$350,000. If experience indicates that the budget is at risk of being exceeded, staff is prepared to suspend one or more rebate components to insure that actual program costs remain less than the budgeted amount.

Attachments:

- Attachment 1 – Budget estimate for City of Winter Park Conservation Program
- Attachment 2 – Summary of proposed Winter Park Electric Rebates
- Attachment 3 – PEF Residential and Commercial Rebates

City of Winter Park Proposed Energy Conservation Program

Estimated First Year Energy Conservation Program

	<u>No. Audits</u>	<u>Cost per Audit</u>	<u>Trip Charge</u>	<u>Total Cost</u>
<u>Residential</u>				
Energy Audits	500	225		\$112,500
One time audit form setup + printing (assume \$4,000)				4,500
Residential Incentive Programs (see Table 1 herein)				121,000
Residential Energy Efficiency kit	500	20		10,000
Solar Thermal Rebates (assume 5 at \$550)				<u>2,750</u>
Total Estimated residential Program				\$250,750
 <u>Commercial</u>				
Energy Audits < 50kw	100	230	20	\$25,000
Energy Audits 50-350 kW	25	550		13,750
Energy Audits 350- 500 kW	5	715	0	3,575
Energy Audits > 500 kW	<u>0</u>	1161	71	<u>2,750</u>
Total Audits	130			45,075
One time audit form setup + printing (assume \$2,000)				2,500
Commercial Incentive Programs (see Table 2 herein)				64,750
Energy Efficiency Kit	130	50		<u>6,500</u>
Total Estimated Commercial Program				\$118,825
 TOTAL PROGRAM COSTS (12 months)				369,575
 NINE MONTH PRO RATA COST				\$277,181
 FY 2012 BUDGETED AMOUNT				\$350,000

Table 1 - Residential Incentive Programs

Assumed Program Audits

500

Table 1 - Residential Incentive Programs						
Program Component	Incentive (1)	Participation Rate based on % audits (2)	Calculated # of Participants (3)	Assumed # of Participants (4)	Assumed # of units/res.	Program Cost
Duct Test per unit	\$30.00	28%	140	140	1.5	\$6,300
Duct Repair per unit	\$150.00	30%	150	150	1.5	33,750
Ceiling Insulation \leq R11 to R19	\$75.00	16%	80	80	N/A	8,000
Ceiling Insulation \leq R11 to R30	\$100.00					
Ceiling Insulation R12-R15 to R30	\$75.00					
Spray-In (Injected Foam) Wall Insul.	\$300.00	0.004%	0	25	N/A	7,500
Heat Pump - straight cool to 14 SEER	\$250.00	38%	190	190	1	34,200
Heat Pump - straight cool to 15 SEER	\$350.00					
Heat pump to heat pump - 14 SEER	\$100.00					
Heat pump to heat pump - 15 SEER	\$150.00					
Electric A/C w/ Non Electric Heat	\$50.00					
Reflective Roof - Manufactured	\$40.00	0.01%	0	100	N/A	15,000
Reflective Roof - Single Family	\$150.00					
Window Film and Window Screen	\$100.00	0.01%	0	100	N/A	10,000
Replacement Windows	\$250.00	0.06%	0	25	N/A	6,250
Total Residential Incentives						\$121,000

Footnotes ():

(1) Same as PEF

(2) PEF experienced penetration rates.

(3) Calculated by multiplying penetration rate x assumed number of audits

(4) If the result in column e was less than 1 a rational small number was assumed

Table 2 - Commercial Energy Conservation Program

Assumed Program Audits

130

Program Component	Incentive (1)	Participation Rate based on % audits (2)	Calculated # of Participants (3)	Assumed # of Participants (4)	Assumed # of Units per customer	Assumed Incentive Cost	Program Cost
Cool Roof	Energy Star Roof Product with 0.70 or greater solar reflectance per ASTM E 903 or ASTM C 1549; 10¢ per square-foot installed with a maximum of \$15,000 per building ¹	2.0%	3	3	5,000	\$0.10	\$1,500
Ceiling Insulation Upgrade	\$75 to bring insulation level up to a minimum of R-19. An additional 5¢ per square foot above 1,500 square feet will be paid	0.77%	1	25	N/A	\$100.00	2,500
	\$100 to bring insulation level up to a minimum of R-30. An additional 7¢ per square foot above 1,500 square feet will be paid						
	Commercial multi-family units count on a per unit basis						
Green Roof	25¢ per sq. ft. of approved Green Roof installation	0.02%	0.03	5	4000	\$0.25	5,000
Roof Insulation Upgrade	7¢ per sq. ft. with a maximum of \$15,000 per building ²	0.46%	0.6	10	4000	\$0.07	2,800
Window Film or Screen	75¢ per sq. ft. of window film or screen installed per building. Facilities with multiple rooms, \$55 maximum per room	0.93%	1.209	25	500	\$0.75	9,375
Air-Cooled and Water-Cooled Electric Chillers	\$150 per kW reduced from baseline efficiency, with a maximum of \$75,000 per project	4.79%	6.2	10	1	350	3,500
Heat Pumps < 65,000 Btu/h replacing resistance heat	\$250 for minimum cooling efficiency of 14 SEER and minimum heating efficiency of 7.8 HSPF \$350 for minimum cooling efficiency of 15 SEER and minimum heating efficiency of 8 HSPF						
Heat pumps < 65,000 Btu/h replacing heat pump	\$100 for minimum cooling efficiency of 14 SEER and minimum heating efficiency of 7.8 HSPF \$150 for minimum cooling efficiency of 15 SEER and minimum heating efficiency of 8 HSPF						
Package Terminal Heat Pumps (PTHPs)	\$150 per kW reduced from baseline efficiency						
Unitary A/C and Heat Pumps > 65,000 Btu/h	\$150 per kW reduced from baseline efficiency						
Thermal Energy Storage with Time-of-Use Rate	Up to \$300 per kW of reduced cooling load at peak times.	0.02%	0.0	3	20	\$300.00	18,000
Demand Control Ventilation	\$50 per ton with properly designed and installed DCV controls and programming. Note: Incentives for DCV are not to exceed 50% of total project or service cost	0.31%	0.4	2	20	\$50.00	2,000
Duct Test	50% of test cost up to \$30 for first unit tested 50% of test cost up to \$20 for each additional unit tested	0.90%	1.2	25	2	\$25.00	1,250

Duct Repair	25% of the repair cost up to a maximum of \$50 per unit for facilities with non-ducted electric heat 50% of the repair cost up to a maximum of \$150 per unit for facilities with ducted electric heat. Commercial multi-family units count on a per unit basis, receive \$100 and no duct test is required ³	0.56%	0.7	20	2	\$100.00	4,000
Energy Recovery Ventilation	\$1.00 per CFM, minimum 450 CFM unit >65% winter effectiveness per ARI 1060-2000 with a maximum of \$15,000 per building ⁴	0.07%	0.1	5	500	\$1.00	2,500
HVAC Steam Cleaning	\$15 per unit, one-time incentive	0.21%	0.3	15	2	\$15.00	450
Roof Top Unit Recommissioning	\$15 per ton (This is a onetime incentive.)	2.82%	3.7	5	25	\$15.00	1,875
Efficient Indoor Lighting	\$50 per kW reduced, minimum of 1 kW lighting reduction per incentive application. Maximum of 4 applications per project	17.00%	22.1	15	10	\$50.00	7,500
Occupancy Sensors	\$50 per kW of lighting load controlled	1.21%	1.6	5	10	\$50.00	2,500
Efficient Compressed Air System	\$50 per kW reduced	0.05%	0.1	0			0
Efficient Motors	\$1.75 to \$2.75 per hp based upon motor size, minimum incentive application 5 motors or a 25 hp or larger motor	0.08%	0.1	0			0
TOTAL COMMERCIAL INCENTIVES							\$64,750

Footnotes ():

(1) Same as PEF

(2) PEF experienced penetration rates.

(3) Calculated by multiplying penetration rate x assumed number of audits

(4) If the result in column e was less than 1 a rational small number was assumed

**City of Winter Park Energy Conservation Program
Summary of Rebates**

Residential Programs

1	Duct Repair	Up to \$150
	Duct Test	\$30 of \$60 cut test for 1st unit at any address and \$20 of \$40 for each additional unit
	Duct Repair	First \$150 per system for identified duct repair cost
2	Attic insulation upgrade	
	If insulation is < R-12	
	Upgrade with R-19	\$75 + 5¢/sq ft of living space above 1,500 sq feet
	Upgrade with R-30	\$100 + 7¢/sq ft of living space above 1,500 sq feet
	If insulation is > R-12 and < R-15	
	Upgrade with R-30	\$75 + 7¢/sq ft of living space above 1,500 sq feet
3	Heat Pump Replacement	350
4	Energy Efficient windows, window screens and window film	
	High performance replacement windows	\$1/sq ft of replacement windows up to \$250
	Solar window screens	50 percent of the cost up to \$100
	Window Film	50 percent of the cost up to \$100
5	Wall Insulation Upgrade	20¢/sq ft up to \$300
6	Reflective roofing	15¢/sq ft up to \$150 for single family homes and \$40 for manufactured homes
7	SunSense Solar Water Heating Program	\$550 watt rebate

Commercial Programs

1	Building Envelope Improvements	
	Cool Roof	10¢/ sq ft up to \$15,000
	Ceiling Insulation	
	If insulation is < R-12	
	Upgrade with R-19	\$75 + 5¢/sq ft above 1,500 sq feet
	Upgrade with R-30	\$100 + 7¢/sq ft above 1,500 sq feet
	Green Roof	25¢/sq ft
	Roof Insulation Upgrade	
	If insulation is < R-12 upgrade to R-19	10¢/ sq ft up to \$15,000
	Window Film or Solar Screen	75¢/ sq ft up to \$55/room for hospitals, hotels, assisted care facilities
2	HVAC Equipment	
	HVAC Check Chiller / Unitary	Up to \$150/kw reduced max of \$75,000
	High Efficiency Heat Pump	\$85-to \$207 per packaged terminal heat pump
		\$100-\$350 per system for 1.5 to 5.5 tons heat pumps
	Thermal Energy Storage	up to \$300/kW of reduced cooling load at peak times
3	HVAC System Related Improvements	
	Demand Control Ventilation	\$50/ton incentive
	Duct Check	\$30 of \$60 cut test for 1st unit at any address and \$20 of \$40 for each additional unit
		First \$150 per system for identified duct repair cost
	High Efficiency Energy Recovery Ventilation (ERV)	\$1/CFM up to a maximum of \$15,000/building
	Rooftop HVAC Recommissioning	\$15/ton
	Package Terminal Air Conditioner Steam Cleaning	\$1,500 rebate
4	Indoor Lighting Improvements	
	Indoor lighting upgrades	\$1-\$5 per fixture
	Occupancy Sensors	\$10-\$20 per sensor
5	Other Efficiency Improvements:	
	Efficient Compressed Air Systems	\$50/kW reduction in energy use
	Efficient Motor Upgrade	\$75 rebate



Save Energy & Money



Energy-Efficiency Improvements

Learn about ways to increase your energy efficiency and reduce your monthly bill.

[Free Customized Home Energy Check](#)

[EnergyWise Home](#)

[Home Energy Improvement Program; Rebates Available](#)

[Home Advantage](#)

[SunSense Programs](#)

Rebates and Incentives

Learn about rebates and other incentives offered by Progress Energy for making changes to increase the energy efficiency in your home.

[Home Energy Improvement Program; Rebates Available](#)

[\\$550 rebate: Solar Water Heating](#)

[EnergyWise Home; Earn Bill Credits](#)

Lower My Bill Toolkit

Six easy steps to help you track your energy usage and reduce your energy costs.

[Step 1: Reduce my energy costs](#)

[Step 2: Review energy saving tips and appliances](#)

[Step 3: Analyze my account](#)

[Step 4: Read my meter](#)

[Step 5: Equalize my monthly bills](#)

[Step 6: Learn about energy program options](#)

Energy-Saving Tips and Calculators

Review your current energy usage and learn how your household can save on energy costs.

[How to Heat and Cool for Less this Season](#)

[100 Ways to Slash Your Energy Costs](#)

[Home Energy Calculator](#)



Energy Efficiency for Business

Energy-Efficiency Services for Your Business

Progress Energy's energy-efficiency rebate programs are available for both new construction and retrofit projects to reduce your upfront project costs and gain financial leverage to make upgrades to your facility that will save energy.

In order to qualify for our incentive programs, you must first complete a [Business Energy Check](#). For new construction, an Energy Advisor is required before installation.

Incentives are available for the areas of your business' facility listed below. Note that measures marked with **dc** only; new construction is not eligible.

[Expand All](#) / [Collapse All](#)

[Building Envelope Improvements:](#)

- **Cool Roof**
Lower the temperature of your roof and save up to 15 percent on air conditioning costs. For more information, click [here](#).
- **Ceiling Insulation Upgrade****
Adding insulation will help you save up to 15 percent on HVAC costs, and incentives are available for upgrades greater than R-12, you may be eligible for this rebate program. For more information, download the [Ceiling Insulation Upgrade Brochure](#).
- **Green Roof**
Incorporating plants as part of the roofing system provides natural insulation and an effective heat buffer, reducing heating and cooling costs. For a full list of benefits, download the [Green Roof Brochure](#). (PDF)
- **Roof Insulation Upgrade**
Increasing your roof's insulation helps maintain interior building temperatures while saving up to 15 percent on HVAC costs. For more information, download the [Roof Insulation Upgrade Brochure](#). (PDF)
- **Window Film or Solar Screen**
Window film and solar screens can help increase energy efficiency, saving up to 15 percent on cooling costs from the sun. It can also help protect interior furnishings and equipment from harmful ultraviolet rays. For more information, download the [Window Film and Solar Screen Brochure](#). (PDF)

[HVAC Equipment:](#)

[HVAC System Related Improvements:](#)

[Indoor Lighting Improvements:](#)

[Other Efficiency Improvements:](#)

[GET MORE INFORMATION](#)

COOL ROOF



Install a cool roof and earn 10 cents per square foot, up to \$15,000 per building, and save up to 15 percent of your air conditioning costs.

Lower the temperature of your roof up to 60° during summer weather, save energy and get valuable incentives when you install a cool roof on your existing or new buildings.

Every building needs a roof, and installing an ENERGY STAR® cool roof is an efficient way to save money and energy for years to come. A cool roof reflects solar heat away from your roof's surface and prevents heat absorption into your building.

Most cool roof installations have a smooth, bright white surface that reflects solar radiation, cuts heat transfer to the interior and reduces energy consumption from air conditioning.

To install a cool roof on your building:

- Determine whether your business would benefit from a cool roof
- Call Progress Energy for a free Business Energy Check

If your business is approved for a cool roof, select roof material with:

- High solar reflectance
- Durability, with high reflectance over time
- High thermal emittance

Installing a cool roof now not only means you could receive substantial incentives from Progress Energy, but you can save up to 15 percent of your air conditioning costs.

Incentive requirements:

- 1.** Earn 10 cents per square foot of roof, with a maximum incentive of \$15,000 per building.
- 2.** Initial solar reflectance greater than 0.70, which means the cool roof is reflecting 70 percent of the solar radiation.
- 3.** ENERGY STAR® labeled roof product based on ASTM E-903 or ASTM C-1549 testing.
- 4.** Applied by a licensed contractor.
- 5.** Cool roof must be over conditioned space.

ENERGY STAR cool roofs:
energystar.gov

Other requirements do apply. Available to all Florida nonresidential Progress Energy customers. Visit savethewatts.com for more details.

Incentive and savings example:

A 10,000 SF facility would earn \$1,000 rebate and save over \$675 per year. HVAC is SEER 9 at 76° F, cool roof of 0.70 compared to dark gray roof.

1.877.372.8477

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Progress Energy

GREEN ROOF

Green roof installation could save you up to 20 percent of water and energy costs annually and earn you an incentive of 25 cents per square foot.

A green roof looks great, is a reliable heat buffer, lengthens roof life and decreases storm water runoff while increasing your property value.

Businesses around the world are using plants more often as a roof. A green roof can exist purely for the energy savings as a “passive” roof planted with up to 6 inches of small grasses. Or, your green roof can serve as a rooftop garden, complete with trees and seating or walkways. The plants act as a sponge, to reduce the amount of water and pollutants that run off your roof. At a minimum, a green roof requires a waterproof membrane, drainage system, and 6 inches of growth media and plants.

A green roof can save money in several ways. And environmentally conscious business owners enjoy their contribution to clean air and the addition of plants to otherwise unused space. But there is a long list of other benefits associated with this growing energy-saving feature.

Benefits of a green roof:

- Extends roof life by two to three times
- Reduces potable water connection fee by around \$1,500
- Reduces roof temperature by 55–65 degrees, using less energy for cooling your building
- Reduce storm water runoff volume and/or land used for ponds
- Rebates available from Progress Energy.

A 10,000 SF facility could save \$870 in energy and around \$600 in water annually and earn an incentive of \$2,500. HVAC is SEER 9, 76° F summer, 70° F winter and energy at 10 cents p/kWh.



Incentive requirements:

1. Call Progress Energy for a free Business Energy Check for your existing facility or arrange a free consultation for your new construction project.
2. Must be installed according to designer's recommendations and specifications.
3. Requires a minimum of 6 inches of growth media for a passive design and more than 6 inches for an active design.
4. Roof insulation and waterproofing must meet code requirements for industry standards.
5. For more information on green roof technology, visit greenroofs.org.

Other requirements do apply. Available to all Florida nonresidential Progress Energy customers. Visit savethewatts.com for more details.

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 **Progress Energy**

The benefits of a green roof are many, and the technology appeals to different business owners for different reasons. Whether your main goal is to reduce energy use and costs, or if it's to improve your building's profile and environmental impact, a green roof solves many problems in a low-profile, low-impact way. Some rebates may not exceed 50 percent of total project cost.

Progress Energy energy-efficiency programs

Progress Energy has a dedicated team of energy-efficiency advisors ready to help businesses integrate energy-saving upgrades into their existing or new construction projects. A comprehensive list of our energy-saving programs is below. Please contact your Energy Advisor at Progress Energy to see if you qualify for these money- and energy-saving programs.

Building envelope improvements

- Cool roof
- Ceiling insulation upgrade
- Green roof
- Roof insulation upgrade
- Window film or screen

HVAC-system-related improvements

- Demand control ventilation (DCV)
- Duct test
- Duct repair
- Energy recovery ventilation (ERV)
- PTAC steam cleaning
- Rooftop unit recommissioning

Indoor lighting improvements

- Efficient indoor lighting
- Occupancy sensors

Industrial energy improvements

- Efficient compressed air system
- Efficient motors

HVAC equipment improvement

- Air-cooled and water-cooled electric chillers
- Heat pumps
- Packaged terminal heat pumps
- Unitary AC and heat pumps
- Thermal energy storage

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Progress Energy

BUSINESS

✓ Retrofit ✓ New Construction

ROOF INSULATION UPGRADE

Upgrade your roof insulation and save up to 15 percent of HVAC costs and earn an installation incentive of 7 cents per square foot, up to \$15,000 per building.

Lower your heating and cooling costs, save energy and get valuable incentives from Progress Energy.

A well-insulated roof keeps you cool during the summer and warm in the winter – using less energy and saving you more money. To find out if your facility qualifies for a roof insulation incentive, contact your Energy Advisor at Progress Energy for a free Business Energy Check. And while we're there, we'll give you many more helpful energy- and money-saving tips.

The benefits of upgrading your roof insulation:

- Save money by reducing the need for HVAC
- Provide a warmer or cooler workplace
- Reduce the energy needed to heat or cool
- Add more comfort by regulating heat flow

Upgrading your roof insulation now not only means you could receive substantial incentives from Progress Energy, but you'll decrease your energy use – and increase your savings – for years to come.

A 10,000 SF facility could earn a \$700 incentive and save over \$500 per year. HVAC is SEER 9 at 76° F.



Incentive requirements:

A Business Energy Check with a roof insulation recommendation on an existing facility is required. For new construction: must have a consultation with an Energy Advisor at Progress Energy prior to any installation.

- 1.** The insulation must be installed to manufacturer's recommendations and specifications.
- 2.** Insulation will be added in increments, resulting in a final average insulation value equal to or greater than R-19.
- 3.** The insulation must be installed in the roof deck assembly.
- 4.** The insulation must be installed uniformly, resulting in a minimum R-19 value throughout the entire area.
- 5.** The weighted average R-value of the existing insulation under the total roof square footage (above conditioned space) must be less than R-12.
- 6.** Eligible facilities must have whole-facility electric air conditioning and/or whole-facility electric heating.
- 7.** Total square footage of the area to be insulated must be greater than 500 square feet.

Other requirements do apply. Available to all Florida nonresidential Progress Energy customers. Visit savethewatts.com for more details.

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 **Progress Energy**

BUSINESS

✓ Retrofit ✓ New Construction

WINDOW FILM OR SOLAR SCREEN UPGRADE



Incentives for a window film or solar screen upgrade include 75 cents per square foot and up to \$55 per room for facilities with multiple rooms.

Window film increases your building's energy efficiency, lowers your monthly bills, blocks harmful UV rays and makes your business a more comfortable place.

Window film or solar screen can filter out the sun's rays, reducing the strain on your cooling system. It also helps block harmful ultraviolet rays that can fade carpeting and furniture. If window film is recommended during a Business Energy Check, you can take advantage of incentives for installing qualified shading coefficient (SC)* film on your windows facing south, east and west.

The window film or solar screen upgrade incentive of 75 cents per square foot helps to offset the cost of installation. And for facilities with multiple guest rooms, such as hotels, motels, hospitals and assisted-care facilities, you may receive incentives up to \$55 per guest room.

Take control of your energy costs today with a window film or solar screen upgrade from Progress Energy.

Incentive requirements:

1. Only south-, east- and west-facing windows are eligible for the incentive.
2. Shading coefficient* of film must be 0.45 or less, or solar heat gain coefficient of film must be 0.40 or less.
3. Window film must have a five-year or greater warranty.
4. Existing windows must have a shading coefficient of 0.84 or greater and cannot be more than 50 percent shaded by external elements.
5. Existing jalousie, double or triple pane, frosted or plastic windows and skylights are not eligible for an incentive.

** The SC is the standard indicator of a window film's shading ability. It is expressed as a number between 0 and 1. The lower the SC, the less solar heat it transmits, and the greater its shading ability. For example: 0.45 SC film blocks 55 percent of solar heat radiated. A 0.35 SC film blocks 65 percent of solar heat radiated.*

Other requirements do apply. Available to all Florida nonresidential Progress Energy customers. Visit savethewatts.com for more details.

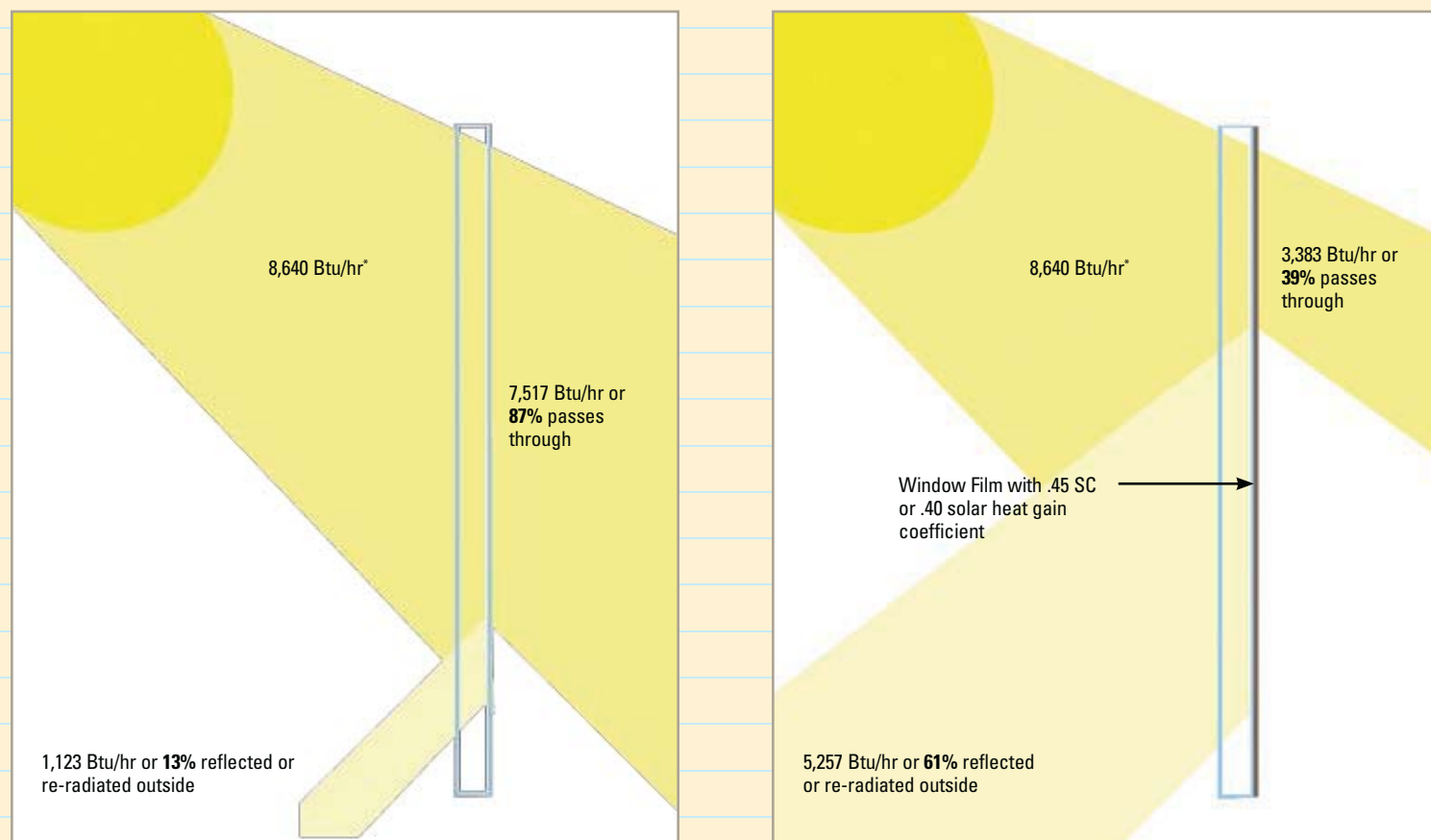
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 **Progress Energy**

WINDOW FILM OR SOLAR SCREEN UPGRADE

Btu penetration of window with no window film versus window with window film.



*West-facing window, 32 square feet glazing, July afternoon in Florida

Incentive and savings example:

The window in the right illustration would qualify for the 75 cents per square foot incentive. $\$0.75 \times 32 \text{ square feet} = \$24 \text{ per window} \times 15 \text{ windows} = \360 .

The savings are estimated to be \$500 annually, based on HVAC of 9 SEER and 76° F maintained in summer and 68° F maintained in winter.

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 **Progress Energy**



Energy Efficiency for Business

Energy-Efficiency Services for Your Business

Progress Energy's energy-efficiency rebate programs are available for both new construction and retrofit projects to reduce your upfront project costs and gain financial leverage to make upgrades to your facility that will save energy.

In order to qualify for our incentive programs, you must first complete a [Business Energy Check](#). For new construction, an Energy Advisor is required before installation.

Incentives are available for the areas of your business' facility listed below. Note that measures marked with an asterisk (*) are for new construction only; new construction is not eligible.

[Expand All](#) / [Collapse All](#)

[Building Envelope Improvements:](#)

[HVAC Equipment:](#)

- **HVAC Check Chiller / Unitary**

Installing a high-efficiency chiller or rooftop unit saves energy and reduces your cooling costs by up to 25 percent in a hot environment. Progress Energy incentives are available for qualified facilities. For more information, download the [Brochure](#). (PDF)

- **Heat Pump**

High-efficiency heat pumps can save 40 percent on cooling and heating costs depending on the size and type of system. Progress Energy incentives are available to help offset the installation cost. For more information, download the [Heat Pump Brochure](#). (PDF)

- **Thermal Energy Storage (TES)**

Thermal Energy Storage helps reduce the size and cost of replacement chillers. For businesses on a time-of-use rate, TES can reduce energy costs by shifting energy usage to off-peak hours. For more information about available incentives, download the [Brochure](#). (PDF)

[HVAC System Related Improvements:](#)

[Indoor Lighting Improvements:](#)

[Other Efficiency Improvements:](#)

[GET MORE INFORMATION](#)

HVAC CHECK CHILLER/UNITARY

**Install a high-efficiency chiller or rooftop unit.
Save up to 25 percent annually
of your cooling costs and earn rebates
based on the system installed.**

A more efficient AC and water- or air-cooled electric chiller will make your business environment more comfortable, while saving energy and money.

Your cooling system can be one of the biggest drains on your business's finances. Installing a more efficient unitary AC or water- or air-cooled chiller can keep your business cooler while using less energy – and money – and it could also qualify you for an installation incentive from Progress Energy Florida, Inc. (PEF) of up to \$150 per kW reduced, up to a maximum of \$75,000.

The first step is to call us for a free Business Energy Check. During the check, you'll receive helpful energy-saving recommendations. If a HVAC check is recommended for your business during that process, you may also qualify for an incentive to help offset the installation cost of more energy-efficient cooling equipment.

Saving with an HVAC check:

- More efficient equipment
- More comfortable business environment
- Incentives from PEF to offset cost of more efficient equipment
- Long-term energy efficiency
- More productive employees

Take control of your energy costs today. Call your Progress Energy representative to schedule a Business Energy Check.

Incentive and savings examples:

A large retailer installing 10 15-ton rooftop units could save up to \$4,800 annually and earn a rebate of \$2,590. (Assumes 10.7 EER Orlando location, 78° F summer, 70° F winter, 10 cents kWh).

An office facility replacing a 300-ton centrifugal water-cooled chiller could save up to \$3,500 annually and earn a rebate of \$2,700. (Assumes 15 SEER/HSPF 8 Orlando location, 78° F summer, 70° F winter, 10 cents kWh).



Incentive requirements:

1. All measures must have been recommended during a Business Energy Check.
(Exception: In emergency cases you may have HVAC equipment installed prior to an audit, but an audit must be completed within 30 days of the emergency installation.)
2. You must provide copies of invoices, an itemized inventory of equipment installed and Air Conditioning and Refrigeration Institute (ARI) certified efficiency data at Standard Rating Conditions.
3. Air conditioners and air-cooled and water-cooled electric chillers: Cooling load calculations must be performed if the capacity of the high-efficiency unit differs from that of the original unit or if the high-efficiency unit is adding cooling to previously unconditioned space.

Other requirements do apply.

Visit progress-energy.com for more details.

1.877.372.8477

progress-energy.com



RETROFIT AND NEW CONSTRUCTION INCENTIVES

Unitary AC and Heat Pumps > 65,000 Btu/h

Equipment Type and Size Range	2006 State Energy Code Standard	Minimum Efficiency Eligible for Incentive	Estimated Incentive Range
Air-Cooled AC and Heat Pumps			
65,000–135,000 Btu/h	10.3 EER	11.2 EER	\$76–\$157
135,001–240,000 Btu/h	9.7 EER	10.6 EER	\$177–\$315
240,001–760,000 Btu/h	9.5 EER	10.4 EER	\$328–\$1,038
760,001 Btu/h and higher	9.2 EER	10 EER	\$991 or more
Water-Cooled AC and Heat Pumps			
65,000–135,000 Btu/h	11.5 EER*	12.5 EER*	\$67–\$141
135,001 Btu/h and higher	11 EER*	12 EER*	\$153 or more

*Water-cooled EER is at Standard Rating of 85° F entering water.

Air-Cooled & Water-Cooled Electric Chillers (ARI 550/590 Test Standards)

Equipment Type and Size Range	2006 State Energy Code Standard	Minimum Efficiency Eligible for Incentive	Estimated Incentive Range**
Water-Cooled Centrifugal Chillers			
up to 150 tons	0.70 kW/ton (5.0 COP)	0.65 kW/ton (5.4 COP)	\$375–\$750
151–300 tons	0.63 kW/ton (5.5 COP)	0.60 kW/ton (5.9 COP)	\$675–\$1,350
over 300 tons	0.58 kW/ton (6.1 COP)	0.56 kW/ton (6.3 COP)	\$903 or more
Water-Cooled Scroll or Screw Chillers			
up to 150 tons	0.79 kW/ton (4.5 COP)	0.74 kW/ton (4.75 COP)	\$375–\$1,125
151–300 tons	0.72 kW/ton (4.9 COP)	0.67 kW/ton (5.25 COP)	\$1,125–\$2,250
over 300 tons	0.64 kW/ton (5.5 COP)	0.60 kW/ton (5.9 COP)	\$1,860 or more
Water-Cooled Reciprocating Chillers			
under 300 tons	0.82 kW/ton (4.3 COP)	0.78 kW/ton (4.5 COP)	\$300 or more
Air-Cooled Electric Chillers			
any size	1.26 kW/ton (2.8 COP)	1.17 kW/ton (3.0 COP)	\$675 or more

**Minimum incentives were calculated using 50 ton chiller units.

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progress-energy.com



HEAT PUMP

Install a high-efficiency heat pump and save up to 40 percent annually of your cooling and heating costs and earn rebates from \$85 to \$350 per system, depending on its size and efficiency rating.

A more efficient heat pump will make your business environment more comfortable, conserve energy and save money.

Looking to lower your business's electric bill? Your heating and cooling system is a great place to start. Installing a more efficient heat pump can save your business money by using less energy. It could also qualify you for an installation incentive from Progress Energy Florida, Inc. (PEF) ranging from \$85 to \$207 per packaged terminal heat pump (PTHP) and \$100 to \$350 per system for heat pumps from 1.5 tons to 5.5 tons.

The first step is to call us for a free Business Energy Check. During the check, you'll receive helpful energy-saving recommendations. If a HVAC check is recommended for your business during that process, you may also qualify for an incentive to help offset the installation cost of a more energy-efficient heat pump.

Saving with an HVAC check:

- More efficient equipment
- Long-term energy efficiency
- More comfortable business environment
- More productive employees
- Incentives from PEF to offset cost of more efficient equipment

Take control of your energy costs today. Call your Progress Energy representative to schedule a Business Energy Check.

Incentive and savings examples:

A 100-room hotel installing 12,000 Btu PTHPs could save up to \$6,800 annually and earn a rebate of \$14,900. (Assumes 10.2 EER/3 COP Orlando location, 78° F summer, 70° F winter.) An office facility replacing 3–5 ton AC units with three heat pumps could save up to \$1,400 annually and earn a rebate of \$1,050. (Assumes 15 SEER/HSPF 8 Orlando location, 78° F summer, 70° F winter.)



Incentive requirements:

1. All measures must have been recommended during a Business Energy Check.
(Exception: In emergency cases you may have HVAC equipment installed prior to an audit, but an audit must be completed within 30 days of the emergency installation.)
2. You must provide copies of invoices and an itemized inventory of equipment installed.
3. Small heat pumps (< 65,000 Btu/h):
A copy of the heating sizing documentation must be provided.
4. Heat pumps (from 18,000 to 65,000 Btu/h):
Heating load calculations must be performed if the capacity of the high-efficiency unit differs from that of the original unit or if the high-efficiency unit is adding heating to previously unconditioned space.

Other requirements do apply.
Visit savethewatts.com for more details.

1.877.372.8477

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HEAT PUMP

New Construction

Packaged Terminal Heat Pumps (PTHPs) (ARI 310/380 Test Standards)

Cooling Capacity (Btu/h)	Heating Efficiency (COP)		Cooling Efficiency (EER)		Incentive Range
	Baseline Efficiency	Minimum Efficiency Eligible for Incentive	Baseline Efficiency	Minimum Efficiency Eligible for Incentive	
≤7,000	1.0	3	10.8	11.1	\$90–\$96
7,001–8,000	1.0	3	10.8	11.1	\$105–\$111
8,001–9,000	1.0	3	10.6	11.1	\$108–\$126
9,001–10,000	1.0	3	10.4	11	\$111–\$133
10,001–11,000	1.0	2.9	10.2	11	\$115–\$148
11,001–12,000	1.0	2.9	10	10.8	\$121–\$163
12,001–13,000	1.0	2.9	9.7	10.6	\$132–\$178
13,001–14,000	1.0	2.9	9.5	10.2	\$141–\$192
14,001–15,000	1.0	2.9	9.3	10	\$148–\$207
>15,000	1.0	2.9	9.1	9.7	\$163–\$222

Small Heat Pumps (≤ 65,000 Btu/h)

Minimum Cooling Efficiency SEER	Minimum Heating Efficiency HSPF	Incentive per Heat Pump (HP)
14.0	7.8	\$100
16.0	8.1	\$150

Retrofit

Packaged Terminal Heat Pumps (PTHPs) (ARI 310/380 Test Standards)

Cooling Capacity (Btu/h)	Heating Efficiency (COP)		Cooling Efficiency (EER)		Incentive Range
	Baseline Efficiency	Minimum Efficiency Eligible for Incentive	Baseline Efficiency	Minimum Efficiency Eligible for Incentive	
≤7,000	1.0	3	9.3	10.3	\$85–\$105
7,001–8,000	1.0	3	9.3	10.3	\$87–\$111
8,001–9,000	1.0	3	9.1	10.1	\$96–\$117
9,001–10,000	1.0	3	8.9	9.9	\$111–\$130
10,001–11,000	1.0	2.9	8.7	9.7	\$124–\$146
11,001–12,000	1.0	2.9	8.5	9.5	\$141–\$156
12,001–13,000	1.0	2.9	8.2	9.2	\$149–\$172
13,001–14,000	1.0	2.9	8.0	9.0	\$167–\$187
14,001–15,000	1.0	2.9	7.8	8.7	\$178–\$195
>15,000	1.0	2.9	7.6	8.4	\$183–\$207

Small Heat Pumps (≤ 65,000 Btu/h)

Minimum Cooling Efficiency SEER	Minimum Heating Efficiency HSPF	Incentive per Heat Pump (HP)
14.0	7.8	\$100 HP to HP \$250 Strip to HP
15.0	8	\$150 HP to HP \$350 Strip to HP

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THERMAL ENERGY STORAGE (TES)

You could earn an incentive of up to \$300 per kW of reduced cooling load at peak times from Progress Energy Florida, Inc. (PEF).

Reduce your energy costs, operating expenses, and time-of-use rate with a Thermal Energy Storage (TES) system.

In a commercial or industrial facility, outdated space cooling or process cooling chillers can drain energy — and your energy budget. A thermal energy storage system can reduce your demand charges and save energy costs by shifting most energy usage to off-peak hours. With TES, you could qualify for an incentive of up to \$300 per kW of reduced cooling load at peak times.

Installing a TES system will reduce the size and cost of replacement chillers and lower your energy costs. If you take advantage of the time-of-use rate from PEF, you can lower your energy costs even further.

Contact your Progress Energy representative for a free Business Energy Check for existing facilities or a consultation for new construction. We'll determine if your business qualifies for a TES system and give you many helpful energy- and money-saving tips.

Incentive and savings example:

A 10,000 SF facility installing a TES system handling 50 percent of cooling load would save \$2,900 annually and earn an incentive of \$7,200.



Incentive requirements:

1. All equipment for which an incentive is paid shall be new and not refurbished nor previously installed or used. Incentives may not apply to equipment installed to provide backup or redundancy.
2. A feasibility study shall be performed and included with the recommendation form when submitted for incentive payment. Cooling and heating design loads shall be determined using approved Manual J or ASHRAE sizing calculation. Copies of all calculations must be provided to both the customer (with the new equipment) and to PEF. Design conditions shall be those applicable to the PEF service area in which the facility is located. The contractor will certify that the unit was sized according to manufacturers' specifications.
3. HVAC equipment must be all electric.

THERMAL ENERGY STORAGE (TES)

4. The customer must provide proof of HVAC project cost, project contract date and an itemized inventory of equipment installed. This qualification is typically met by submitting copies of invoices or purchase orders.
5. Air Conditioning and Refrigeration Institute (ARI) certified efficiency data at Standard Rating Conditions must be attached to the incentive form.
6. Cooling and heating load calculations must be performed if the capacity of the high-efficiency unit differs from that of the original unit or if the high-efficiency unit is adding cooling or heating to previously unconditioned space.

For equipment specifications: aridirectory.org/ari//index.html

Other requirements do apply.

Visit savethewatts.com for more details.

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Energy Efficiency for Business

Energy-Efficiency Services for Your Business

Progress Energy's energy-efficiency rebate programs are available for both new construction and retrofit projects to reduce your upfront project costs and gain financial leverage to make upgrades to your facility that will save energy.

In order to qualify for our incentive programs, you must first complete a [Business Energy Check](#). For new construction, an Energy Advisor is required before installation.

Incentives are available for the areas of your business' facility listed below. Note that measures marked with an asterisk (*) are for new construction only; new construction is not eligible.

[Expand All / Collapse All](#)

[Building Envelope Improvements:](#)

[HVAC Equipment:](#)

[HVAC System Related Improvements:](#)

- **Demand Control Ventilation (DCV)**

Demand Control Ventilation helps maintain an appropriate temperature based on the occupancy of the room and cooling costs. DCV can be installed on existing HVAC systems and may qualify for an incentive. For more information, download the [Demand Control Ventilation Brochure](#). (PDF)

- **Duct Check and Repair****

Leaky ductwork can lead to inefficiencies within your HVAC system. Progress Energy's duct program will share the cost of necessary repairs if your facility qualifies for additional incentives. For more information, download the [Duct Check and Repair Brochure](#). (PDF)

- **High Efficiency Energy Recovery Ventilation (ERV)**

An energy recovery ventilation system pre-conditions incoming air, helping to reduce the load on your HVAC system for qualified facilities. For more information, download the [Energy Recovery Ventilation Brochure](#). (PDF)

- **Roof Top HVAC Recommissioning****

Over time, inefficiencies crop up that could affect your building's heating and cooling systems' performance. Inspect your Rooftop Air Conditioning Units (RTU) and ensure your equipment is operating at optimal efficiency, saving energy. For more information, download the [Rooftop HVAC Recommissioning Brochure](#). (PDF)

- **Package Terminal Air Conditioner (PTAC) Coil Cleaning****

PTAC steam cleaning helps your system run more efficiently. Incentives are available on a per-unit basis and can offset cooling costs. For more information, download the [PTAC Steam Cleaning brochure](#).

[Indoor Lighting Improvements:](#)

[Other Efficiency Improvements:](#)

GET MORE INFORMATION

DEMAND CONTROL VENTILATION

With Demand Control Ventilation, you'll earn a \$50/ton incentive and savings range from 5 percent to 20 percent of your ventilation costs.

Your Demand Control Ventilation (DCV) system can determine how much ventilation a room requires by measuring CO₂ levels in the air. You'll save energy and it can be installed on existing HVAC systems.

When you keep an empty room cool, no one benefits. With DCV, your entire facility can be cooled based on the number of people using a particular room. The HVAC system adjusts ventilation based on the presence of CO₂ produced by occupants in a space – when there is low occupancy there is less CO₂ present, which allows the ventilation to be reduced.

The following building types are likely to show the quickest payback if a DCV system is installed:

- Auditoriums
- Convention centers
- Hotels
- Malls
- Movie theaters
- Schools
- Retail stores
- Office buildings

Here's what to expect when you install DCV:

- Improved comfort, fewer complaints
- Reduced need to heat or cool excessive amounts of outside air
- Lower operating costs and energy usage
- Easy installation and maintenance
- Low investment
- Can be used on existing, fully operational electric HVAC

Beyond the fact that DCV makes a lot of sense, it's actually a low-cost energy saver and – while lowering operating costs – also improves the air quality in your building.



Incentive requirements:

1. HVAC equipment must be electric.
2. Progress Energy Florida, Inc. (PEF) auditors must recommend your business for DCV during a PEF energy audit or a consultation for new construction.
3. Customer must provide an engineering report documenting DCV system and projected HVAC tonnage reduction.
4. DCV installation must include CO₂ measuring sensors that adjust ventilation rate based on varying occupancy by integrating CO₂ sensor readings to control outside air dampers.
5. DCV installation must be in accordance with manufacturers' recommendations, building codes, and ASHRAE air exchange standards.

Other requirements do apply.
Visit savethewatts.com for more details.

Incentive and savings example:
A 10,000 SF facility could earn a \$1,900 rebate and save over \$500 per year.
HVAC is SEER 9 at 76° F with 38 tons of HVAC.

Progress Energy Florida energy-efficiency programs

Progress Energy Florida (PEF) has a dedicated team of energy-efficiency experts ready to help businesses integrate energy-saving systems into both existing and new construction. A comprehensive list of our energy-saving programs is below. Please contact your PEF auditor to see if you qualify for these money- and energy-saving programs.

Building envelope improvements

- Cool roof
- Ceiling insulation upgrade
- Green roof
- Roof insulation upgrade
- Window film or screen

HVAC-system-related improvements

- Demand control ventilation (DCV)
- Duct test
- Duct repair
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- PTAC steam cleaning
- Rooftop unit recommissioning

Indoor lighting improvements

- Efficient indoor lighting
- Occupancy sensors

Industrial energy improvements

- Efficient compressed air system
- Efficient motors

HVAC equipment improvement

- Air-cooled and water-cooled electric chillers
- Heat pumps
- Packaged terminal heat pumps
- Unitary AC and heat pumps
- Thermal energy storage

BUSINESS

✓ Retrofit

DUCT CHECK PROGRAM



Take our duct test and we'll pay half the cost – \$30 of the \$60 cost of the first unit and \$20 of the \$40 cost for each additional unit at the same business address. We'll also pay up to \$150 per system for any identified repair costs.

A thorough examination of your air duct system will help determine how efficient your current system is – and identify simple fixes that can dramatically lower your energy bills.

Over time, many factors can cause leaks in the joints of your ductwork. It's estimated that one third of all heating and cooling is wasted at these joints, as you pay to heat and cool unused spaces. Not only can this increase your electric bill, but it can also have a negative impact on the air quality inside your business.

See where the problems are and see how to fix them.

- During the Duct Test, a powerful fan is used to pressurize and depressurize the business facility, measuring airflow in and out of the facility and the overall facility air tightness.
- Major leaks in the duct system are identified for repair using industry-approved devices.
- A diagram of your entire duct system is made, clearly identifying leaks that should be addressed and, if necessary, any other areas that need repair.
- You'll get a complete breakdown of estimated repair costs – including any Progress Energy incentives for which you may be eligible.

Visit savethewatts.com or call Progress Energy for details.

Incentive requirements:

- 1. Duct test and repairs are for businesses with centrally ducted electric heating and cooling systems.**
- 2. HVAC systems must be 5.5 tons or less (65,000 BTUs).**
- 3. Your facility can be pressurized.**
- 4. In commercial multifamily units*, the contractor will seal all joints and connections of the duct work and no duct test is required.**
- 5. Multifamily units greater than one story in height can only have the top floor duct system(s) repaired or sealed due to safety concerns.**
- 6. Commercial multifamily units will be qualified as individual units for incentive purposes.**

* Commercial multifamily is defined as commercially metered accounts of multifamily residential apartments or condominiums or commercially metered accounts of assisted living residential apartment units (with a minimum of 500 square feet of conditioned space). Any multifamily residential dwellings that are master-metered (referred to as Domestic/Commercial) will be eligible to participate in this program.

Other restrictions do apply.

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DUCT CHECK PROGRAM

About leaky ducts

Indications of duct leaks

- Dirty ceilings and grills/vents
- Excessive water at drain line
- Dirty insulation patterns
- Temperature difference between inside return and return at air handler
- Dust webs
- Dirty carpet corners

Common leak areas

- Plumbing near return
- Air handlers and platforms
- Chase lines
- Return boxes
- Supply boots
- Vents
- Joints
- Collars
- Seams
- Duct corners
- Building cavity used as duct
- Dropped ceilings with a grill/vent

Fan assembly installed in doorway



What is the Duct Test?

A powerful fan mounted on an external doorway is used to pressurize and depressurize the business facility. By measuring the amount of air flowing in and out of the facility through the fan, the overall facility air tightness can be evaluated. Also, using industry-approved devices, major leaks in the duct system can be identified for repair.

Common leak areas shown below are identified in red.

Branch duct connection



Plenum and air handler



Disconnected ducts



Supply or return boots



Joints, seams and connections



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HIGH-EFFICIENCY ENERGY RECOVERY VENTILATION (ERV)

With a high-efficiency energy recovery ventilation (ERV) unit, you'll earn a one-time incentive of \$1/CFM – up to a maximum of \$15,000 per building.

Reclaim heated or cooled air exhaust from your building and you'll reduce humidity, reduce the load on your HVAC system, and save energy and money.

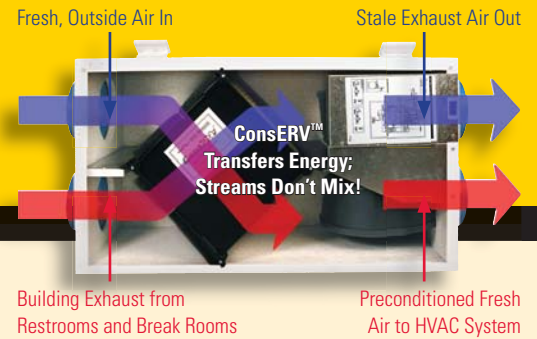
Every day, your HVAC system conditions air from the outdoors – making the air hot in the winter and cool in the summer. An ERV has two separate air paths that keep the fresh air and exhaust air from mixing. In the summertime for example, it allows the cold exhaust air to precondition the hot humid air coming in from outdoors. The same principle applies in the wintertime, but in reverse. This reduces the amount of energy by not making your HVAC system work as hard.

The benefits of a high-efficiency ERV unit apply to practically any business in an air-controlled space, so contact your Progress Energy Florida, Inc. representative for a free Business Energy Check. We'll determine if your business qualifies for an ERV unit, and give you many more helpful energy- and money-saving tips.

If your business is approved for an ERV, ensure that:

- You provide proof of ERV cost, contract date and inventory of equipment installed (i.e., submit your invoice).
- ARI 1060 certified efficiency data must be attached to incentive form.
- HVAC must be electric.
- 15-year life with one membrane change out.

Relieve your HVAC system and save money and energy with a highly efficient ERV unit, and you'll save money all year long.



Incentive requirements:

1. Call Progress Energy Florida for a free Business Energy Check.
2. Confirm ERV unit ARI 1060 rating is greater than 65 percent winter effectiveness.
3. ERV must be a minimum of 450 CFM.
4. Equipment must be listed by Underwriters Laboratories (or other nationally recognized testing laboratories in accordance with UL standards).
5. Equipment efficiency ratings from Air Conditioning and Refrigeration Institute (ARI) rating procedure standard 1060-2000 are required.

Other requirements do apply.

Visit savethewatts.com for more details.

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- Occupancy sensors

Industrial energy improvements

- Efficient compressed air system
- Efficient motors

HVAC equipment improvement

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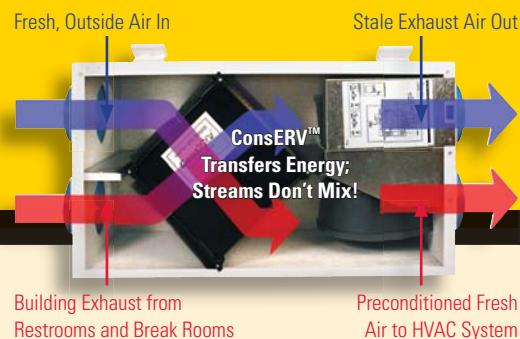
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ROOFTOP HVAC RECOMMISSIONING

**If you recommission your packaged rooftop unit
you can earn an incentive of \$15 per ton
and save up to 20 percent on HVAC energy costs.**

**Give your HVAC system a tune-up, and your building and its
occupants will operate more efficiently.**

Any existing electric rooftop heating and air conditioning system could benefit from recommissioning. Over time, inefficiencies crop up that could affect your building's heating and cooling. Correcting these inefficiencies will help reduce your monthly cooling and heating costs. Plus, poorly maintained equipment wears out faster, running up large repair or replacement bills.

A packaged rooftop recommissioning begins with a Progress Energy Business Energy Check. Performance before and after recommissioning is determined to ensure your equipment is operating at peak performance levels.

Incentive and savings example:

A retail store of 10,000 SF using a total of 25 tons of rooftop units could save over \$1,200 annually and receive an incentive of \$375 when recommissioned.*

*Calculated savings based on \$0.13/kWh.



Incentive requirements*:

1. Call Progress Energy for a free Business Energy Check.
2. All equipment tune-up and repairs must meet manufacturers' instructions and specifications.
3. Rooftop HVAC recommissioning is a one-time incentive.

**See back of flyer for more incentive requirements.
Other requirements do apply.
Visit savethewatts.com for more details.*

ROOFTOP HVAC RECOMMISSIONING

Before recommissioning*

1. Document equipment manufacturer, model and serial numbers.
2. Take high- and low-side refrigerant pressure readings. Document the return air, discharge air, mixed air and outdoor air temperatures at this time.
3. Take amp readings on the compressor(s), outdoor and indoor fan motor(s) and electric strip heater(s). Document the supply operating voltage at the disconnect for the unit.
4. Check for outside air makeup. Document the size of the opening in the cabinet, size of the outdoor air damper and position relative to the size of the opening. Note if a filter exists and the condition. Note if it is a fixed manual damper or automatic. If automatic determine how it is controlled.
5. Document airflow for both supply and outside air if applicable. Use standard duct sizing charts to determine if existing return air duct(s) and filter grille(s) are adequate. Use standard sizing charts to determine if supply outlets are adequate.
6. Document thermostat settings and readout. Check for temperature set point, heat-auto-cool setting and fan auto-on setting. Programmable thermostats should have start and stop times and days of operation noted.
7. Document overall condition of equipment cabinet and duct connections checked for leakage.

Document HVAC performance and condition after recommissioning*

1. Inspect and clean the evaporator coil, condenser coils and blower wheel if necessary.
2. Clean the condensate drain, repair cabinet and duct leaks.
3. Document airflow readings with clean filter(s). If airflow is within specifications, proceed with the steps listed below. Note indoor fan amp reading. If airflow is below design then check fan speed, blower alignment, fan capacitor, voltage and duct sizing.
4. Adjust refrigerant charge if necessary and document high- and low-side pressure readings. Outdoor air damper should be closed while correcting refrigerant charge. When complete, note the compressor(s) amps(s).
5. Adjust the outdoor air intake to meet minimum requirements and verify operation under automatic control. Make recommendations if applicable to use demand control ventilation or unoccupied control for outdoor air.
6. Document outdoor, return, discharge and mixed air temperatures.
7. Document fan is cycling with cooling.
8. Calibrate thermostat and change settings to increase energy savings as agreed upon by the customer. Make recommendations for programmable thermostat if appropriate.
9. Check for proper operation of heating cycle.
10. Repair or replace any cabinet deficiencies or duct connections that contribute to air leakage.

*All information should be recorded on forms provided by your Progress Energy Advisor.

PACKAGE TERMINAL AIR CONDITIONER (PTAC) STEAM CLEANING

Steam clean bioaerosols like mold spores and fungus out of your PTAC system and save up to 21 percent on your heating and cooling bill. That amounts to approximately \$7,500/year for a hotel with 100 rooms and you will earn a \$1,500 one-time rebate*.

Steam cleaning only requires water, limits exposure to bioaerosols and harmful germs, and keeps your PTAC system running more efficiently for years.

Cleaning a PTAC system doesn't mean using harsh chemicals or inefficient pressure washing.

The steam cleaning technique protects the environment and ensures your PTAC system uses less energy every day. The energy savings have been verified by a third party, as have the IAQ improvements.

The effects last two to three years, and can even be repeated every year for the best bioaerosol control. This process is especially suited for hotel owners.



Incentive requirements:

1. Have a Progress Energy free Business Energy Check.
2. Provide proof of steam cleaning project cost, contract date and inventory of equipment cleaned. (Typically involves submitting copies of invoices.)
3. Inform Progress Energy of cleaning date to allow for random inspections.
4. PTAC equipment cleaned is eligible for a one-time cleaning rebate over its lifetime.
5. Steam cleaning recommended use is 305° F steam at 42 psi.
6. Contractor must meet Progress Energy standards and procedures.

Customer should verify PTAC Manufacturer's recommendations for steam cleaning.
Other requirements do apply.
Visit savethewatts.com for more details.

*Savings based on \$0.13/kWh.

Progress Energy

Progress Energy has a dedicated team of Energy Advisors ready to help businesses integrate energy-saving systems into both existing and new construction. A comprehensive list of our energy-saving programs is below. Please contact your Progress Energy Advisor to see if you qualify for these money- and energy-saving programs.

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- Efficient indoor lighting
- Occupancy sensors

Industrial energy improvements

- Efficient compressed air system
- Efficient motors

HVAC equipment improvement

- Air-cooled and water-cooled electric chillers
- Heat pumps
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- Thermal energy storage



Energy Efficiency for Business

Energy-Efficiency Services for Your Business

Progress Energy's energy-efficiency rebate programs are available for both new construction and retrofit projects to reduce your upfront project costs and gain financial leverage to make upgrades to your facility that will save energy.

In order to qualify for our incentive programs, you must first complete a [Business Energy Check](#). For new construction, an Energy Advisor is required before installation.

Incentives are available for the areas of your business' facility listed below. Note that measures marked with **dc** only; new construction is not eligible.

[Expand All](#) / [Collapse All](#)

[Building Envelope Improvements:](#)

[HVAC Equipment:](#)

[HVAC System Related Improvements:](#)

[Indoor Lighting Improvements:](#)

- **Indoor Lighting Upgrades**

Upgrading interior lighting can save up to 50 percent of lighting costs while improving light quality and reducing energy consumption. To qualify for incentives to help pay for the indoor lighting improvements, you must first complete a [Business Energy Check](#). For more information on qualifying for lighting incentives, download the [Lighting Brochure](#). (PDF)

- **Occupancy Sensors for Indoor Lighting**

Occupancy sensors help control lighting in spaces that are often left unoccupied such as conference rooms, restrooms, and storage areas. They can reduce energy consumption by up to 30 percent of your indoor lighting cost. For more information, download the [Occupancy Sensors Brochure](#).

[Other Efficiency Improvements:](#)

GET MORE INFORMATION

INDOOR LIGHTING UPGRADES

Installing indoor lighting upgrades can save up to 50 percent of your lighting energy costs and earn from \$1 to \$5 per fixture replaced.

Upgrade to lighting with longer life and lower energy use and you could save thousands over time.

Up to 40 percent of a typical business's monthly power bill goes toward lighting. Any office or business can deeply cut energy costs by upgrading lighting with CFL, T-8 and T-5 linear fluorescents, electronic ballasts, LED lighting or metal halide systems.

Benefits to upgrading:

- Longer bulb life
- Long-term energy efficiency
- Less maintenance
- Truer color renditions

Save money, save energy and save time replacing lighting by upgrading to energy-efficient lighting. It's a simple way for your business to significantly cut costs on one of your largest energy expenses.

Incentive and savings example:

Upgrading from 250 F-40 4 lamp linear fluorescent fixtures to T-8 linear fluorescent with electronic ballast fixtures will save \$4,129 annually and earn a \$1,000 upgrade rebate. Assumptions: 2,100 hours of use, 10 cents p/kWh.



Incentive requirements:

1. Call Progress Energy for a free Business Energy Check on existing facilities or for a free consultation on your new construction project.
2. Eligible replacement technology includes but not limited to:
 - CFL
 - T-8 and T-5 linear fluorescents and electronic ballasts
 - LED lighting for exit signs and cold display cases
 - Ceramic metal halide systems
 - Ask your advisor for a complete list of eligible technology
3. For new construction, to be eligible for rebates your total project rating must be 10 percent more efficient than the Florida Building Energy Code.
4. Must use electronic ballasts for upgrades.

Other requirements do apply.
Visit savethewatts.com for more details.

OCCUPANCY SENSORS FOR INDOOR LIGHTING

Installing occupancy sensors on your indoor lighting could save up to 30 percent of your lighting energy costs and earn rebates of \$10 to \$20 per sensor.

Sensors automatically control lighting based on occupancy to save your energy dollars.

Up to 40 percent of a typical business's monthly power bill goes toward lighting. Most businesses pay for wasted lighting of unoccupied spaces. Occupancy sensors are a proven technology that uses either passive infrared (PIR) sensors or ultrasonic sensors (US), turning on lighting when rooms are used and turning off lighting when rooms are empty. Customers can expect savings up to 70 percent of lighting energy used depending on the type of space controlled.

Reasons to upgrade:

- Reduce wasted energy
- Save up to 70 percent of lighting energy used
- Save up to 28 percent in total electric costs (assuming lighting is 40 percent of typical business electric bill)
- Intuitive system runs itself

Incentive and savings example:

An office space of 10,000 square feet, or 250 4 lamp F40 fixtures, would need approximately nine wall-mount and 32 ceiling-mount sensors. Assuming 30 percent reduction in hours of use, the sensors would save approximately \$2,500 a year and, with the \$730 rebate, achieve a simple payback of 2.46 years.



Incentive requirements:

1. Call Progress Energy for a free Business Energy Check.
2. New construction incentives: Customer must provide:
 - At least one additional means for automatic shut off as outlined in the Florida Building Code.
 - Sensors must be approved by Underwriters Laboratories (UL).
3. Manual override must offer the ability to turn lights off when space is occupied.
4. Occupancy sensors shall be installed in accordance with the manufacturers' recommendations and specifications.
5. Wall box and wall- or ceiling-mounted sensors must be hard-wired and control interior lighting fixtures.
6. Plug load occupancy sensors do not qualify.

Other requirements do apply.
Visit savethewatts.com for more details.

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Energy Efficiency for Business

Energy-Efficiency Services for Your Business

Progress Energy's energy-efficiency rebate programs are available for both new construction and retrofit projects to reduce your upfront project costs and gain financial leverage to make upgrades to your facility that will save energy.

In order to qualify for our incentive programs, you must first complete a [Business Energy Check](#). For new construction, an Energy Advisor is required before installation.

Incentives are available for the areas of your business' facility listed below. Note that measures marked with a 'd' are for new construction only; new construction is not eligible.

[Expand All](#) / [Collapse All](#)

[Building Envelope Improvements:](#)

[HVAC Equipment:](#)

[HVAC System Related Improvements:](#)

[Indoor Lighting Improvements:](#)

[Other Efficiency Improvements:](#)

- **Efficient Compressed Air System**

An updated compressed air system can result in a 20-50 percent energy savings while improving productivity. For more information, download the [Compressed Air System Brochure](#). (PDF)

- **Efficient Motors**

Efficient motors result in long-term energy savings since over the life of a motor 95 percent of the total cost of ownership of old motors with energy-efficient models is one way to help control your business costs. You could also qualify for more information, download the [Efficient Motor Upgrade Brochure](#). (PDF)

GET MORE INFORMATION

EFFICIENT COMPRESSED AIR SYSTEMS

A more efficient 100 HP system could save \$7,000–\$18,000 and earn a \$1,350 rebate when compared to systems meeting minimum efficiency standards.

Inefficient compressed air systems are directly related to lower productivity and higher energy costs. Upgrading them is a smart business decision.

As the use of compressed air systems is progressively growing, this technology has become a larger part of our energy cost. Running compressed air systems can be expensive, and compromised efficiency in compressed air systems not only affects productivity – it can significantly raise your energy bill.

How can an efficient compressed air system help?

- A system that exceeds minimum standards could benefit from 20 percent to 50 percent in energy savings.
- Efficient systems impact man-hours and production.
- Reliable compressed air systems translate into cost-effective production for your product – which translates into on-time delivery and customer satisfaction.
- Updating your system means you get efficient and effective compressed air at the lowest possible cost with minimal environmental consequences.

Incentives from Progress Energy Florida, Inc. (PEF):

- Incentives are based on a \$50/kW reduction in energy use.



Incentive requirements:

1. Contact a local air service vendor for a system evaluation that meets PEF requirements.
2. Plans must be reviewed by PEF for new construction buildings and systems.
3. A PEF Business Energy Check is required for an existing system/facility.

Other requirements do apply.
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- Thermal energy storage

BUSINESS

✓ Retrofit ✓ New Construction

MOTOR UPGRADE

**Over the life of a motor, 95 percent
of the total cost is operational.
Reduce that cost with a motor upgrade.**

**Get long-term energy savings and upfront incentives from
Progress Energy when you upgrade to an energy-efficient motor.**

A motor upgrade could have a huge impact on your cost of doing business. Only 5 percent of the lifecycle cost of a motor is the upfront cost – the rest goes toward operation costs.

Not only will your monthly energy cost be reduced by using an energy-efficient motor, but you could be eligible for efficiency incentives to help offset the cost of buying higher quality, energy-efficient motors versus inefficient models.

Take control of your energy costs the right way. Call Progress Energy for more information on motor upgrades and other energy-saving programs.

Incentive and savings example:

A 50 HP motor that runs for 3,000 annual hours has failed in your facility, so you purchase a 95 percent Premium Efficiency motor. You will save \$170 a year in operating costs and earn a \$75 rebate.

Savings load factor 75 percent and based on 9 cents per kWh.



Incentive requirements:

1. Motors must be new three-phase and be 1 HP or larger.
2. If your project consists of motors 25 HP and smaller, you'll need a minimum of five motors to qualify for incentives.
3. Customer must provide copies of invoices and itemized inventory of equipment installed.

Other requirements do apply. Available to all Florida nonresidential Progress Energy customers. Visit savethewatts.com for more details.

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Progress Energy

MOTOR UPGRADE

TECHNICAL SPECIFICATIONS ON EQUIPMENT ELIGIBILITY

The following table presents the minimum efficiency (full-load nominal efficiency) required for incentive eligibility.

The minimum efficiency requirement is the same for all types of motors and all speeds.

HP	Baseline Efficiency	Minimum Efficiency Eligible for Incentive	Premium Efficiency for Savings	Incentive	Lifecycle Savings*
1	82.5%	84.0%	85.5%	\$5	\$64
1.5	84.0%	84.0%	86.5%	\$5	\$78
2	84.0%	84.0%	86.5%	\$5	\$104
3	86.5%	87.5%	89.5%	\$9	\$176
5	87.5%	87.5%	89.5%	\$15	\$193
7.5	88.5%	89.5%	91.7%	\$18	\$447
10	89.5%	90.2%	91.7%	\$20	\$405
15	91.0%	91.1%	92.4%	\$30	\$377
20	91.0%	92.0%	93.0%	\$40	\$714
25	91.7%	92.4%	93.6%	\$50	\$836
30	92.4%	92.5%	93.6%	\$50	\$629
40	93.0%	93.1%	94.1%	\$60	\$760
50	93.0%	93.1%	94.5%	\$75	\$1,289
60	93.6%	93.7%	95.0%	\$90	\$1,427
75	94.1%	94.2%	95.4%	\$115	\$1,640
100	94.1%	94.6%	95.4%	\$150	\$2,188
125	94.5%	94.6%	95.4%	\$188	\$1,885
150	95.0%	95.1%	95.8%	\$225	\$1,992
200	95.0%	95.1%	96.2%	\$300	\$3,967
250	NA	95.4%	96.2%	\$375	\$4,959

Any motor size above 250 HP must be 95.4 percent and earn \$1.75 per HP.

*Savings assumptions: 10-year life cycle, 9.5 hours, six days a week for 3,000 annual hours, 75 percent loading and 9 cents p/kWh.

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SAVE THE WATTS
COM





SunSense Commercial Solar PV Program

SunSense® Commercial Solar PV



When you add solar photovoltaic (PV) panels to your business, you can generate clean, renewable electricity any time the sun is shining. And if you qualify for our SunSense® Commercial Solar PV program Progress Energy will provide a rebate to help reduce the cost of installation. The program:

- Provides rebates of up to \$130,000 from Progress Energy
- Reduces your electric bills to further improve your business cash flow
- Adds to the value of your business facility
- Demonstrates your commitment to renewable energy to your customers and employees

NOTE: All funds for the 2011 commercial SunSense solar PV program have been committed, so we are no longer accepting applications for commercial PV installations in 2011. In October 2011, applications will be available for customers wishing to apply for 2012 funding.

[How It Works](#)

[Requirements](#)

[Sign Up](#)

[FAQs](#)

[Resources](#)

How the program works

Progress Energy has allocated \$1,000,000 per year towards commercial PV incentives through the year 2014. Each year we'll accept reservation applications from commercial customers wishing to install a PV system and qualify for a rebate. Please note:

- Reservations will be issued on a first-come basis and only for correctly completed applications.
- A reservation does not guarantee that a rebate will be awarded, only that funding for a rebate is available should the system be installed, meet all requirements and pass inspection.

How to estimate potential rebate amount

The SunSense Commercial Solar PV program provides a rebate based on the installed DC rated size of your PV system:

- \$2.00/watt – For the first 10 kW
- \$1.50/watt – 10 kW – 50 kW
- \$1.00/watt – 50 kW – 100 kW

For example, a 30 kW PV system will receive a SunSense rebate of \$50,000 (\$20,000 for the first 10kW and \$30,000 for the remaining 20 kW of the system).

How to get started

Start by contacting solar contractors in your area to evaluate your site's potential for generating solar energy. It's always a good idea to secure quotes from several contractors. If you decide to proceed and want to apply for the Progress Energy rebate, review the [requirements](#) and follow the steps outlined in the [application process](#).

It is important to note that to qualify for the incentive, installation of your PV system should not begin prior to receiving approval from Progress Energy.



Home Energy Check

Home Energy Check



Your Customized Home Energy Check

Are you doing all you can to lower your monthly electricity costs?

If you haven't completed a Home Energy Check yet, you could be doing more.

The Progress Energy Home Energy Check is a **free, no-obligation** evaluation of where your house uses, and loses, the most energy. Complete a short online evaluation to receive a report that includes:

- A detailed breakdown of your home energy usage.
- Energy-saving tips – specific to your home – to help you lower your energy bill.
- Recommendations for low- and no-cost changes to improve your home's energy efficiency.
- Rebate information on energy-efficient home improvements.

[How It Works](#)[Participation Options](#)[Rebates](#)[FAQs](#)

How to complete your free evaluation

Our goal is to help you find better ways to manage your energy use and save money.

To receive your report and start saving energy and money, follow these steps:

1. Have your Progress Energy account information handy.
2. Complete the [Online Home Energy Check](#).
3. Receive your home's customized energy-efficiency report.

You can also schedule a Home Energy Check by phone or in your home by using this [online request form](#) or calling 1.877.574.0340.



Home Energy Check

Home Energy Check



Your Customized Home Energy Check

Are you doing all you can to lower your monthly electricity costs?

If you haven't completed a Home Energy Check yet, you could be doing more.

The Progress Energy Home Energy Check is a **free, no-obligation** evaluation of where your house uses, and loses, the most energy. Complete a short online evaluation to receive a report that includes:

- A detailed breakdown of your home energy usage.
- Energy-saving tips – specific to your home – to help you lower your energy bill.
- Recommendations for low- and no-cost changes to improve your home's energy efficiency.
- Rebate information on energy-efficient home improvements.

[How It Works](#)[Participation Options](#)[Rebates](#)[FAQs](#)

How to check your energy use

Learn how to make your home more energy efficient by completing the Home Energy Check that's right for you:

Online – If you've never had a home energy check, start by completing the [Online Home Energy Check](#). It takes about 15 minutes, and you'll receive your energy-efficiency report immediately.

By phone – If you prefer to complete the questionnaire by phone, call 1.877.574.0340 during normal business hours. An energy advisor will help you through the process, then mail the results to you.

At your home – During a walk-through Home Energy Check, an energy advisor will do a room-by-room inspection, and then give you a custom report to identify energy-efficiency upgrades for your home.

To request an appointment, use the [online request form](#) or call 1.877.574.0340.



Home Energy Improvement Program

Home Energy Improvement Program



By participating in our residential and business energy-efficiency programs, Progress Energy customers have saved more than \$1 billion. That's enough energy savings to power the city of St. Petersburg for five years – and reduce emissions in an amount equal to removing 1.8 million cars from the road.

To take advantage of these savings programs and get your share of the next billion saved, start by:

1. Requesting a free [Home Energy Check](#).
2. If you've already had a Home Energy Check, call 1.888.302.8348 to speak to a representative about rebates available for your home improvement projects.

Energy-efficiency home improvements

Energy-efficiency is one of the few investments that can help you gain a return on your energy bill and on the value of your home. Click on the links below to learn about home improvement rebates offered by Progress Energy:

- [Duct repair](#) – Get up to \$150 back
- [Attic insulation upgrade](#) – Get \$75 or more back
- [Heat pump replacement](#) – Get up to \$350 back
- [Energy-efficient windows, window screens and window film](#) – Get up to \$250 back
- [Wall insulation upgrade](#) – Get up to \$300 back
- [Reflective roofing](#) – Get up to \$150 back



Duct Repair

Checking to see if your air duct system is properly sealed is an inexpensive first step to making your home more energy-efficient.

Progress Energy will pay half the cost of the duct test – \$30 of the \$60 cost for the first unit at your home, and \$20 of the \$40 cost for each additional unit at the same home. If we find any problems we'll pay up to \$150 toward the repair.

[Overview](#)[Guidelines](#)[Sign Up](#)[FAQs](#)

Repair leaky air ducts. Start saving on your energy bills.

Leaky ducts waste up to one-third of heating and cooling costs. Want a way to help reduce that expense and save energy? All it takes is an easy home improvement – and Progress Energy will pay part of the cost.

The savings come from sealing your home's ductwork and eliminating air leaks. If your ducts leak – and most do, regardless of the age or size of your home – then you're losing money every day!

Finding and repairing leaks is easy – we'll even help you schedule an appointment with one of our duct repair contractors. Plus, we offer great incentives.

If you qualify, Progress Energy will pay:

- **\$30 of \$60 Duct Test cost**

We'll pay half the cost of the duct test for the first unit at any address, and \$20 of the \$40 cost for each additional unit at the same home.

- **The first \$150 per system for identified duct repair costs.**

Average repair costs within Progress Energy's service territory are about \$300, so in some cases, the incentive will cover half of the repair cost.



Duct Repair

Checking to see if your air duct system is properly sealed is an inexpensive first step to making your home more energy-efficient.

Progress Energy will pay half the cost of the duct test – \$30 of the \$60 cost for the first unit at your home, and \$20 of the \$40 cost for each additional unit at the same home. If we find any problems we'll pay up to \$150 toward the repair.

Overview	Guidelines	Sign Up	FAQs
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During the duct test

During the duct test a Progress Energy contractor will:

- Use a powerful fan to pressurize and depressurize the house, measuring how air tight the house is.
- Create a diagram of your entire duct system, clearly identifying leaks that should be sealed, and any other areas that need repair.
- Give you a complete estimate of repair costs – including the Progress Energy incentive.

Duct test guidelines and restrictions

Certain guidelines and restrictions apply:

- Proper duct repair materials must be installed in accordance with Progress Energy standards by a contractor meeting all Progress Energy requirements.
- All systems in the home must be centrally ducted electric heating or cooling systems.
- Other restrictions may apply.



Attic Insulation Upgrade

If you have an older home, it's probably under-insulated. Over time, attic insulation settles, which reduces its insulating barrier and its ability to keep hot air out of your cool house.

Having insulation added to under-insulated areas in your attic is one of the easiest ways to help you lower your energy bill. Progress Energy will even pay \$75 – or more – to help you upgrade your attic insulation.

[Overview](#)[Details](#)[Sign Up](#)[FAQs](#)

Benefits of proper insulation

It's a good idea to check your insulation, and here's why:

- Heating and cooling can account for almost half of your total energy bill.
- Poor insulation requires your heating and cooling system to work harder, which increases your energy bill.
- Proper insulation will save you money on your heating and cooling costs.

If you live in a concrete block home, we also offer an incentive for injected foam wall insulation. Ask your Energy Advisor for more details.



Attic Insulation Upgrade

If you have an older home, it's probably under-insulated. Over time, attic insulation settles, which reduces its insulating barrier and its ability to keep hot air out of your cool house.

Having insulation added to under-insulated areas in your attic is one of the easiest ways to help you lower your energy bill. Progress Energy will even pay \$75 – or more – to help you upgrade your attic insulation.

[Overview](#) [Details](#) [Sign Up](#) [FAQs](#)

It pays to know your insulation's R-value.

All insulation has an R-value that states how deep it is and how well it insulates. If your attic insulation is R-15 or less, upgrading can help you lower your bill and keep your home more comfortable.

If your insulation is less than R-12:

- Upgrade with R-19 insulation or greater, and Progress Energy will pay \$75 plus 5¢ per square foot of living space over 1,500 square feet.
- Upgrade with R-30 insulation or greater, and we'll pay \$100 plus 7¢ per square foot of living space above 1,500 square feet.

If your insulation is between R-12 and R-15:

- Upgrade with R-30 insulation or greater, and we'll pay \$75 plus 7¢ per square foot of living space above 1,500 square feet.

Attic insulation rebate guidelines and restrictions

Certain guidelines and restrictions apply:

- Proper insulation materials must be installed in accordance with Progress Energy standards by a contractor meeting all Progress Energy requirements.
- Total ceiling area to be insulated must be greater than 500 square feet.



Heat Pump Replacement

Today's heat pumps are much more energy efficient than they were just 10 years ago. Replacing a 12- to 15-year-old unit with a new high-efficiency heat pump could save you up to 30 percent on your energy bill.

Progress Energy will pay up to \$350 when you upgrade your old heat pump or heat strip.

[Overview](#)[Service](#)[Sign Up](#)[FAQs](#)

Rebates for high-efficiency heat pumps

Heat pump manufacturers use two rating systems to measure how effectively a unit heats or cools – the Seasonal Energy Efficiency Rating (SEER) and Heating Season Performance Factor (HSPF). The higher the numbers, the better the unit will perform.

Progress Energy offers the following rebates when you install a new high-efficiency heat pump:

If you are replacing a resistance heat (strip heat):

- Install a heat pump with minimum 14 SEER and 7.8 HSPF – \$250 credit
- Install a heat pump with minimum 15 SEER and 8.0 HSPF – \$350 credit

If you are replacing an older, less-efficient heat pump:

- Install a heat pump with minimum 14 SEER and 7.8 HSPF – \$100 credit
- Install a heat pump with minimum 15 SEER and 8.0 HSPF – \$150 credit

For customers installing a new air conditioner with non-electric heat:

- Install an air conditioning unit with minimum 14 SEER – \$50 credit



Heat Pump Replacement

Today's heat pumps are much more energy efficient than they were just 10 years ago. Replacing a 12- to 15-year-old unit with a new high-efficiency heat pump could save you up to 30 percent on your energy bill.

Progress Energy will pay up to \$350 when you upgrade your old heat pump or heat strip.

[Overview](#)[Service](#)[Sign Up](#)[FAQs](#)

Additional rebates

To help your new heat pump to work as efficiently as possible, it's a good idea to make sure that your home's ductwork is properly sealed. Progress Energy also offers a rebate for duct inspection and repair.

Guidelines and restrictions

Certain guidelines and restrictions apply:

- Heat pump must be installed by a licensed, insured air conditioning dealer.
- Rebate amount is determined by the efficiency rating of the heat pump and existing heat type.
- The condensing unit and air handler must be changed at the same time.
- For non-electric heat incentive, resident must maintain heat source type.
- Other restrictions may apply.



Energy-Efficient Windows

Reduce the amount of the sun's heat that enters your home, increase your comfort, and lower your energy costs by installing energy-efficient replacement windows, window film or screens on your home.

Progress Energy will pay up to \$250 when you upgrade to energy-efficient windows or make your existing windows more energy efficient.

[Overview](#)

[Guidelines](#)

[Sign up](#)

[FAQs](#)

Make your windows energy-efficient

Progress Energy offers rebates for:

- High-performance replacement windows
- Solar window screens
- Window film

High-performance replacement windows

Professionally installed energy-efficient windows eliminate hot spots in your house, reduce outside noise and protect your walls and furniture from fading.

- \$1 per square foot of window area, up to \$250
- Home must have whole-house electric heating and cooling

Solar window screens

These look similar to the traditional screens they replace, and do a much better job of keeping your house cool while keeping bugs out.

- 50 percent of the cost, up to \$100
- Home must have whole-house electric cooling

Window film

Window film, available at home improvement stores, can be a simple do-it-yourself project that pays big dividends in reduced glare, added daytime privacy and lower indoor temperatures.

- 50 percent of the cost, up to \$100
- Home must have whole-house electric cooling



Energy-Efficient Windows

Reduce the amount of the sun's heat that enters your home, increase your comfort, and lower your energy costs by installing energy-efficient replacement windows, window film or screens on your home.

Progress Energy will pay up to \$250 when you upgrade to energy-efficient windows or make your existing windows more energy efficient.

Overview	Guidelines	Sign up	FAQs
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Additional rebates

You may qualify for only one of the window rebates, not all three (i.e., if you replace your windows, you cannot also qualify for a rebate for window screen or window film).

High-Efficiency Replacement Windows:

- Must have a solar heat gain coefficient of less than or equal to 0.50 and a U-value of less than or equal to 0.75.
- Must be installed according to Progress Energy standards by a contractor meeting all Progress Energy requirements.
- The house must have whole-house electric heating and cooling.

Window Screen and Window Film:

- Must have a shading coefficient of less than or equal to 0.45 or a solar heat gain coefficient of equal to or less than 0.40.
- Must be installed on all windows facing east, west and south. (This does not include decorative glass that covers less than 15 percent of the total glass area.)
- Window screens must be installed according to Progress Energy standards by a contractor meeting all Progress Energy requirements.
- Window film may be self-installed
- The house must have whole-house electric cooling



Wall Insulation Upgrade

Properly insulating your walls improves your home's comfort and makes it more energy efficient. To help make this home improvement more affordable, Progress Energy will pay 20¢ per square foot – up to \$300 – when you add injected wall foam insulation to your home.

[Overview](#)[Guidelines](#)[Sign up](#)[FAQs](#)

Stay comfortable year round

Many Florida homes are built of concrete blocks, which are porous and not very energy efficient, and allow unwanted air and moisture into your home. If your home is more than 15 years old, it's also likely that your walls aren't properly insulated. Foam insulation stops outside air intruding into your home, so you can save on energy costs. This type of insulation:

- Is non-toxic, non-allergenic and odor-free — and it helps keep out bugs.
- Helps reduce the amount of noise that passes through your walls.
- Helps reduce the size and cost of a new HVAC system, thanks to the increased efficiency of your home.



Wall Insulation Upgrade

Properly insulating your walls improves your home's comfort and makes it more energy efficient. To help make this home improvement more affordable, Progress Energy will pay 20¢ per square foot – up to \$300 – when you add injected wall foam insulation to your home.

[Overview](#)[Guidelines](#)[Sign up](#)[FAQs](#)

Installing the insulation

When a Progress Energy certified contractor comes to your house to install the insulation he or she will:

1. Make small holes (less than one-inch in diameter) in the exterior walls of your house.
2. Inject the foam insulation through the holes into the empty spaces in the concrete block structure.
3. Patch and cover the holes with stucco and touch-up paint.

Benefits of using foam insulation

Injectable foam is an easy way to insulate walls and most other difficult to reach places. And, adding injected wall foam insulation when you have your new heating and air system installed is a great way to maximize your home's energy efficiency and lower energy costs.

When you install a new heating and air system, it's strongly recommended to upgrade your insulation at the same time to maximize your energy savings.

Installation guidelines and restrictions

Certain guidelines and restrictions apply:

- The foam insulation must be installed in accordance with Progress Energy standards by a contractor meeting all Progress Energy requirements.
- The house must be at least two years old.
- The house must have whole-house electric heat and air.
- Exterior walls will be patched after installation but the homeowner is responsible for purchasing the stucco and touch-up paint.
- Other restrictions may apply.



Reflective Roofing

Reducing the temperature on your roof translates into lower temperatures in the attic and throughout your home. Progress Energy will pay up to \$40 for a manufactured home and up to \$150 for a single-family home when you apply or install an ENERGY STAR qualified reflective roof product to make your home more energy efficient.

[Overview](#)[Guidelines](#)[Sign Up](#)[FAQs](#)

A cool roof keeps it comfortable indoors

By reflecting the sun's heat off of the roof, reflective roofing products reduce the heat coming into your home – and reduce the amount of time your air conditioner runs.

Progress Energy will pay 15 cents per square foot, up to \$150 for installation of reflective roof material for single-family homes and \$40 for installation of reflective roof coating for manufactured homes.



Reflective Roofing

Reducing the temperature on your roof translates into lower temperatures in the attic and throughout your home. Progress Energy will pay up to \$40 for a manufactured home and up to \$150 for a single-family home when you apply or install an ENERGY STAR qualified reflective roof product to make your home more energy efficient.

[Overview](#)[Guidelines](#)[Sign Up](#)[FAQs](#)

Reflective roofing rebate guidelines and restrictions

When choosing a reflective roofing product, please consider the following guidelines and restrictions regarding the Progress Energy rebate:

- Roofing product must be installed in accordance with Progress Energy standards and by a contractor meeting all Progress Energy requirements.
- The residence must have whole-house electric air.
- Customers may want to check with their homeowner's association before making exterior improvements to the home.
- The reflective material must be certified and approved by the U.S. Environmental Protection Agency as an ENERGY STAR roofing product.
- Qualified roofing material ratings must have an Initial Solar Reflectance greater than or equal to 0.70.
- Other restrictions may apply.



Support Solar Energy With SunSense

The SunSense logo, which consists of the word 'SunSense' in a white, sans-serif font with a registered trademark symbol, set against a solid yellow rectangular background.A horizontal rectangular image showing a bright blue sky with scattered white clouds.

Progress Energy Florida has been committed to the expansion of solar energy in our state for decades. Our first solar, or photovoltaic (PV), project in Florida was commissioned in 1988 to research the technology's potential for delivering electricity directly to the grid.

Today, we continue to research renewable energy and offer you the opportunity to use and support solar energy in Florida through our SunSense programs. Here's how residential customers can get involved:

- Through the [SunSense Solar Water Heating Program](#), you can save up to 85 percent on your water heating costs, get a \$550 rebate and get credits on your monthly energy bill.
- When you participate in our [SunSense Solar PV Program](#) you can receive a financial incentive if you add a photovoltaic (PV) system to your home.
- With the [SunSense Schools Program](#), you can support the expansion of renewable energy and energy education for Florida schools with no out-of-pocket expense.



SunSense Solar Water Heating Program

SunSense® Solar Water Heating
Hot water. Cool savings.



A new solar water heating system can save you up to 85 percent on your water heating costs. And when you participate in Progress Energy's SunSense Solar Water Heating program, you'll save even more: You'll get a \$550 rebate and monthly credits on your energy bill through our free EnergyWise Home program.

[SunSense](#) | [Details](#) | [Rebate Application](#) | [FAQs - Before You Buy](#) | [FAQs - After You Buy](#)

SunSense solar water heating program benefits*

- \$550 rebate from Progress Energy
- Up to \$60 in EnergyWise Home program credits every year
- Federal tax credits of up to 30 percent
- Save up to 85 percent on your water heating costs

To sign up call 1.888.282.9757, or e-mail: EnergyWise@pgnmail.com for more information.

How to get your \$550 rebate*

1. Sign up for our free [EnergyWise Home program](#). You'll earn up to \$60 a year in monthly energy bill credits by enrolling your whole-house electric cooling/heating, water heating systems and pool pump (if you have one) in the program.
2. Complete a [Home Energy Check](#) BEFORE your new solar water heating system is installed.
3. Buy a new qualifying solar water heater for your home and have it installed by a licensed contractor. For helpful information, refer to our Frequently Asked Questions section.
4. Apply for your Progress Energy Rebate using our online [application process](#). [rebate form](#).

*Customers are required to purchase a new solar water heater to be eligible for the credits and rebates. A Home Energy Check and participation in EnergyWise Home is required for the Progress Energy rebate. Federal tax credits are currently available through Dec. 31, 2016. Energy savings are estimates. Actual savings may differ from those estimated due to variations in weather, individual energy use habits and home characteristics. Solar water heating systems must be purchased on or after March 15, 2011 to receive the \$550 incentive. Systems purchased prior to March 15, 2011 may be eligible for a \$450 incentive provided PEF receives all documentation within six months of the solar water heating system installation.



SunSense Solar Water Heating Program

SunSense® Solar Water Heating
Hot water. Cool savings.

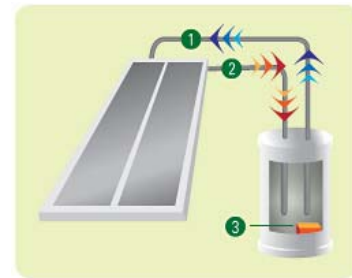


A new solar water heating system can save you up to 85 percent on your water heating costs. And when you participate in Progress Energy's SunSense Solar Water Heating program, you'll save even more: You'll get a \$550 rebate and monthly credits on your energy bill through our free EnergyWise Home program.

[SunSense](#) [Details](#) [Rebate Application](#) [FAQs - Before You Buy](#) [FAQs - After You Buy](#)

How solar water heating works

Solar water heating is a simple setup for plentiful hot water.



1. Water travels in pipes through solar collectors (typically installed on your roof), where it is heated by the sun.
2. The water returns to the hot water storage tank, ready for use in the kitchen, bath or laundry room.
3. The tank has a backup heating element, so you'll have plenty of hot water, no matter the weather.

How much solar water heating systems can save

- 50-85 percent of the hot water portion of your monthly utility bill when the backup element is kept at 122° F*.
- More than 40,000 pounds of CO2 emissions over 20 years.

Rebate and energy bill credit details

- You'll receive your rebate as an energy bill credit within two billing cycles after your rebate form is received and approved by Progress Energy.
- [EnergyWise Home program](#) monthly credits generally begin on the second energy bill after the installation of your free EnergyWise Home equipment.

*Source: Florida Solar Energy Center, www.fsec.ucf.edu



SunSense Solar PV Program

SunSense® Solar PV



Invest in Solar Power to Save Money on your Electric Bill

When you add solar photovoltaic (PV) panels to your home, you can generate clean, renewable electricity any time the sun is shining. And if you qualify for our SunSense Solar PV program Progress Energy will help reduce the cost of installation with a rebate of \$2 per watt installed (for up to 10 kW). The SunSense Solar PV program:

- Provides rebates of up to \$20,000 from Progress Energy
- Reduces your electric bills
- Adds to the value of your home
- Provides the satisfaction of generating clean, renewable energy

All funds for the 2011 residential SunSense solar PV program have been committed. so we are no longer accepting applications for residential PV installations in 2011. In October 2011, applications will be available for customers wishing to apply for 2012 funding.

[How it Works](#)[Requirements](#)[Application Process](#)[FAQs](#)[PV Resources](#)

How to qualify for a solar PV rebate

Progress Energy has allocated \$1,000,000 per year towards residential PV incentives through the year 2014. Each year we'll accept applications from residential customers wishing to install a PV system and qualify for a rebate. Please note:

- Reservations will be issued on a first-come basis and only for correctly completed applications.
- A reservation does not guarantee that a rebate will be awarded, only that funding for a rebate is available should the system be installed, meet all requirements and pass inspection.

How to get started

Start by contacting solar contractors in your area to evaluate your home's site potential for generating solar energy. It's always a good idea to secure quotes from several contractors.

If you decide to proceed and plan to apply for the Progress Energy rebate, review the requirements and follow the steps outlined in the application process.

It is important to note that to qualify for the incentive, installation of your PV system should not begin prior to receiving approval from Progress Energy.



SunSense Solar PV Program

SunSense® Solar PV



Invest in Solar Power to Save Money on your Electric Bill

When you add solar photovoltaic (PV) panels to your home, you can generate clean, renewable electricity any time the sun is shining. And if you qualify for our SunSense Solar PV program Progress Energy will help reduce the cost of installation with a rebate of \$2 per watt installed (for up to 10 kW). The SunSense Solar PV program:

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How it Works [Requirements](#) Application Process FAQs PV Resources

General Requirements

To qualify for the residential PV program, you must be a Progress Energy Florida (PEF) customer and a homeowner. You must be the account holder, use the home as your primary residence and own the solar PV system ("System") installed on the home.

- To qualify for the SunSense rebate PEF must approve your application and conduct an on-site Home Energy Check (HEC) prior to PV system installation.
- The proposed PV system must be certified and approved by the Florida Solar Energy Center and be a minimum of 2 kW DC. You may install a PV system larger than 10kW, but the incentive is limited to a maximum of \$20,000 per residence.
- Systems must be installed by a licensed contractor, meet electric and safety standards, and be capable of producing at least 1,000 kWh per kW DC each year.
- Participating customers' systems must be directly connected to the PEF system by following the [PEF interconnection procedures](#).

For additional program details, view our FAQs or e-mail PEFSolarPV@pgnmail.com.



city commission agenda item

item type	Consent Agenda	meeting date	November 28, 2011
prepared by department division	Chief Brett C. Railey Police Department Administration	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		

subject

Purchase (CAFÉ) a Computer Aided Forms Entry Report Management System and Computer Aided Dispatch to replace the existing (RMS) Report Management and Computer Aided Dispatch (CAD).

motion | recommendation

Motion to approve the purchase.

background

For 16 years, the Police Department has used the same Report Management System (R.M.S.) and Computer Aided Dispatch (C.A.D.) system. Over the years, technology has advanced and our system has outlived its usefulness. While investigating options, quotes were received ranging from \$350,000 to just over \$900,000 to enhance our capabilities with new technology.

The Police Department has been provided the opportunity to use a system developed in house by the Seminole County Sheriff's Office. This system has capabilities that far exceed our current capabilities and would allow Winter Park to seamlessly share and benefit from their sharing of appropriate criminal justice data with every agency in Seminole County, our neighbors to the north. This interoperability allows not only for enhancements to our technology but greatly expands our crime fighting efforts.

alternatives | other considerations

Remain with the same outdated and inefficient RMS / CAD System or purchase a commercial packaged system at a range from \$350,000 to \$900,000 dollars.

fiscal impact

Given that the RMS/CAD system was developed by a government entity, Sheriff Eslinger has agreed to provide the software free of charge and is only asking us to cover the costs associated with connectivity and support. Initial setup, configuration, testing and training will require a onetime payment of \$27,000.

Current maintenance on our dated system is budgeted at \$67,000 a year and with the annual maintenance and support of this enhanced system costing only \$50,000 each year, we immediately realize a savings of \$17,000 annually. **Forfeiture monies will be used for initial costs related to enhancing our system.**

long-term impact

The purchase and implementation of the CAFE Report Writing System and Computer Aided Dispatch will ensure the department enhances its current capabilities relating to technology in providing law enforcement services to the citizens.

strategic objective

Quality government services and financial security.

INTERAGENCY AGREEMENT
SEMINOLE COUNTY SHERIFF'S OFFICE AND WINTER PARK POLICE
DEPARTMENT - AGREEMENT FOR CRIMINAL JUSTICE COMPUTER SERVICES
AND SUPPORT

THIS AGREEMENT is made and entered by and between DONALD F. ESLINGER, Seminole County Sheriff's Office, hereinafter referred to as "SHERIFF", a Constitutional Officer of the political subdivision of Seminole County, Florida, whose address is 100 Bush Blvd., Sanford, FL 32773, and the WINTER PARK POLICE DEPARTMENT, hereinafter referred to as "WPPD", whose address is 500 N Virginia Ave., Winter Park, FL 32789.

WITNESSETH

WHEREAS, The SHERIFF and WPPD, are criminal justice agencies, formally recognized by the Federal Bureau of Investigations (FBI) and the Florida Department of Law Enforcement (FDLE); AND

WHEREAS, in accordance with sections 163.01(2) and 163.01(14) Florida Statutes, the SHERIFF and WPPD are authorized to enter into inter-local Agreements for the provision of services; AND

WHEREAS, The SHERIFF presently has the benefit of access to the Florida Criminal Justice network (CJNet), National Crime Information Center (NCIC), the Florida Crime Information Center, and the Interstate Identification Index (III) all hereafter referred to as FCIC, via network connectivity to the FDLE; AND

WHEREAS, The SHERIFF has developed sophisticated law enforcement software which is presently in use by other law enforcement and criminal justice agencies and is supported and maintained by Sheriff's Office staff on a seven days per week, twenty-four hours per day basis; AND

WHEREAS, WPPD has determined that it is advantageous to enter into a contractual agreement with the SHERIFF for the provision of criminal justice computer software services, including continued access to FCIC and state/national criminal justice information for the administration of criminal justice.

NOW, THEREFORE, in consideration of the mutual understandings and agreements set forth herein, the parties agree as follows:

1. Agreement Term

The TERM of this Agreement shall be from November 15th until such time as either party desires to end the Agreement in accordance with termination provisions set forth in Section 9 of this Agreement, the dates of signature of the parties notwithstanding.

2. Purpose

The purpose of this Agreement to establish terms and conditions under which the SHERIFF shall provide criminal justice computer software services and support to the WPPD.

3. **Cooperation**

It is agreed that both parties shall provide all reasonable and necessary cooperation and assistance so as to facilitate the terms of this Agreement.

4. **Basic Services**

1. **The SHERIFF agrees to:**

- A. Provide FCIC Information Systems, CAFÉ, XCAD, MICAD and other applicable criminal justice software available on the SHERIFF'S network to the WPPD.
- B. Provide network and database security, and backup services for WPPD data.
- C. Provide necessary instruction and training to WPPD personnel on CAFÉ, XCAD, MICAD, and other applicable software.
- D. Provide telephone and on-site software support to the WPPD for CAFÉ, XCAD, MICAD, and other applicable software.
- E. Provide for a sufficient number of appropriately qualified personnel to perform those services set forth within this Agreement.

2. **WPPD agrees to:**

- A. Abide by all applicable local, state, and federal laws, rules and regulations, as well as the FBI CJIS Security Policy and rules and regulations of FCIC with regards to the use of said criminal justice computer systems, and ensure compliance with Florida Public Records laws in regards to exempt and confidential data contained within criminal justice software systems provided by the SHERIFF
- B. Abide by all the terms and conditions of the Criminal Justice User Agreement executed between the FDLE and the SHERIFF, dated May 7, 2009, a copy of which is attached to this Agreement.
- C. Limit use of provided criminal justice computer systems to authorized personnel within the WPPD and only for the administration of criminal justice.
- D. Acknowledge, by executing this Agreement, that all software written by the SHERIFF is subject to copyright protection and may not be sold or transferred to any other agency without the express written consent of the SHERIFF.
- E. Provide adequate computer hardware compatible with the software, hardware and network equipment utilized by the SHERIFF.
- F. Ensure that all authorized WPPD personnel attend training on CAFÉ, XCAD, MICAD, and other applicable software provided by the SHERIFF and utilized by WPPD.

G. Maintain all required software licenses required to access the SHERIFF'S law enforcement software systems.

5. Compensation and Payment

1. WPPD agrees to reimburse the SHERIFF for services provided for within this Agreement in accordance with the following schedule:

Initial System Setup, Configuration, Testing and Training: \$27,000

Annual Maintenance including ongoing support, upgrades and connectivity: \$50,000

3. Payments shall be made upon submittal of an invoice by the SHERIFF. Annual payment requests shall be made by the SHERIFF no later than January of the fiscal year in question.

4. All payments made by WPPD shall be sent to the following address:

Seminole County Sheriff's Office
Financial Services Section
100 Bush Boulevard
Sanford, FL 32773

5. The SHERIFF shall no later than May 1st of each year, submit to WPPD the cost for providing services as set forth in this Agreement for the upcoming fiscal year beginning October 1st. This anticipated cost shall not be binding upon the WPPD and shall be subject to negotiation between the WPPD and the SHERIFF.

6. Indemnification

Pursuant to 768.28(18) Florida Statutes and to the extent provided for by Florida law, neither the SHERIFF nor WPPD waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into this Agreement. This Agreement does not contain any provision that requires one party to indemnify or insure the other party for the other party's actions, or to assume any liability for the other party's actions.

7. Dispute Resolution

This Agreement shall be governed by and construed with the laws of the State of Florida. Venue shall be in Seminole County, Florida. The SHERIFF'S designee, IT Manager Mary Fahlstrom, and WPPD'S designee, Officer Morey Vankerschaever shall resolve minor disputes.

8. **Notices**

Whenever any party desires to give notice unto the other party, notice may be sent to:

For SHERIFF:

Mr. Mark Schendorf, Deputy Director
Seminole County Sheriff's Office
100 Bush Blvd.
Sanford, FL 32773

For WPPD:

Mr. Brett Railey, Chief of Police
500 N Virginia Ave.
Winter Park, FL 32789

9. **Termination**

Either party may terminate this agreement upon providing thirty (30) days written notice, except that the SHERIFF may terminate this agreement immediately and without notice upon finding that the WPPD has willfully violated the terms of this agreement.

10. **Entire Agreement**

It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof, as well as any previous Agreement presently in effect between the parties relating to the subject matter hereof. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing, approved by the respective parties and duly executed on behalf of each party as set forth herein.

IN WITNESS HEREOF, the parties hereto have caused this agreement to be executed by the proper officers and officials.

Winter Park Police Department

Seminole County Sheriff's Office

By: Chief Brett Railey

By: Sheriff Donald F. Eslinger

Date

Date



city commission agenda item

item type	Consent Agenda	meeting date	November 28, 2011
prepared by department division	City Management	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		
		final vote	

subject

Professional Service Contract Terms

motion | recommendation

Establish a policy whereby professional service contracts (attorneys, engineers, architects, lobbyist, insurance agents, and other professional consultants) be competitively shopped at a maximum of every five years, unless waived by the Commission.

background

At a recent City Commission meeting, a discussion related to renewal of the lobbyist contract generated the request for information about the appropriate contract length for professional services. While contract lengths vary significantly among the organizations we polled, the most common review requirement was five years.

Staff is recommending including a requirement to have the above mentioned professional services competitively shopped at a maximum of every five years, unless waived by the Commission as part of the City's Purchasing Policy.

Staff is also recommending that the finalizing of the contract duration and establishing the schedule of release of the competitive process remain flexible to maximize obtaining the most competitive responses.

alternatives | other considerations

- Do not include in the Purchasing Policy
- Establish another timeframe for review (3 years, 8 years, etc.)

fiscal impact

There is no direct fiscal impact; however, prices may be adjusted upwards or downwards as a result of the competitive process.

strategic objective

Quality Government Services and Financial Security.



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	November 28, 2011
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board October 26 th – Work Session	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: West Fairbanks – Form Based Code and Architectural Design Standards

The purpose of this agenda item is for City Commission direction on the proposed West Fairbanks - Form Based Code and Architectural Design Standards. As you will read, the Planning Staff and the Planning and Zoning Board are recommending that these two documents be synthesized down to a manageable set of Architectural Design Standards, combining what is essential and best from both documents that were prepared by Placemakers. A first draft of that synthesized document is attached.

The West Fairbanks – Form Based Code, prepared by Placemakers is an entire new “Code”. It is intended to be a new “Land Development” or “Zoning” Code for the West Fairbanks Area. In most cases where Form Based Codes have been adopted, they have replaced the Zoning Code for that area.

To the planning staff and the Planning Board, there are some inherent challenges in the Form Based Code as proposed by Placemakers. One problem is that the 40 pages of the proposed Form Based Code are very complex and difficult to navigate and understand for citizens, property owners and design professionals. A second problem is that much of it is duplicative of our current codes or significantly different than the current zoning rules. As a result, it is hard to justify why the building setbacks, parking requirements, landscape code, sign rules and almost all of the standards for development must be different for a commercial development on West Fairbanks Avenue than they are anywhere else in the City. For example, the proposed Form Based Code, as submitted contains:

1. Development standards such as setbacks, maximum building coverage and heights that are different from that already in the zoning code.
2. Design standards for building new roads and alleys which are not necessary.
3. Design standards for building new parking lots that are different from what is already in our current codes.
4. Landscape regulations that are different from what is already in our current codes.
5. Sign regulations that are different from what is already in our current codes.
6. Parking requirements that are different from what is already in our current codes.
7. Permitted uses and definitions that are different from what is already in our current codes.

The goal of this project for the Placemakers firm was to propose an entirely new set of regulations for this West Fairbanks Avenue area that would mandate future development to replicate the style and scale of Park Avenue and New England Avenue, along West Fairbanks Avenue since that is good “urban” form and design.

To the planning staff, the goal was to adopt whatever supplementary regulations would work to make the future development occur in the best ‘form’ and ‘appearance’. Staff asked Placemakers to provide a form based code, so that if we were building an Embassy Suites Hotel or an Outback restaurant on Fairbanks Avenue, that we would get the best ‘form’ and ‘appearance’. However, their reply was that a Form Based Code isn’t set up for single tenant buildings, as it mandates mixed use multiple tenant projects. For single tenant projects the appropriate tool and all you need are the architectural design standards.

To that end, Placemakers submitted Fairbanks Avenue Design Standards. Unfortunately, this 126 page architectural design standard book is very complex and somewhat incomprehensible to citizens, property owners and design professionals. None of the examples pictured in the document are from buildings built in the last 100 years. These design standards would work if applicable to a historic downtown but not in the context of West Fairbanks Avenue.

As a result, what the planning staff has done is to prepare its own version of West Fairbanks design standards, synthesizing both documents and using the best parts of the documents submitted by Placemakers and revising for the context of West Fairbanks Avenue.

Recommendation:

The Planning and Zoning Board reviewed these documents and discussed the options and strategy for moving forward at their October 26th work session. The Planning Board and Staff recommendation is to proceed with the public involvement of the West Fairbanks property owners/tenants and the public hearings using the West Fairbanks Design Standards attached. Public hearings for adoption would be anticipated for February-March, 2012.

(In order to minimize the length of this agenda item, the 40 page Form Based Code and 126 page Architectural Design Standards, as prepared by Placemakers, for comparison, are located at the very end of this City Commission agenda packet)

WEST FAIRBANKS AREA DESIGN STANDARDS



West Fairbanks Design Standards: Purpose and Intent

These West Fairbanks Avenue Area design standards were adopted by the City Commission, on _____, 2012 to govern development within the area depicted on the map below. In accordance with the zoning regulations, these design standards are mandatory unless specifically waived via authority of the Planning Director or the Planning Board/City Commission. These design standards are to be supplementary to the zoning regulations and to be used in conjunction with the zoning regulations for each individual property. The overall purpose of these design standards is to facilitate the development and redevelopment of the West Fairbanks Avenue area as a coherent and cohesive urban corridor, rather than a series of visually disconnected buildings. These design standards are intended to encourage the development and redevelopment of commercial, office, restaurant and mixed use buildings to provide a visually pleasing environment along this important gateway corridor of the City.

There are several types of zoning within this West Fairbanks Avenue Area. The area is predominately the Commercial (C-3) District, but also contains Office (O-1) District zoning. Provisions of the Zoning Regulations for these districts and these design standards shall both apply to all development and redevelopment within the plan area shown in the map below. In cases where there are conflicts or where these supplementary design standards impose requirements not included in the zoning code, these design standards shall apply.



General Building Arrangement

Building To Be Situated Near the Front of Lot

It is required to have future buildings constructed toward the front of any property or lot that has street frontage along Fairbanks Avenue in order to have the visually appealing architecture of the building dominate the visual reception of the property rather than to have the parking along the frontage as the dominate visual function. As the building is situated near the front of the property or lot the necessary parking is then located behind the building or on the side where it is not as readily visible.

An ample setback is required between the building and the street to provide sufficient that emphasizes pedestrian safety providing for sidewalk, landscaping and the ability to underground utilities. As such, consistent with the zoning regulations, buildings shall have a minimum twenty (20') foot setback from the front property line along Fairbanks Avenue on the south side of the road and fifteen (15') feet on the north side of Fairbanks Avenue. This front setback shall be mandatory and buildings may not be constructed further back from the Fairbanks Avenue frontage than these specified setbacks unless specifically approved by the Planning Department or by the Planning Board and/or City Commission.

A "Transition Zone" of up to ten (10') feet from the front building façade line is permitted to be used for an open colonnade, arcade, canopy or awning structure for all or a portion of the lower, first story in the development. However, any upper floors shall observe the applicable twenty (20) or fifteen (15) foot building setbacks. These structures features in the front setback area will require review and approval by the Planning Department for architectural compatibility with the overall building design, for determination of compliance with the 'openness' standard and conformance with the intent of these guidelines.

Building Mass - Articulation and Terracing

Terracing and articulation providing additional setback are required to create relief to the overall massing of the building facades for any building over one story in height. Such design features of building façade articulation are required at least every sixty (60') feet, on average, along the primary building façades facing streets, or the building frontage where the building fronts primary parking lot area. Also, for any building over two stories, or more than thirty (30') feet in height, a significant portion comprising at least seventy-five (75%) percent of the top floor shall be terraced and stepped back from the exterior face of the next lower floor by an average of at least five (5') feet.

For any building over two (2) stories in height and over two hundred (200') feet in length there shall be a thirty-five (35') foot break on at least the first floor in order to add façade articulation and to break up building mass.

Corner Treatment

Properties fronting on a street corner shall recognize this special opportunity to provide architectural interest and special treatment at the corner location. These properties have two public facades, which gives the chance for special architectural treatment and detailing that will have the highest impact and visibility, at the corner location.

Parking Arrangement and Access

Parking access to properties along Fairbanks Avenue should be from side streets if frontage is available on a side street. If side street frontage is not available or if conditions warrant, a driveway will be allowed from Fairbanks Avenue, providing the driveway and open space surrounding it is minimized. The intent is to maintain the building street wall without large voids for access driveways. The goal in this parking arrangement is to decrease the visibility of parking from the street as much as possible, by having parking behind the building.

Any future parking garages should also be constructed away from Fairbanks Avenue and be accessed from side streets whenever possible. They should also be designed in an architectural style that is compatible with its building counterpart.

Parking for the Buildings on the North Side of Fairbanks Avenue

In order to encourage and facilitate redevelopment along the north side of Fairbanks Avenue, the most critical element is to provide the opportunity for the expansion of parking in order to provide the economic incentive for such redevelopment. To that end, it is a policy of the City to encourage land use changes along the south side of Karolina Avenue and in other similarly situated locations to the city's Parking Lot (PL) zoning in order to accomplish these redevelopment goals. The use of these properties in harmony then with the existing residential properties across and on the north side of Karolina Avenue is critical to the success of this redevelopment. To that end, the following mandatory design elements shall be adhered to as exists at the YMCA along Palmer Avenue and as shown in the accompanying picture:

1. There shall be a consistent fifteen (15') foot setback from the north property line to such parking and all such parking shall be screened by an architecturally attractive stucco block wall of four (4') feet in height with additional one foot columns placed every forty (40') feet.
2. On the exterior, north side of the stucco block screen wall there shall be an irrigated and well maintained landscape buffer that shall consist of line of minimum of seven gallon, three foot tall podocarpus hedges spaced every thirty (30) inches apart that shall be interspersed with a minimum twelve (12') foot tall podocarpus tree spaced every forty (40) feet apart.
3. There shall be no dumpsters, trash or storage enclosures or any other structures constructed or placed in locations that are visible to the residential properties on the opposite side of Karolina Avenue.

4. There shall be no driveways or vehicular access permitted onto Karolina Avenue under any circumstances.
5. The vehicular access from such parking shall only be from Fairbanks Avenue or to any intervening side street. In order to encourage this shared access arrangement to and from the side streets, the City shall as a condition of approval of such land use changes, require an access easement for each property that would permit interior properties to travel via traffic aisles or alley, to and from the intervening side streets.



Façade Treatment

The exterior building façade should be constructed parallel to the street and shall be placed as close to the street as established setbacks permit. Buildings should contain the three traditional architectural elements: a base, a mid section and a top. On low rise buildings the different parts may be expressed through detailing at the building base and eave or cornice line. On taller structures different treatment of the first, middle and top stories should be used to define the three parts.

Commercial Façade Examples:



Other Notes on the Treatment of Façades:

Roof lines, parapets and building heights should be architecturally articulated, diverse in design form and varied in height with adequately scaled and proportioned architectural cornices and applied treatments which complement the building's design.

The window, wall and roofing treatment should be of high quality materials and consistent on both the front and the back of the building. Glazing may be clear or gray tinted. Reflective, pebbled, or bronze glass will not be allowed. Detailing is encouraged to enhance the façade.

In summary, commercial structures should be sited so as to create visual relationships with sidewalks, street alignments and neighboring businesses; create visual anchors at entries, provide interesting architectural perspectives featuring appropriate facade treatments and maximize the pedestrian relationship to the sidewalk.

Lower Story

The lower story of the building has the most immediate impact on the passerby. Traditionally, buildings along urban streets have a high proportion of glazing to solid wall surface, with higher floor to floor heights, on the first floor. To maintain continuity with this treatment, buildings in the Fairbanks Avenue Plan area should have a higher percentage of glass (25% minimum, 70% maximum) in the lower story wall than in the upper story walls. Wall area used for calculation of glazing will be from floor to floor, exterior wall to exterior wall.

Expression Line/ Belt Course

The expression line or belt course is the portion of the building facade which separates the lower story facade from the upper story facade. It is an opportunity to provide detail and architectural expression at a visible level. Some form of architectural treatment is required at the expression line, to provide a shadow line, pattern or texture effect. The treatment may be a molding, projection, material change or other architectural element that serves to separate the lower story from the upper stories of the building facade at that location. The location, depth, and height of this element may vary, depending on the type of architectural design being incorporated into the structure. This line may also be interrupted by vertical elements where appropriate to the architectural style.

Upper Stories

Upper story wall treatment should be coordinated and complement the design of the lower story facade. Materials should be of high quality and carefully detailed. Glazing (windows) on the upper stories should be a lower percentage of the wall area than the lower story. Continuous horizontal strip glazing (ribbon windows) will not be allowed.

Cornice Line

The cornice is the architectural element or treatment that occurs at the top of the building wall or parapet. A cornice may be a projecting element, texture or pattern of sufficient surface relief to create a substantial visible, readable shadow effect. The cornice should be integrated into the style and character of the building design. A cornice treatment is necessary for all building facades in the Fairbanks Avenue area.

Architectural Style, Ornamentation, and Detail

Architectural styles are to be classic in architectural geometry. Architecture should incorporate colonnades, gables, hip roofs, towers, dormers, archways, and covered entries, atriums, repetitive window openings, arched and corbelled parapets, cornices, transoms and other basic and timeless architectural shapes, elements, details and forms.

Architectural Style, Ornamentation and Detail should:

1. Incorporate repetitive window openings and patterns
2. Articulate classic and timeless architectural elements and ornament utilizing arched and corbelled parapets, masonry corner quoins, dormers and simple cornices and brackets
3. Visibly express structural elements including piers, posts, columns, changes in floor levels and changes in use where appropriate.

Ornamentation and detailing is recommended, however, should be limited.

Façade Treatment Examples



This building has a break in the façade to add articulation and to separate building mass



Starbucks' attractive façade is achieved by sharp, clean, vertical lines



A shopping center should have variation in façade appearance (per store) and roof height, as well as awing compatibility with the entrance



This Regions Bank is only one story, however uses architectural detail to distinguish the upper and lower portions of the building



Buildings should be constructed near the front of the lot

Parking accessed from side street;
Structure is both hidden from main Avenue and compatible with architecture of main building



These are desirable treatments for corner lots; rich in architectural details and exceptionally eye-catching



Buildings should contain classical architectural elements such as arches, colonnades, columns, pilasters, corbels, etc. as can be seen in these facades.

Signage

Building signage is one of the most prominent visual elements on the street and defines the purpose of a building. Building signage adds interest and variety to the streetscape and building façade enlivening the street scene and providing for business recognition by passerbys. Building signage may complement and add to the attractiveness of properties or signage may detract from the architecture image and negatively impact the perception of the property and the business even with the best intentions of the owner.

Building Signage should:

1. Contain simple and clear graphic symbols and text that contain the business name, logo but not “specials”, “sales” and other temporary information.
2. Harmonize with the building’s design.
3. Not overpower the architecture image or obscure the building’s architecture.
4. Be compatible with adjacent businesses.

Digital, electronic, and/or internally illuminated signs such as back-lit plastic, acrylic or glass, are discouraged. Manual or automatic front lighting of signs is encouraged. External illumination must be provided by a light source that is installed to prevent direct light from shining onto the street or adjacent residential properties. The source of light must be hidden or shielded from the direct view of motorists or pedestrians. Back lit halo type opaque sign lettering is permitted, however the light color must be white or subdued or muted such as a pastel shade. Changeable copy signage is discouraged and shall not be permitted unless related to a special event, product or activity not routinely available at the business.

Street level sandwich board type or other portable signage shall be decorative and attractive and shall relate to the business for which it is used in the design, color and image. Portable signage with only changeable copy lettering or hand written signage is prohibited. The display of merchandise outside a business, as permitted by the code, shall be limited in size to less than four square feet in area.

Appropriate Sign Examples



Examples of freestanding signs with monument bases that are externally illuminated



Landscaping can enhance a sign's appearance Simple, clear graphics are most effective

Lighting

Lighting can enhance or detract from the appearance of a building and be distracting to pedestrians and motorists if used improperly. It should be used sparingly to accent signage, entrances, architectural details, and enhance the overall appearance of the property. Lights should be shielded and directed away from the view of pedestrians and motorists. It is preferable to use more, less intense light sources rather than one or two very bright sources. This will serve to even out the lighting treatment, avoid hot spots and glare, avoid spillover light into adjacent areas. If arcades, colonnades or courtyards are incorporated into the building design, lighting shall be provided in these areas. General area flood type fixtures are strongly discouraged, except at parking areas behind the building. In these instances, lighting should be controlled and the impact on surrounding areas considered.



Back lit halo with opaque lettering is acceptable

Awnings and Canopies

Awnings can have a positive or negative impact on the overall appearance and perception of a building depending on their design, material and use. General guidelines for use of awnings are included in this document as a way of providing for appropriate use of awnings and avoiding commercial strip type applications. Awnings and canopies are treated the same under these design standards.

Awnings should be designed as an integral part of the overall arrangement of architectural elements that compose the facade, and enhance the general appearance of the building. Height, size, shape, projection and materials should be carefully considered, and should be consistent across the facade, and compatible with the architectural design and style of the building. Awnings should not cover the expression line area of the facade, but work with the structural bays or opening arrangement of the building. Continuous linear or bubble type awnings are strongly discouraged.

Awning color should be coordinated with and complement the building facade colors. Internally lit awnings are also strongly discouraged.

Parking Screen Walls

To the extent that new parking lots are visible from the primary street frontage of Fairbanks Avenue or down the intervening side streets up to a distance of one hundred (100') feet, these design standards shall in addition to the city's landscape buffering regulations. These design standards shall require a parking screen wall to be built and used in combination with landscaping to effectively screen vehicles from view. These mandatory parking screen walls shall be architecturally attractive stucco block, split block or brick walls of four (4') feet in height with additional one foot columns placed every forty (40') feet. The screen walls shall be placed at the interior edge of the required street parking landscape buffer area so that the required landscaping planted on the street side of the screen wall together with the decorative wall shall act in unison to screen the view of the parking lot.

Miscellaneous Provisions

Mechanical equipment, such as air conditioning units or satellite dish antennas, placed on roof tops or at grade will be hidden or screened from view by architectural elements compatible with the building design as per the Winter Park Land Development Code. If placed on a roof top, the equipment should be positioned near the center of the roof to reduce as much visibility of it as possible. Solid waste containers or dumpsters shall also be screened from view of surrounding properties, and plans for new construction must show the location of containers for solid waste disposal per the Winter Park Land Development Code.

Color appreciation is subjective, however excessively bright, reflective or clashing color schemes shall be prohibited. The City recognizes that while building permits are not required for painting of building walls or other structures, these design standards shall require property owner and building tenants to require the prior approval of the City of the colors of paint used on the exterior of buildings and other structures. Furthermore, it shall be a violation of these design standards which are adopted as an overlay to the zoning code and enforceable by the Code Enforcement Board to paint buildings and structures without the prior approval of the Planning Department. To that end, their judgment as to the nature of excessively bright or clashing color schemes shall prevail and it otherwise shall be deemed to be a violation of these regulations and corrective action may be required by the City. Color of each individual building should be coordinated, that is, each individual bay or element of the building shall be in the same family of colors, composed to make a complimentary, coherent composition.



city commission public hearing

item type	Public Hearing	meeting date	November 28, 2011
prepared by department division	Dori DeBord	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		

subject

Amended Ordinance approving the exchange of property between the City of Winter Park and Progress Point LLC (second reading)

motion | recommendation

Approval of the amended Ordinance allowing for the conveyance of land owned by the City of Winter Park in accordance with the terms and conditions outlined in the Exchange Agreement between the City of Winter Park and Progress Point LLC.

summary

Section 2.11(b) (7) of the City Charter requires an ordinance for the conveyance of land of the City of Winter Park.

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

(a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of a majority of the city commission physically present on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.

(b) *Action requiring an ordinance.* In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city commission shall be by ordinance which:

(7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;

The purpose of this Ordinance is to convey City property, located at 941 W. Morse Boulevard to Progress Point LLC, under the terms and conditions of the approved Exchange Agreement.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 941 W. MORSE BLVD., WINTER PARK, FL 32789, REFERRED TO AS THE STATE OFFICE BUILDING PROPERTY, SUBJECT TO MINIMUM REQUIREMENTS AS SET FORTH HEREIN; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Section 2.11 of the Charter of the City of Winter Park, Florida authorizes the City Commission, by ordinance, to convey or authorize by administrative action the conveyance of any lands of the City; and

WHEREAS, the City Commission, in order to encourage redevelopment within the Community Redevelopment Area (CRA) deems it advisable to convey City property, pursuant to the terms of an agreement between the City and Progress Point, LLC, (hereinafter referred to as the "Exchange Agreement"), which Exchange Agreement must also be separately approved by the City Commission; and

WHEREAS, the Exchange Agreement, in order to be approved by the City Commission must provide that the real property and other consideration being received by the City in return for the City's agreement to convey the former State Office Building Property must be equitable, beneficial and in the interest of the citizens of Winter Park; and

WHEREAS, in order to increase the functionality of the Progress Point, LLC property that will be exchanged for the State Office Building Property, (identified as Lots 118 through 138, and Lots 164 through 173, inclusive the Palmetto Company's Addition to Winter Park according to the map or plat thereof as recorded in Plat Book "E", Page 14, of the Public Records of Orange County, Florida), the City Commission has determined that it will process an abandonment and vacation of the road identified as Palmetto Avenue to the extent that the said road is appurtenant to, crosses through or touches the afore-described Progress Point property, thereby rendering that property contiguous and unified; and

WHEREAS, the above-described abandonment by the City and vacation of Palmetto Avenue shall not take place nor be effective until after the expiration of the Reverter Period provided in the Exchange Agreement between the City and Progress Point, LLC.

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

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Section 1. Recitals. The recitals stated hereinabove are incorporated herein by reference and are made fully a part of this Ordinance.

Section 2. The Exchange Agreement, when it is approved by the City Commission, shall be deemed incorporated into this Ordinance, and this Ordinance is subject to the requirement that the City shall separately approve the Exchange Agreement. This Ordinance authorizing the conveyance of the State Office Building Property by exchange is further subject to the condition that the City Commission shall process an abandonment and vacation of Palmetto Avenue to the extent that the said road is appurtenant to, crosses through or touches the aforescribed Progress Point property previously described so that the Progress Point property is contiguous. Said vacation shall not be effective until the end of the reverter period established in the Exchange Agreement.

Section 3. The property that is authorized to be conveyed is the City property identified in Exhibit "A" attached and made a part hereof by reference. The street address of the property owned by the City authorized to be conveyed to Progress Point, LLC, is 941 W. Morse Blvd., Winter Park, FL 32789.

Section 4. The City Commission of the City of Winter Park hereby authorizes the transfer and conveyance of the former State Office Building property (identified and described hereinabove and in Exhibit "A" hereto) to Progress Point, LLC, on the terms and conditions and subject to all requirements as stated in the Exchange Agreement, as the City Commission deems it to be in the public interest, provided that the requirements of the Exchange Agreement are satisfied by the transferee or its successors in interest.

Section 5. This Ordinance shall constitute the authorization by the City Commission pursuant to Section 2.11 of the Charter of the City of Winter Park, Florida, for the transfer and conveyance of any or all parts of the property set forth above (and described in Exhibit "A").

Section 6. Conflicts. All Ordinances or parts of Ordinances in conflict with any provisions of this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

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

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

Approved as to legal form and sufficiency for
the City of Winter Park, Florida only:

Usher L. Brown, City Attorney

First Reading: _____
Second Reading: _____



BROWN, GARGANESE, WEISS & D'AGRESTA, P.A.

Attorneys at Law

111 N. Orange Ave., Suite 2000
P.O. Box 2873
Orlando, Florida 32802-2873
Phone (407) 425-9566
Fax (407) 425-9596

Usher L. Brown
Board Certified Civil Trial Law
Board Certified Education Law

ulbrown@orlandolaw.net

November 17, 2011

Randy Knight, City Manager
Cindy Bonham, City Clerk
Michelle Bernstein, Assistant City Clerk
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

via email & regular U.S. Mail

Re: State Office Building // Ordinance

Dear Randy, Cindy and Michelle:

Please review the enclosed Ordinance. I am providing you with a redline showing the most recent requested changes and a blackline final draft suitable for signature. Please approve the changes made to the Ordinance. I have done this without the benefit of listening to the verbatim transcript of the motion, but I believe the motion was to add the condition to the exchange and Ordinance authorizing the conveyance of the property that Palmetto Avenue (to the extent it is crossing over or adjacent to the exchange property) will be abandoned and vacated by the City at the expiration of the reverter.

If this is in order, please include this item on the agenda for second reading. In my opinion, the amendment does not require going back to first reading because the principal purpose of the Ordinance remains the same, which is to authorize the conveyance of the SOB property pursuant to Section 2.11 of the Charter.

Please contact me if you have any questions.

Sincerely,

Usher L. Brown

ULB:tla
Enclosure

G:\Docs\City of Winter Park\State office Building at Morse & Denning\ordinance\ltr.knight bonham bernstein with ordinance for agenda.wpd

Ft. Lauderdale (954) 670-1979 • Kissimmee (321) 402-0144 • Cocoa (866) 425-9566
Website: www.orlandolaw.net • Email: firm@orlandolaw.net





city commission public hearing

item type	Public Hearing	meeting date	November 28, 2011
prepared by department division	Troy Attaway Public Works Lakes	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Lakes and Waterways Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-0 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 about 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

n/a

**Proposed Ordinance Revisions
Waterways Code (Chapter 114-6)
Summary of Proposed Changes**

<u>Regulated Activity</u>	<u>Current Code</u>	<u>Proposed Code</u>
Turbidity curtain required for use of jet pumps	No	Yes
Fine for failure to obtain required permits	Yes	Yes
Fine for failure to use turbidity curtain	No	Yes
Permit required for access corridor	No	Yes
Permit required for maintenance vegetation removal	No	Yes
Permit required on private lakes under 40 acres in area	Yes*	No*
Revegetation required for dock work	Yes	Yes
Revegetation required for revetment work	Yes	Yes
Revegetation required for vegetation maintenance work	No	Yes
Duration of permit	90 days	3 years
Renewal option initiated by City	No	Yes

Proposed changes to fee structure

Fee for dock and revetment permits	Yes	Yes
Fee for vegetation removal permits	Yes	No

*Applies to vegetation permits only. Historically, these small lakes have posed problems for staff and residents due to lack of access and extreme water level fluctuations. Staff proposal is to develop recommended best management practices for small lakes and implement them through a public education process.

ORDINANCE NO. _____

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 aquatic 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) The requirement to obtain a permit for the removal of shoreline or waterfront vegetation shall not apply to:

- a. 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.
- b. Vegetation removal/management on lakes under 40 acres in total area. The Public Works Director or his designee will provide recommended best management practices for shorelines on small lakes.

(2) Each applicant for a shoreline alteration permit shall submit photographs and materials addressing the following items:

- a. The percentage, area, and types of shoreline and waterfront vegetation proposed to be removed and to be maintained.
- b. If dredging or re-grading is proposed a plan showing any proposed changes in shoreline contour must be provided which includes existing and proposed topographic elevations. Also included shall be the quantities of material to be removed and filled in cubic yards.
- c. 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 (8)).
- d. The reasons for such request and an explanation of the hardship expected if a permit is not granted.

(3) Applications for vegetation removal will be approved for the following purposes only:

- a) The creation of an access corridor for boating and swimming activities. Access corridors may be up to 50 feet wide, or up to 50% of the linear width of the shoreline, whichever is less, and

may extend from the shoreline out to open water. Docks, boat ramps or other features, which preclude shoreline vegetation growth, are included in the total area allowed for an access corridor.

- b) The removal of exotic vegetation to be replaced with native aquatic plants.
- c) The removal of exotic vegetation from within existing native plant stands, provided that the native plant stands remain intact.

(4) Applications for vegetation removal will only be approved for properties that meet the following vegetation standards.

- a) Existing or proposed access corridor must not exceed 50 feet wide, or 50% of the linear width of the shoreline, whichever is less.
- b) All of the linear width of the shoreline outside of the access corridor must be vegetated.
- c) At least 70% of the vegetated portion of the shoreline must contain emergent, aquatic vegetation.
- d) No more than 30% of the vegetated portion of the shoreline may contain floating leaf species (such as fragrant water lily, or other floating leaf plants) only.
- e) To be considered sufficient, stands of existing plants must be the functional equivalent of four rows of nursery stock plants planted on 2 foot centers (30 plants or greater per 100 square feet) as determined by the Public Works Director or his designee.
- f) The presence of submersed vegetation (eel grass, pondweed, etc.) will not be counted for the purposes of shoreline vegetation determination.
- g) Certain exotic, emergent plant species, that are high priority target species for eradication due to their potential for causing rapid ecological or economic damage, will not be counted for the purposes of shoreline vegetation determination. The City may treat or remove these plants on any City waterways as deemed necessary to effect control. High priority target species that will not be counted for vegetation determination and may be treated or removed by the City are: water hyacinth

(*Eichornia crassipes*), snowflake lilies (*Nymphoides cristata*)
and parrot feather milfoil (*Myriophyllum aquaticum*)

- (5) Applications for vegetation removal on properties that do not meet the vegetation standards listed in section 114-6 (4) will be denied or will be conditionally approved pending the revegetation of the shoreline. The Public Works Director, or his designee, will provide the applicant with detailed standards for revegetation when required including a list of approved species, the number of plants required, and maximum allowed spacing. The Public Works Director or his designee may include other conditions on any permit issued as may be reasonable and necessary to further the purpose and intent of this chapter.
 - (6) 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.
 - (7) 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.
 - (8) 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 the project is complete and turbidity within the work area returns to ambient levels.
 - (9) 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.
 - (10) 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 as a condition of the boat ramp permit.

- (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, by a fine as set forth in the City of Winter Park Fee Schedule, in addition to a requirement that fees required for permits be paid. Any person who fails to take the required remedial action within thirty (30) days of receipt of written notice of the violation is also subject to additional enforcement action, which may include additional fines, by the Winter Park Code Enforcement Board.

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:

Cynthia S. Bonham, City Clerk



city commission public hearing

item type	Public Hearing	meeting date	November 28, 2011
prepared by department division	Don Marcotte Public Works	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		

subject

Request to vacate a portion of the City right-of-way located at 2525 Via Tuscany.

motion | recommendation

Approve request to vacate.

summary

Mr. Phillip W. Hall currently owns the property located at 2525 Via Tuscany. In 2006 Mr. Hall redeveloped the house located on this property.

October, 2011 – Letter was received from Mr. Hall requesting vacation of a 15 feet portion of the westerly Via Tuscany right-of-way adjacent to his property along the eastern property line. Approval of this request reduces the existing 80 feet Via Tuscany right-of-way width to 65 feet. Included along with this request are letters of no objection received from local utility companies serving the neighborhood. (See Attached)

Staff has reviewed this request and the letters of no objection from the local utility companies including the City's water, wastewater, electric, and stormwater utilities. There is no current or future need to maintain the excess 15 feet of right-of-way.

April, 2003 and September, 2004 – The City Commission considered and approved similar requests located at 2615 and 2499 Via Tuscany respectively along this section of the Via Tuscany westerly right-of-way.

board comments

N/A

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 2525 VIA TUSCANY LANE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED by the People of the City of Winter Park, Florida as follows:

Section 1. The City Commission of the City of Winter Park, Florida hereby vacates and abandons that certain utility easement located at 2525 Via Tuscany Lane

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 23, BLOCK F; THENCE RUN NORTH 00°34" WEST ALONG THE EAST LINE OF SAID LOT 23, BLOCK F, FOR A DISTANCE OF 131.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 23, BLOCK F; THENCE DEPARTING SAID EAST LINE RUN EAST FOR A DISTANCE OF 15.00 FEET ALONG THE EASTERLY PROJECTION OF THE NORTH LINE OF SAID LOT 23, BLOCK F; THENCE RUN SOUTH 00°34'00 EAST FOR A DISTANCE OF 131.00 FEET ALONG A LINE 15.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 23, BLOCK F TO A POINT ON THE EASTERLY PROJECTION OF THE SOUTH LINE OF SAID LOT 23, BLOCK F; THENCE RUN WEST FOR A DISTANCE OF 15.00 FEET ALONG THE EASTERLY PROJECTION OF THE SOUTH LINE OF SAID LOT 23, BLOCK F TO THE POINT OF BEGINNING

MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

Section 2. The legal description is in reliance on the survey performed by Swerdloff & Perry Surveying Inc. on 5/10/2011. The City Manager is authorized to execute such curative documents and to record the same as may be necessary to conform the vacation to the accurate legal description of the easement being vacated.

Section 3. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect immediately upon its passage and adoption.

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 _____ day of _____, 2011.

Mayor Kenneth Bradley

ATTEST:

City Clerk Cynthia S. Bonham

Mr Marcotte,

Please accept this letter as my formal request for right of way vacation at my home on 2525 Via Tuscany lane. All but one of the lots on this portion of the street have been granted same. Note from the pictures I have gone to great expense to landscape and maintain this lot. I have supplied you with all documents requested to date. Please let me know if I can be of assistance in expediting this process. Thank you,

Phillip W Hall c- 407-257-7462



-----Original Message-----

From: Donald Marcotte <DMarcotte@cityofwinterpark.org>

To: Phil <pnlcommercial@aol.com>

Sent: Thu, Oct 13, 2011 2:50 pm

Subject: my email

Thank you

Don Marcotte, P.E.

City of Winter Park

Asst. Public Works Director / City Engineer

407-599-3424

<http://mail.aol.com/34188-111/aol-6/en-us/mail/PrintMessage.aspx>

10/18/2011

swerdloff&perry
surveying, inc.

370 Waymont Court, Lake Mary, FL 32746
V 407 688 7631 F 407 688 7691 E sandpsurveying@gmail.com

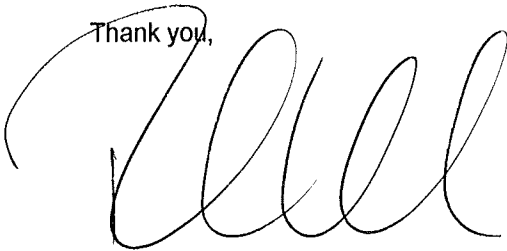
September 16, 2011

To: Donald J. Marcotte, P.E.

Re: **2525 VIA TUSCANY LANE R/W VACATION**

Attached please find the last utility clearance letter for the referenced project.

Thank you,

A handwritten signature in black ink, appearing to read 'R. Swerdloff', with a large, sweeping initial 'R'.

Ralph Swerdloff

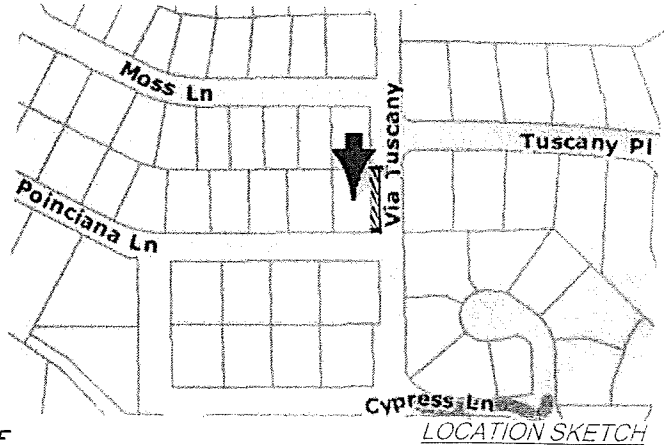
A portion of land known as the right of way of Via Tuscany lying East of Lot 23, Block F, MAITLAND SHORES FIRST ADDITION, according to the plat thereof, as recorded in Plat Book S, Page 68, of the Public Records of Orange County, Florida, more particularly described as follows:

Begin at the Southeast corner of said Lot 23, Block F; thence run North 00°34'00"West along the East line of said Lot 23, Block F, for a distance of 131.00 feet to the Northeast corner of said Lot 23, Block F; thence departing said East line run East for a distance of 15.00 feet along the Easterly projection of the North line of said Lot 23, Block F; thence run South 00°34'00"East for a distance of 131.00 feet along a line 15.00 feet East of and parallel to the East line of said Lot 23, Block F to a point on the Easterly projection of the South line of said Lot 23, Block F; thence run West for a distance of 15.00 feet along the Easterly projection of the South line of said Lot 23, Block F to the Point of Beginning.

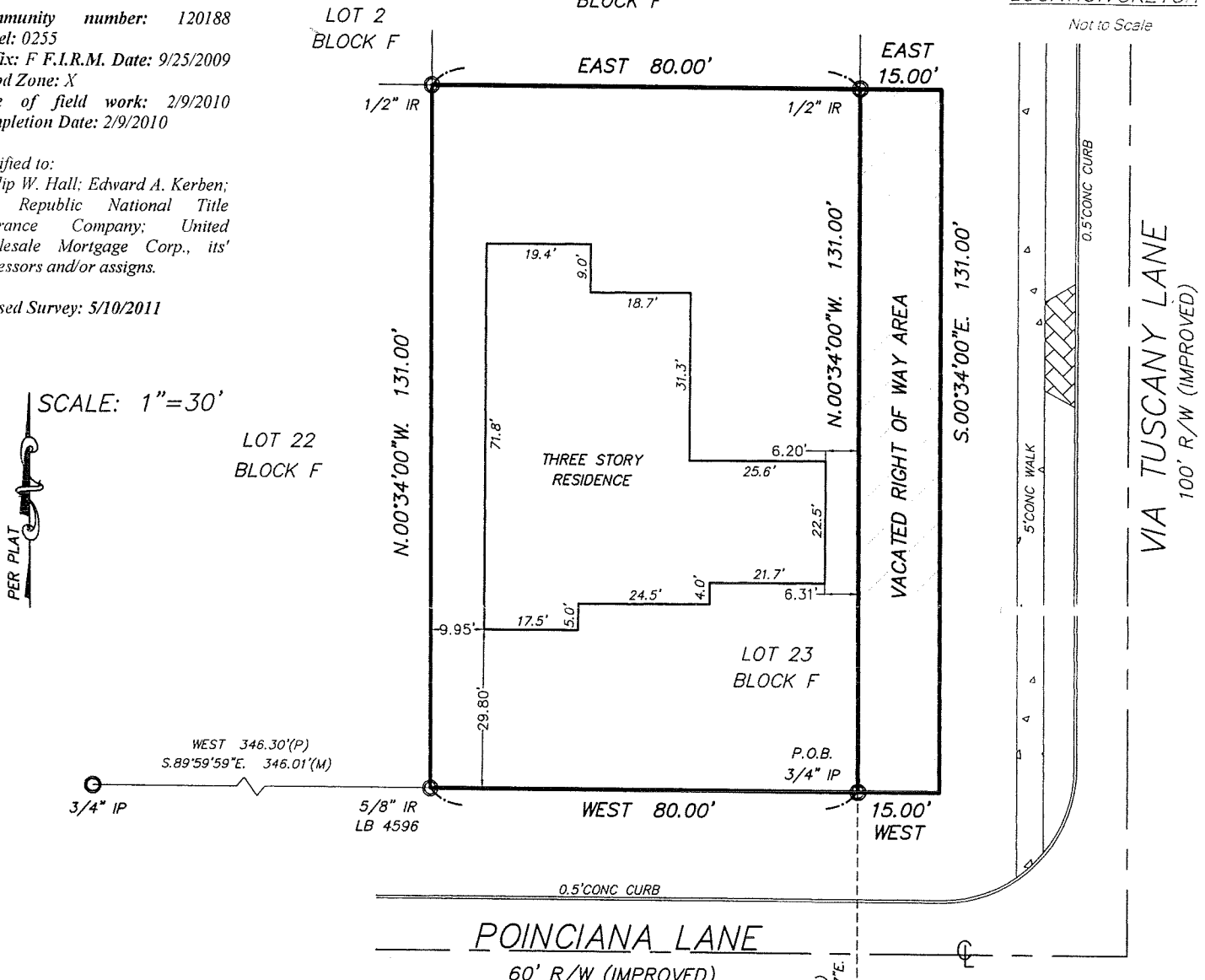
Community number: 120188
 Panel: 0255
 Suffix: F.F.I.R.M. Date: 9/25/2009
 Flood Zone: X
 Date of field work: 2/9/2010
 Completion Date: 2/9/2010

Certified to:
 Phillip W. Hall; Edward A. Kerben;
 Old Republic National Title
 Insurance Company; United
 Wholesale Mortgage Corp., its
 successors and/or assigns.

Revised Survey: 5/10/2011



LOCATION SKETCH
 Not to Scale

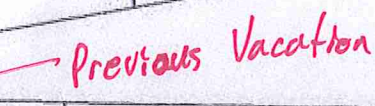


SKETCH OF DESCRIPTION

RIGHT OF WAY VACATION


Property Address:
 2525 Via Tuscany Lane
 Winter Park, FL 32789
 Survey number: SL 108256

PRINT CONTACT



Current
Vacation Request

Previous Vacation?

0  100 ft

Created on 9/20/2011, Copyright 2007. Orange County Property Appraiser.



CITY OF WINTER PARK
 401 PARK AVENUE SOUTH
 WINTER PARK, FLORIDA 32789-4386

- 1) Submit letter of request, including reasons for requesting the Easement Release.
- 2) Submit a copy of a Survey Plat showing the proposed area to be released.
- 3) Submit copies of letters from all utility companies stating their position on the proposed release. (List at bottom of page).

The request is to be submitted to the City Engineer, at 180 West Lyman Avenue, for City of Winter Park, 401 Park Avenue South, Winter Park, Florida 32789. Should there be any questions regarding Release of Easements, contact Donald J. Marcotte, P.E., City Engineer (407) 599-3424 or E-mail: dmarcotte@cityofwinterpark.org.

UTILITY CONTACT LIST

TECO/Peoples Gas
 600 West Robinson
 P.O. Box 2433
 Orlando, FL 32802-2433
 Attn: Bruce A. Stout, Sr. Engineer Tech
 407-420-2678
 407-843-6174 FAX

Progress Energy Florida Inc.
 3300 Exchange Place
 Lake Mary, FL 32746
 Lori L. Herring
 Easement Specialist
 407-942-9463
 407-942-9417 FAX

Bright House Networks Inc
 Marvin Usry
 407-532-8509
 P J King, Construction Supervisor
 407-532-8508
 3767 All American Blvd.
 Orlando, FL 32810
 407-532-8544 FAX

Embarq, Florida, Inc., dba Century Link
 Steve O'Brien
 407-830-3650
 Candy Crim
 407-830-3421
 952 First St.
 Altamonte Springs, FL 32701
 407-260-2683 FAX

City of Winter Park
 Phil Daniels
 Water/Wastewater Asst. Utility Director
 401 Park Avenue South
 Winter Park, FL 32789-4386
 407-599-3355
 407-599-3417 FAX

City of Winter Park
 Terry Hotard
 Electric Director
 401 Park Avenue South
 Winter Park, FL 32789-4386
 407-599-3400
 407-599-3417 FAX

Date: 9/14/11

Embarq, Florida, Inc., dba Century Link

Steve O'Brien

407-830-3650

Candy Crim

407-830-3421

952 First St.

Altamonte Springs, FL 32701

407-260-2683 FAX

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 Via Tuscan Lane in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 370 Waymont Court, Lake Mary, FL 32746. If you have any questions, please contact Ralph Swerdloff.

Sincerely

Name: Ralph Swerdloff

Address: 370 Waymont Court

City, State, Zip Code: Lake Mary FL 32746

_____ The subject parcel is not within our service area.

X _____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

_____ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: C. Crim

Print Name: CANDACE CRIM

Title: OSP ENGINEER II

Date: 9/14/2011

Date: 6/2/11

City of Winter Park
Terry Hotard
Electric Director
401 Park Avenue South
Winter Park, FL 32789-4386
407-599-3400
407-599-3417 FAX

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 Via Tuscan Lane in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 370 Waymont Court, Lake Mary, FL 32746. If you have any questions, please contact Ralph Swerdloff.

Sincerely

Name: Ralph Swerdloff
Address: 370 Waymont Court
City, State, Zip Code: Lake Mary FL 32746

_____ The subject parcel is not within our service area.

X _____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

_____ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

Date: 6/2/11

Progress Energy Florida Inc.
3300 Exchange Place
Lake Mary, FL 32746
Lori L. Herring
Easement Specialist
407-942-9463
407-942-9417 FAX

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 Via Tuscan Lane in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 370 Waymont Court, Lake Mary, FL 32746. If you have any questions, please contact Ralph Swerdloff.

Sincerely

Name: Ralph Swerdloff
Address: 370 Waymont Court
City, State, Zip Code: Lake Mary FL 32746

☒ The subject parcel is not within our service area.

☐ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

☐ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: Linda Bauer
Print Name: LINDA BAUER
Title: ROW SUPPORT SPEC.
Date: 6/7/2011

Date: 6/2/11

TECO/Peoples Gas
600 West Robinson
P.O. Box 2433
Orlando, FL 32802-2433
Attn: Bruce A. Stout, Sr. Engineer Tech
407-420-2678
407-843-6174 FAX

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 Via Tuscan Lane in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 370 Waymont Court, Lake Mary, FL 32746. If you have any questions, please contact Ralph Swerdloff.

Sincerely

Name: Ralph Swerdloff
Address: 370 Waymont Court
City, State, Zip Code: Lake Mary FL 32746

☐ The subject parcel is not within our service area.

☒ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

☐ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: Debbi Frazier

Print Name: Debbi Frazier

Title: Sr. Admin.

Date: 6/10/2011

Date: 6/2/11

Bright House Networks Inc
Marvin Usry
407-532-8509
P J King, Construction Supervisor
407-532-8508
3767 All American Blvd. ____:
Orlando, FL 32810
407-532-8544 FAX

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 Via Tuscan Lane in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

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Sincerely

Name: Ralph Swerdloff
Address: 370 Waymont Court
City, State, Zip Code: Lake Mary FL 32746

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✓ _____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

_____ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: P.J. King

Print Name: P.J. KING

Title: SR. CONST. MGR.

Date: 6-6-11

32, 21, 30

WLU
6/6/11



CITY OF WINTER PARK
401 Park Avenue South
Winter Park, Florida
32789-4386
www.cityofwinterpark.org

Suellen Sanders

Technical Analyst

Water & Wastewater
Department

phone 407.599.3519

fax 407.599.3417

ssanders@cityofwinterpark.org

Date: 7/27/11

CITY OF WINTER PARK
DAVID ZUSI

WATER & WASTEWATER DIRECTOR

401 PARK AVENUE SOUTH WINTER PARK, FL 32789

Dear MR ZUSI:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 VIATUSCANY LANE in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 370 WAYMONT CT, LAKE MARY, FL 32746. If you have any questions, please contact RALPH SWERDLOFF.

Sincerely

Name: RALPH SWERDLOFF
Address: 370 WAYMONT CT
City, State, Zip Code: LAKE MARY, FL 32746

☐ The subject parcel is not within our service area.

☒ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

☐ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: _____

Print Name: DAVID ZUSI

Title: DIRECTOR WATER & WASTEWATER

Date: 7/27/11

Date: 6/2/11

Embarq, Florida, Inc., dba Century Link
Steve O'Brien
407-830-3650
Candy Crim
407-830-3421
952 First St.
Altamonte Springs, FL 32701
407-260-2683 FAX

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 Via Tuscan Lane in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 370 Waymont Court, Lake Mary, FL 32746. If you have any questions, please contact Ralph Swerdloff.

Sincerely

Name: Ralph Swerdloff
Address: 370 Waymont Court
City, State, Zip Code: Lake Mary FL 32746

_____ The subject parcel is not within our service area.

_____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

X _____ The subject parcel is within our service area. We object to the vacation.

Additional comments: WE HAVE BURIED FACILITIES ALONG THIS
RIGHT OF WAY AND CANNOT ABANDON RIGHT OF WAY.

Signature: Candy Crim
Print Name: Candy Crim
Title: OSP Engineer II
Date: 6/14/11



city commission public hearing

item type	Public Hearing	meeting date	November 28, 2011
prepared by department division	John R. Holland Parks and Recreation Department Administration Division	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Parks and Recreation Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5 -0 final vote

subject

A Resolution urging park visitors to not smoke in public areas of our city parks and again requesting the Florida Legislature amend the Florida Clean Indoor Air Act to allow local regulation of smoking and the possession of tobacco products in Municipal and County Parks and Recreation areas.

motion | recommendation

Approve Resolution

summary

During the January 10th, 2011 Commission meeting a request was made that a Resolution be drafted, sent to the Florida Legislature and the Florida League of Cities to encourage the changing of the Florida Statute, Chapter 386, Part II of the Florida Clean Air Act to allow Cities the right under its home rule authority to regulate the use of tobacco products in its parks and recreational areas.

Currently the Florida Clean Air Act expressly preempts regulation of smoking to the State and supersedes any municipal or county ordinance on the subject.

On February 14th, 2011 the City Commission approved Resolution No. 2076-11 declaring that the Florida Legislature amend the Florida Clean Air Act to expressly allow local regulation of smoking and the possession of tobacco products in municipal and county parks and recreation areas. This Resolution includes the same request of the Florida Legislature. Included in this Resolution is an exclusive urging of visitors to our parks facilities to refrain from smoking and use of tobacco products in areas where children may be present.

The City of Orlando and Orange County have both approved similar Resolutions urging park patrons to refrain from smoking and encouraging changes in Florida Statue, Chapter 386, Part II of the Florida Clean Air Act to allow Cities the right of home rule for the regulation of smoking and use of tobacco products in its public parks.

On January 24th, 2011 Mayor Bradley proclaimed February 2011 as Tobacco Free Parks Month in Winter Park. Temporary signs were placed in all city parks informing the public of the proclamation for the month of February. The Tobacco Free Parks Month was successful in making park visitors aware of the pollution and harmful effects of secondhand smoke can have on our youth and public enjoyment of our park resources. This Resolution will continue the education of the public with awareness of the need for clean air in our parks.

The Winter Park Health Foundation has provided an opportunity for application toward a grant that will assist with the cost of new park signage for educating the public within our city park facilities.

board comments

Unanimous Parks Board approval on August 24th, 2011 to bring the Resolution to the City Commission for consideration.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA REGARDING
THE NEGATIVE IMPACT OF SECONDHAND SMOKE**

WHEREAS, according to the Centers for Disease Control and Prevention, United States Department of Health and Human Services (hereinafter the "CDC"), tobacco use is the leading preventable cause of disease, disability and death in the United States; and

WHEREAS, the adverse health effects of cigarette smoking account for an estimated 443,000 deaths, or nearly one of every five deaths, each year in the United States; and

WHEREAS, smoking causes coronary heart disease, the leading cause of death in the United States, lung cancer, leukemia, bladder cancer, cancer of the cervix, cancer of the esophagus, kidney cancer, stomach cancer, cancer of the uterus and other forms of cancer; and

WHEREAS, secondhand smoke causes lung cancer, heart disease, ear infections, and respiratory illnesses, among other ailments, and is especially harmful to children; and

WHEREAS, secondhand smoke causes serious health problems for children, including bronchitis, asthma, pneumonia, ear infections, and sudden infant death syndrome (SIDS); and

WHEREAS, an estimated 88 million nonsmoking Americans, including 54% of children aged 3 to 11 years, are exposed to secondhand smoke, and as a result of this exposure, each year an estimated 3,000 nonsmoking Americans die of lung cancer, more than 46,000 die of heart disease, and as many as 300,000 children younger than 18 months suffer from lower respiratory tract infections; and

WHEREAS, every year, an estimated 56,400 nonsmoking Americans - including several Winter Park residents - die from heart disease and lung cancer caused by secondhand smoke; and

WHEREAS, the City Commission of the City of Winter Park, Florida (hereinafter the "Winter Park City Commission"), hereby finds and declares that scientific evidence overwhelming and conclusively finds that secondhand smoke is a serious risk to public health; and

WHEREAS, the Winter Park City Commission hereby finds and declares that the public health risks associated with secondhand smoke are preventable; and

WHEREAS, the Winter Park City Commission hereby finds and declares that it is especially important to protect children from secondhand smoke, and that because children often play in public parks, these places are particularly vulnerable to the negative health impacts of secondhand smoke; and

WHEREAS, the Winter Park City Commission hereby finds and declares that children enjoying public parks should enjoy the right to be free from exposure to secondhand smoke.

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

SECTION 1. SECONDHAND SMOKE IN PUBLIC PLACES. The Winter Park City Commission hereby urges all residents to consider the public health hazards associated with secondhand smoke and not to smoke where children commonly play.

SECTION 2. HOME RULE. The Winter Park City Commission hereby urges the Florida Legislature to support local home-rule power over municipally-owned property, especially public parks and other public places where children play.

SECTION 3. NOTICE TO LEGISLATIVE DELEGATION. The Winter Park City Commission hereby directs that copies of this resolution be delivered to each member of Orange County's legislative delegation.

SECTION 4. SEVERABILITY. If any provision of this resolution or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable.

SECTION 5. REPEAL. All resolutions or parts of resolutions previously adopted and in conflict with this resolution are hereby repealed.

SECTION 6. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this resolution by filing a corrected copy of this resolution with the City Clerk.

SECTION 7. EFFECTIVE DATE. This resolution takes effect immediately upon adoption.

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 28th day of November, 2011.

Kenneth W. Bradley, Mayor

ATTEST: _____
Cynthia S. Bonham, City Clerk



city commission **public hearing**

item type	Public Hearing	meeting date	November 28, 2011
prepared by department division	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		final vote

Subject: Resolution for an Expedited Review Process for Affordable Housing Projects

Eastwind Development LLC has under contract for purchase, the Denning Drive apartment project at 550 N. Denning Drive. They are planning to purchase all of the exact same property and build the exact same project subject to the exact same conditions of approval and Development Agreement as was approved by the City Commission at public hearings on November 14, 2005 and January 23, 2006.

Eastwind LLC is hoping to be a successful applicant under the State's tax credit affordable housing initiative program for senior affordable housing projects via an application which has a December 2nd tax credit application deadline.

Eastwind LLC needs a Resolution adopted, creating an expedited permitting process for affordable housing. Candidly our normal permitting process is expedited compared to most jurisdictions. However, the City can say in good faith that the staff can trim the review deadlines for each department by giving these permit plans the top review priority so that the review will be expedited.

Staff Recommendation

Staff recommendation is for approval of the attached resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170.03, FLORIDA STATUTES, FINDING THAT THERE IS A NEED FOR AFFORDABLE HOUSING IN THE CITY OF WINTER PARK, AND DETERMINING THAT AFFORDABLE HOUSING DEVELOPMENTS SHOULD BE GIVEN PRIORITY PROCESSING IN ORDER TO EXPEDITE THEIR APPROVAL AND ENCOURAGE AND PROMOTE THEIR DEVELOPMENT AND THAT NEW POLICIES AND REGULATIONS WILL BE REVIEWED PRIOR TO ADOPTION FOR THEIR IMPACT ON THE COST OF AFFORDABLE HOUSING.

WHEREAS, the City Commission of the City of Winter Park, Florida does hereby determine that there is a demonstrated need for housing serving the needs of low-income households (“Affordable Housing”) in the City of Winter Park; and

WHEREAS, the City of Winter Park’s Comprehensive Plan presently provides an option for a density bonus of five (5) units per acre for the development of new Affordable Housing Communities; and

WHEREAS, Winter Park desires to expedite certain City department approvals and incentives to Affordable Housing Developers for the construction of new Affordable Housing communities (“Housing”) in the City of Winter Park effective immediately. and

WHEREAS, the City Commission wishes to further promote and encourage the development of Affordable Housing in the City of Winter Park by providing an expedited review and approval process for Affordable Housing Developments; and

WHEREAS, the City Commission wishes to further promote and encourage the development of Affordable Housing in the City of Winter Park by expediting the review and approval of building plans through the applicable City departments.

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

Section 1. Any Affordable Housing development to be developed in the City of Winter Park shall be entitled to expedited consideration of its proposed site plan at the next Development Review Committee meeting upon request regardless of prior notice requirements.

Section 2. Any Affordable Housing development to be developed in the City of Winter Park shall be entitled to expedited consideration for site plan approval by the Planning and Zoning Board and will be placed upon the agenda of the next meeting of such Board on an expedited basis, providing for notice as required by Code.

Section 3. Any Affordable Housing development to be developed in the City of Winter Park shall be entitled to expedited consideration for site plan approval by the City Commission and will be placed upon the agenda of the next meeting of the City Commission on an expedited basis, providing for notice as required by Code.

Section 4. Any Affordable Housing development to be developed in the City of Winter Park shall be entitled to expedited review of its building plans by all applicable City departments, and expedited issuance of building permits by the City Building Department upon approval of such building plans by all applicable City Departments.

Section 5. Any proposed policy, ordinance, resolution, plan or policy will be considered following a review of the impact on the cost of affordable housing.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

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 28th day of November, 2011.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk