



# city commission agenda

3:30 p.m.  
February 13, 2012  
Rachel D. Murrah Civic Center  
1050 West Morse Boulevard

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

## welcome

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

**PLEASE NOTE: A RECEPTION WILL BE HELD FROM 2:30-3:30 AT THE CIVIC CENTER TO CONGRATULATE MAYOR KENNETH BRADLEY ON HIS RE-ELECTION.**

1	Meeting Called to Order	
2	Invocation Pastor David Barker, Aloma Baptist Church Pledge of Allegiance	
3	Oath of Office: Re-Elected Mayor Kenneth Bradley	
4	Approval of Agenda	
5	Mayor's Report	Projected Time
	a. Board appointments:	
	- Code Enforcement Board: Keith Manzi	
	- Winter Park Firefighters Pension Board: Stuart (Trey) Merrick	5 minutes

<b>6</b>	<b>City Manager's Report</b>	<b>Projected Time</b>
	a. Scheduling Strategic Planning Session	5 minutes
<b>7</b>	<b>City Attorney's Report</b>	<b>Projected Time</b>
<b>8</b>	<b>Non-Action Items</b>	<b>Projected Time</b>
	a. Financial Report – December 2011	10 minutes
<b>9</b>	<b>Citizen Comments   5 p.m. or soon thereafter</b> <b>(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)</b> (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
<b>10</b>	<b>Consent Agenda</b>	<b>Projected Time</b>
	a. Approve the minutes of 1/23/12. b. Approve the following purchase, contracts, and formal solicitations: <ol style="list-style-type: none"> <li>1. After-the-fact Purchase Order 146271 to Heart Utilities of Jacksonville for Undergrounding of Electric; \$105,113.99</li> <li>2. Continuing Services Contract for Architectural Services (RFQ-2-2012) with ACi and authorize the Mayor to execute the contract.</li> <li>3. Continuing services Contract for Architectural Services (RFQ-2-2012) with Helman Hurley Charvat Peacock Architects, Inc. and authorize the Mayor to execute the contract.</li> <li>4. Piggybacking the WSCA/State of Florida contract with W.W. Grainger for Maintenance, Repair and Operations (MRO) and authorize the Mayor to execute the Piggyback Contract</li> <li>5. Staff to enter into negotiations with the top ranked firm, GAI Consultants, Inc. (RFQ-2-2012) Continuing Contracts for Professional, Architectural &amp; Engineering Services (General Civil &amp; Public Facility Engineering)</li> <li>6. Staff to enter into negotiations with the top ranked firm, Comprehensive Engineering Services, Inc. (RFQ-2-2012) Continuing Contracts for Professional Architectural and Engineering Services (Transportation Planning &amp; Engineering)</li> <li>7. Staff to enter into negotiations with the top two ranked firms CDM Smith and Geosyntec Consultants (RFQ-2-2012) Continuing Contracts for Professional, Architectural &amp; Engineering Services (Stormwater Management &amp; Design)</li> <li>8. Staff to enter into negotiations with the two top ranked firms Herbert-Halback, Inc. and Miller Legg (RFQ-2-2012) Continuing Contracts for Professional, Architectural &amp; Engineering Services (Landscape Architect)</li> <li>9. Award of IFB-8-2012 to Link's Automotive, Inc. for towing and wrecker services and authorize the Mayor to execute the contract.</li> </ol>	5 minutes

- c. Approve the purchase of a Cisco Router (\$2,365.00) necessary for connectivity to the newly purchased (CAFÉ) Computer Aided Forms Entry Report Management System and Computer Aided Dispatch to replace the existing (RMS) Report Management and Computer Aided Dispatch (CAD) for the Police Department. (State Forfeiture Funding will be utilized)
- d. Approve the purchase of computer software (ARAS360), required operating systems and four desk top computer workstations for the Police Department. (State Forfeiture Funding will be utilized)
- e. Approve free electric vehicle charging services for an initial promotional/evaluation period with the fees to be reviewed semi-annually in accordance with the fee schedule.
- f. Approve the agreement to provide Wastewater Service for 2021 N. Goldenrod Road (PID 14-22-30-0000-00-133) and authorize the Mayor to execute the agreement.

#### 11 Action Items Requiring Discussion

#### Projected Time

- a. Regulation of street musicians and performers on Park Avenue 15 minutes
- b. Urban Land Institute (ULI) Technical Assistance Panel (TAP) Program for West Fairbanks Redevelopment Evaluation 20 minutes
- c. Proposed on-street dining - Hannibal Square East 20 minutes

#### 12 Public Hearings

#### Projected Time

- a. Request of Denning Partners, Ltd. for the property at 861 W. Canton Avenue: **QUASI JUDICIAL PROCEEDING** 30 minutes
  - **Ordinance** - Changing the designation of Single Family Residential to High Density Residential (1)
  - **Ordinance** - Changing the designation of Single Family Residential (R-1A) to Multi-Family (High Density R-4) (1)
- b. **Resolution** - Calling for a public hearing - ad valorem assessment for properties abutting Via Salerno and Mayfield Avenue to fund the installation of underground electrical/BHN facilities 5 minutes
- c. **Resolution** - Delegating authority to the Code Enforcement Board and under emergency conditions forward to the City Manager to negotiate code enforcement liens and to execute satisfactions or releases of code enforcement liens 20 minutes
- d. **Ordinance** - Establishing parking restrictions at electric charging stations (1) 15 minutes
- e. Revise the conditions of approval for extension of conditional use for the parking garage expansion at 655 W. Morse Boulevard pursuant to the settlement agreement. **QUASI-JUDICIAL PROCEEDING** 10 minutes

#### 13 City Commission Reports

#### Projected Time

- a. Commissioner Leary
  - b. Commissioner Sprinkel
  - c. Commissioner Cooper
    - 1. Progress Point
  - d. Commissioner McMacken
  - e. Mayor Bradley
- 10 minutes each

## appeals & assistance

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"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 of Winter Park Fire-Rescue Department*  
*343 West Canton Avenue ~ Winter Park, Florida 32789*

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To: Randy Knight/ City Manager  
From: Pat McCabe/ Chairman Fire Pension Board *pm*  
Date: January 30, 2012  
Subject: Fire Pension Election

The Winter Park Firefighters Pension Plan held a trustee election and Stuart (Trey) Merrick was elected to fill the remainder of Pat McCabe's term ending in March of 2013. Can you please have this added to the Mayors report for the February 13, 2012 meeting, so the City Commission can as ministerial duty appoint Mr. Merrick to the board. Thank You.

Stuart (Trey) Merrick  
343 W. Canton Ave  
Winter Park, Fl. 32789  
407-599-3298



# city commission **city manager's report**

item type City Manager's Report

meeting date February 13, 2012

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	Construction is underway.  City Commission Meetings will be held at the Civic Center. Many of the advisory board meetings are being held at the Welcome Center and the Community Center. Members of the Public interested in attending should check the City's website ( <a href="http://www.cityofwinterpark.org">www.cityofwinterpark.org</a> ) or call 407-599-3245 to determine locations.	Mid April 2012.
Pensions	Additional information is being prepared for the Commission and staff is closely monitoring legislative efforts in the current session.	
Lee Road Median Update	Met with FDOT on January 5 <sup>th</sup> to agree to planting restrictions. A final submittal has been prepared and is currently under review by the FDOT concerning desired planting scheme to maximize visual impact.	
Pro Shop Renovation	Putting the finishing touches on the project. Completion is scheduled for February 17 <sup>th</sup> with operation to begin in the new building the first week in March.	February 17, 2012
Fairbanks Improvement Project	Re-design of the new lift station location is complete. Plans have been approved by FDOT. Permits were submitted to FDEP on January 6 <sup>th</sup> . Final approval on lift station easement has been granted by the property owner.	Project should be out to bid in March, awarding bids in late April and Notice to Proceed in May, 2012.
Parking Study Alford Inn	Consultant is engaged and ready to start with traffic counts, turning movement counts and gap study (time gaps for left turns on New England). Lyman Avenue has been re-opened and the study is underway.	

Hazardous Waste	Waste Pro has agreed to host four hazardous waste events per year for the City.	The first event will be in conjunction with Earth Day in April 2012.
Dead Tree Removal	All of the tree removals have been completed. Stump grinding (through a contractor) and tree replanting (with in-house crews) are being scheduled for completion by March 2012.	March 2012

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.

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# Financial Report

For the Month of December (25% of fiscal year lapsed)    Fiscal Year 2012

## **General Fund**

Financial results for the three months of FY 2012 in the General Fund are favorable with the following items noted:

- The timing of property tax distributions is a bit ahead of last year but should be on target with the annual budget.
- Franchise fee revenues include only two months of solid waste and electric franchise fees. Both are comparable to one sixth of the annual budget.
- Electric and water utility taxes are comparable to budget and prior year receipts through November. The City received its first Communication Services Tax distribution in December.
- Business taxes are due October 1 of each year so the largest portion of this revenue has already been received.
- Building permit revenues are ahead of budget and the prior year at this early point in the fiscal year.
- Intergovernmental revenues are low in comparison to budget because the City had only received one month of half cent sales tax and local option gas tax through December 31.
- Charges for services now include the Golf Course. Golf course revenues increased total charges for services revenue for the first three months by \$121,907.
- Fines and forfeiture revenues are ahead of last year but behind budget. We are ahead because we did not begin collecting any red light traffic fine revenue until this past March. However, we are behind budget and may or may not catch up because not all intersections budgeted were operational yet as of December 2011. This shortfall is partially offset in that we were not incurring costs for all planned red light traffic intersections yet either.
- Expenditures are generally in line with or below budget. Information Technology expenditures are ahead of budget due to the renewal of maintenance contracts at the beginning of the fiscal year.

## **Community Redevelopment Agency Fund**

The CRA was credited with tax increment revenue from both the City and County in December. The decrease in comparison to the prior year is due to the 4.79% decrease in valuation.

Charges for services revenue is from daily passes and sponsorships for the ice skating rink. There is still more revenue to be recognized in January and this should be close to a break even event.

Annual principal payments and semiannual interest payments on CRA debt were paid in January.

### **Water and Sewer Fund**

Revenues are comparable to budget and the prior year in total. Sales for the first three months in gallons are as follows:

	<b>Sales in Thousands of Gallons for the Three Months ended December 31, 2010</b>	<b>Sales in Thousands of Gallons for the Three Months ended December 31, 2011</b>	<b>Difference</b>	<b>Percentage</b>
Water	881,851	927,590	45,739	5.2%

Expenses are in line with budget.

### **Electric Services Fund**

Sales in kWh are up 2.2% through December 31 in comparison to the same period in the prior year. Revenues are less than last year due to the lower fuel cost recovery rates.

Expenses are in line with budget.



**The City of Winter Park, Florida**  
**Monthly Financial Report - Budget vs. Actual**  
**General Fund**  
**Fiscal YTD December 31, 2011 and 2010**  
**25% of the Fiscal Year Lapsed**

Fiscal YTD December 31, 2011							Fiscal YTD December 31, 2010				
Actual			Budget				Actual	Budget			
YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual		YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual	
Revenues:											
Property Tax	\$ 9,087,302 255%	\$ 14,265,000	\$ 14,265,000	\$ 3,566,250	\$ 5,521,052	\$ 7,039,926	\$ 14,538,871	\$ 3,634,720	\$ 3,405,206		
Franchise Fees	174,206 62%	1,132,500	1,132,500	283,125	(108,919)	192,151	1,130,000	282,500	(90,349)		
Utility Taxes	1,184,986 68%	7,022,000	7,022,000	1,755,500	(570,514)	1,250,731	6,921,536	1,730,384	(479,653)		
Business taxes	405,448 353%	459,500	459,500	114,875	290,573	416,379	450,000	112,500	303,879		
Building Permits	380,264 122%	1,249,050	1,249,050	312,263	68,001	224,834	1,033,800	258,450	(33,616)		
Other Licenses & Permits	5,015 96%	21,000	21,000	5,250	(235)	6,140	20,000	5,000	1,140		
Intergovernmental	724,201 47%	6,206,702	6,206,702	1,551,676	(827,475)	735,856	5,995,605	1,498,901	(763,045)		
Charges for Services	1,158,361 94%	4,939,600	4,939,600	1,234,900	(76,539)	1,094,821	3,708,300	927,075	167,746		
Fines and Forfeitures	127,961 42%	1,220,200	1,220,200	305,050	(177,089)	50,814	797,500	199,375	(148,561)		
Miscellaneous	87,614 63%	556,457	556,457	139,114	(51,500)	12,850	504,610	126,153	(113,303)		
Fund Balance	- -	-	636,911	159,228	(159,228)	-	-	-	-	-	
<b>Total Revenues</b>	<b>13,335,358 141%</b>	<b>37,072,009</b>	<b>37,708,920</b>	<b>9,427,231</b>	<b>3,908,127</b>	<b>11,024,502</b>	<b>35,100,222</b>	<b>8,775,058</b>	<b>2,249,444</b>		
Expenditures:											
City Commission	7,956 142%	22,376	22,376	5,594	(2,362)	2,724	47,057	11,764	9,040		
Legal Services - City Attorney	41,500 69%	240,236	240,236	60,059	18,559	104,420	202,800	50,700	(53,720)		
Legal Services - Other	54,515 198%	110,000	110,000	27,500	(27,015)	23,650	100,000	25,000	1,350		
Lobbyists	27,529 95%	116,000	116,000	29,000	1,471	12,500	52,000	13,000	500		
City Management	110,458 91%	487,729	487,729	121,932	11,474	108,830	476,603	119,151	10,321		
City Clerk	43,734 73%	239,071	239,071	59,768	16,034	42,262	229,966	57,492	15,230		
Communications Dept.	92,935 83%	445,777	447,427	111,857	18,922	90,243	440,584	110,146	19,903		
Information Technology Services	512,267 151%	1,225,601	1,353,592	338,398	(173,869)	341,030	1,252,217	313,054	(27,976)		
Finance	197,415 98%	808,588	808,588	202,147	4,732	186,918	789,862	197,466	10,548		
Human Resources	60,249 67%	357,565	357,576	89,394	29,145	67,547	300,859	75,215	7,668		
Purchasing	45,439 88%	204,799	206,965	51,741	6,302	19,204	202,494	50,624	31,420		
Planning & Community Development	131,793 65%	743,135	807,043	201,761	69,968	126,923	639,187	159,797	32,874		
Building & Code Enforcement	304,731 94%	1,289,385	1,292,765	323,191	18,460	289,560	1,229,136	307,284	17,724		
Public Works	1,686,017 95%	6,892,177	7,119,001	1,779,750	93,733	1,544,543	6,779,814	1,694,954	150,411		
Police	2,654,722 87%	12,011,363	12,186,252	3,046,563	391,841	2,539,823	11,044,550	2,761,138	221,315		
Fire	2,213,821 95%	9,334,614	9,345,829	2,336,457	122,636	2,159,021	8,643,108	2,160,777	1,756		
Parks & Recreation	1,493,509 91%	6,561,341	6,586,218	1,646,555	153,046	1,257,026	5,984,844	1,496,211	239,185		
Organizational Support	442,970 114%	1,550,212	1,550,212	387,553	(55,417)	520,404	1,411,212	352,803	(167,601)		
Non-Departmental	- -	197,000	197,000	49,250	49,250	-	2,171,404	542,851	542,851		
<b>Total Expenditures</b>	<b>10,121,560 93%</b>	<b>42,836,969</b>	<b>43,473,880</b>	<b>10,868,470</b>	<b>746,910</b>	<b>9,436,628</b>	<b>41,997,697</b>	<b>10,499,427</b>	<b>1,062,799</b>		
<b>Revenues Over/(Under)</b>											
<b>Expenditures</b>	<b>3,213,798 -223%</b>	<b>(5,764,960)</b>	<b>(5,764,960)</b>	<b>(1,441,239)</b>	<b>4,655,037</b>	<b>1,587,874</b>	<b>(6,897,475)</b>	<b>(1,724,369)</b>	<b>3,312,243</b>		
Operating transfers in	2,004,420 95%	8,432,000	8,432,000	2,108,000	(103,580)	2,151,359	8,782,012	2,195,503	(44,144)		
Operating transfers out	(616,635) 100%	(2,466,540)	(2,466,540)	(616,635)	-	(471,134)	(1,884,537)	(471,134)	-		
<b>Other Financing Sources/(Uses)</b>	<b>1,387,785 93%</b>	<b>5,965,460</b>	<b>5,965,460</b>	<b>1,491,365</b>	<b>(103,580)</b>	<b>1,680,225</b>	<b>6,897,475</b>	<b>1,724,369</b>	<b>(44,144)</b>		
<b>Total Revenues Over Expenditures</b>	<b>\$ 4,601,583</b>	<b>\$ 200,500</b>	<b>\$ 200,500</b>	<b>\$ 50,126</b>	<b>\$ 4,551,457</b>	<b>\$ 3,268,099</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,268,099</b>		

\* As adjusted through December 31, 2011

The City of Winter Park, Florida  
Monthly Financial Report - Budget vs. Actual  
Community Redevelopment Fund  
Fiscal YTD December 31, 2011 and 2010  
25% of the Fiscal Year Lapsed

	Fiscal YTD December 31, 2011						Fiscal YTD December 31, 2010				
	Actual		Budget				Actual	Budget			
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual	
Revenues:											
Property Tax	\$ 2,090,102	397%	\$ 2,107,423	\$ 2,107,423	\$ 526,856	\$ 1,563,246	\$ 2,309,577	\$ 2,305,963	\$ 576,491	\$ 1,733,086	
Charges for services	124,194	0%	162,000	162,000	40,500	83,694	135,350	200,000	50,000	85,350	
Miscellaneous	11,482	184%	25,000	25,000	6,250	5,232	1,458	117,200	29,300	(27,842)	
Fund Balance	-	0%	147,983	3,092,566	773,142	(773,142)	-	338,821	84,705	(84,705)	
Total Revenues	2,225,778	165%	2,442,406	5,386,989	1,346,747	879,031	2,446,385	2,961,984	740,496	1,705,889	
Expenditures:											
Planning and Development	149,415	99%	594,983	605,283	151,321	1,906	177,953	644,908	161,227	(16,726)	
Capital Projects	203,063	25%	265,000	3,199,283	799,821	596,758	1,339,582	7,526,235	1,881,559	541,977	
Debt service	-	0%	1,550,823	1,550,823	387,706	387,706	-	1,506,081	376,520	376,520	
Total Expenditures	352,478	26%	2,410,806	5,355,389	1,338,847	986,369	1,517,535	9,677,224	2,419,306	901,771	
Revenues Over/(Under)	1,873,300	23713%	31,600	31,600	7,900	1,865,400	928,850	(6,715,240)	(1,678,810)	2,607,660	
Expenditures											
Debt proceeds	-	-	-	-	-	-	-	-	-	-	
Operating transfers out	(7,900)	100%	(31,600)	(31,600)	(7,900)	-	(26,777)	(107,108)	(26,777)	-	
Other Financing Sources/(Uses)	(7,900)	100%	(31,600)	(31,600)	(7,900)	-	(26,777)	(107,108)	(26,777)	-	
Total Revenues Over/(Under)											
Expenditures	\$ 1,865,400		\$ -	\$ -	\$ -	\$ 1,865,400	\$ 902,073	\$ (6,822,348)	\$ (1,705,587)	\$ 2,607,660	

\* As adjusted through December 30, 2011

**The City of Winter Park, Florida**  
**Monthly Financial Report - Budget vs. Actual**  
**Water & Sewer Funds**  
**Fiscal YTD December 31, 2011 and 2010**  
**25.0% of the Fiscal Year Lapsed**

	Fiscal YTD December 31, 2011				Fiscal YTD December 31, 2010		
	YTD Actual	Original Budget	Adjusted Budget *	Adjusted %	YTD Actual	Adjusted Budget	Adjusted %
Operating Revenues							
Intergovernmental	\$ -	\$ -	\$ -	0%	\$ -	\$ -	0%
Charges for services	6,730,494	27,421,000	27,421,000	25%	6,649,631	27,129,592	25%
Total Operating Revenues	6,730,494	27,421,000	27,421,000	25%	6,649,631	27,129,592	25%
Operating Expenses:							
General and Administration	341,549	1,564,064	1,564,064	22%	319,090	1,434,592	22%
Operations	2,739,261	12,698,677	12,698,677	22%	2,664,386	14,171,687	19%
Capital Spending	415,600	1,490,000	1,490,000	28%	173,574	1,298,458	13%
Facility Agreements	631,563	3,207,000	3,207,000	20%	882,262	3,530,000	25%
Depreciation & Amortization	1,209,952	-	-	0%	1,289,137	-	0%
Total Operating Expenses	5,337,925	18,959,741	18,959,741	28%	5,328,449	20,434,737	26%
<b>Operating Income (Loss)</b>	<b>1,392,569</b>	<b>8,461,259</b>	<b>8,461,259</b>	<b>16%</b>	<b>1,321,182</b>	<b>6,694,855</b>	<b>20%</b>
Nonoperating Revenues (Expenses):							
Investment earnings	96,148	143,200	143,200	67%	(50,731)	238,920	-21%
Debt Service - Principal	(623,750)	(2,495,000)	(2,495,000)	25%	(602,500)	(2,410,000)	25%
Debt Service - Interest	(875,659)	(3,559,463)	(3,559,463)	25%	(728,175)	(3,589,908)	20%
Miscellaneous revenue	950	-	-	0%	107	2,300	0%
Fund Balance	-	-	-	0%	-	-	0%
Total Nonoperating Revenues (Expenses)	(1,402,311)	(5,911,263)	(5,911,263)	24%	(1,381,299)	(5,758,688)	24%
Income (Loss) Before Operating Transfers	(9,742)	2,549,996	2,549,996	0%	(60,117)	936,167	-6%
Capital Contributions	38,278	-	-	0%	492,372	-	100%
Operating transfers in	-	-	-	0%	-	-	0%
Operating transfers out	(479,024)	(1,916,096)	(1,916,096)	25%	(489,013)	(1,956,052)	25%
Total Contributions and Transfers	(440,746)	(1,916,096)	(1,916,096)	23%	3,359	(1,956,052)	0%
<b>Net Income</b>	<b>\$ (450,488)</b>	<b>\$ 633,900</b>	<b>\$ 633,900</b>		<b>\$ (56,758)</b>	<b>\$ (1,019,885)</b>	

\* As adjusted through December 31, 2011

The City of Winter Park, Florida  
Monthly Financial Report - Budget vs. Actual  
Electric Services Funds  
Fiscal YTD December 31, 2011 and 2010  
25.0% of the Fiscal Year Lapsed

	Fiscal YTD December 31, 2011				Fiscal YTD December 31, 2010		
	YTD Actual	Original Budget	Adjusted Budget *	Adjusted %	YTD Actual	Adjusted Budget	Adjusted %
Operating Revenues							
Charges for services	\$ 11,283,038	\$ 52,742,028	\$ 52,742,028	21%	\$ 12,948,676	\$ 53,805,025	24%
Total Operating Revenues	11,283,038	52,742,028	52,742,028	21%	12,948,676	53,805,025	24%
Operating Expenses:							
General and Administration	240,005	1,206,446	1,206,446	20%	314,189	1,117,722	28%
Operations	1,399,167	6,185,761	6,185,761	23%	1,241,238	5,526,894	22%
Purchased Power Cost	5,279,740	29,424,769	29,424,769	18%	8,313,530	33,914,312	25%
Transmission Power Cost	398,828	2,203,674	2,203,674	18%	496,616	1,772,000	28%
Capital Spending	347,958	2,275,000	2,275,000	15%	328,115	1,224,000	27%
Depreciation & Amortization	838,063	-	-	0%	810,144	-	0%
Total Operating Expenses	8,503,761	41,295,650	41,295,650	21%	11,503,832	43,554,928	26%
<b>Operating Income (Loss)</b>	<b>2,779,277</b>	<b>11,446,378</b>	<b>11,446,378</b>	<b>24%</b>	<b>1,444,844</b>	<b>10,250,097</b>	<b>14%</b>
Nonoperating Revenues (Expenses):							
Investment earnings	(16,862)	(70,000)	(70,000)	24%	(42,178)	(115,000)	37%
Debt Service - Principal	(405,000)	(1,625,000)	(1,625,000)	25%	(356,250)	(1,425,000)	0%
Debt Service - Interest	(693,824)	(3,256,978)	(3,256,978)	21%	(674,561)	(3,564,711)	19%
Miscellaneous revenue	-	-	-	0%	644,361	-	0%
Total Nonoperating Revenues (Expenses)	(1,115,686)	(4,951,978)	(4,951,978)	23%	(428,628)	(5,104,711)	8%
Income (Loss) Before Operating Transfers	1,663,591	6,494,400	6,494,400	26%	1,016,216	5,145,386	20%
Operating transfers in	-	-	-	0%	-	-	0%
Operating transfers out	(627,220)	(2,923,200)	(2,923,200)	21%	(696,939)	(2,964,329)	24%
Total Operating Transfers	(627,220)	(2,923,200)	(2,923,200)	21%	(696,939)	(2,964,329)	24%
<b>Net Income (Loss)</b>	<b>\$ 1,036,371</b>	<b>\$ 3,571,200</b>	<b>\$ 3,571,200</b>		<b>\$ 319,277</b>	<b>\$ 2,181,057</b>	

\* As adjusted through December 31, 2011

**REGULAR MEETING OF THE CITY COMMISSION**  
**January 23, 2012**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:35 p.m. in the Rachel D. Murrah Civic Center, 1050 West Morse Boulevard, Winter Park, Florida.

The invocation was provided by Reverend John D. Williams Sr., Ward Chapel AME, 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. Employee of the Quarter – Mark Brown, Electric Utility Specialist

Mayor Bradley recognized Electric Utility Specialist Mark Brown as employee of the First Quarter of 2012 and thanked him for his hard work and dedication for the past 24 years.

- b. Board appointment: Martin Luther King Jr. Task Force

**Motion made by Mayor Bradley to appoint Carolyn Finnell and Rev. John D. Williams Sr. to the Martin Luther King Jr. Task Force; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.**

- c. Approval of the City's 125<sup>th</sup> Anniversary Task Force

**Motion made by Mayor Bradley to approve the following members to serve on the City's 125<sup>th</sup> Anniversary Task Force: Kenneth Murrah, Fairolyn Livingston, Susan Skofield, Bob Melanson, Patrick Chapin, Cindy Bowman LaFronz and Rev. Bryan G. Fulwider; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

This task force would plan and coordinate the activities and events to celebrate this milestone and approve the reassignment of the budget allocated for the board appreciation event to the City's 125<sup>th</sup> anniversary celebrations. City staff will also assist, support and help implement the efforts and ideas of the task force.

- d. Presentation of the Holiday Window contest winners

Mayor Bradley stated that this is the second year for the Holiday Window Display Competition and 27 stores from Park Avenue and Hannibal Square participated. They were judged in two



different categories; \$500 Design Excellence Award and \$250 People's Choice Award in electric utility credits. He announced the winner for Design Excellence Award was Tuni's located on 301 Park Avenue and the People's Choice Award was Bella, located on 329 North Park Avenue. He thanked everyone for participating.

### **City Manager's Report**

a. Scheduling Strategic Planning Session

There was a consensus to schedule this at the next Commission meeting on February 13, 2012.

b. Report on the status of the proposed on-street dining on the Hannibal Square East item tabled from 1/9/12 meeting

City Manager Knight advised that this item is currently working its way through the City's special event process which includes notices to be sent to the surrounding community. It will be coming back to the Commission for consideration in February and will include guidelines for future requests of a similar type of activity.

City Manager Knight provided an update on the 'Winter in the Park' ice skating event and said this year was the best turnout with 14,290 attendees and cost the City \$3,000 versus \$25,000 last year.

Commissioner McMacken asked if it would be advantageous to piggyback the traffic study for the Alford Inn to include Palmetto Avenue. Public Works Director Troy Attaway said 'no'. The traffic study for Palmetto Avenue would be done in-house.

City Manager Knight provided an update on the State Office Building contract and said the due diligence is completed and the closing is scheduled for February 13.

### **City Attorney's Report**

a. Further consideration of the settlement agreement proposed by Sydgan in the case of *Sydgan Corp. v. City of Winter Park*, Orange County Circuit Court case number 2011-CA-001709-O

Attorney Brown advised that prior to this meeting a statutory executive session was held to discuss this item. He asked for direction. **Motion made by Commissioner McMacken to approve the settlement agreement; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

### **Non-Action Items**

No items.

### **Consent Agenda**

- a. Approve the minutes of 1/9/12.
- b. Approve the following purchase and contracts:
  - 1. Emergency Purchase Order 1046 to T.V. Diversified, Inc. for Emergency Repair to Lift Station #40 (Glenwood); \$74,032.95.
  - 2. Blanket Purchase Order to Reynolds Inliner, LLC for Sewer Line Rehabilitation Cleaning and Video Recording; \$600,000.
  - 3. Purchase order to Musco Sports Lighting, Inc. for installation of new poles and fixtures at Azalea Lane; \$72,196.
  - 4. Piggybacking the State of Florida contract 445-001-11-1 with W.W. Grainger for Tools: Hand Held, and Hand Held Power Tools and authorize the Mayor to execute the Piggyback Contract.
  - 5. Piggybacking the State of Florida contract 071-000-12-1 for Motor Vehicles and authorize the Mayor to execute the Piggyback Contract as required for specific purchases.
  - 6. Authorize staff to enter into negotiations with the top two ranked firms ACi and Helman Hurley Charvat Peacock Architects, Inc. (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineer Services (Discipline: Architectural Services).
- c. Approve the Winter Park Neighborhood Enhancement Matching Grant requests as follows:

Chateaux du Lac	\$ 4,000.00
Hannibal Square CLT Neighborhood Association	\$ 2,500.00
Park Green Community Association	\$ 4,000.00
Temple Sunset Neighborhood Association	\$ 428.00
- d. Approve the expenditures of State Law Enforcement Forfeiture Funds (\$6,000) as follows: \$1,000 to Mothers Against Drunk Drivers (MADD) for the 4<sup>th</sup> annual Chief Challenge fundraiser; and \$5,000 to assist the Prescription Drug Monitoring Program (PDMP) to aid in reducing the scope of prescription drug abuse and diversion in Florida.
- e. Approve the request to waive fees in Central Park for the Michael Andrews/Swingerhead concert.

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

### **Action Items Requiring Discussion**

- a. Negotiation for First Right of Refusal for acquisition of the Post Office Property on New York Avenue

City Manager Knight advised that on December 14, 2011; Commissioner Cooper, City Attorney Brown, Lobbyist Kurland and himself met via conference call with representatives of the Post Office to discuss options. While the USPS stopped short of saying they would agree to some type of future right for the City to acquire the property they did agree to the City providing them with a draft agreement to consider. He then asked the Commission for direction.

**Motion made by Commissioner Cooper to approve (the sending of the agreement); seconded by Commissioner Sprinkel.** City Manager Knight answered questions pertaining to maintenance of the grounds and parking area. **Upon a roll call vote, Mayor Bradley and**

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

### **Public Hearings**

#### **Request of Jim Veigle Properties, LLC:**

Mayor Bradley commented that this would be a simultaneous public hearing on both ordinances. Attorney Brown read both ordinances by title.

- a. ORDINANCE NO. 2865-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO OFFICE AND PROFESSIONAL ON THE PROPERTY AT 1210 DALLAS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; AND AMENDING PLANNING AREA "J" POLICY 1-4.1.J.11 IN THE FUTURE LAND USE ELEMENT TO ADD AN EXCEPTION TO THE ENCROACHMENT OF NON-RESIDENTIAL LAND USE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

**Motion made by Commissioner Leary to adopt the first ordinance (amending the Comprehensive Plan); seconded by Commissioner Sprinkel.**

ORDINANCE NO. 2866-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO PARKING LOT (PL) DISTRICT ON THE PROPERTY AT 1210 DALLAS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

**Motion made by Commissioner Leary to adopt the second ordinance (amending the Zoning Code); seconded by Commissioner Sprinkel.**

Planning Director Jeff Briggs provided background and explained that in this case since the applicant is bringing the office building into conformance with today's current parking code they cannot go back at a later date and construct an office building on this property and rezone it.

**Motion made by Commissioner Cooper to amend the language in the first ordinance (the Comprehensive Plan) Section 2, Policy 1-4.1.J.11, second sentence, change the word "should" to "must" and delete "if necessary"; seconded by Commissioner McMacken.**

Mr. Briggs answered questions and explained that this policy is to allow for parking lots in this neighborhood area only and is not global, meaning there could be a continuation of this for other properties on Dallas Avenue or Grove Street.

**Upon a roll call vote on the amendment to the first ordinance (amending the Comprehensive Plan), Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners and McMacken and Cooper voted yes. The motion failed with a 3-2 vote.**

**Upon a roll call vote on the first ordinance (amending the Comprehensive Plan), 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 second ordinance (amending the Zoning Code), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. RESOLUTION NO. 2099-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING VIA SALERNO AND MAYFIELD AVENUE MORE PROPERLY INDICATED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS OF THE INSTALLATION OF UNDERGROUND ELECTRICAL/BHN FACILITIES; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

- c. Request of Rollins College: Conditional use approval to demolish and rebuild Strong Hall located adjacent to the corner of Holt Avenue and Hanna Way on the campus at 1000 Holt Avenue, zoned PQP

Planning Director Jeff Briggs explained that Rollins College is requesting a conditional use approval to demolish and rebuild the Strong Hall dormitory building on campus adjacent to the corner of Holt Avenue and Hanna Way. The Planning and Zoning Board voted 7-0 to approve this conditional use with the condition that Strong Hall observe the same setback from Holt Avenue as the adjacent Cross Hall. No one appeared at the P&Z meeting to voice any comments. Prior to the Planning Board meeting, Rollins College hosted neighborhood meetings that invited the neighbors to come see the proposed plans. Staff understands that the neighborhood reaction has been very favorable.

**Motion made by Commissioner Sprinkel to approve the conditional use request (to include the P&Z condition that Strong Hall observes the same setback from Holt Avenue as the adjacent Cross Hall); seconded by Commissioner Leary.**

Scott Bitikofer, Director of Facilities Management for Rollins College, answered questions regarding the increase of dorm rooms and the parking affects. He felt they have adequate parking in the garage.

**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.**

- d. Request of Perth Lane Properties, LLC: Conditional use approval to build a new two story; 22,990 square foot medical office building at 100 Perth Lane, zoned Office (O-2)

Mayor Bradley explained that his employer is selling the property to Perth Lane Properties, LLC and therefore recused himself from voting on this issue (conflict of interest). Form 8B is made part of this record. Mayor Bradley turned the meeting over to Vice Mayor Leary.

Planning Director Jeff Briggs explained that the applicant Perth Lane Properties, LLC is requesting a conditional use approval to demolish the existing, one story 7,300 sq. ft. medical ob-gyn building and rebuild a new two story, 22,090 sq. ft. medical building on an expanded property at 100 Perth Lane. The Planning and Zoning Board voted 7-0 to approve this conditional use with no conditions and no one appeared at the P&Z meeting to voice any comments. The planning staff believes that these plans will be an improvement both to the hospital campus environment as well as the public's visual perspective of this property. Mr. Briggs answered questions regarding parking.

**Motion made by Commissioner Sprinkel to approve the conditional use request; seconded by Commissioner McMacken. Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. Mayor Bradley abstained from voting.**

Mayor Bradley resumed as Chair of the meeting.

- e. Request of Denning Partners, Ltd. for the property at 861 W. Canton Avenue:

Mayor Bradley commented that this would be a simultaneous public hearing on both ordinances. Attorney Brown read both ordinances by title.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESTRICTIONS ON HEIGHT; CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Planning Director Jeff Briggs provided background and explained that the applicant Denning Partners, Ltd. (Dan Bellows) has under contract for purchase the property at 861 W. Canton Avenue, which is immediately east of and adjacent to the Denning Drive apartment project at 550 N. Denning Drive. This is a request for the Comprehensive Plan and Zoning change from the existing single family designations (R-1A) to high density residential (R-4). The Planning and Zoning Board voted 5-2 to approve these ordinances. The majority felt that the location of this property and the adjacency to the Denning Drive apartment site lends itself and provides better design opportunities if added to that project. The minority felt that there needs to be a



step-down in density moving east and that R-3 was more appropriate. The rezoning ordinance contains a restriction on building height to the same three stories and 42 feet as was approved for the Denning Drive apartment project. Mr. Briggs advised that staff's recommendation is for approval with the condition that future development is limited to no more than three stories and 42 feet of building height.

Applicant Dan Bellows answered questions and concerns of the Commission.

Attorney Brown asked the Commission to disclose any ex-parte communications on this matter. Each Commissioner said there was no ex-parte communications.

Commission discussion ensued regarding the zoning request that is being presented and the future impacts of the change. Mr. Briggs responded to questions and concerns.

**Motion made by Commissioner McMacken to table this pending the outcome of the Eastwind, LLC application to the state.** Attorney Brown provided legal counsel and explained that the motion is in order and can be voted on. **Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.**

Attorney Brown explained that the first ordinance is an amendment to the Comprehensive Plan which is legislative and that the rezoning ordinance is quasi-judicial and needs to be accompanied by a viable plan that justifies the rezoning.

A recess was taken from 5:15 p.m. to 5:33 p.m.

**Motion made by Commissioner Leary to table this to the next meeting (February 13, 2012); seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Leary and McMacken voted yes. Commissioners Sprinkel and Cooper voted no. The motion carried with a 3-2 vote.**

### **Public Comments**

No comments.

- f. Request of Winter Park Redevelopment Agency, Ltd. for conditional use approval to construct a 470 square foot, second floor addition onto the previously approved restaurant pavilion building at 400 West New England Avenue, zoned C-2

Planning Director Jeff Briggs explained that the applicant Winter Park Redevelopment Agency, Ltd. is requesting conditional use approval to construct a 470 square foot, second floor addition onto the previously approved restaurant pavilion building at 400 West New England Avenue, zoned C-2.

Mr. Briggs further explained that the applicant (who is the property owner and contractor) decided while it was being built to add the second floor; and that he was under the impression that the recent rule change making the threshold for a "significant change" to be something larger than 500 sq. ft exempted them. He stated that is true but a "significant change is also adding an additional story to a building so this approval is required. He further explained that

the job was stopped and this is the after-the-fact request. The rationale for the change in plans from the applicant is to maintain the symmetry of this new two story building adjacent to the existing two story building. Staff concurs that the scale of the two stories is compatible with this location and the Planning and Zoning Board voted 7-0 to approve these modifications to the conditional use plans previously approved.

Since this item is a quasi-judicial matter, each Commissioner disclosed their ex-parte communications. Commissioner Cooper indicated that she may have mentioned it in a meeting with staff while discussing another topic. Mayor Bradley advised that he drove down the street but was unaware that this item was on the agenda. Attorney Brown advised that site inspections are permitted.

Applicant Dan Bellows explained the reason for the request and asked the Commission for their approval.

**Motion made by Commissioner McMacken to approve the conditional use request; seconded by Commissioner Sprinkel.**

Lurlene Fletcher, 790 Lyman Avenue, addressed the need for the City to watch what is going on and being built by the applicant so that he stays in compliance with the law.

Mr. Briggs explained the recourse actions that take place for building something without prior approval.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

**City Commission Reports:**

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

Commissioner Sprinkel commended President and CEO of Winter Park Chamber of Commerce Patrick Chapin for his great accomplishment in climbing Mount Kilimanjaro.

Commissioner Sprinkel thanked City Manager Knight for promptly answering all of her email requests that she passes on to him from residents.

Commissioner Sprinkel commented on the wonderful luncheon that was held last week for the Mayor's State of the City address and thanked everyone for attending.

- c. Commissioner Cooper

Commissioner Cooper suggested asking staff to look at establishing design guidelines for parking garages or to have an architectural review. She asked the Commission to think about it.

- d. Commissioner McMacken – no report.

e. Mayor Bradley

Mayor Bradley thanked staff for their outstanding efforts in making the luncheon for the Mayor's State of the City address a fabulous event and commended the three city employees of the year for their outstanding achievements.

Mayor Bradley also encouraged everyone to vote on January 31, 2012.

The meeting adjourned at 5:48 p.m.

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Mayor Kenneth W. Bradley

ATTEST:

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City Clerk Cynthia S. Bonham



# city commission agenda item

item type	Consent Agenda	meeting date	February 13, 2012
prepared by department division	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
		final vote	

## Purchases over \$50,000

	vendor	item   background	fiscal impact	motion   recommendation
1.	Heart Utilities of Jacksonville	After-the-fact Purchase Order 146271 for Undergrounding of Electric	Total expenditure included in approved FY12 budget. Amount: \$105,113.99	Commission approve after-the-fact Purchase Order 146271 to Heart Utilities of Jacksonville
We are currently under contract with this vendor for Undergrounding Electric Services (IFB-1-2008).				

## Contracts

	vendor	item   background	fiscal impact	motion   recommendation
2.	ACi	Continuing Services Contract for Architectural Services (RFQ-2-2012)	Continuing Contract to be used on a per project basis with approved budget.	Commission approve continuing services contract for architectural services with ACi and authorize the Mayor to execute the contract.
The City utilized a formal solicitation process to shortlist two (2) firms to provide continuing architectural services. The City Commission authorized staff to negotiate with this firm on January 23, 2012. Contract will be for a period of one (1) year with four renewal options, not to exceed five (5) years in total.				
3.	Helman Hurley Charvat Peacock Architects, Inc.	Continuing Services Contract for Architectural Services (RFQ-2-2012)	Continuing Contract to be used on a per project basis with approved budget.	Commission approve continuing services contract with Helman Hurley Charvat Peacock Architects, Inc. and authorize the Mayor to execute the contract.
The City utilized a formal solicitation process to shortlist two (2) firms to provide continuing architectural services. The City Commission authorized staff to negotiate with this firm on January 23, 2012. Contract will be for a period of one (1) year with four renewals, not to exceed five (5) years in total.				

## Piggyback contracts

	vendor	item   background	fiscal impact	motion   recommendation
4.	W.W. Grainger	Piggybacking the WSCA/State of Florida contract for Maintenance, Repair and Operations (MRO)	Total expenditure included in approved budget	Commission approve piggybacking the WSCA/State of Florida contract with W.W. Grainger and authorize the Mayor to

				execute the Piggyback Contract
The State of Florida adopted the Western States Contracting Alliance (WSCA) contract with W.W. Grainger for Maintenance, Repair and Operations (MRO) as an Alternate Contract Source on September 2, 2011. The adoption allows all government agencies within the State of Florida to utilize the contract. The contract term is valid through February 28, 2014.				

## Formal Solicitations

	vendor	item   background	fiscal impact	motion   recommendation
5.	GAI Consultants, Inc.	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: General Civil & Public Facility Engineering)	Continuing contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with the top ranked firm, GAI Consultants, Inc.
This fiscal year the City issued a Request for Qualifications for various professional services. The evaluation committee short listed a total of three (3) firms for oral presentations for General Civil & Public Facility Engineering. A post presentation ranking identified the top ranked firm as GAI Consultants, Inc. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for continuing services contract for the discipline of General Civil & Public Facility Engineering Services.				
6.	Comprehensive Engineering Services, Inc.	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Transportation Planning & Engineering)	Continuing contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with the top ranked firm, Comprehensive Engineering Services, Inc.
This fiscal year the City issued a Request for Qualifications for various professional services. The evaluation committee short listed a total of four (4) firms for oral presentations for Transportation Planning & Engineering. A post presentation ranking identified the top ranked firm as Comprehensive Engineering Services, Inc. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for continuing services contract for the discipline of Transportation & Planning Engineering.				
7.	CDM Smith; Geosyntec Consultants	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Stormwater Management & Design)	Continuing contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with the top two ranked firms, CDM Smith and Geosyntec Consultants
This fiscal year the City issued a Request for Qualifications for various professional services. The evaluation committee short listed a total of five (5) firms for oral presentations for Stormwater Management & Design. A post presentation ranking identified the top two (2) ranked firms as CDM Smith and Geosyntec Consultants. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with these firms for continuing services contract for the discipline of Stormwater Management & Design.				
8.	Herbert-Halback, Inc.; Miller Legg	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Landscape Architect)	Continuing contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with the top two ranked firms, Herbert-Halback, Inc. and Miller Legg
This fiscal year the City issued a Request for Qualifications for various professional services. The evaluation committee short listed a total of three (3) firms for oral presentations for Landscape Architect. A post presentation ranking identified the top two (2) ranked firms as Herbert-Halback, Inc. and Miller Legg. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with these firms for continuing services contract for the discipline of Landscape Architect.				



9.	Link's Automotive, Inc.	IFB-8-2012 Towing and Wrecker Services	Total expenditure included in approved FY12 budget.	Commission to approve award of IFB-8-2012 to Link's Automotive, Inc. and authorize the Mayor to execute the contract.
With our current contracting expiring in March 2012, staff issued an Invitation for Bids for Towing and Wrecker Service. This contract covers the towing of disabled City vehicles as well as impounded, abandoned or wrecked motor vehicles.				



# city commission agenda item

item type	Consent Agenda	meeting date	February 13, 2012
prepared by	Chief Brett C. Railey	approved by	<input checked="" type="checkbox"/> City Manager
department	Police Department		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		
	final vote		

## subject

Purchase a Cisco Router (\$2,365.00) necessary for connectivity to the newly purchased (CAFÉ) 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

Request Approval.

## background

On November 28, 2011, the Police Department was granted permission to purchase and implement a new (RMS) Records Management System and (CAD) Computer Aided Dispatch from the Seminole County Sheriff's Office referred to as (CAFÉ). **The system was purchased for a onetime cost of \$27,000 with State Forfeiture Funds.**

Since the purchase and ongoing implementation of CAFÉ, it has been determined that a router must be purchased to allow for connectivity between the Seminole County Sheriff's Office and the Winter Park Police Department.

## alternatives | other considerations

None – The purchase and implementation of CAFÉ requires connectivity with the Seminole County Sheriff's Office or the system will not function.

## fiscal impact

The cost to purchase the CAFÉ System was \$27,000 which included the connectivity, initial setup, configuration, testing and training. The additional cost of \$2,365 is necessary to purchase a router that will allow for connectivity between the Winter Park Police Department and the Seminole County Sheriff's Office. **State Forfeiture monies will be used for the purchase of the router.**

## 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.



# city commission agenda item

item type	Consent Agenda	meeting date	February 13, 2012
prepared by	Chief Brett C. Railey	approved by	<input checked="" type="checkbox"/> City Manager
department	Police		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		
		final vote	

## subject

Purchase computer software (ARAS360) required operating systems and four desk top computer workstations. **(State Forfeiture Funding will be utilized)**

## motion | recommendation

Recommend Approval

## background

The traffic unit is tasked with the responsibility of investigating all traffic crashes involving serious bodily injury or death. The purchase and implementation of the new software and required operating systems will provide traffic homicide investigators with full time drawing and editing capabilities in both 2D and 3D (top down 3D view). By having multiple workstations, it will allow investigators the ability to conduct multiple investigations simultaneously without the need to share workspace. The ARAS360 Software will enhance the overall quality of traffic homicide investigations as well as increasing the operational effectiveness of the unit while responding to crash investigations.

## alternatives | other considerations

Remain with current system which would require investigators to remain at crash scenes for longer periods to map and diagram crash scenes. This would require roadways to remain closed for longer periods

## fiscal impact

The cost to purchase the accident reconstruction software, four desktop workstations, maintenance and 24 / 7 support is \$14,925. **(State Forfeiture Funding will be utilized)**

## long-term impact

The purchase and implementation of the ARAS360 Software and required operating systems will ensure the department enhances its current capabilities relating to crash investigations and is in compliance with the open road policy.

## strategic objective

Quality government services and financial security



# city commission agenda item

item type	Consent Agenda	meeting date	February 13, 2012
prepared by department division	Jerry Warren Electric Department	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 checked="" type="checkbox"/> no <input type="checkbox"/> N/A		
		final vote	

## subject

Initial Rates for Electric Car Charging Stations

## motion | recommendation

Approve free electric vehicle charging services for an initial promotional/evaluation period with the fees to be reviewed semi-annually in accordance with the fee schedule.

## background

The city of Winter Park, through a grant from Charge Point America (CPA), recently received and installed six electric vehicle charging stations. The six stations are located at:

- 1) Parking lot at the Public Safety Building,
- 2) Garfield Ave at the north end of Central Park
- 3) Public parking lot at the Amtrak station
- 4) City Hall parking lot adjacent to the Public Works building
- 5) Hannibal Square public parking lot across from the Heritage Center
- 6) Adjacent to the Azalea Ln. tennis center

All 6 stations were installed and commissioned in late November. A formal unveiling of the stations took place at the Garfield location on Tuesday, January 10.

Electric car charging is potentially an advantageous new business opportunity for the City's Electric Department. This business is advantageous since most electric car charging would be done off-peak (at night) which requires little or no investment in infrastructure and incurs no demand charges on the cost of wholesale power supply. Electric car charging is potentially a very profitable business for electric utilities. It is in the City's best interest to promote the use of electric vehicles for a number of reasons including:

- Electric cars are good for the environment by reducing the carbon footprint associated with vehicular transportation
- Electric cars reduce the consumption of fossil fuels
- Electric cars improve the load factor of electric utilities. Load factor is a measure of the energy consumed by a utility's customers vs. the peak demand the customers impose on the utility. An improving load factor from off peak sales allows demand charges to be spread over more kWh sales which tend to reduce the unit price of electricity to all customers.
- At today's electric rates, electric vehicles operate at an equivalent gasoline cost of under \$1.00 per gallon. The cost effectiveness of electric cars is currently not positive due to the high initial investment required. As more electric vehicles are sold, the cost of electric vehicles will reduce to the point where the economics for electric cars will become more favorable.

The City's six stations have been operational since commissioning in late November. The following table summarizes the usage of the City's stations to date.

Month	No. of Uses	Avg KWh/use
December	10	3.5
January	21	2.7
Total	31	2.9

It should be noted that in addition to the City's six stations, there are two stations located at the Best Western Hotel on Orlando Ave. and one station is located at the new AAA Office also located on Orlando Ave. All nine of these stations are included on Charge Point America's web page which shows, in real time, the availability of electric car charging across the entire country. Smart phone users and electric vehicles have applications available that show the location of car charging stations and show if they are operational and whether or not they are available. With the addition of the City's stations that will bring the Central Florida count to approximately 300 electric vehicle charging stations.

In order to promote electric vehicle use, staff recommends that the City Commission Approve free electric vehicle charging services for an initial promotional/evaluation period. Staff will monitor and will periodically report to the commission the usage and costs associated with the City's six stations.

#### **alternatives | other considerations**

Two apparent alternatives exist with regard to rates and charges applied to electric car charging services:

- 1) Implement the City's current General Service Non-Demand electric rates
- 2) Implement a fixed per charge rate.

#### **Fiscal impact**

ChargePoint America reports a nationwide average usage of 6 kWh per charge. The experience to date at the City's 6 stations is approximately 3 kWh per charge. If the City charges for the kWh used to charge an electric vehicle, it must pay CPA subscription fees for the billing and reporting functions associated with car charging. The current subscription fees are 50¢ per transaction + 7.5% of the fees levied by the City. If the City chooses to not levy fees for the electricity, no subscription fees are due CPA. The table below shows the estimated cost impact of the charging stations.

Estimate Cost Impact of Electric Car Charging Stations

Estimated electric car charges per Month	50
Estimated Consumption per charge (kWh)	5
Total monthly kWh	250
Revenues under City's General Service Non-Demand Rates (current rates ~ 12¢/kWh)	\$30.00
CPA subscription fees (50¢/transaction + 7.5%)	\$27.25
Estimate Wholesale Cost of Power @ 6¢/kWh	\$15.00
Profit/(loss)	(\$12.25)

If the City charges for electric car charging at current electric rates and at an estimated usage of 50 charges per month, the City would expect to earn about \$30.00 per month in revenues and incur costs of approximately \$42.25, resulting in a \$12.25/month loss. If the City does not charge for services from the car charging stations, it would only incur wholesale power costs of approximately \$15/month. Staff believes the promotion of electric vehicles is a desirable strategy and the small monthly cost is estimated initially to be de minimis. Staff will monitor and periodically report to the City Commission on the usage and costs associated with the electric car charging stations.

### **long-term impact**

The desired long-term impact associated with not charging for electric car charging station services is to educate and to increase the comfort level of existing and future electric car owners that may visit downtown Winter Park. Increasing the comfort level that car charging is widely available should increase the sales of electric vehicles and drive down the cost making them more cost effective. The environmental and economic benefits of electric vehicles are consistent with City's strategic objectives. Additionally the availability of electric car charging stations in Winter Park should positively impact Park Avenue and Hannibal Square merchants.

### **strategic objective**

Quality Environment, Quality Government Services & Financial Security, Quality Facilities & Infrastructure.



# city commission agenda item

item type	Consent Agenda	meeting date	February 13, 2012
prepared by department division	Phil Daniels Water and Wastewater Utilities	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

Letter Agreement – Transfer of Wastewater Service for 2021 N. Goldenrod Rd. (PID 14-22-30-0000-00-133)

## motion / recommendation

City Commission approval is requested for the Letter Agreement and authorization for the Mayor to execute the letter.

## background

The Utility Department was contacted by the tenant and his engineer asking if the property could be connected to the City Sanitary Sewer Collection System. The property lies outside the Utility Service Area of the City in Orange County Utility Service Area. The Department replied that connection was possible with approval in writing from Orange County Utilities. Initially, the County denied the request since they owned a Sewer Force Main in the Right of Way (ROW) adjacent to the property and did not want to forego future revenue. Connection to a force main by a single service requires the owner to construct, operate, and maintain a private sewer lift station on the property. The County force main in the ROW was designed for connection by County lift stations, which are larger in size, have higher operating discharge pressures and discharge larger volumes of flow than private lift stations. The cost to the owner would have been exorbitant. The County finally agreed to allow the property to connect to the City system but required that the property remain in the County Utility Service Area.

The City owns a gravity collection main in the ROW of Liverpool Blvd. that is north of the subject property separating the ROW from the subject property. An easement would be required from the owner of that separating property granted to the owner of the subject property for a sewer lateral construction to transport the wastewater flow from the subject property to the City sewer main. The owner of the subject property is responsible for obtaining the easement and providing a copy to the City. The owner shall also need to install a City water meter on the County water service to allow the City to invoice them for monthly sewer service.



## **alternatives / other considerations**

Initially we offered to provide sanitary sewer to the property only if the property was added to the City Utility Service Area and the City would be supplying both potable water and sanitary sewer service. The County indicated that the City would need to trade a property from within the City Utility Service Area to the County Utility Service Area for that to happen and we rejected it. Then, the County refused to allow the City to supply only sanitary sewer service by having a water meter installed on the private property so that we would be able to measure the amount of water consumed and allow the calculation of the amount to invoice monthly for sewer service. Following a round of cost estimates and reconsiderations by the County, they agreed to allow the property to exist physically in the County Utility Service Area and the City provide sanitary sewer service by adding a second meter to the customer's water service.

## **fiscal impact**

There is not fiscal impact to the City related to connection, as the property owner is responsible for those costs.

The property owner will be required to pay the County Sanitary Sewer Impact Fee of \$3,375.00 to the City of Winter Park since the property is presently connected to a septic tank and drain field and has never been connected to a sanitary sewer previously. In addition, a City water meter must be installed on the owner's property downstream of the County water meter by a plumber employed by the owner and a permit obtained by the owner from Orange County. We have already determined that a sewer lateral exists from the sewer main to the edge of the ROW so there will not need to be a lateral constructed within the ROW for their use. The plumber will be required to construct a cleanout assembly at the edge of the ROW for City use. Monthly revenues of approximately \$83.00 are expected to be collected on this account.

## **long-term impact**

The long-term Impact is that the City will gain a Commercial Service Account and the associated revenue generated by County rates, which are 25% more than the rates generated by a City account.

## **strategic objective**

Achieve Financial Security through good government practices.



Prepared by:  
Catherine D. Reischmann, Esq.  
Brown, Garganese, Weiss & D'Agresta, P.A.  
111 N. Orange Ave., Ste. 2000  
Orlando, FL 32801

Return to:  
City Clerk  
City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

Parcel Id: 14-22-30-0000-00133

**AGREEMENT FOR TRANSFER OF WASTEWATER SERVICE**  
**(2021 NORTH GOLDENROD ROAD)**

This Agreement for Transfer of Wastewater Service is made this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the **CITY OF WINTER PARK**, a Florida municipal corporation, (hereinafter referred to as "City"), whose address is 401 Park Avenue South, Winter Park, FL 32789, and **ORANGE COUNTY, FLORIDA**, a political subdivision of the State of Florida, (hereinafter referred to as "County") whose address is 201 S. Rosalind Avenue, 5<sup>th</sup> Floor, Orlando, FL 32801.

RECITALS:

WHEREAS, pursuant to Section 3 of the City of Winter Park/Orange County Water and Wastewater Service Territorial Agreement, the City agrees to provide wastewater service to serve 2021 North Goldenrod Road; Parcel Id # 14-22-30-0000-00-133 (the "Property") which is more fully described in Exhibit "A" attached hereto.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The City agrees to accept, treat and dispose of 834 gallons per day annual average daily flow (AADF) of wastewater from the Property.
2. The City shall be responsible for ownership, operation and maintenance of the wastewater collection and transmission system which is within the Right of Way (ROW) serving the Property. The Property owner shall be responsible for the ownership, operation and maintenance of the portion of the lateral on the Property owner's Property.
3. The City shall charge the Property owner for installation of the lateral to connect to the City's wastewater system.

4. The City shall charge the Property owner for installation of a City water meter in the Property's existing water service, to be located upstream or downstream from Orange County's (the "County") existing water meter.

5. The City shall be responsible to read the City's water meter and bill the Property its then current volume charge and fixed monthly charge for wastewater discharges based on the City's water meter readings.

6. The City shall assess additional fees directly to the Property owner. The fees to be collected by the City include, but are not limited to, Application Fee, Sewer Impact Fee, Meter Installation Cost and Inspection Fees.

7. The County shall provide the City twelve (12) previous months water meter readings for the Property to aid the City in determination of the Sewer Impact Fee to be charged to the Property owner.

8. The County will continue to be the Property's water service provider and invoice the Property owner separately for water service.

9. The City shall pay recording costs and record this Agreement with the Orange County Comptroller.

10. Each of the signatories hereto represents and warrants that he, she or it and the party on behalf of which such signatory has signed below has full power and authority to enter into this Agreement.

11. This Agreement shall be effective on the date of execution by the last party and continue for twenty (20) years. After this initial twenty (20) year term, this Agreement shall automatically renew for additional five (5) year terms, unless one party provides the other party written notice of intent to terminate at least one (1) year prior to the end of any term of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this instrument for the purpose herein expressed.

*[signatures to follow]*

ORANGE COUNTY, FLORIDA

\_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_  
(print name)

\_\_\_\_\_

\_\_\_\_\_  
(print name)

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ the \_\_\_\_\_ of Orange County, Florida (check one) ☐ who is personally known to me or ☐ who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public – State of Florida  
Print Name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

CITY OF WINTER PARK

ATTEST:

By: \_\_\_\_\_  
Kenneth W. Bradley, Mayor

\_\_\_\_\_  
Cynthia S. Bonham, City Clerk

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by Kenneth W. Bradley, Mayor of the City of Winter Park, (check one)  
☐ who is personally known to me or ☐ who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public – State of Florida  
Print Name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

## EXHIBIT "A"

The South 130 feet of the East 150 feet of the NE 1/4 of the SW 1/4 of Section 11, Township 23 South, Range 30 East, less the East 50 feet thereof, and less the South 30 feet thereof.

Also: Commence 30 feet East of the Northwest corner of the NW 1/4 of the SE 1/4 of the Section 14, Township 22 South, Range 30 East, Orange County, Florida; thence run South 180 feet to the Point of Beginning, thence run South 80 feet, thence run East 138 feet; thence run North 80 feet; thence run West 138 feet to the Point of Beginning.



# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	February 13, 2012
prepared by department division	George Wiggins Building & Code Enforcement	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 type="checkbox"/> N/A 5-0 final vote		

## subject

Regulation of street musicians and performers on Park Avenue

## motion | recommendation

Receive public comments from merchants, Park Avenue Association and residents on whether the City should advance an ordinance regulating street musicians on Park Avenue and direct staff whether to proceed.

## background

Complaints from a restaurant and business owner have been received concerning the appearance of street musicians at various locations along the Park Avenue business district regarding impacting their business negatively. Our City Attorney's office has forwarded a prospective ordinance (included below) to deal with this type of activity, and the Ordinance is modeled after a similar St. Augustine Ordinance which withstood legal appeals by the ACLU. The Ordinance prohibits street musicians from setting up along Park Avenue from Fairbanks to Webster Avenue and also up to 50 down side streets. We also have received information from the Park Avenue Association that several business owners like having the street musicians and feel there is no need to enact an ordinance to control or prohibit this activity downtown. However, not all of the businesses have been contacted on this matter. The limitation of the proposed ordinance is that this will only apply to public areas and will not prevent musicians from setting up on private property with the permission of the shop owner.

## alternatives | other considerations

Take no City initiated action and allow the matter to be self regulated by the merchants and shop owners.

## fiscal impact

No additional cost to city, except our code enforcement staff with assistance from Police Department will incur additional enforcement duties which will further minimize enforcement in other areas.

## strategic objective

Quality environment.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE II OF THE CODE OF ORDINANCES, CHAPTER 70, PEDDLERS, HAWKERS AND SOLICITORS, ARTICLE 1, IN GENERAL, BY CREATING A NEW SECTION 70-10, TO REGULATE OUTDOOR AND STREET PERFORMANCES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS AND UNLAWFUL ACTS RELATING TO STREET PERFORMERS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, it is the primary concern and interest to the City of Winter Park, Florida, to vigilantly protect and preserve the quality and historical and cultural ambience of the Central Business District of the City; and

**WHEREAS**, upon consideration, the City Commission of the City of Winter Park, Florida has determined that the time, place and manner restrictions upon conduct on the streets of the City of Winter Park will be effective for the purposes intended, and studies of traffic patterns of congestion upon the streets have indicated that allowing performers in certain locations adversely affects the cultural and historical ambience of the City; and

**WHEREAS**, the Federal Court, in *Horton v. City of St. Augustine, Florida*, 272 F.3d 1318 (11<sup>th</sup> Cir. 2001), upheld a city's right to regulate street performers in a limited area in a city's historic business district; and

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

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

**Section 1.** Chapter 70, Peddlers, Hawkers and Solicitors, Article 1, In General, is hereby amended to create a new Section 70-10, labeled "Regulation of Street Performers", to read, in its entirety, as follows:

**Sec. 70-10. Regulation of street performers.**

(a) *Intent/Findings.* The City Commission of the City of Winter Park hereby ratifies, approves and adopts all of the foregoing predicate "Whereas" clauses. The City Commission of the City of Winter Park finds that the existence in the City of Street Performers, as hereinafter defined, in a certain area of the City, would interfere with the public health, safety, and welfare of the pedestrian traffic, including residents and tourists by, among other things, attracting audiences which congest the prohibited public area. The City finds that the existence of the Street Performers in the prohibited public area further would adversely affect the City's interests in the aesthetics in a city with a

unique historic downtown district and would adversely affect the interest of residents and the regulated, code compliant businesses and museum in the enjoyment of peace and quiet in their homes, businesses and museum. Also, the City finds that the existence of the Street Performers in the prohibited public area would pose a safety risk to the public and passers-by by congestion and clutter in this area of Winter Park. Therefore, it is the intent of the City to prohibit the Street Performers from performing in the prohibited public area of the City of Winter Park but to permit them to have access to reasonable alternative avenues of communication throughout the City.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Perform* means acting, singing, playing musical instruments, pantomime, mime, magic, dancing, artistry or the sale of visual art and wares, which means drawings or paintings applied to paper, cardboard, canvas, cloth or to other similar medium when such art is applied to the medium through the use of brush, pastel, crayon, pencil, or other similar object, and the creation, display and/or sale of crafts made by hand or otherwise.

(2) *Prohibited Activity* means any activity involving spray painting or use of aerosols or propellants, including air pressure, to spray or apply any liquid; and the use of fire.

(3) *Prohibited public area* means the pedestrian accessed public areas of the following locations: the Central Business District along Park Avenue from Fairbanks Avenue to East Webster Avenue, including the area within fifty (50) feet of this section of Park Avenue on the intersecting public lanes, streets or thoroughfares.

(4) *Street Performers* as used in this section means individuals who perform, as defined herein, on the streets, public rights-of-ways, sidewalks, parks, playgrounds, or other public property of the City of Winter Park.

(5) *Other public areas* means public streets, rights-of-ways, sidewalks, parks, playgrounds, and all public ways except those portions of the streets and roadways intended for use by vehicular traffic within the City of Winter Park.

(c) *Prohibition.* No Street Performers may perform in the prohibited public area. No Street Performers may perform a Prohibited Activity anywhere in the City of Winter Park.

(d) *Permitted performance.* Street Performers may perform in all other public areas of Winter Park, except the prohibited public area defined in subsection (b)(3) of this section.



(e) *Exceptions.* A Street Performer conducting a permitted performance shall not perform in a manner that interferes with the visibility of any motorist, or at or near intersections or passages in a manner that interferes with the sight distance of any motorist traveling on or entering any thoroughfare in the City, or in violation of any other City code. A Street Performer may be granted an exception to perform in the prohibited public area when such performance is part of a City approved or authorized event or activity. A permit must be specifically granted to the individual Street Performer for said City approved or authorized event or activity.

(f) *Penalties.* Offenses under this section shall be punishable as provided in section 1-7 of this Code.

**Section 2. Severability.** If any section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**Section 3. Codification.** It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provision of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section", "Article", or other appropriate word.

**Section 4. Conflicts.** All Ordinances or parts of Ordinances in conflict with any provisions of this Ordinance are hereby repealed.

**Section 5. 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



# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	February 13, 2012
prepared by department division	Dori DeBord-Stone/Jeff Briggs ED/CRA/Planning	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	P&Z and EDAB	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

## subject

Contract with Urban Land Institute (ULI) to form a Technical Assistance Panel (TAP) Program for West Fairbanks Avenue.

## motion | recommendation

Commission approval to enter into a contract with the ULI to convene a TAPs panel to review and make recommendations along West Fairbanks Avenue and budget up to \$25,000 in expenses for panelists participation.

## background

On November 28, 2011 the planning staff discussed with the City Commission the strategy for moving forward with the Form Based Code or Architectural Design Standards for the West Fairbanks corridor. The City Commission directed staff to discuss the strategy with the Planning and Zoning Board and the Economic Development Advisory Board for a formal recommendation from those Boards. The Planning Board met on December 6<sup>th</sup> and the EDAB on January 11<sup>th</sup>. Both Boards have voted unanimously for the Staff to pursue the adoption of Architectural Design Standards which will synthesize the most important components of the work done by Placemakers.

During the discussion by EDAB, it was suggested and it was their consensus for the ED staff to ask ULI to convene a Technical Assistance Panel for West Fairbanks and direct staff to work on this program.

Based on a charge by the City Commission, the Economic Development Advisory Board (EDAB) reviewed the current material prepared by the Planning Department for code changes proposed for West Fairbanks Avenue at their meetings in December 2011 and January 2012. During the meetings, the members expressed a desire to look at larger, longer-term transitional opportunities along West Fairbanks that encompass more than an overlay of architectural design standards to the Zoning Code. During this discussion in December, it was suggested by the EDAB Board to consider a ULI Technical Assistance Panel (TAP) program to evaluate the current development pattern found on West Fairbanks, consider the City's current initiatives and capital improvements and offer recommendations to the City about options and redevelopment opportunities in the future.

The ULI TAP Program is available through the Central Florida ULI District. This program brings together experts from a variety of areas to address strategic objectives set out by the community leadership. Experts in appropriate fields such as commercial development, planning, engineering and redevelopment are invited to a one-day workshop. During that day, they would review current and proposed programs by city staff, take public comment and tour the corridor then take time to formulate recommendations which are presented publicly later that day. They would later issue a white paper with their findings for the city's use. All of this is done with the city's objectives in mind. It is not a planning study or an economic impact analysis, but recommendations from experts with experience redeveloping corridors such as West Fairbanks.

City ED and Planning staff are recommending that a ULI Panel be put together to evaluate West Fairbanks prior to any further action is taken on adoption of the Architectural Design Standards.

Costs associated with the ULI Panel are approximately \$20,000. Funding is available through the Economic Development Program. EDAB's motion supports the use of this funding for this type of effort and recommended that the ULI Panel look into short and long term development solutions on West Fairbanks Avenue.

Staff is seeking consensus from the City Commission to move forward in this effort. The Panel takes about two months to convene. Staff will work directly with the local ULI District in the development of the Panel.

## **alternatives | other considerations**

The City Commission can move ahead now and adopt West Fairbanks Architectural Design Standards without this advice from the ULI Panel and speed that adoption by two months. However, the City may learn some important things from the ULI Panel and the ULI Panel can also be helpful in validating or confirming the most important design regulations that will be part of the Architectural Design Standards. It will also allow for participation in this process by the property owners and tenants along the corridor. While it is important to get the Architectural Design Standards adopted sooner rather than later, the reality is that no substantial redevelopment is expected to occur until the sanitary sewer project is completed, which is at least a year in the future.

## **fiscal impact**

The total amount for this effort will not exceed \$25,000. This amount is available in the Economic Development budget and the findings will be applied to any final reporting in redevelopment activities on West Fairbanks Avenue.

## **long-term impact**

The EDAB viewed the redevelopment of West Fairbanks Avenue as a long-term goal with opportunities for short-term physical improvements to the Avenue itself. The ULI Panel may be a resource to provide professional direction in the long-term vitality of the corridor.

**CITY OF WINTER PARK  
PLANNING AND ZONING BOARD**

**December 6, 2011**

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RECOMMENDATION OF THE PLANNING AND ZONING  
BOARD ON THE POLICY DIRECTION FOR THE WEST  
FAIRBANKS AVENUE ARCHITECTURAL DESIGN  
STANDARDS AND FORM BASED CODE.

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

The Planning and Zoning Board on December 6<sup>th</sup> voted 6-0 on a formal recommendation, as requested by the City Commission, on the direction to proceed with respect to the proposed West Fairbanks Architectural Design Standards and Form Based Code. The Planning and Zoning Board had also discussed this matter at their October 26<sup>th</sup> work session. That recommendation of the Planning and Zoning Board is to:

*Approve the policy direction for staff to synthesize the documents prepared by Placemakers and to proceed with a West Fairbanks Architectural Design Standards overlay document, similar to the ones that currently exist in our Zoning Code for the Central Business District, New England Avenue and Morse Boulevard. This is only a policy direction and not a recommendation on the content of those design standards. The attached document is provided only for example purposes.*

*Approve the plan for work session meetings with the West Fairbanks Avenue property owners and tenants.*

*Approve the plan to proceed with advertised public hearings for adoption of the resultant overlay design standards for the West Fairbanks Avenue area following those work session meetings.*

The goal is that the two documents prepared by Placemakers be synthesized down to a manageable sized set of Architectural Design Standards, combining what is essential and best from both documents .

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

**Regular Meeting  
8:30 a.m.**

**January 10, 2012  
Welcome Center – 151 W. Lyman Avenue**

**MINUTES**

---

Meeting was called to order at 8:33a.m. in the Welcome Center, 151 W. Lyman Avenue.

**BOARD MEMBERS PRESENT:** Marc Reicher, Stephen Flanagan, Gwen Lennox, and Owen Beitsch

**BOARD MEMBERS ABSENT:** Daniel Smith, Patrick Chapin, Michael Winn, and John Gill

**STAFF MEMBERS PRESENT:** Dori DeBord, Gabriella Serrado, Jeff Briggs and Peter Moore

**ADMINISTRATIVE ITEMS**

**A. Approval of Minutes**

**Motion made by Stephen Flanagan, seconded by Gwen Lennox to approve the December 13, 2011 minutes. Motion carried unanimously with a 4-0 vote.**

**ACTION ITEMS**

**A. West Fairbanks Avenue Redevelopment Discussion**

At the request of the City Commission, the Economic Development Advisory Board has the opportunity to review the Form Based Code and Architectural Design Standards created by PlaceMakers for West Fairbanks Avenue. Dori DeBord, Economic Development/CRA Director, wanted to bring this as an informational item but is up to the board if they wish to take some form of action.

Jeff Briggs, Planning Department Director, gave the board a brief overview of the West Fairbanks Avenue PlaceMakers process. PlaceMakers gave the City a 158-page document which was meant to supplement the City's code. The Planning Department is looking to condense this packet into a simple 15-page document so that businesses know what Winter Park is aesthetically looking for in West Fairbanks. Ms. DeBord asked the board to look at the document from the economic development perspective, and not from a planning perspective. Does this code help jump start or promote redevelopment in Fairbanks.

Marc Reicher supported the idea of producing a 15-page document. The current document is difficult read, even for a developer. Regular merchants and business people would not be able to understand what kind design they have to follow or why. Mr. Briggs said that is one of the challenges they face. After so many median disputes, Fairbank merchants do not want to deal with complicated beurocrat documentation. This new document needs to be simple and uncomplicated. It needs to give the image that Winter Park is open for business.

Mr. Reicher also noted that the document did not address current structures. If someone leases or buys a parcel, there is nothing in the document that addresses rehabilitation of current structures. This is where the Urban Land Institute's Technical Assistance Panel (TAP) comes in. TAP would bring experts in the real estate, planning and development to collaborate on the Fairbanks redevelopment project. TAP experts could analyze the current uses along Fairbanks, suggest possible new commercial uses, and recommend economic incentives the city could put in place.

Mr. Flanagan emphasized that redevelopment should occur organically with an established set of rules. Mr. Peter Moore agreed, adding that the city needs to have a long term plan for Fairbanks but tools in place in case anyone wants to redevelop now.

Mr. Owen Beitsch highlighted that the City, and ULI, needs to pay attention to the current uses of the properties along Fairbanks. The Commission needs to decide what kind of businesses we want along Fairbanks and ULI needs to address whether the Fairbank properties can even house those businesses. The board agreed.

Ms. DeBord agreed that the partnership with ULI would be a great way to provide a vision for West Fairbanks. The city has done several code studies, but ULI could bring economic redevelopment into the picture.

Ms. DeBord and Mr. Flanagan spoke with ULI regarding the TAPs program. Conducting this study could cost the city up to \$25,000. The Economic Development Plan has identified corridor studies as primary issue for the FY2012 and the City Commission allocated \$150,000 towards the Economic Development Plan. The board could allocate funds towards this study at the next meeting. The board agreed that there was no need to wait until the next meeting and moved this item from information to action.

**Motion made by Stephen Flanagan, seconded by John Gill, to allocate up to \$25,000 from the Economic Development Plan, corridor study section, to the ULI TAPS so they can produce a study on West Fairbanks Avenue.**

Mr. Beitsch asked who ULI would send to conduct this study. Ms. DeBord stated that we would get disinterested professionals to look at Fairbanks, not individuals with something at stake.

**Motion carried unanimously with a 4-0 vote.**

There was no further business. Next meeting is scheduled for February 14<sup>th</sup> at 8:30am in the Welcome Center. Meeting adjourned at 9:48 a.m.



## Technical Assistance Panels (TAPs)



**TAPs** provide expert and objective strategic advice to sponsoring organizations on complex land use and development issues. **TAPs** link public agencies and nonprofit organizations to seasoned real estate, planning, financing, marketing and technical experts through ULI district councils. **TAPs** are part of ULI's Advisory Services program which has assisted over 500 communities worldwide since 1947.

**TAPs** programs are intentionally flexible to provide a customized approach to a broad range of issues including but not limited to:

- Visioning
- Growth management
- Redevelopment/reuse
- New development opportunities
- Infrastructure
- Sustainable development
- Affordable housing
- Public/private partnerships
- Development strategy and criteria for public agencies

**TAPs** are initiated when a sponsor requests services from a district council on a specific issue that can be addressed in a one- or two-day panel. The process typically involves refining the scope, selecting a panel, gathering project information into a briefing book, convening the **TAP** panel and completing a final report. Site visits may also be included. To

ensure objectivity, panelists must have no conflict of interest and must agree to refrain from working on the project within 12 months of completion.

**TAP** fees depend on the size of the scope, length of the panel and the detail of the final report but typically run between \$15,000 and \$20,000. Each **TAP** is different and fees are negotiated individually.

## About ULI – the Urban Land Institute

Established in 1936, ULI today has 30,000 members worldwide representing the entire spectrum of land use and development disciplines. ULI is a 501 (c) (3) nonprofit education and research institute supported by its members. Our mission is to *provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide.*

In the ULI fashion of offering an unbiased and non-partisan exchange on issues impacting our communities, ULI Central Florida provides the avenues for active dialogue between private industry, public agencies and nonprofit organizations to help facilitate solutions to local and regional issues.

### Ready to learn more? Contact:

**Jim Sellen**, TAP Vice Chair  
tel: (407) 839-4006  
email: [JSellen@VHB.com](mailto:JSellen@VHB.com)

**Mark Loeb**, Manager, ULI Central Florida  
tel: (407) 325-3348  
email: [mark.loeb@uli.org](mailto:mark.loeb@uli.org)







# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	February 13, 2012
prepared by department division	George Wiggins Building and Code Enforcement Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	N/A	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

## Subject

Special Event -Hannibal Square East Nightly Street Closure, trial period - 2/15/12 To 4/29/12; See attached Special event application.

## motion | recommendation

Approve event and waiver of alcoholic consumption prohibition in a public street subject to Staff Conditions and criteria listed below as "Additional Criteria for Street Closures involving restaurants."

## Background

The applicant initially submitted a request for approval of this event to our Public Works Department. They are seeking permission to close off a public street for café seating every evening. Staff requested approval by the City Commission. Given the importance of the request, the City Commission instructed staff to identify or create a process, which this type of request should follow.

Staff reviewed the special event ordinance and discussed the applicant's request with Code Enforcement staff. It was determined that the City already has a procedure/application process in place that would ensure events of this type meet applicable requirements for the betterment of Winter Park citizens.

The Special Event Ordinance and application process was originally adopted 1998 due to an increased number of street closure requests, celebrations, fashion shows, etc., coming in for approvals outside the normal permitting process and zoning code restrictions on businesses and organizations. Events which are over 3 days in length or requires use of the public right-of-way may be referred to the City Commission for approval.

The special event approval process includes inter-departmental review before the event is approved. Each department reviews the request for their areas of concern as expressed below:



**Police**

Potential Noise issues  
Vehicular Traffic Control  
Pedestrian Traffic Control  
Alcohol Consumption and sales  
Road Closures  
Resident impact

**Fire**

Crowd management  
Assembly of more than 50 people in both permanent and temporary structures  
Cooking requirements  
Means of egress, emergency lights, exit signs, exit pathways  
Emergency access  
Fireworks or any type of pyrotechnics  
Life safety systems (fire alarm systems, fire sprinkler systems, hood suppression systems)  
Occupant load requirements  
Interior furnishings and all contents

**Community Development and/or Planning**

Opportunities for other businesses by holding this event  
No interruption of commerce  
Zoning issues including parking and impact on other businesses

**Public Works**

How does the event affect safety for vehicles and pedestrians?  
How does the event affect residents or businesses at the location?  
How does it affect normal living or business operations for the location?  
What day of the week?  
What time of day?  
Public right of way or private property?  
Can permission be approved and all codes and standards be accommodated?  
What controls for traffic and pedestrians must be provided to accommodate the above?

**Streets**

Oversees street closure  
Provide safety barriers  
Posting of signage

**Facility Maintenance**

Insures city property and building are not damaged  
Equipment is functional

**Risk Management**

Insure the city is properly insured and that no liabilities exist.  
Execution of any hold harmless agreement  
Provision of appropriate liability insurance

**Code Enforcement** reviews the application to insure that the event will not have a negative impact upon the city. CE verifies proof of licenses, ensures parking, permitting, and bathroom facilities are provided. Also, ensures that neighboring properties are notified of the event when required. Schedules meetings with the applicant and affected City departments when needed, and completes the final review of the application to insure that the application is compliance with all conditions, established rules, and policies outlined by the ordinance, issues the permit.

### **Additional Criteria for Street Closures involving restaurants:**

- 1) The street to be closed must not exceed a traffic count of 1000 vehicles per day unless a traffic study documents minimal impact to traffic during street closure periods.
- 2) The area of street closure must be directly adjacent to and operated by the restaurant(s) requesting closure.
- 3) Written consent for the closure must be approved by all abutting property owners/leasees including those directly across the road to be closed
- 4) Road closure can only be allowed if there is a parallel alternate route within 350 feet. [Park Avenue blocks are 300 feet]
- 5) Road closure can only be allowed if other property owners, residents or businesses located on the same street have public street access to their properties, residences or businesses.
- 6) Standards for the outdoor tables, seating, umbrellas (if any), menu signs and provision of maintenance cleaning of street or sidewalk areas shall comply with the City's Sidewalk Café Ordinance. A seating diagram shall be provided for review and approval. All other applicable provisions of the Sidewalk Café Ordinance shall apply.
- 7) The impact of any additional required parking can be absorbed by existing parking available at the time of the closure.
- 8) No amplified or live music without specific separate authorization with an amended event permit application.
- 9) The City Manager retains the right to terminate the approval of the event or further limit the times of the event at any time deemed appropriate, due to noise, safety concerns or other reasons not enumerated herein.

### **alternatives | other considerations**

Limit the event to a shorter trial period or to only weekends.

### **fiscal impact**

No fiscal impact to City except departments involved in policing the event for compliance (Code Enforcement, Public Works, Police and Fire) will expend extra staff time checking the event for compliance with conditions at intermittent times.

**strategic objective**

Quality economic development



## SPECIAL EVENT APPLICATION

City of Winter Park  
401 S Park Avenue  
Winter Park, FL 32789  
407-599-3600

PERMIT # 12-165

DATE OF SUBMITTAL: \_\_\_\_\_

**RECEIVED**  
JAN 20 2012

**CODE ENFORCEMENT**

FEES:	FOR PROFIT:	NON-PROFIT:
PROCESSING	\$100.00 ✓	\$10.00
PERMIT	\$50.00 ✓	\$30.00
STREET CLOSURES (UP TO 400 PEOPLE)	\$100.00 ✓	\$100.00
STREET CLOSURES (401 + PEOPLE)	\$200.00	\$200.00

\*\*\* ALL FEES ARE NON-REFUNDABLE \*\*\*

CHECK ONE: For Profit ☒ Non-Profit ☐ (Must provide proof of IRS Code 501C(3))

Charity the event is supporting/how much was raised at event last year (if new event, N/A).

N/A

NAME OF EVENT: HANNIBAL SQUARE East Street closure

ADDRESS OF EVENT: A portion just north of W. New England Ave between 463 & 511 W. New England Ave

DATE OF EVENT: From 2-1-12 To 4-29-12

TIME OF EVENT: From 5:00 am/pm pm To 11:30 am/pm pm

ANY EVENTS THAT INVOLVE USE OF PUBLIC PROPERTY, CREATE TRAFFIC, NOISE, OR SIMILAR CONCERNS MAY REQUIRE APPROVAL BY CITY COMMISSION.

DETAILED EVENT DESCRIPTION EXPLAINING BRIEFLY HOW EVENT WILL BENEFIT THE RESIDENTS AND BUSINESSES OF WINTER PARK: (Please see attached information sheet)

This will allow for on street cafe seating that will promote the pedestrian feel of Hannibal Square District. This will provide for more positive economic opportunity.

Use of the city's official seal on any marketing, promotional or like materials without approval by the City of Winter Park is in violation of the city seal's copyright. Please direct all matters and inquiries related to using the city seal on event materials to the Communications Department at 407-599-3343 or e-mail [PRDept@cityofwinterpark.org](mailto:PRDept@cityofwinterpark.org).

City Seal required: YES ☐ NO ☒ Est. Attendance: 50 City Staff Required YES ☐ NO ☒  
Will there be any type of sound equipment: YES ☐ NO ☒ If yes, please describe below:

Are there any active construction sites within the area of this event? YES ☐ NO ☒

Are alcoholic beverages being: Served? YES ☒ NO ☐ Sold? YES ☐ NO ☒  
(State Alcoholic Beverage License REQUIRED for sale of alcoholic beverages. 1-800-375-6975)

\*\*\*\*\*

APPLICANT/CONTACT PERSON NAME: DAN BELLONS

ADDRESS: PO Box 350 Winter Park, FL 32790-0350

PHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

[Signature]  
APPLICANT SIGNATURE

1-19-12  
DATE

## ***Special Event Permit Requirements Checklist***

### **When required:**

Special event permits are required for any occasion or event including but not limited to exhibitions, celebrations, festivals, shows, and any event that is not a normal function of any location or zoning district.

### **Processing a Special Event permit application:**

After the application has been submitted with all required information, allow 14 days prior to the event for processing and approval. If City Commission approval is required, processing may take thirty (30) to forty-five (45) days for approval and issuance of the permit.

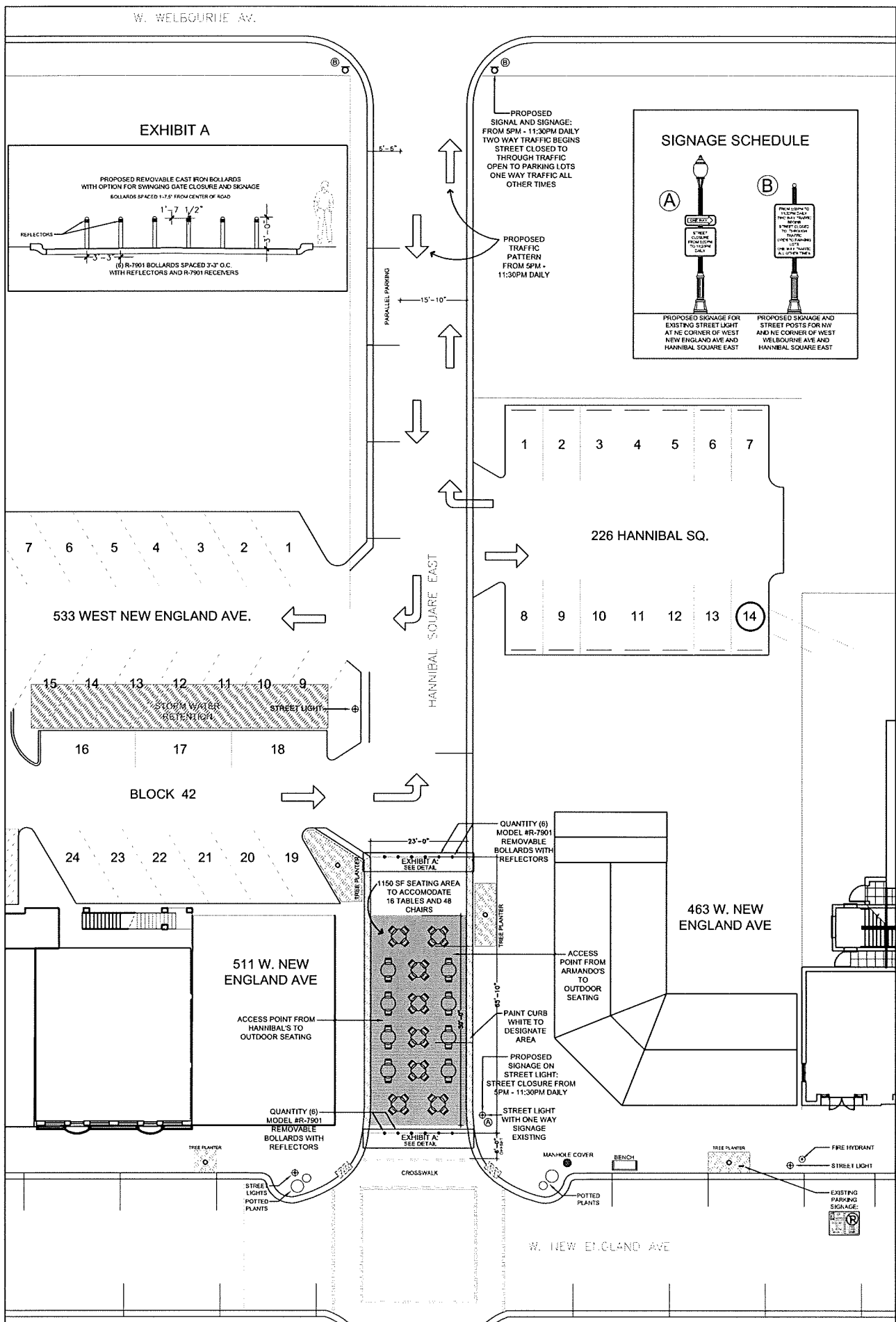
### **PLEASE COMPLETE THE FOLLOWING CHECKLIST**

- ☒ Applicant's full name, address, telephone number, & proof of identity, & person to contact during the event.
- ☒ A full and complete description of the event or activity to take place.
- ☒ A plan detailing the general layout of the event.
- ☒ The duration of the event, with the date and time.
- ☒ Specific address and location at which the event will be conducted.
- ☒ An estimate of the anticipated attendance of the event. *50*
- ☒ Proposed arrangements to provide for all off-street parking on the site of the event or on adjacent property. *Parking Garage At 362 S. PENNSYLVANIA AVE*
- ☒ Description of proposed use of temporary structures, arrangement & duration of the structures.
- ☒ Proposed plan for sanitation, including disposal of waste & refuse & placement of portable toilet facilities. *utilizing Restrooms At 511 & 463 W. NEW ENGLAND AVE*
- ☒ Proposed plan for street or sidewalk closures.
- ☒ Proposed utilization of City employees, equipment, and facilities, if applicable. *N/A*
- ☒ Signed consent forms
- ☒ A hold harmless agreement in favor of the City executed by the applicant.
- ☐ General liability insurance certificate in the amount of \$1,000,000 & naming the City as additional insured. *will provide*

### **Other Requirements or limitations:**

1. Signage shall be limited to one temporary sign no larger than 32 square feet in area and one banner sign measuring 2 feet by 18 feet or less.
2. Signage shall not be placed on the public street right-of-way or public property.
3. Signage may not be displayed more than 4 days prior to the start of the event and must be removed at the end of the event.
4. No more than one special event per year.
5. Hiring of off-duty police officers or security personnel may be required.
6. Payment of fees for additional services that may be required by the event.





# HANNIBAL SQUARE STREET DINING PROPOSAL

DATE: 12 / 08 / 11

WINTER PARK, FL 32789

SYDGAN  
CORPORATION  
CONTRACTOR - DEVELOPER

P.O. BOX 830  
WINTER PARK, FL 32789-0830  
TEL: 407.644.3151  
COC090693

## Sylvia Hawkins

---

**From:** Sylvia Hawkins  
**Sent:** Tuesday, January 24, 2012 3:08 PM  
**To:** 'W1454@aol.com'  
**Cc:** Dori Debord; Troy R Attaway  
**Subject:** FW: Special Event Request  
**Attachments:** 511\_W\_New\_England\_Ave\_Mailing\_List.pdf; 511 W New England Ave Map.pdf

Dan,

When we spoke earlier it sound as though you may have needed additional clarification regarding the special event process, if you have more questions after reading the bullet outline below, let me know.

Please see the below steps that outlines the Special Event Process.

- When a Special Event application is submitted, Code Enforcement reviews the application for accuracy and completeness
- If we find additional documents are warranted the applicant will be contacted and informed of what is required to proceed with the application process
- If all attachments are not included when the application is submitted, the application is held until all documents are received
- Once all information has been submitted, the application is routed to fire, public works, Police, CRA and Risk management for approval or denial
- Individual department representatives may contact the applicant directly to communicate any concern or conditional approvals with the application
- For events such as yours a staff and applicant meeting may be scheduled ( I will let you know in a few days)
- Events that require street closures for more than three days requires city commission approval, once all department representatives have signed off or submitted conditions, the event is placed on the very next commission agenda for approval

**From:** Sylvia Hawkins  
**Sent:** Tuesday, January 24, 2012 11:35 AM  
**To:** 'jae@sydgan.com'  
**Subject:** FW: Special Event Request

Hello Jae,

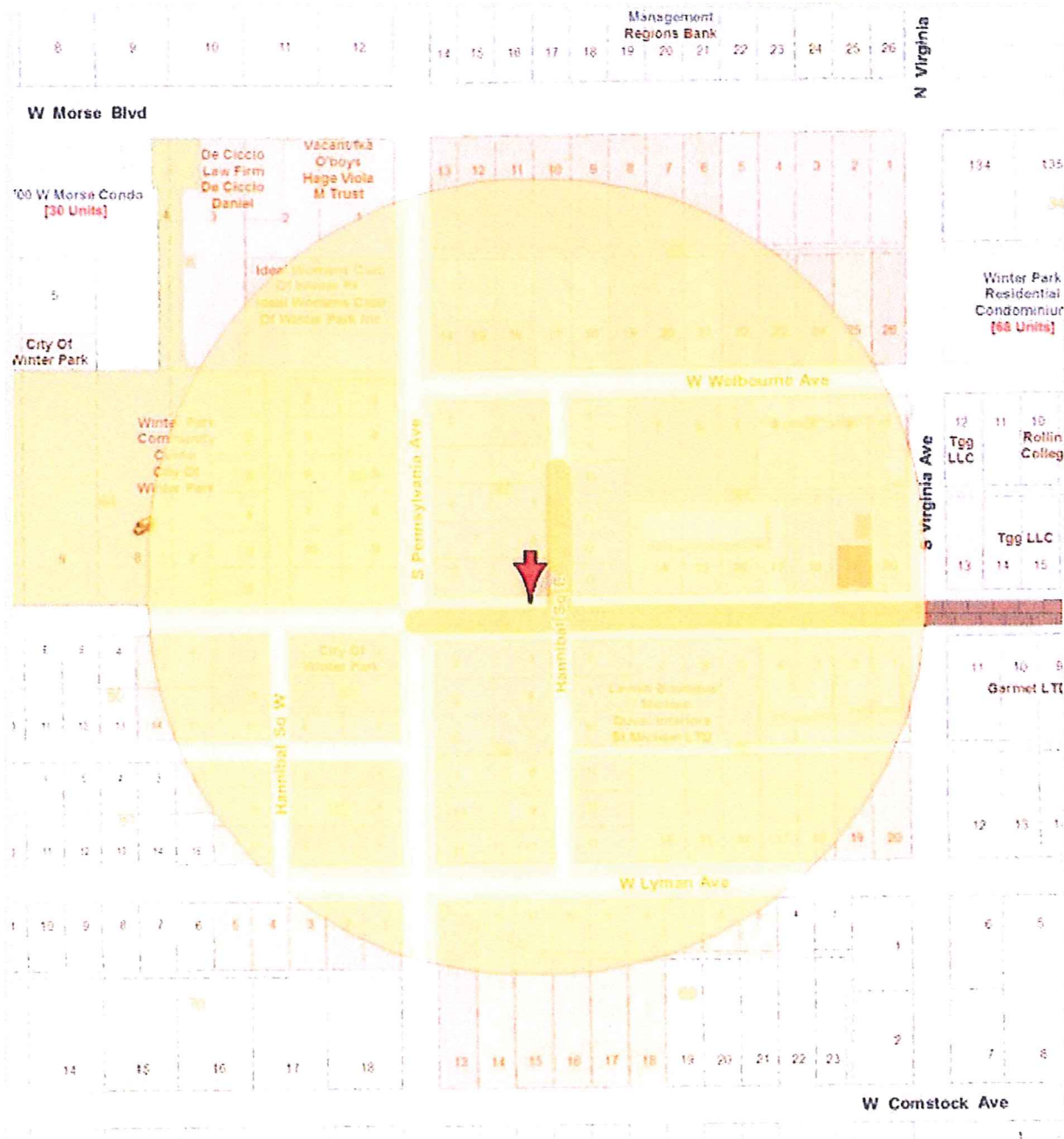
Please check off the location and or business that have been informed of this proposed event, then send the map back to me. FYI, the more locations notified the better the outcome when we take this to city commission.

Please check off  
bmo/locations that have already  
been informed of this proposed event.



OCPA Web MAP

PRINT CONTACT



Parcel ID: 302205940042091 (Rng-Twn-Sec format)

This map is for reference only and is not a survey.

0 100 ft

Created on 1/24/2012, Copyright 2007. Orange County Property Appraiser.



## Sylvia Hawkins

---

**From:** Sylvia Hawkins  
**Sent:** Wednesday, January 25, 2012 11:51 AM  
**To:** 'W1454@aol.com'  
**Subject:** RE: FW: Special Event Request

The application has been sent to the other departments for their review and it is our plan to get everything to the city clerk's office this Friday for the next city agenda. Unless I am directed otherwise we will proceed with having the application on the next agenda. Please know that we need all the information before the end of next week (2/3/12).

---

**From:** W1454@aol.com [mailto:W1454@aol.com]  
**Sent:** Tuesday, January 24, 2012 5:27 PM  
**To:** Sylvia Hawkins  
**Subject:** Re: FW: Special Event Request

Ok, this will all be done by next week so I hope you will proceed with having this on the agenda. I will have the insurance and the mailing notices to you next week. If you start the routing then we should be able to be on the next city commission correct? Thanks

Daniel B. Bellows  
Sydgan Corporation  
Post Office Box 350  
Winter Park, FL 32790-0350  
407-644-2699 - Office  
407-644-2854 - Fax  
W1454@aol.com

**Confidentiality Note:** The information contained in this e-mail or any attachment is for the sole use of the intended recipient and may be privileged or confidential. If you are not the intended recipient, please note that any unauthorized distribution or copying of this e-mail or any attachment is strictly prohibited by law. If you have received this e-mail in error, please immediately notify the sender by return e-mail and destroy the original message and any attachment.

**Disclaimer:** Neither this email nor any attachment will constitute an offer, or be deemed to be a representation or warranty, to the recipient or any other party. Nothing in this email or any attachment will be binding upon the property owner unless the property owner executes and delivers an agreement satisfactory to the property owner in its sole discretion. Furthermore, any proposal contained in this email or any attachment is subject to withdrawal or modification by the property owner at any time prior to the full execution and delivery of such agreement.

In a message dated 1/24/2012 4:26:58 P.M. Eastern Standard Time, SHawkins@cityofwinterpark.org writes:

Mailing and providing proof of service is acceptable

---

**From:** Sylvia Hawkins  
**Sent:** Tuesday, January 24, 2012 4:25 PM  
**To:** 'W1454@aol.com'  
**Subject:** RE: FW: Special Event Request



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

December 20, 2011

The Sydgan Corporation  
533 W. New England Ave., Suite C  
Winter Park, FL 32789

Dear Mr. Bellows:

We have reviewed your proposed nightly street closure of Hannibal Square east from West New England northward 65' for the purpose of street dining (narrative letter and site plan attached). The City Commission will discuss this item on January 9, 2012.

If approved, I do not want to place permanent bollard bases in the road to demark the area but rather a surface type moveable barricade or planter that provides appropriate visibility and reflectivity sufficient to warn motorists of the proposed activity.

If approved, the City will provide and install the necessary signage and striping to warn of the street closure and inform motorists the north portion of Hannibal Square east is two way during the closure in order to serve the existing parking lots (labeled B on the site plan).

If approved, the City will also construct and install the informational sign at New England and Hannibal Square east on the existing street light (labeled A on the site plan). Additionally, street parking signs and curb striping will be changed to alert motorists that the parking will be eliminated during the time of the street closure. The costs for the signage and striping are \$385.00 and must be received prior to any street closure. The City will also require insurance requirements as stated in the City's café seating policy.

Since this is a new activity, the City will require that you notify all residents and businesses utilizing Hannibal Square east north of New England for access of the proposed activity.

The City reserves the right to assess the operation of the activity and work with you to address concerns that may arise because of this activity. If the city deems the operation to provide such negative impacts that can't be successfully mitigated, the operation will cease.

The restaurant operators will be required to obtain appropriate city utility approvals for the operation of the street dining area.

If you have any questions or wish to discuss this further, please contact me at 407-599-3233 or [tattaway@cityofwinterpark.org](mailto:tattaway@cityofwinterpark.org)

Sincerely,

Troy A. Attaway  
Public Works Director

TRA/dw



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

## NOTICE

TO: RESIDENTS OR PROPERTY OWNERS

FROM: CITY OF WINTER PARK

DATE: FEBRUARY 6, 2012

SUBJECT:

REQUEST OF SYDGAN CORPORATION TO APPROVE DAILY STREET CLOSING FOR RESTAURANT TABLES AND SEATING ON HANNIBAL SQUARE EAST BETWEEN NEW ENGLAND AVENUE & WELBOURNE AVENUE AT THE FEBRUARY 13, 2012 CITY COMMISSION MEETING TO BE HELD AT 3:30PM AT THE RACHEL MURRAY CIVIC CENTER ON MORSE BOULEVARD

PROPOSED TIME OF STREET CLOSING: 5:00PM TO 11:30PM NIGHTLY

---

THE PURPOSE OF THIS REQUEST IS TO ALLOW ARMANDO'S RESTAURANT AT 463 W. NEW ENGLAND AVENUE AND HANNIBAL'S AT 511 W. NEW ENGLAND AVENUE TO LOCATE THEIR EXISTING TABLES AND CHAIRS INTO THE STREET OR ADD ADDITIONAL TABLES AND CHAIRS AS APPROVED BY THE CITY.

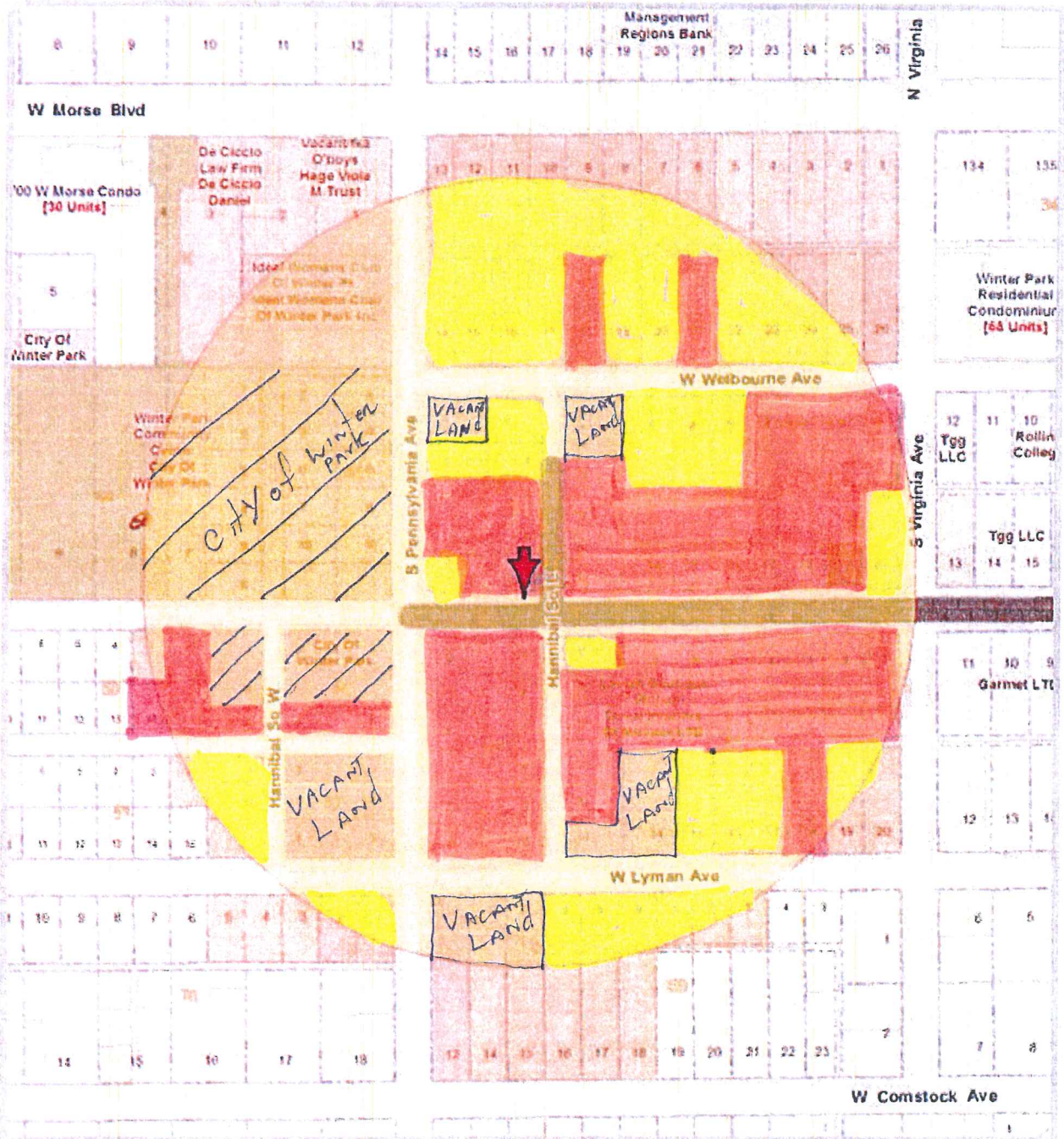
THESE TWO ABUTTING BUSINESSES WILL BE RESPONSIBLE FOR THE DAILY PLACEMENT AND REMOVAL OF PROTECTIVE STRUCTURES TO DELINEATE THE AREA OF THE OUTDOOR RESTAURANT SEAT AS APPROVED BY THE CITY.

YOUR COMMENTS ON THIS REQUEST ARE WELCOME IN ADVANCE OR AT THE PUBLIC MEETING HELD AS DESCRIBED ABOVE. YOU MAY CALL SYLVIA HAWKINS OR GEORGE WIGGINS TO ANSWER ANY QUESTIONS ON THIS REQUEST AT 407-599-3600 OR 407-599-3426.



OCA Web MAP

PRINT CONTACT




Parcel ID: 302205940042091 (Rng-Twn-Sec format)

This map is for reference only and is not a survey.

0 100 ft

Created on 1/24/2012, Copyright 2007. Orange County Property Appraiser.

 - consent Form Executed



Sample

January 4, 2012

RE: Daily Street Closure  
Hannibal Square East between West New England Avenue  
and West Welbourne Ave.

Karen,

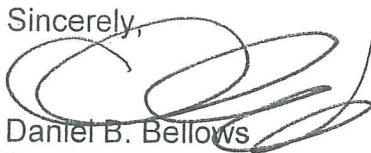
In an effort to support commerce in Hannibal Square we are requesting your cooperation and agreeance to close a portion of Hannibal Square East on a daily basis between the hours of 5:00pm and 11:30pm, Monday through Sunday. As depicted on the attached site plan.

The purpose would be to allow the two adjacent businesses, Armando's Restaurant at 463 W. New England Ave. and Hannibal's at 511 W. New England Ave., to either push their existing tables and chairs into the street or add additional tables and chairs for the benefit of their customers.

These two businesses would be responsible for the daily placement and removal of the ballards shown in the attached site plan.

Please advise at your earliest convenience.

Sincerely,

  
Daniel B. Bellows  
President

I support and have no objection

Karen Crabtree  
Print Name

Karen Crabtree  
Sign Name

1/6/12  
Date

1/6/12  
Date

## SPECIAL EVENT CONSENT

Chapter 26, Section 26-109 (9) and Chapter 58 Section 58-82 b 1.2.: Neighborhood consents signed by the majority of proprietors or authorized representatives of any business and residents and occupants of any property located within a 500 foot circumference of each film production or Special Event site as well as a signed consent from each neighboring business or resident on the immediate right, left, front, and rear of the film production or Special Event site. The consents shall be informed consents reflecting that the signatory party has been advised of the location, duration, and nature of the film production, including any special effects and the number and type of production vehicles to be used.

NAME OF EVENT: HANNIBAL SQUARE East Nightly Street closure  
 ADDRESS OF EVENT: HANNIBAL SQUARE East between 511 & 463 W. New England.  
 DATE OF EVENT: From 2/1/12 To 4/29/12  
 TIME OF EVENT: From 5:00 am/pm To 11:30 am/pm

APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
 ADDRESS: PO BOX 350 Winter Park, FLA 32790-0350  
 TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454 @ AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

Daily street closure between the Hours of 5:00 PM & 11:30 PM  
on the Portion of HANNIBAL SQUARE East that Adjoins the  
building Frontage of Hannibals At 511 W. New England Ave.

The Purpose is to Allow Restaurant/Cafe Table and Chairs to be  
Allowed into the Street within this Area for the Consumption  
of Food and Beverages to Include Alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: TALCOTE II, LLC  
 ADDRESS: 533 W. New England Ave Winter Park, FL 32789  
 TELEPHONE: 407-599-2929

Vincent J. Talcote  
 CONSENTING SIGNATURE

1-19-12  
 DATE

## SPECIAL EVENT CONSENT

Chapter 26, Section 26-109 (9) and Chapter 58 Section 58-82 b 1.2.: Neighborhood consents signed by the majority of proprietors or authorized representatives of any business and residents and occupants of any property located within a 500 foot circumference of each film production or Special Event site as well as a signed consent from each neighboring business or resident on the immediate right, left, front, and rear of the film production or Special Event site. The consents shall be informed consents reflecting that the signatory party has been advised of the location, duration, and nature of the film production, including any special effects and the number and type of production vehicles to be used.

NAME OF EVENT: HANNIBAL SQUARE EAST Nightly Street closure  
 ADDRESS OF EVENT: HANNIBAL SQUARE EAST, between 511 & 463 W. New England  
 DATE OF EVENT: From 2/1/12 To 4/29/12  
 TIME OF EVENT: From 5:00 am/pm To 11:30 am/pm  
 APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
 ADDRESS: PO BOX 350 Winter Park, FLA 32790-0350  
 TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

DAILY street closure between the hours of 5:00 PM & 11:30 PM  
on the portion of HANNIBAL SQUARE EAST that abuts the  
building frontage of HANNIBALS AT 511 W. NEW ENGLAND AVE.

The purpose is to allow Restaurant/Cafe table and chairs to be  
allowed into the street within this area for the consumption  
of food and beverages to include alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: VINCENT GASLIANO  
 ADDRESS: 2349 Lafayette Ave Winter Park, FL 32789  
 TELEPHONE: 407 599 2929

CONSENTING SIGNATURE

DATE

Vincent Gasliano

1/21/12



## SPECIAL EVENT CONSENT

Chapter 26, Section 26-109 (9) and Chapter 58 Section 58-82 b 1.2.: Neighborhood consents signed by the majority of proprietors or authorized representatives of any business and residents and occupants of any property located within a 500 foot circumference of each film production or Special Event site as well as a signed consent from each neighboring business or resident on the immediate right, left, front, and rear of the film production or Special Event site. The consents shall be informed consents reflecting that the signatory party has been advised of the location, duration, and nature of the film production, including any special effects and the number and type of production vehicles to be used.

NAME OF EVENT: HANNIBAL SEVARE East Nightly Street closure  
ADDRESS OF EVENT: HANNIBAL SEVARE East between 511 & 463 W. New England  
DATE OF EVENT: From 2/1/12 To 4/29/12  
TIME OF EVENT: From 5:00 am/pm To 11:30 am/pm  
APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
ADDRESS: PO BOX 350 Winter Park, FLA 32790-0350  
TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

Daily street closure between the hours of 5:00 PM & 11:30 PM  
on the portion of HANNIBAL SEVARE East that abuts the  
building frontage of HANNIBALS at 511 W. New England Ave.

The purpose is to allow restaurant/cafe table and chairs to be  
allowed into the street within this area for the consumption  
of food and beverages to include alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: 244/248 PENN, LLC  
ADDRESS: 222 S. Pennsylvania Ave Winter Park, FL 32789  
TELEPHONE: 407-644-2899

Rmt Saxon  
CONSENTING SIGNATURE

1-19-12  
DATE

## SPECIAL EVENT CONSENT

Chapter 26, Section 26-109 (9) and Chapter 58 Section 58-82 b 1.2.: Neighborhood consents signed by the majority of proprietors or authorized representatives of any business and residents and occupants of any property located within a 500 foot circumference of each film production or Special Event site as well as a signed consent from each neighboring business or resident on the immediate right, left, front, and rear of the film production or Special Event site. The consents shall be informed consents reflecting that the signatory party has been advised of the location, duration, and nature of the film production, including any special effects and the number and type of production vehicles to be used.

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DATE OF EVENT: From 2/1/12 To 4/29/12  
TIME OF EVENT: From 5:00 am/pm To 11:30 am/pm

APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
ADDRESS: PO Box 350 Winter Park, FLA 32790-0350  
TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

Daily street closure between the Hours of 5:00 PM & 11:30 PM  
on the Portion of HANNIBAL SEVARE EAST that Abuts the  
building Frontage of HANNIBALS At 511 W. New England Ave.

The Purpose is to Allow Restaurant/Cafe Table and Chairs to be  
Allowed into the Street within this Area for the Consumption  
of Food and Beverages to Include Alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: CRDI, LLC  
ADDRESS: 222 S. Pennsylvania Ave Winter Park, FL 32789  
TELEPHONE: 407-644-2899

[Signature] VP of GP  
CONSENTING SIGNATURE

1-19-12  
DATE



## SPECIAL EVENT CONSENT

Chapter 26, Section 26-109 (9) and Chapter 58 Section 58-82 b 1.2.: Neighborhood consents signed by the majority of proprietors or authorized representatives of any business and residents and occupants of any property located within a 500 foot circumference of each film production or Special Event site as well as a signed consent from each neighboring business or resident on the immediate right, left, front, and rear of the film production or Special Event site. The consents shall be informed consents reflecting that the signatory party has been advised of the location, duration, and nature of the film production, including any special effects and the number and type of production vehicles to be used.

NAME OF EVENT: HANNIBAL SEVARD East Nightly Street closure  
ADDRESS OF EVENT: HANNIBAL SEVARD East between 511 & 463 W. New England  
DATE OF EVENT: From 2/1/12 To 4/29/12  
TIME OF EVENT: From 5:00 am/pm To 11:30 am/pm  
APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
ADDRESS: PO Box 350 Winter Park, FL 32790-0350  
TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

Daily street closure between the hours of 5:00 PM & 11:30 PM  
on the portion of HANNIBAL SEVARD East that abuts the  
building frontage of HANNIBALS at 511 W. New England Ave.

The purpose is to allow restaurant/cafe table and chairs to be  
allowed into the street within this area for the consumption  
of food and beverages to include alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: ST. Michael, Ltd  
ADDRESS: PO Box 350 Winter Park, FL 32790-0350  
TELEPHONE: 407-644-3151

  
CONSENTING SIGNATURE

1-19-12  
DATE

## SPECIAL EVENT CONSENT

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NAME OF EVENT: HANNIBAL SQUARE East Nightly Street closure  
ADDRESS OF EVENT: HANNIBAL SQUARE East, between 511 & 463 W. New England  
DATE OF EVENT: From 2/1/12 To 4/29/12  
TIME OF EVENT: From 5:00 am/pm To 11:30 am/pm  
APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
ADDRESS: PO Box 350 Winter Park, FL 32790-0350  
TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

Daily street closure between the hours of 5:00 PM & 11:30 PM  
on the portion of HANNIBAL SQUARE East that abuts the  
building frontage of HANNIBALS at 511 W. New England Ave.

The purpose is to allow restaurant/cafe table and chairs to be  
allowed into the street within this area for the consumption  
of food and beverages to include alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: HANNIBAL SQUARE, LTD  
ADDRESS: PO Box 350 Winter Park, FL 32790-0350  
TELEPHONE: 407-644-3151

 pres of SP  
CONSENTING SIGNATURE

1-19-12  
DATE



## SPECIAL EVENT CONSENT

Chapter 26, Section 26-109 (9) and Chapter 58 Section 58-82 b 1.2.: Neighborhood consents signed by the majority of proprietors or authorized representatives of any business and residents and occupants of any property located within a 500 foot circumference of each film production or Special Event site as well as a signed consent from each neighboring business or resident on the immediate right, left, front, and rear of the film production or Special Event site. The consents shall be informed consents reflecting that the signatory party has been advised of the location, duration, and nature of the film production, including any special effects and the number and type of production vehicles to be used.

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ADDRESS OF EVENT: HANNIBAL SQUARE EAST, between 511 & 463 W. New England  
DATE OF EVENT: From 2/1/12 To 4/29/12  
TIME OF EVENT: From 5:00 am/pm To 11:30 am/pm  
APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
ADDRESS: PO Box 350 Winter Park, FL 32790-0350  
TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

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on the portion of HANNIBAL SQUARE EAST that abuts the  
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The purpose is to allow restaurant/cafe table and chairs to be  
allowed into the street within this area for the consumption  
of food and beverages to include alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: Morney Partnership, Ltd  
ADDRESS: PO Box 350 Winter Park, FL 32790  
TELEPHONE: 407-644-3151

  
CONSENTING SIGNATURE

1-19-12  
DATE

## SPECIAL EVENT CONSENT

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DATE OF EVENT: From 2/1/12 To 4/29/12  
TIME OF EVENT: From 5:00 am/pm To 11:30 am/pm

APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
ADDRESS: PO Box 350 Winter Park, FLA 32790-0350  
TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

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The Purpose is to Allow Restaurant/Cafe Table and chairs to be  
Allowed into the Street within this Area for the Consumption  
of Food and Beverages to Include Alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: STONE House condominium Association, Inc  
ADDRESS: PO Box 350 Winter Park, FL 32790-0350  
TELEPHONE: 407-644-3151

 Pres  
CONSENTING SIGNATURE

1-19-12  
DATE



## SPECIAL EVENT CONSENT

Chapter 26, Section 26-109 (9) and Chapter 58 Section 58-82 b 1.2.: Neighborhood consents signed by the majority of proprietors or authorized representatives of any business and residents and occupants of any property located within a 500 foot circumference of each film production or Special Event site as well as a signed consent from each neighboring business or resident on the immediate right, left, front, and rear of the film production or Special Event site. The consents shall be informed consents reflecting that the signatory party has been advised of the location, duration, and nature of the film production, including any special effects and the number and type of production vehicles to be used.

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APPLICANT/CONTACT NAME/COMPANY: SYDGAN Corporation  
ADDRESS: PO Box 350 Winter Park, FLA 32790-0350  
TELEPHONE: 407-644-3151 FAX: 407-644-2854 EMAIL: W1454@AOL.com

EVENT DESCRIPTION (Include nature of film, any special effects, & number & type of production vehicles)

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The purpose is to allow restaurant/cafe table and chairs to be  
allowed into the street within this area for the consumption  
of food and beverages to include alcohol.

Anticipated Attendance: 50

\*\*\*\*\*

YES, I give my consent for the above-described event/filming.

NAME: WPRA, Ltd  
ADDRESS: PO Box 350 Winter Park, FL 32790  
TELEPHONE: 407-644-3151

[Signature] Pres of GP  
CONSENTING SIGNATURE

1-19-12  
DATE

## SPECIAL EVENT- HOLD HARMLESS AGREEMENT

Date of Coverage: 2-1-12 Thru 4-29-12

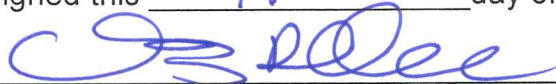
CITY OF WINTER PARK  
401 S. PARK AVENUE  
WINTER PARK, FLORIDA

BUSINESS NAME: WPRA, Ltd

BUSINESS ADDRESS: P.O. Box 350 Winter Park, FL 32790-0350

I, WPRA, Ltd, agree to protect, indemnify, defend, save and hold harmless the City of Winter Park, its officers, and employees from any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the permit or the permittee's activity on the permitted premises in accordance with Chapter 90, Section 90-161 (a) of the City of Winter Park Code of Ordinance.

Signed this 19<sup>th</sup> day of JANUARY, 2012



Signature

Daniel B. Bellows, president of GP

Printed Name and Title





# city commission public hearing

item type	Public Hearing	meeting date	February 13, 2012
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	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-2 final vote

## Subject: Rezoning of 861 W. Canton Avenue from R-1A to R-4.

Denning Partners, Ltd. (Dan Bellows) has under contract for purchase the property at 861 W. Canton Avenue, which is immediately east of and adjacent to the Denning Drive apartment project at 550 N. Denning Drive. This is a request for the Comp. Plan and Zoning change from the existing single family designations (R-1A) to high density residential (R-4).

### P&Z Board Recommendation:

The Planning and Zoning Board voted 5-2 to approve these ordinances. The majority felt that the location of this property and the adjacency to the Denning Drive apt site lends itself and provides better design opportunities if added to that project. The minority felt that there needs to be a step-down in density moving east and R-3 was more appropriate.

The rezoning ordinance contains a restriction on building height to the same three stories and 42 feet as was approved for the Denning Drive Apt. project.

### Request Summary:

The property at 861 W. Canton Avenue is 75 feet wide by 250 feet deep (18,750 sq. ft.).

The future development plans of the applicant are not firm at this time. Based on the current single family R-1A zoning, the maximum development potential of this property, as zoned R-1A, would be two single family homes. One home could be built on the front half of the property and the second home on the rear half with a driveway running back to that rear lot.

Based on the requested R-4 zoning, there are two scenarios because the minimum lot size for R-4 development is 20,000 sq. ft. When you have a property with less than 20,000 sq. ft., like this one, then the standards of R-3 apply. So as a stand-alone property, given the R-3 standards, the density is one unit for each 2,500 sq. ft. of land which translates into 7 units. However, if this property were combined with the adjacent 550 N. Denning Drive Apts. property then the total building site would exceed the minimum 20,000 sq. ft. and then the R-4 density is one unit for each 1,750 sq. ft. of land which translates into 10 units.

One of the requirements for a rezoning submission is to *"include prospective plans indicating the desired development scenario proposed as a result of an approval"*. So in keeping with that requirement, the applicant has presented the plans attached to develop the property in concert with the Denning Drive apartments. That property, at this time is under contract to Eastwind LLC, who is trying to be selected as part of the State's tax credit program to convert that Denning Drive apartment project to elderly affordable apartments. It is unknown at this time if they will be selected and proceed with that project.

However, as part of that expanded project or as 10 stand-alone 'market rate' apartments, the applicant has included a site plan and elevations (see attached plans) that show how the property would be used. They believe that it would greatly enhance the visual appeal of that project because rather than looking, as traveling from the east on Canton Avenue at the "rear" of the apartments, this expansion puts a "front door" view on both the east and west sides of the project.

If this land were used strictly as a stand-alone apartment building of 10 units, the project would still screen the "rear" view of the Denning Drive apt. building and provide a transition opportunity.

In either case, the contract arrangement between Denning Partners Ltd. and Eastwind LLC provides for access from this property to the surplus parking in the parking garage and also access to the common storm water retention system.

#### **Staff Appraisal:**

This lot of 75 feet by 250 feet deep is not appropriately zoned single family sitting next to R-4. But in terms of transition; is R-3 a better choice ? (That was the issue P&Z discussed at length)

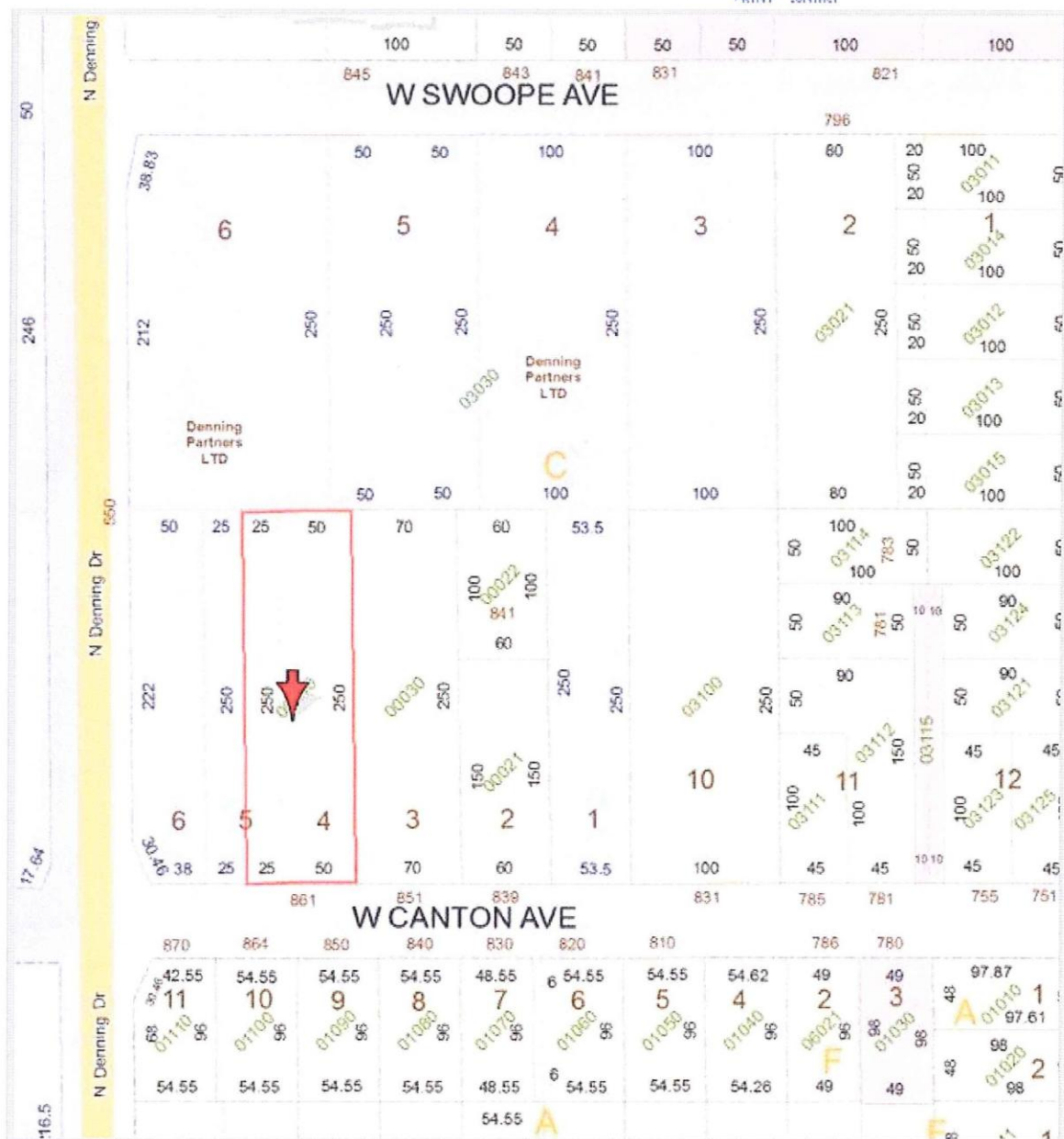
If the Denning Drive Apts. are built, then the rezoning may be a good decision because it allows "front door" faces on both sides of the building. The other beneficial outcome is that since the applicant's plans show six apt. units per floor (18 units) and the maximum is 10 units; then either the building will be downsized to two stories on this property or hopefully this entire wing of the project will be reoriented to pull it back further from Canton Avenue.

In either event since R-4 zoning allows 55 feet and five stories of building height, the approval must be restricted to match the scale of the Denning Drive apts. The rezoning ordinance recommended by the Planning Board contains that restriction in height to the same three stories and 42 feet of height approved for the Denning Drive apt. project.



OCPA Web MAP

PRINT CONTACT



Parcel ID: 302206117000040 (Rng-Twn-Sec format)

0 50 ft

This map is for reference only and is not a survey.

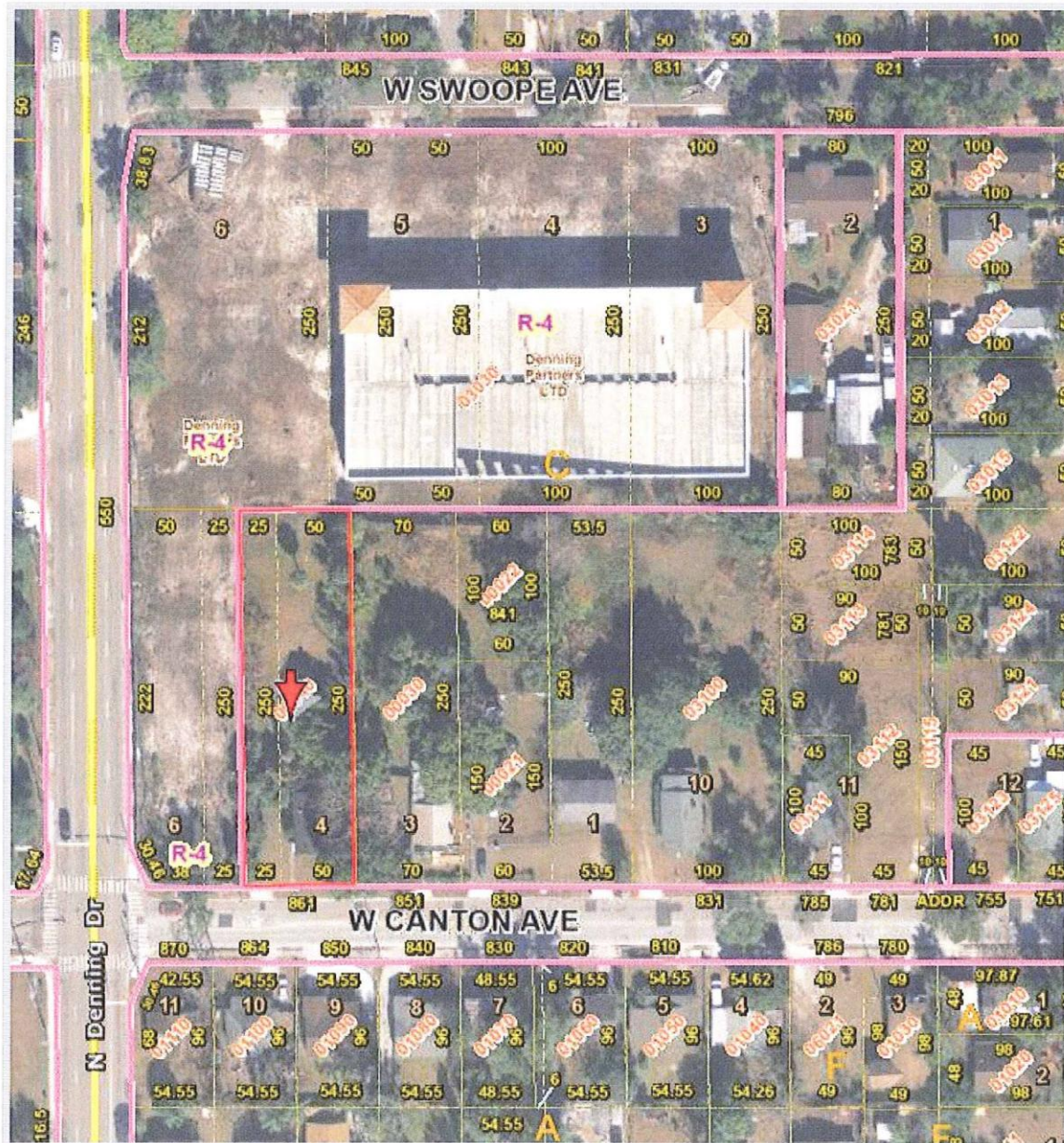
Created on 12/28/2011, Copyright 2007. Orange County Property Appraiser.





OCPA Web MAP

PRINT CONTACT



Parcel ID: 302206117000040 (Rng-Twn-Sec format)

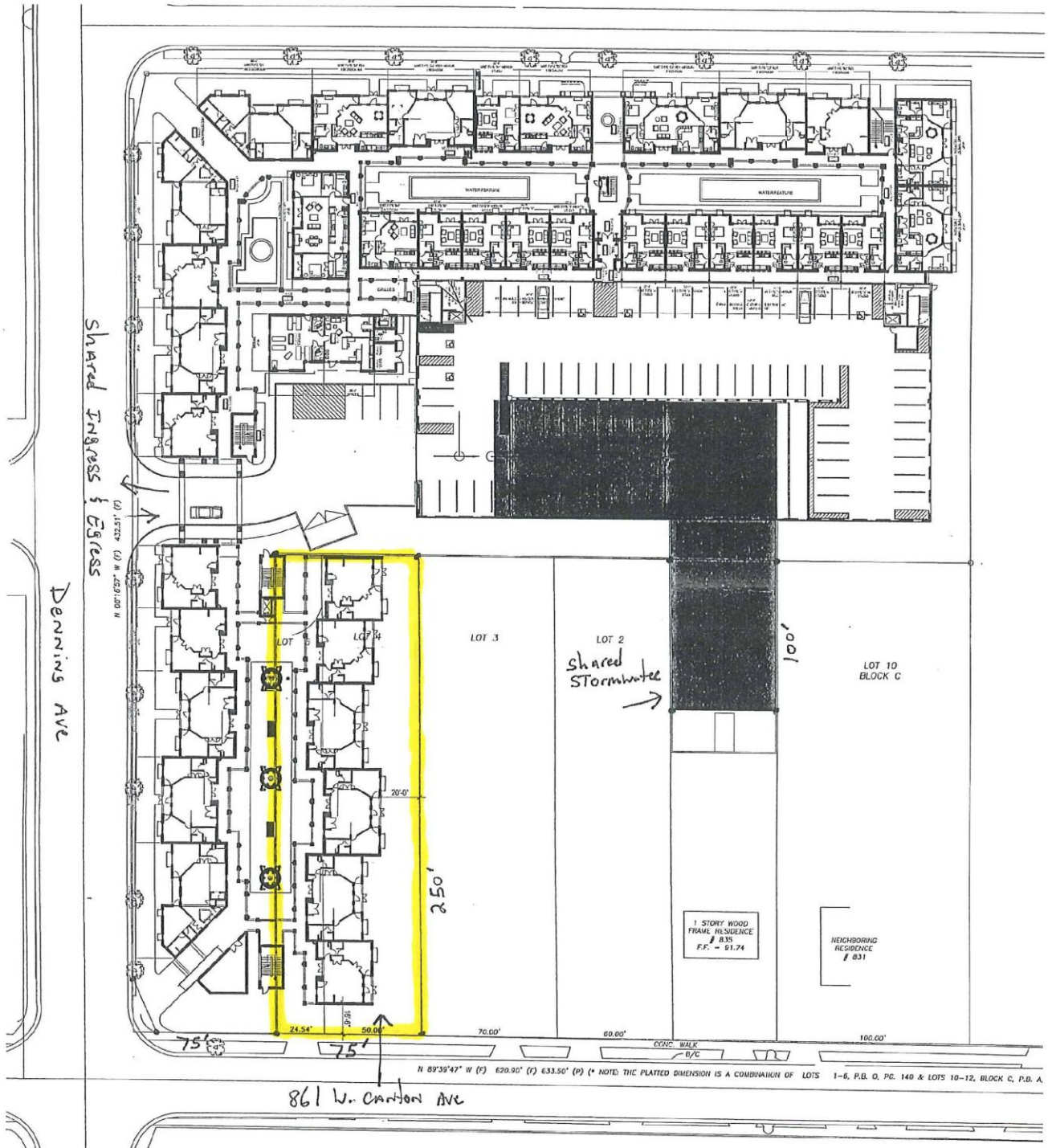
0 50 ft

This map is for reference only and is not a survey.

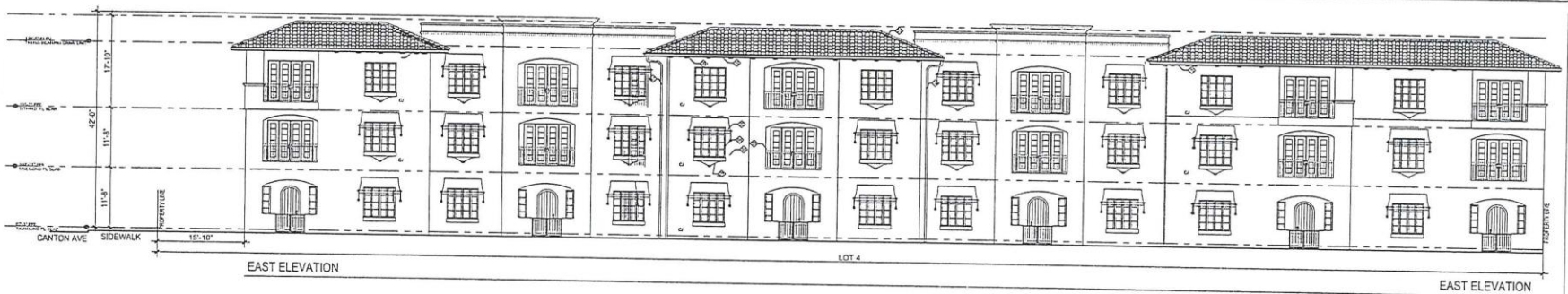
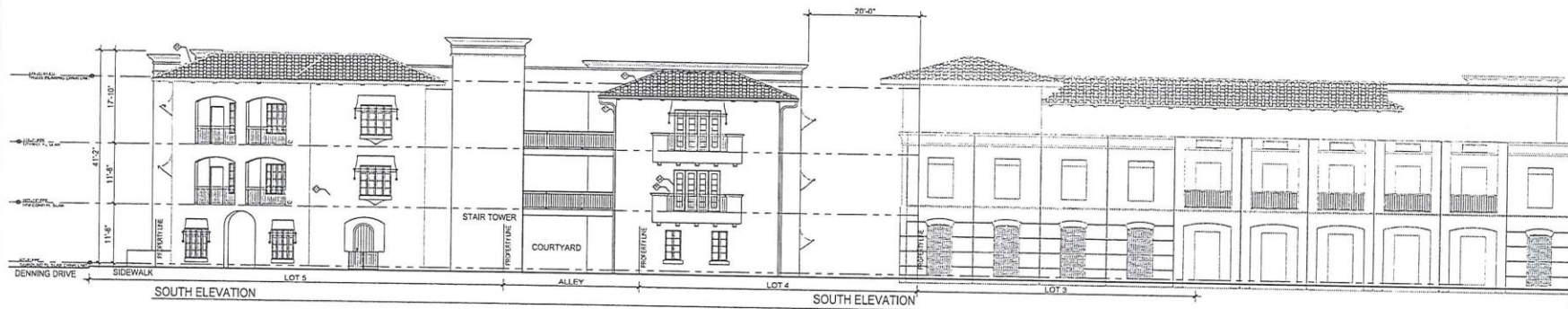
Created on 12/28/2011, Copyright 2007. Orange County Property Appraiser.



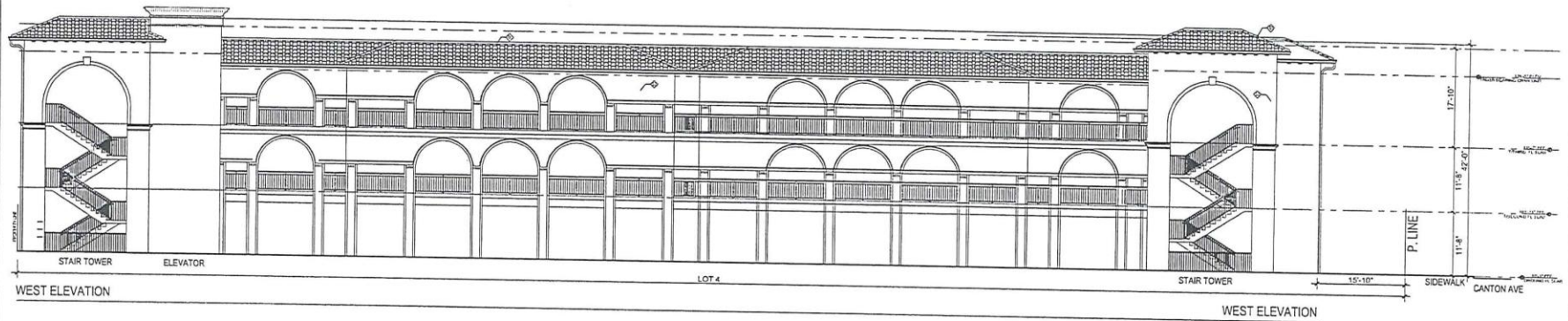
# Denning Drive Apt. Project



# DENNING APARTMENTS , LOT 4



# DENNING APARTMENTS , LOT 4





ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK,  
FLORIDA AMENDING CHAPTER 58, "LAND  
DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE  
PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE  
FUTURE LAND USE DESIGNATION OF SINGLE FAMILY  
RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE  
PROPERTY AT 861 WEST CANTON AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR  
CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09, and

**WHEREAS**, the owner of the property more particularly described herein has requested an amendment to the Comprehensive Plan for this property, and such amendment meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

**WHEREAS**, the City Commission also desires to amend one policy in the text of the Future Land Use Element, and

**WHEREAS**, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on January 10, 2012, provided for participation by the public in the process and rendered its recommendations to the City Commission; and

**WHEREAS**, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 23, 2012 and February 13, 2012 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of single family residential to high density residential on the property at 861 W. Canton Avenue, said property being more particularly described as follows:



Lot 4 and the East Half of Lot 5, Capens Replat as recorded in Plat Book "O", Page 140 of the Public Records of Orange County, Florida.

Property Tax ID # 6-22-30-1170-00-040

**SECTION 2. Severability.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION 3. Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 4. Effective Date.** This Ordinance may not become effective until 31 days after adoption. If challenged within 30 days after adoption, this Ordinance may not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

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

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESTRICTIONS ON HEIGHT; CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

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

**WHEREAS**, the Planning and Zoning Board and City Staff of the City of Winter Park have recommended approval of this Ordinance at their January 10, 2012 meeting; and

**WHEREAS**, the City Commission of the City of Winter Park held a duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

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

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map are hereby amended so as to change the existing zoning designation of single family (R-1A) district to multi-family (high-density R-4) district zoning on the property at 861 W. Canton Avenue, more particularly described as follows:

Lot 4 and the East Half of Lot 5, Capens Replat as recorded in Plat Book "O", Page 140 of the Public Records of Orange County, Florida.

Property Tax ID # 6-22-30-1170-00-040

**SECTION 2. Restrictions on Height.** Notwithstanding the provisions of the R-4 zoning district, this property shall not be used, without the subsequent approval of the City Commission for any building taller than three stories or 42 feet in height as well as whatever additional height is customarily allowed for parapets, mechanical, elevator towers, ect.

**SECTION 3. Severability.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

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

**SECTION 5. Effective Date.** This Ordinance shall become effective upon the effective date of Ordinance \_\_\_\_\_ or upon the date that title is transferred to Denning Partners Ltd, whichever is the later to occur. This ordinance shall not become effective unless and until title is transferred to Denning Partners Ltd. If Ordinance \_\_\_\_\_ does not become effective or if title is not transferred to Denning Partners Ltd., then this Ordinance shall be null and void.

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

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

**REQUEST OF DENNING PARTNERS, LTD. TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE THE EXISTING DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE PROPERTY AT 861 W. CANTON AVENUE.**

**REQUEST OF DENNING PARTNERS LTD. TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 W. CANTON AVENUE.**

Planning Director Jeffrey Briggs stated that Denning Partners, Ltd. (Dan Bellows) has under contract for purchase, the property at 861 W. Canton Avenue, which is immediately east of and adjacent to the Denning Drive apartment project at 550 N. Denning Drive. That project was approved in January 23, 2006. He said that this is a request for the Comprehensive Plan and Zoning change from the existing single family designations (R-1A) to high density residential (R-4) on the property which is 75 feet wide by 250 feet deep (18,750 sq. ft.). Mr. Briggs reviewed current zoning regulations for both the R-1A and R-4 zoning districts.

Mr. Briggs indicated that while the future development plans of the applicant are not firm at this time, one of the requirements for a rezoning submission is to *"include prospective plans indicating the desired development scenario proposed as a result of an approval"*. So in keeping with that requirement, the applicant has presented the his desired development option for the property as an addition to the Denning Drive apartments. That property, at this time is under contract to Eastwind LLC, who is trying to be selected as part of the State's tax credit program to convert that Denning Drive apartment project to elderly affordable apartments. It is unknown at this time if they will be selected and proceed with that project. However, when the Denning Drive Apts. are built (either as senior affordable or market rate apts.), this rezoning and expansion could be a very good decision because it allows "front door" faces on both sides of the building. The other beneficial outcome is that since the applicant's plans show six apt. units per floor (18 units) and the maximum is 10 units; then either the building will be downsized to two stories on this property or hopefully this entire wing of the project will be reoriented to pull it back further from Canton Avenue. Unfortunately the approved plans approved in 2006 call for a 50 foot tall stair tower sitting 20 feet from Canton Avenue across the street from single family homes. In either case, the contract arrangement between Denning Partners Ltd. and Eastwind LLC provides for access from this property to the surplus parking in the parking garage and also access to the common storm water retention system. He provided further insight to staff concerns.

Mr. Briggs expressed that this lot; 75 feet by 250 feet deep is not a typical single family residential environment sitting next to an R-4 development that will be three stories and 42 feet tall. He said that some rezoning is warranted and appropriate in terms of transition, but staff questioned whether R-2 or R-3 is a better choice. This is a very difficult decision to make when you are only asked to decide on the rezoning (not the plans) and you don't have any idea what the fate of the Denning Drive apartments will be. Once this property is rezoned to R-4, it is never going to be rezoned back to anything lesser in intensity (R-3 or R-2) given the Bert Harris property rights statutes. In either event since R-4 zoning allows 55 feet and five stories of building height, any approval should be restricted to match the scale of the Denning Drive apts. Staff recommendation is for approval with the condition that future development is limited to no more than three stories and 42 feet of building height. Mr. Briggs responded to Board member questions and concerns.

Dan Bellows, applicant, stated that he was in agreement staff report. He outlined the plans presented and the opportunities it gives to improve the exterior façade appearance of the project, improve storm water drainage for these properties and potentially increase the setback of the building to Canton Avenue. He responded to Board member questions and concerns.

Lurline Fletcher, 790 Lyman Avenue and Linda Washington, 321 North Capen Avenue, spoke in opposition to the property going to high density residential. They expressed their desire to have the property remain as single family residential. No one else wished to speak concerning the request. Public Hearing closed.

The Board members discussed the request. The Board members recognized that the decision for this one property was likely to be precedent setting for the other similar narrow and deep (R-1A) properties to the east on Canton Avenue. Mr. Gottfried expressed that this is a situation where the Planning Board needs to be proactive and study this block to determine that proper zoning and transition in density and building height that should occur in this area. (Mr. Briggs explained that that effort had been done before by the Comp. Plan Task Force but no consensus was reached. He agreed to bring back this issue to P&Z for review.)

Mr. Johnston expressed his recognition that the density and height increases were significant from R-1A to R-4 and that this was a significant change but he felt that given the location and dimensions of this lot it is not a desirable location for a single family home. Thus, the best outcome for the property would be as an addition to the Denning Drive Apt. project because it would result in a better project both functionally and visually. There was general agreement on that point by other Board members but discussion ensued whether the transition to R-3 or R-2 should start on this property to lower heights/densities or whether it starts further east. Mr. Krecicki and Mrs. Whiting expressed that they would prefer a rezoning only up to R-3 to start that transition on this property. Mr. Livingston indicated that the Board still has to approve any building project (via conditional use) on this project and we could use that approval to institute the transition.

**Motion made by Mr. Gottfried, seconded Mr. Johnston to approve the comprehensive plan amendment single family residential to high density residential. Motion carried unanimously by a 5-2 vote (Mr. Krecicki and Mrs. Whiting dissenting)**

**Motion made by Mr. Gottfried, seconded by Mr. Livingston to approve the rezoning from single family residential (R-1A) district to multi-family (high density R-4) with the caveat that staff study the entire block and bring their findings back to the Board. Motion carried with a 5-2 vote. (Mr. Krecicki and Mrs. Whiting voted against the motion.**



# city commission public hearing

item type	Public Hearing	meeting date	February 13, 2012
prepared by department division	Terry Hotard Electric Utility	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

Undergrounding of Electric/CATV Facilities Calling Resolution

VIA Salerno/Mayfield Avenue

## motion | recommendation

Approve resolution calling for a date/time to set public hearing pertaining to the undergrounding of electric/CATV facilities in the area of Via Salerno and Mayfield Avenue. Staff recommendation is to approve resolution calling for the Public Hearing.

## summary

Winter Park Electric's PLUG-IN program was approved by the city commission to provide neighborhoods with a method of accelerating the undergrounding of neighborhood overhead facilities. Through the PLUG-IN Program the city provides homeowners within the neighborhood Electric Assessment District (NEAD) a 50% match of the electric undergrounding. Bright House Network has agreed to a 5% contribution. Homeowners have the option of a onetime lump sum or 10 year repayment schedule. Annual assessment will be placed on the property tax bill. 73% (66% required) of the 15 homeowners within the Via Salerno/Mayfield Avenue NEAD have voted in favor of this project.

## board comments

N/A

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING VIA SALERNO AND MAYFIELD AVENUE; WHICH IMPROVEMENTS BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park, Florida, in Resolution No. 2099-12, has determined, and does hereby determine, to make and fund certain public improvements as authorized by Sections 170.01 and 170.201, Florida Statutes, by undergrounding the electric/CATV facilities within the municipal boundaries of the city of Winter Park, consisting of properties abutting Via Salerno and Mayfield Avenue; and

**WHEREAS**, the City Commission has determined, and does hereby determine, to make and fund certain public improvements as authorized by Sections 170.01 and 170.201, Florida Statutes, by undergrounding the electric/CATV facilities of properties abutting Via Salerno and Mayfield Avenue, all of the aforesaid public improvements and municipal services to be hereinafter referred to as the "Project"; and

**WHEREAS**, the cost and expense of the Project is to be met in whole or in part by special assessments; and

**WHEREAS**, Sections 170.07 and 170.08, Florida Statutes, require that a public hearing be conducted with respect to the special assessment roll, which has heretofore been filed with the City Clerk of the City of Winter Park, which assessment roll shows the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel of land, and, if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided.

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Winter Park, Florida as follows:

**Section 1.** The City Commission of the City of Winter Park hereby calls a Public Hearing at 3:30 p.m. on March 12, 2012, or as soon as possible thereafter, in City Commission Chambers, City Hall, 401 Park Avenue South, Winter Park, Florida for the purpose of affording owners of the property to be assessed, or any other persons interested therein, to appear and be heard as to the propriety and advisability of making and funding

such improvements as to the cost thereof, as to the manner of payment therefore, and as to the amount thereof to be assessed against each property so improved or benefited.

**Section 2.** The area to be improved and benefited are those properties abutting Via Salerno and Mayfield Avenue, by the undergrounding. The description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the City Clerk.

**Section 3.** The public improvement proposed shall consist of the undergrounding of electric/CATV facilities of properties abutting Via Salerno and Mayfield Avenue.

**Section 4.** The aforesaid public hearing shall be conducted as provided, and for the purposes recited in Sections 170.07 and 170.08, Florida Statutes.

**Section 5.** This notice shall be published as provided in Section 170.07, Florida Statutes.

**Section 6.** Thirty (30) days notice in writing of the time and place of the aforesaid public hearing shall be given to the property owners of the property to be assessed, which notice shall include the amount of the assessment. The notice shall be served by mailing a copy to each of such property owners at his last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser or from such other sources as the City Clerk or Electric Director deems reliable, proof of such mailing to be made by the affidavit of the City Clerk, Deputy Clerk, or by the Electric Director, said proof to be filed with the City Clerk, provided, that failure to mail said notice or notices shall not invalidate any of the proceedings here-under.

**Section 7.** 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 13th day of February, 2012.

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Kenneth W. Bradley, Mayor

Attest: \_\_\_\_\_  
Cynthia S. Bonham, City Clerk





# city commission agenda item

item type	Public Hearing	meeting date	February 13, 2012
prepared by department division	George Wiggins Building and Code Enforcement Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Yes	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

## Subject

Code Enforcement Board Resolution delegating Authority to the Code Enforcement Board and under emergency conditions to the City Manager to negotiate and to execute Satisfactions or Releases of Code Enforcement Liens.

## motion | recommendation

Approve Resolution.

## background

The Code Enforcement office is contacted by title companies when they seek an expedited settlement response for property closings which are in the owner and City's interest to receive payment for unpaid code enforcement liens and to accomplish correction of code violations.

In an effort to eliminate multiple steps for settling unpaid liens and to allow the new owner to proceed with purchase of a property and the removal of the violation related to the subject property which has an unpaid code board liens, staff recommends allowing the Code Board to negotiate a lien settlement and release. Or when there are more urgent property closings when the Board cannot convene in a timely manner, the City Manager can proceed with the negotiation and settlement of a lien release. Sales have been abandoned due to this process. We feel that given the history of a code enforcement board case, the code enforcement board has firsthand knowledge of the case and better understands what has transpired and are able to determine the best method for settling any fine reduction or lien waivers if necessary. Presently, the Code Board makes recommendations, the property owner still is required to go before the City Commission to obtain final approval, which can be a lengthy process causing the sale to be delayed or abandoned. We would like to streamline the process so that the city is not the cause of liens not being paid or properties not being sold.

## alternatives | other considerations

Present procedures could remain the same by taking all lien reduction settlements to the City Commission.

## fiscal impact

More timely receipt of payment for unpaid liens and correction of code violations on properties.

## strategic objective

Quality government services and financial security.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO ITS HOME RULE POWERS, DELEGATING AUTHORITY TO THE CODE ENFORCEMENT BOARD AND TO CITY MANAGER UNDER EMERGENCY CONDITIONS TO NEGOTIATE CODE ENFORCEMENT LIENS AND TO EXECUTE SATISFACTIONS OR RELEASES OF CODE ENFORCEMENT LIENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY FOR THE PURPOSE OF ALLOWING PROPERTY CLOSINGS TO OCCUR WITHOUT DELAY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park, Florida, recognizes that pursuant to Chapter 162, Florida Statutes, and pursuant to the Code of Ordinances of the City of Winter Park, Chapter 2, Administration, Article III. Boards and Commission, Division 4, Code Enforcement Board, Section 2-108, that a Code Enforcement Board fine, once recorded in the public records in Orange County, Florida, becomes a lien and that pursuant to state statute the lien runs in favor of the local governing body i.e. the City Commission of the City of Winter Park, which is thereby authorized to execute satisfactions or releases of liens; and

**WHEREAS**, there are many occasions where the City is requested by lenders, property owners, closing agents and other individuals seeking to transfer title to real property to compromise, negotiate and otherwise settle liens running in favor of the City Commission on an expedited basis; and

**WHEREAS**, the City Commission hereby declares that it is in the public interest of the City of Winter Park to delegate to the Code Enforcement Board and to City Manager under emergency conditions the City Commission's authority to negotiate or compromise existing code enforcement liens created pursuant to Chapter 162, Florida Statutes and the City Code, and thereafter to execute appropriate satisfactions or releases of liens.

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Winter Park, Florida as follows:

**Section 1.** The foregoing "Whereas" clauses are true and correct, are hereby ratified and confirmed by the City Commission, and are incorporated herein and made a part hereof.

**Section 2.** The City Commission of the City of Winter Park, Florida hereby delegates to the Code Enforcement Board and to the City Manager the Commission's authority to negotiate and compromise code enforcement liens, and to thereafter execute satisfactions or releases of those code enforcement liens.

**Section 3.** The City Manager may only negotiate and compromise code enforcement liens when a property closing or other legal property title transfer occurs within a time period when the Code Enforcement Board is not scheduled or not able to convene in a timely manner to act upon the requested lien settlement and release.

**Section 4.** All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 6.** This Resolution shall become effective immediately upon its passage and adoption.

**ADOPTED** by the City Commission of the City of Winter Park, Florida, on this 13<sup>th</sup> day of February, 2012.

\_\_\_\_\_  
Kenneth W. Bradley, Mayor

Attest: \_\_\_\_\_  
Cynthia S. Bonham, City Clerk



# city commission public hearing

item type	Public Hearing	meeting date	February 13, 2012
prepared by department division	Butch Margraf Public Works Department Engineering Division	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 checked="" type="checkbox"/> no <input type="checkbox"/> N/A final vote		

## subject

Ordinance establishing parking restrictions at electric charging stations. Set fine of \$100 per violation.

## motion | recommendation

Adopt the ordinance and amend the "Schedule of City of Winter Park Service and User Fees and Charges" to include the fine at \$100 per violation of this ordinance.

## summary

This is an ordinance establishing parking restrictions in electric charging station parking spaces for electric vehicles only and setting the fine of \$100 per violation in the "Schedule of City of Winter Park Service and User Fees and Charges." The \$100 fine is recommended due to the limited number of electric charging stations to protect the use of the spaces for charging electric vehicles only and to encourage electric vehicle use.

## board comments

NA

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
REGULATING PARKING IN ELECTRIC VEHICLE CHARGING  
STATION SPACES DESIGNATED FOR THE CHARGING OF  
ELECTRIC VEHICLES; PROVIDING FOR CODIFICATION,  
CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.**

**R E C I T A L S**

**WHEREAS**, the City Commission of the City of Winter Park has previously authorized a program that will promote the use of electric vehicles in the City of Winter Park under terms that are safe, lawful and appropriate;

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Winter Park, as follows:

**Section 1. Recitals.**

The recitals are incorporated herein by reference.

**Section 2. Definitions.**

- (1) "Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose.
- (2) "Electric vehicle charging station" means a public parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Section 3. Electric vehicle charging stations on public property.**

Public electric vehicle charging stations that are located on public property are reserved for parking and charging electric vehicles only. When a sign provides notice that a space is a designated public electric vehicle charging station, no person shall park or stand any nonelectric vehicle in that space. Any nonelectric vehicle is subject to fine or removal. Any electric vehicle in any designated public electric vehicle charging station space on public property that is not electrically charging shall be subject to a fine and/or removal. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

Where public electric vehicle charging stations are constructed and installed, the city engineer shall cause appropriate signs and markings to be placed in and around the parking spaces of said stations, indicating prominently thereon the parking regulations. The signs shall state that the parking space is reserved for charging electric vehicles and that an electric vehicle may only park in the space for charging purposes.

**Section 4. Enforcement.**

A violation of this Ordinance or section shall be enforceable pursuant to the procedures for Code Violations and enforcement against Code Violations provided in Chapter 1, including Sections 1-21 and 1-23 of the Municipal Code of the City of Winter Park, and the fine for any violation found shall be a Class II violation in accordance with the provisions in Chapter 1, of the Municipal Code.

**Section 5. Codification.**

Sections 2, 3 and 4 hereof shall be codified as Section 98-8 in the Municipal Code, and thereafter Sections 98-9 through 98-30 will be reserved. Also, Section 1-24 of the Municipal Code will be amended to add this new Section 98-8 to the Schedule of Violations and Penalties.

**Section 6. 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 7. Conflicts.**

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**Section 8. Effective Date.**

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 on the 27th day of February, 2012.

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MAYOR KENNETH W. BRADLEY

ATTEST:

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CYNTHIA BONHAM, CITY CLERK



# city commission public hearing

item type	Public Hearing	meeting date	February 13, 2012
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	N/A	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

**Subject: Revise the Conditions of Approval for Extension of the Conditional Use for the Parking Garage expansion at 655 W. Morse Blvd. pursuant to the Settlement Agreement.**

Per the City Attorney, under paragraphs 3-6 of the Settlement Agreement approved by the City Commission, the City needs to place on the agenda and call up for public hearing the agreed upon language for the extension of the conditional use at issue in this matter. According to paragraph 6.a. this needs to be done at the next regularly scheduled meeting of the City Commission.

Staff has published a legal ad for this public hearing. Once this public hearing is held, the City will be revising the conditions for the CU extension that was granted on May 10, 2010 per the terms of the Settlement Agreement. Then both parties will execute a Second Amendment to incorporate those revised conditions.

We have the original Development Agreement from 2000 (original project) and the First Amendment from 2005 (added parking garage levels). This Second Amendment will add the new conditions that both parties have agreed to. The City Attorney's office is working on that Second Amendment document.

## **SETTLEMENT AGREEMENT**

This Settlement Agreement (the "Agreement") is made and entered into by and between **SYDGAN CORPORATION**, a Florida corporation, with a principal address of 511 North New England Avenue, Suite 200, Winter Park, Florida 32789 ("SYDGAN"); **W.F.G., LTD**, a Florida limited partnership, with a principal address of 222 South Pennsylvania Avenue, Suite 200, Winter Park Florida 32789 ("W.F.G.") (jointly the "Developers"); and the **CITY OF WINTER PARK, FLORIDA**, a Florida municipal corporation with an address of 401 Park Avenue South, Winter Park, Florida 32789-4386 (the "City"), and is conditioned on approval by the City of Winter Park City Commission.

### **Recitals**

WHEREAS, in November of 2000 the City granted a conditional use permit to W.F.G., for the purpose of developing property at the northwest corner of Morse Boulevard and Pennsylvania Avenue in the City of Winter Park, and

WHEREAS, to memorialize that conditional use permit W.F.G. and the City entered into that certain Developer's Agreement dated November 28, 2000, under which W.F.G. agreed to develop four two-story commercial buildings, a three level parking garage, and residential improvements according to the terms of the Developer's Agreement, a copy of which is attached to this Agreement as "exhibit 1," and

WHEREAS, on or about May 23, 2005 the City approved a modification of the conditional use permit to allow the parking garage to be up to five levels so long as the residential development was substantially completed before the expansion of the parking garage to five levels and also approved a two year extension of the conditional use permit through May 23, 2007, and

WHEREAS, on or about April 9, 2007 the City again approved an extension of the conditional use permit through May 23, 2008 because the parties believed the City's Comprehensive Plan would be approved by that date and the development would proceed according to the terms of the Developer's Agreement and the Comprehensive Plan, and

WHEREAS, to memorialize the modification to that conditional use permit W.F.G. and the City entered into that certain Developer's Agreement Amendment One dated November 26, 2007, amending the original November 28, 2000 Developer's Agreement to provide that the parking garage shall not exceed 5 levels and to allow W.F.G. the right to request to add a third floor to the commercial buildings according to the terms of that amendment, a copy of which is included as part of "exhibit 1," and



WHEREAS, on or about March 10, 2008 the Comprehensive Plan had not yet been adopted so the City granted another extension of time for the conditional use permit until one year after the Comprehensive Plan became effective, and

WHEREAS, the Comprehensive Plan became effective on May 14, 2009, extending the conditional use permit through May 14, 2010, and

WHEREAS, at all times material to this Agreement SYDGAN acted as the agent in fact for W.F.G. regarding the Developer's Agreement dated November 28, 2000; the Developer's Agreement Amendment One dated November 26, 2007; and the conditional use permit, with any modifications and extensions, related to the Developer's Agreement and Amendment One, and

WHEREAS, by April of 2010 the City had not yet adopted its Land Use Code, which would provide the regulations governing the development contemplated by the parties, so the City's planning staff requested an additional extension of the conditional use permit on behalf of W.F.G., and

WHEREAS, on May 10, 2010, during the City Commission's regularly scheduled public meeting, the City granted a three year extension of the conditional use permit through May 14, 2013 and added the following five additional conditions to the conditional use permit:

1. No construction shall take place on the additional parking garage expansion until compatible development is approved by the City (as required via conditional use) for the vacant portion of the property at 655 W. Morse Boulevard on the Pennsylvania and Symonds corner and construction of the approved project has begun;
2. The maximum parking garage expansion is not to exceed 5 levels. The specific authorized expansion will be determined based on land development code parking requirements for approved projects on the properties governed by the approved Development Agreement that demonstrate the need for such parking;
3. All other terms of the 11/28/00, Developer's Agreement, as amended on 11/26/07, remain unchanged. (This includes the requirement for residential development);
4. This Conditional Use approval becomes effective upon mutual execution of an amendment to that Developer's Agreement; and

5. This extension does not indicate or imply that the Commission approves any specific future development or level of parking required to accommodate such development. All proposed development is subject to the normal land use processing approvals.

, and

WHEREAS, neither W.F.G. nor SYDGAN asked the City to reconsider its decision or sought judicial review of the May 10, 2010 decision by the City within the time required, and

WHEREAS, on or about December 13, 2010 SYDGAN again requested an extension of the conditional use permit, for the first time referencing two laws passed by the legislature; Section 14, Chapter 2009-96, Laws of Florida (2009), and Section 46, Chapter 2010-147, Laws of Florida (2010), and

WHEREAS, at the City Commission's December 13, 2010 meeting the City granted an additional extension under Chapter 2010-147 but denied any extension under Chapter 2009-96, and

WHEREAS, SYDGAN timely filed a Petition for Writ of Certiorari in the Ninth Judicial Circuit Court styled "SYDGAN CORPORATION v. CITY OF WINTER PARK, Case No. 2011-CA-001709-O, Writ No. 11-13," ("Petition") seeking review of the December 13, 2010 decision by the City, and

WHEREAS, SYDGAN, W.F.G., and the City ("the parties") have reached a settlement of all claims and disputes referenced in the Petition and all claims and other disputes between them, and desire to set forth the terms and conditions of that settlement in this Agreement and hereby enter into this Agreement with the intent of resolving all claims and disputes and the Petition.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained in this agreement, and other good and valuable consideration, the parties hereby agree as follows:

### **Agreement**

1. **Recitals.** All of the facts stated in the recitals of this Agreement are true and correct to the best of the parties' knowledge, are incorporated into this Agreement by reference, and the parties hereto agree to be bound by them.

2. **Effective Date.** The Effective Date of this Agreement shall be the last date on which all of the parties actually execute this Agreement and all documents contemplated hereunder.

3. Further City Action and Additional Approvals. The parties to this Agreement understand and agree that the City must conduct a public hearing to approve any extension or modification of the conditional use permit referenced in the recitals section of this Agreement. The fact that this Agreement does not address any particular requirement, condition, or term of the Developer's Agreement dated November 28, 2000, or the Developer's Agreement Amendment One dated November 26, 2007, shall not relieve the developer referenced in those documents from the obligation to comply with any other law, ordinance, regulation, or permitting requirement not covered by the terms of this Agreement.

4. Not an Extension or Modification of a Conditional Use Permit. The parties to this Agreement understand and agree that this Agreement is not itself an extension or modification of a conditional use permit. The parties further understand and agree that the city must take further action at a noticed public hearing, as contemplated by paragraphs 3 and 5 of this Agreement, in order to grant any extension or modification of the conditional use permit referenced in the recitals section of this Agreement.

5. City to Consider an Extension and Modification of Conditional Use Permit. Notwithstanding this Agreement, the parties to this Agreement understand and agree that this Agreement shall in no way bind the City to extend or modify the conditional use permit referenced in the recitals section of this Agreement. The City has the complete right to deny any extension or modification of the conditional use permit that may come before it as required by this Agreement.

6. Consideration. Subject only to the terms of this Agreement, and as a material inducement to entering into this Agreement, the parties agree as follows:

a. At the next regularly scheduled public meeting of the Winter Park City Commission after the City's approval of this Agreement, the City will place on its meeting agenda and bring up for consideration the granting of an extension to the conditional use permit, as referenced in the recitals section of this Agreement, through the date of May 14, 2014, with that extension including revision of conditions 1 and 2 and removal of conditions 4 and 5 imposed on May 10, 2010, so that the conditions on the conditional use permit would be:

(1) No construction shall take place on the additional parking garage expansion until residential development on the vacant lots at 672 and 660 Symonds Avenue has begun. Furthermore, no construction shall take place on building number three located at 171 North Pennsylvania Avenue until either a minimum of a two-unit duplex located at 620 Symonds Avenue (west half of Lot 2, Block H, Capen's Addition to Winter Park; Plat Book

“A, Page 95), which is the vacant land area just west of the Symonds Avenue commercial surface parking lot, has begun or residential development on the vacant lots at 712 and 726 Symonds Avenue (west half of Lot 5 and the east half of Lot 6, Block H, Capen’s Addition to Winter Park; Plat Book “A, Page 95) has begun and that those residential buildings shall be deemed sufficient to satisfy the conditions of the Development Agreement, as amended.

(2) The maximum parking garage expansion is not to exceed five levels. The specific future development of the adjacent vacant land will be determined based on the applicable land development code parking requirements for projects on the properties which are governed by the Developer’s Agreement and which are approved by the City, and

(3) All other terms of the November 28, 2000 Developer’s Agreement, as amended on November 26, 2007, remain unchanged. (This includes the requirement for residential development).

b. Within thirty (30) days of the City granting an extension after the hearing referenced in subsection "a." above, SYDGAN and the City shall file a Stipulation of Dismissal with Prejudice in the Ninth Circuit Judicial Court case styled "SYDGAN CORPORATION v. CITY OF WINTER PARK, Case No. 2011-CA-001709-O, Writ No. 11-13." If the City does not grant an extension or modification the appeal shall continue.

7. Settlement of Dispute. If the City grants the extension and modification referenced in paragraph 6a of this Agreement, this Agreement shall constitute a full and final resolution of all claims outlined in the recitals above and paragraph 8 shall become immediately effective upon the filing of the stipulation referenced in paragraph 6b.

8. Release. This provision shall become effective at the time and as provided in Section 7 of this Agreement.

In consideration of the payment of Ten and 00/100 dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged by the Developers, the Developers jointly and severally, hereby release, absolve, disclaim, and forever discharge the City of Winter Park, its City Commission members, officers, agents and employees, all in their official and personal capacities, of and from all liabilities, claims, actions, damages, costs or expenses of any nature arising out of or in any way connected with the Petition or this Agreement and from any and all rights, claims, charges, causes of action, set-offs, damages, defenses, and demands which were asserted or could have been asserted by the Developers, relating to any conditional use permit, as from time to time modified

and extended, described in the Petition, including but not limited to: civil rights, 42 U.S.C. §§1983 and 1988, proceedings set forth in Section 70.001, 70.20, or 70.51, Florida Statutes; U.S. or Florida Constitutional claims relating to procedural or substantive due process, equal protection, inverse condemnation, the U.S. Fifth or Fourteenth Constitutional Amendments, Article I Section 2 or 9 or Article X Section 6 of the Florida Constitution, or claims arising directly or indirectly from the failure to grant any extension or modification of any conditional use permit as alleged in the Petition. Further, the Developers, on their own behalf and on behalf of their successors, privies, and assigns, and anyone claiming by, through or under same, hereby covenant not to sue and release and forever discharge the City of Winter Park, its City Commission members, officers, agents and employees, all in their official and personal capacities, individually and collectively, from all claims, demands, actions, causes of action, petitions, suits, debts, dues, sums of money, accounts, reckonings, bills, specialties, covenants, contracts, damages, claims, liens, setoffs, attorneys'/ paralegals' fees, defenses, and all and every and any nature of actions or causes of action in law or in equity, which the Developers or any of them had, now have, or that may subsequently accrue to any or all of them, arising out of or in connection with, arising directly or indirectly, from the failure to grant any extension or modification of any conditional use permit as alleged in the Petition and the incidents described in this. **THE PARTIES TO THIS AGREEMENT UNDERSTAND AND AGREE THAT THEY EACH AND ALL EXECUTED THE RELEASES SET FORTH IN THIS AGREEMENT FREELY AND VOLUNTARILY AFTER HAVING HAD THE OPPORTUNITY TO BE APPRISED OF ALL OF THE RELEVANT INFORMATION, DATA, AND ADVICE FURNISHED BY ANY CONSULTANTS OR ATTORNEYS.**

9. Entire Agreement. This Agreement contains the entire understanding between the parties with regard to matters set forth within it. There are no representations, warranties, arguments, agreements, arrangements, undertakings oral or written, between or among the parties related to the subject matter of this Agreement that are not fully expressed within this Agreement. The parties specifically rely upon the terms of this Agreement, the terms of which shall be read and interpreted in such a manner as to give all provisions their ordinary and customary meaning unless otherwise defined.

10. Advice of Counsel. The Parties to this Agreement acknowledge that they have received the advice of independent legal counsel. The parties executing this Agreement do so with the full knowledge of its significance and with the express intent of effecting its legal consequences.

11. Modifications. No modification of a term or condition of this Agreement shall be valid or binding, unless it is in writing and executed by each of the parties to the Agreement or their agents.

12. Waiver. The parties agree that there shall be no waivers of any terms of this Agreement and any failure by any of the Parties to enforce any provision shall not be a waiver of same and shall not be deemed to waive any other provision of this Agreement.

13. Attorneys' Fees. The parties shall bear their own attorneys' fees and costs in the Petition, including the negotiation and drafting of this Agreement and any other related issues. There is no prevailing party in the Petition and each Party will pay its own costs, expenses, and attorneys' fees, except as otherwise indicated in this Agreement.

14. Enforcement. In the event an action is commenced or motion filed seeking enforcement of this Agreement the prevailing party in such action or motion shall be entitled to recover its attorneys' fees and costs from the other party. The parties agree that the Ninth Judicial Circuit Court in and for Orange County, Florida, shall have jurisdiction to enforce this Agreement as may be necessary.

15. Choice of Law. This Agreement is being executed and delivered in the state of Florida and the laws of the state of Florida shall apply with regard to all matters pertaining to and arising under or in connection with this Agreement. In the event that an action is filed by any party hereto to enforce any provision of this Agreement, all parties hereto consent to the jurisdiction and venue of the Ninth Judicial Circuit Court in and for Orange County, Florida, and waive personal service of summons and agree to service by certified return receipt mail.

16. Construction. This Agreement was prepared with the joint input of all parties who each had an opportunity to review and understand the Agreement and have each participated in the preparation of the Agreement, which shall not be interpreted more or less favorably to any of the parties. This Agreement shall not be more strictly construed against one party than against the other because of the fact that it may have been physically prepared by one party or by its attorneys, because all parties and their respective attorneys have participated in the negotiation, drafting, and preparation of this Agreement. All terms and provisions of this Agreement shall be deemed to have been inserted for the benefit of all parties.

17. Interpretation. This Agreement shall be read and interpreted in such a manner as to give all provisions their ordinary and customary meaning and all words, terms, and phrases not otherwise specifically defined by capitalized term or otherwise shall have the same meaning and interpretation as customarily used among lay persons. The terms "hereby," "hereof," "herein," "hereto," "hereunder" and any similar terms refer to this Agreement in its entirety and not solely to the particular section or paragraph in which the term is used. In construing this Agreement, the singular shall be held to include the plural, the plural shall include the singular, and the use of any gender shall include both genders.

18. Counterparts. This Agreement may be executed in several counterparts and all such executed counterparts shall constitute one agreement, which shall be binding upon all parties hereto, notwithstanding that all parties' signatures do not appear on the same page, and the parties further agree that a photocopy, facsimile copy, or other reproduction of this Agreement shall be as binding and effective as the original.

**WHEREFORE**, each of the parties has executed this Agreement on the day and year indicated below.

\_\_\_\_\_  
Printed name of Representative for SYDGAN Corporation

\_\_\_\_\_  
Signature of Representative for SYDGAN Corporation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of Representative for W.F.G, LTD.

\_\_\_\_\_  
Signature of Representative for W.F.G, LTD

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of Attorney for SYDGAN Corporation

\_\_\_\_\_  
Signature of Attorney for SYDGAN Corporation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of Representative for the City of Winter Park

\_\_\_\_\_  
Signature of Representative for the City of Winter Park

\_\_\_\_\_  
Date



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Printed name of Attorney for the City of Winter Park

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Signature of Attorney for the City of Winter Park

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Date