



city commission agenda

3:30 p.m.
March 12, 2012
Rachel D. Murrah Civic Center
1050 West Morse Boulevard
Winter Park, Florida

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

welcome

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

meeting procedures

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

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

| | | |
|----------|--|-----------------------|
| 1 | Meeting Called to Order | |
| 2 | Invocation Finance Director Wes Hamil Pledge of Allegiance | |
| 3 | Approval of Agenda | |
| 4 | Mayor's Report | Projected Time |
| | a. Informational Update - 2012-2013 Art on the Green sculpture project - Chele Hipp, Public Art Advisory Board Chair | 30minutes |
| | b. Proclamation - Recognition of Louis Roney being inducted into the Florida Artists Hall of Fame. | |
| | c. Proclamation - Girl Scouts 100 th anniversary | |
| | d. Presentation to Cynthia Bonham, City Clerk for achieving her Master Municipal Clerk (MMC) designation | |
| | e. Proclamation - Purchasing Month | |
| | f. Appointment of 'Wired for Winter Park' Task Force | |

| | | |
|---|--|----------------|
| 5 | City Manager's Report | Projected Time |
| 6 | City Attorney's Report | Projected Time |
| 7 | Non-Action Items | Projected Time |
| | a. Financial Report – January 2012 | |
| 8 | Citizen Comments 5 p.m. or soon thereafter (if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting) | |
| 9 | Consent Agenda | Projected Time |
| | a. Approve the minutes of 2/27/12. b. Approve the following purchases, contracts, and bids: <ol style="list-style-type: none"> PR 148771 to Bartow Chevrolet for six (6) Chevrolet Caprices for Police Department; \$155,598 Continuing services contract with Herbert-Halback, Inc. (RFQ-2-2012) for Professional, Architectural & Engineering Services (Discipline: Landscape Architect), and authorize the Mayor to execute the contract. Continuing services contract with Miller Legg (RFQ-2-2012) for Professional, Architectural & Engineering Services (Discipline: Landscape Architect), and authorize the Mayor to execute the contract. Piggybacking the Lake County contract with Helena Chemical Company for Agricultural Chemicals and authorize the Mayor to execute the Piggyback Contract; \$100,000 Piggybacking the City of Orlando contract with Unifirst Corporation for rental of work uniforms and authorize the Mayor to execute the Piggyback Contract. Staff to enter into negotiations with the top ranked firms, Bellomo-Herbert & Company; Le-Huu Partners; Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Parks & Recreation), RFQ-2-2012 Staff to enter into negotiations with the top ranked firm, Environmental Research & Design, Inc.; Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Lake Management), RFQ-2-2012 Staff to enter into negotiations with the top ranked firms, Matern Professional Engineering; Shaw Environmental & Infrastructure, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Green Planning & Engineering), RFQ-2-2012 Staff to enter into negotiations with the top ranked firm Southeastern Surveying & Mapping Corporation, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Survey Services), RFQ-2-2012 | 5 minutes |

10. Staff to enter into negotiations with the top ranked firm Kelly, Collins & Gentry, Inc., Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Roadway Design), RFQ-2-2012
- c. Approve the request to locate temporary modular classrooms and administration building during construction of Bush Science Center addition, subject to providing landscape buffer along both street frontages as depicted in exhibit provided and protection of shade trees.

| 10 Action Items Requiring Discussion | Projected Time |
|--|---|
| 11 Public Hearings | |
| <ol style="list-style-type: none"> a. Request of Windermere Winter Park Venture LLC: <ul style="list-style-type: none"> - Ordinance – Amending the comprehensive plan, future land use map to change the designation of Single Family Residential to Medium Density Residential on the property at 444 W. Swoope Avenue (2) - Ordinance - Amending the official zoning map to change the zoning designation of Single Family Residential (R-1A) District to Medium Density Multi-Family (R-3) District on the property at 444 W. Swoope Avenue (2) b. Ordinance – Amending Ordinance No. 2840-11, Moratorium for Pain Management Clinics (2) c. Ordinance – Amending the historic preservation section of the Land Development Code (1) d. Equalization Board Hearings: (To be held after 5:00) <ul style="list-style-type: none"> - Resolution – Declaring that the City is to fund capital improvements for undergrounding electric/CATV (BHN) facilities along Via Salerno and Mayfield Avenue with the cost to be paid by special assessments - Resolution – Confirming the special assessments for the undergrounding of electric/CATV (BHN) facilities for properties adjacent to Via Salerno and Mayfield Avenue | <p>10 minutes</p> <p>5 minutes</p> <p>5 minutes</p> <p>10 minutes</p> |
| 12 City Commission Reports | Projected Time |
| <ol style="list-style-type: none"> a. Commissioner Leary b. Commissioner Sprinkel c. Commissioner Cooper d. Commissioner McMacken <ol style="list-style-type: none"> 1. City Hall front yard e. Mayor Bradley | 10 minutes each |

appeals & assistance

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

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



city commission **city manager's report**

item type City Manager's Report

meeting date March 12, 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 | The mechanical contractor has constructed and installed all 3 of the large air handling units and chiller, as well supply ducting. The individual VAV (variable air volume, which are controlled by the room thermostats) valves have been installed and ducted on the second floor. Work continues on the installing the VAV's on the first floor. All demolition is complete of ceilings, existing lighting, old wall radiators and unnecessary walls. Construction of new walls to create new work spaces will begin next week as well as installation of new ceilings and new light fixtures. Plan is complete for new a/v system in the chambers and conference rooms and will begin installation in the next 3 weeks. New painting, carpeting and installation of built in furniture will be completed the first week in May with the May 14th commission meeting being held in the newly renovated chambers. | May 2012 |
| Pensions | Detailed projections provided to Commission on March 6, 2012. | |
| Lee Road Median Update | Met with FDOT on January 5 th 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 | Ribbon cutting April 6 th at 10:00 a.m. | Completed. |

| | | |
|-------------------------------|---|--|
| 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 th . 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 | Traffic counts are complete and the consultant is currently working on alternatives. | |
| Hazardous Waste | Waste Pro has agreed to host four household hazardous waste events per year for the City. The first event will take place on April 21 from 9:00 a.m. to 2:00 p.m. at the Public Works Compound located at 1439 Howell Branch Road. | The first event will be held in conjunction with Earth Day in April 2012. |
| Dead Tree Removal | All of the tree removals have been completed. Stump grinding is completed and tree replanting (with in-house crews) is underway. Expected completion is May 2012. | May 2012 |
| Wayfinding Signs | Locations on local roads have been finalized. Public Works is currently pricing the manufacturing. Signs are expected to start popping up within 60 days. | May 2012 |
| Street Musicians | CRA Staff is meeting with the merchants this week and working towards returning a recommendation to the Commission | April 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.

Financial Report

For the Month of January (33% of fiscal year lapsed) Fiscal Year 2012

General Fund

The following items were noted in reviewing the financial results for the four months of FY 2012:

- 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 three months of solid waste and electric franchise fees. Both are comparable to one fourth of the annual budget.
- Electric utility taxes could be \$130,000 short of budget estimate due to lower fuel rates. Water utility taxes could be \$50,000 short of budget as realignment of water and sewer revenues as proposed in the rate study has not yet been implemented. Communications Services Taxes projected based on YTD receipts would be \$105,000 short of budget estimate.
- 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 two months of half cent sales tax and local option gas tax through January 31. Based on these very early months, half cent sales tax would be about \$130,000 short of budget and local option gas tax would be right on target.
- Charges for services now include the Golf Course. Golf course revenues increased total charges for services revenue for the first four months by \$126,673.
- 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 will likely not catch up since not all planned intersections are active yet. We are saving money on the cost side since we are not paying for monitoring of these intersections. We could be \$250,000 short of our budget in this line.
- 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.
- Overall, contingency and typical departmental budget savings will be adequate to cover revenue shortfalls.

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.

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 four months in gallons are as follows:

| | Sales in Thousands of Gallons for the Four Months ended January 31, 2011 | Sales in Thousands of Gallons for the Four Months ended January 31, 2012 | Difference | Percentage |
|-------|---|---|-------------------|-------------------|
| Water | 1,150,391 | 1,207,691 | 57,300 | 5.0% |

Expenses are in line with budget.

Electric Services Fund

Sales in kWh are down 4.2% through January 31 in comparison to the same period in the prior year. Revenues are also 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 January 31, 2012 and 2011
33% of the Fiscal Year Lapsed

| | Fiscal YTD January 31, 2012 | | | | | | Fiscal YTD January 31, 2011 | | | |
|----------------------------------|-----------------------------|--------------|--------------------|--------------------|----------------------|------------------------------------|-----------------------------|--------------------|----------------------|------------------------------------|
| | 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 | \$ 11,363,177 | 239% | \$ 14,265,000 | \$ 14,265,000 | \$ 4,754,995 | \$ 6,608,182 | \$ 10,425,339 | \$ 14,538,871 | \$ 4,846,288 | \$ 5,579,051 |
| Franchise Fees | 273,916 | 73% | 1,132,500 | 1,132,500 | 377,500 | (103,584) | 269,174 | 1,130,000 | 376,667 | (107,493) |
| Utility Taxes | 1,688,476 | 72% | 7,022,000 | 7,022,000 | 2,340,667 | (652,191) | 1,837,074 | 6,921,536 | 2,307,179 | (470,105) |
| Occupational Licenses | 419,040 | 274% | 459,500 | 459,500 | 153,167 | 265,873 | 429,152 | 450,000 | 150,000 | 279,152 |
| Building Permits | 476,078 | 114% | 1,249,050 | 1,249,050 | 416,350 | 59,728 | 306,907 | 1,033,800 | 344,600 | (37,693) |
| Other Licenses & Permits | 5,585 | 80% | 21,000 | 21,000 | 7,000 | (1,415) | 7,405 | 20,000 | 6,667 | 738 |
| Intergovernmental | 1,195,917 | 58% | 6,206,702 | 6,206,702 | 2,068,901 | (872,984) | 1,205,045 | 5,995,605 | 1,998,535 | (793,490) |
| Charges for Services | 1,526,153 | 93% | 4,939,600 | 4,939,600 | 1,646,533 | (120,380) | 1,424,773 | 3,708,300 | 1,236,100 | 188,673 |
| Fines and Forfeitures | 192,540 | 47% | 1,220,200 | 1,220,200 | 406,733 | (214,193) | 66,867 | 797,500 | 265,833 | (198,966) |
| Miscellaneous | 119,358 | 64% | 556,457 | 556,457 | 185,486 | (66,128) | 58,600 | 504,610 | 168,203 | (109,603) |
| Fund Balance | - | - | - | 636,911 | 212,304 | (212,304) | - | 566,257 | 188,752 | (188,752) |
| Total Revenues | 17,260,240 | 137% | 37,072,009 | 37,708,920 | 12,569,636 | 4,690,604 | 16,030,336 | 35,666,479 | 11,888,824 | 4,141,512 |
| Expenditures: | | | | | | | | | | |
| City Commission | 9,507 | 127% | 22,376 | 22,376 | 7,459 | (2,048) | 7,193 | 47,057 | 15,686 | 8,493 |
| Legal Services - City Attorney | 98,757 | 104% | 240,236 | 284,236 | 94,745 | (4,012) | 132,881 | 172,800 | 57,600 | (75,281) |
| Legal Services - Other | 48,122 | 206% | 110,000 | 70,000 | 23,333 | (24,789) | 48,122 | 70,000 | 23,333 | (24,789) |
| Lobbyists | 22,524 | 60% | 116,000 | 112,000 | 37,333 | 14,809 | 22,524 | 112,000 | 37,333 | 14,809 |
| City Management | 147,783 | 91% | 487,729 | 487,729 | 162,576 | 14,793 | 145,975 | 476,603 | 158,868 | 12,893 |
| City Clerk | 56,720 | 71% | 239,071 | 239,071 | 79,690 | 22,970 | 55,210 | 229,966 | 76,655 | 21,445 |
| Communications Dept. | 129,861 | 87% | 445,777 | 447,427 | 149,142 | 19,281 | 119,032 | 441,384 | 147,128 | 28,096 |
| Information Technology Services | 602,949 | 134% | 1,225,601 | 1,353,592 | 451,197 | (151,752) | 515,925 | 1,399,459 | 466,486 | (49,439) |
| Finance | 259,228 | 96% | 808,588 | 808,588 | 269,529 | 10,301 | 265,167 | 789,962 | 263,321 | (1,846) |
| Human Resources | 99,294 | 83% | 357,565 | 357,576 | 119,192 | 19,898 | 94,376 | 300,859 | 100,286 | 5,910 |
| Purchasing | 71,770 | 104% | 204,799 | 206,965 | 68,988 | (2,782) | 17,881 | 203,788 | 67,929 | 50,048 |
| Planning & Community Development | 169,452 | 63% | 743,135 | 807,043 | 269,014 | 99,562 | 184,973 | 683,761 | 227,920 | 42,947 |
| Building & Code Enforcement | 404,206 | 94% | 1,289,385 | 1,292,765 | 430,922 | 26,716 | 385,044 | 1,293,628 | 431,209 | 46,165 |
| Public Works | 2,241,981 | 94% | 6,892,177 | 7,119,001 | 2,373,000 | 131,019 | 2,087,084 | 6,932,734 | 2,310,911 | 223,827 |
| Police | 3,591,889 | 88% | 12,011,363 | 12,186,252 | 4,062,084 | 470,195 | 3,351,392 | 11,225,620 | 3,741,873 | 390,481 |
| Fire | 3,029,840 | 97% | 9,334,614 | 9,345,829 | 3,115,276 | 85,436 | 2,847,429 | 8,656,723 | 2,885,574 | 38,145 |
| Parks & Recreation | 2,005,137 | 91% | 6,561,341 | 6,586,218 | 2,195,406 | 190,269 | 1,698,715 | 5,944,994 | 1,981,665 | 282,950 |
| Organizational Support | 565,071 | 109% | 1,550,212 | 1,550,212 | 516,737 | (48,334) | 520,404 | 1,411,212 | 470,404 | (50,000) |
| Non-Departmental | - | - | 197,000 | 397,500 | 132,500 | 132,500 | - | 2,171,404 | 723,801 | 723,801 |
| Total Expenditures | 13,554,091 | 93% | 42,836,969 | 43,674,380 | 14,558,123 | 1,004,032 | 12,499,327 | 42,563,954 | 14,187,982 | 1,688,655 |
| Revenues Over/(Under) | | | | | | | | | | |
| Expenditures | 3,706,149 | -186% | (5,764,960) | (5,965,460) | (1,988,487) | 5,694,636 | 3,531,009 | (6,897,475) | (2,299,158) | 5,830,167 |
| Operating transfers in | 2,641,067 | 94% | 8,432,000 | 8,432,000 | 2,810,667 | (169,600) | 2,903,321 | 8,782,012 | 2,927,337 | (24,016) |
| Operating transfers out | (822,180) | 100% | (2,466,540) | (2,466,540) | (822,180) | - | (628,179) | (1,884,537) | (628,179) | - |
| Other Financing Sources/(Uses) | 1,818,887 | 91% | 5,965,460 | 5,965,460 | 1,988,487 | (169,600) | 2,275,142 | 6,897,475 | 2,299,158 | (24,016) |
| Total Revenues Over | | | | | | | | | | |
| Expenditures | \$ 5,525,036 | | \$ 200,500 | \$ - | \$ - | \$ 5,525,036 | \$ 5,806,151 | \$ - | \$ - | \$ 5,806,151 |

* As adjusted through January 31, 2012

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Community Redevelopment Fund
Fiscal YTD January 31, 2012 and 2011
33% of the Fiscal Year Lapsed

| | Fiscal YTD January 31, 2012 | | | | | | Fiscal YTD January 31, 2011 | | | |
|------------------------------------|-----------------------------|--------------|-----------------|-------------------|----------------------|------------------------------------|-----------------------------|-----------------|----------------------|------------------------------------|
| | 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 | 298% | \$ 2,107,423 | \$ 2,107,423 | \$ 702,474 | \$ 1,387,628 | \$ 2,309,578 | 2,305,963 | \$ 768,654 | \$ 1,540,924 |
| Intergovernmental | - | 0% | - | - | - | - | - | - | - | - |
| Charges for services | 134,044 | 0% | 162,000 | 162,000 | 54,000 | 80,044 | 151,403 | 200,000 | 66,667 | 84,736 |
| Miscellaneous | 40,877 | 491% | 25,000 | 25,000 | 8,333 | 32,544 | 7,094 | 117,200 | 39,067 | (31,973) |
| Fund Balance | - | 0% | 147,983 | 3,092,566 | 1,030,855 | (1,030,855) | - | 7,625,256 | 2,541,752 | (2,541,752) |
| Total Revenues | 2,265,023 | 126% | 2,442,406 | 5,386,989 | 1,795,663 | 469,360 | 2,468,075 | 10,248,419 | 3,416,140 | (948,065) |
| Expenditures: | | | | | | | | | | |
| Planning and Development | 204,191 | 101% | 594,983 | 605,283 | 201,761 | (2,430) | 227,347 | 644,908 | 214,969 | (12,378) |
| Capital Projects | 268,280 | 25% | 265,000 | 3,199,283 | 1,066,428 | 798,148 | 2,686,223 | 7,526,235 | 2,508,745 | (177,478) |
| Debt service | 1,223,913 | 237% | 1,550,823 | 1,550,823 | 516,941 | (706,972) | 1,160,647 | 1,506,081 | 502,027 | (658,620) |
| Total Expenditures | 1,696,384 | 95% | 2,410,806 | 5,355,389 | 1,785,130 | 88,746 | 4,074,217 | 9,677,224 | 3,225,741 | (848,476) |
| Revenues Over/(Under) | | | | | | | | | | |
| Expenditures | 568,639 | 5398% | 31,600 | 31,600 | 10,533 | 558,106 | (1,606,142) | 571,195 | 190,399 | (1,796,541) |
| Debt proceeds | - | - | - | - | - | - | - | - | - | - |
| Operating transfers out | (10,533) | 100% | (31,600) | (31,600) | (10,533) | (0) | (35,703) | (107,108) | (35,703) | - |
| Other Financing Sources/(Uses) | (10,533) | 100% | (31,600) | (31,600) | (10,533) | 0 | (35,703) | (107,108) | (35,703) | - |
| Total Revenues Over/(Under) | | | | | | | | | | |
| Expenditures | \$ 558,106 | | \$ - | \$ - | \$ - | \$ 558,106 | \$ (1,641,845) | 464,087 | \$ 154,696 | \$ (1,796,541) |

* As adjusted through January 31, 2012

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Water & Sewer Funds
Fiscal YTD January 31, 2012 and 2011
33% of the Fiscal Year Lapsed

| | Fiscal YTD January 31, 2012 | | | | Fiscal YTD January 31, 2011 | | |
|--|-----------------------------|-------------------|-------------------|------------|-----------------------------|------------------|------------|
| | YTD Actual | Original Budget | Adjusted Budget * | Adjusted % | YTD Actual | Adjusted Budget | Adjusted % |
| Operating Revenues | | | | | | | |
| Intergovernmental | \$ - | \$ - | \$ - | 0% | \$ - | \$ - | 0% |
| Charges for services | 8,923,817 | 27,421,000 | 27,421,000 | 33% | 8,765,163 | 27,129,592 | 32% |
| Total Operating Revenues | 8,923,817 | 27,421,000 | 27,421,000 | 33% | 8,765,163 | 27,129,592 | 32% |
| Operating Expenses: | | | | | | | |
| General and Administration | 471,940 | 1,564,064 | 1,611,307 | 29% | 464,354 | 1,434,592 | 32% |
| Operations | 3,618,987 | 14,188,677 | 14,368,964 | 25% | 3,602,947 | 14,450,260 | 25% |
| Facility Agreements | 1,065,708 | 3,207,000 | 3,207,000 | 33% | 813,692 | 3,530,000 | 23% |
| Depreciation & Amortization | 1,632,738 | - | - | 0% | 1,746,109 | - | 0% |
| Total Operating Expenses | 6,789,373 | 18,959,741 | 19,187,271 | 35% | 6,627,102 | 19,414,852 | 34% |
| Operating Income (Loss) | 2,134,444 | 8,461,259 | 8,233,729 | 26% | 2,138,061 | 7,714,740 | 28% |
| Nonoperating Revenues (Expenses): | | | | | | | |
| Investment earnings | 103,313 | 143,200 | 143,200 | 72% | (39,969) | 238,920 | -17% |
| Debt Service - Principal | (831,667) | (2,495,000) | (2,495,000) | 33% | (803,333) | (2,410,000) | 33% |
| Debt Service - Interest | (1,140,744) | (3,559,463) | (3,559,463) | 32% | (1,014,342) | (3,589,908) | 28% |
| Miscellaneous revenue | 1,050 | - | - | 0% | 157 | 2,300 | 0% |
| Fund Balance | - | - | 227,530 | 0% | - | - | 0% |
| Total Nonoperating Revenues (Expenses) | (1,868,048) | (5,911,263) | (5,683,733) | 33% | (1,857,487) | (5,758,688) | 32% |
| Income (Loss) Before Operating Transfers | 266,396 | 2,549,996 | 2,549,996 | 10% | 280,574 | 1,956,052 | 14% |
| Capital Contributions | 69,603 | - | - | 0% | 591,123 | - | 0% |
| Operating transfers in | - | - | - | 0% | - | - | 0% |
| Operating transfers out | (638,699) | (1,916,096) | (1,916,096) | 33% | (652,017) | (1,956,052) | 33% |
| Total Contributions and Transfers | (569,096) | (1,916,096) | (1,916,096) | 30% | (60,894) | (1,956,052) | 3% |
| Net Income | \$ (302,700) | \$ 633,900 | \$ 633,900 | | \$ 219,680 | \$ - | |

* As adjusted through January 31, 2012

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Electric Services Funds
Fiscal YTD January 31, 2012 and 2011
33% of the Fiscal Year Lapsed

| | Fiscal YTD January 31, 2012 | | | | Fiscal YTD January 31, 2011 | | |
|---|-----------------------------|---------------------|----------------------|---------------|-----------------------------|--------------------|---------------|
| | YTD Actual | Original Budget | Adjusted Budget * | Adjusted % | YTD Actual | Adjusted Budget | Adjusted % |
| Operating Revenues | | | | | | | |
| Charges for services - Fuel | \$ 5,082,922 | 20,856,857 | 20,856,857 | 24% | 7,334,141 | 22,043,304 | 33% |
| Charges for services - Non-fuel and all Other Charges | 9,522,517 | 31,885,171 | 31,885,171 | 30% | 10,466,920 | 31,761,721 | 33% |
| Total Operating Revenues | 14,605,439 | 52,742,028 | 52,742,028 | 28% | 17,801,061 | 53,805,025 | 33% |
| Operating Expenses: | | | | | | | |
| General and Administration | 328,483 | 1,206,446 | 1,212,942 | 27% | 405,014 | 1,117,722 | 36% |
| Operations | 1,635,623 | 8,460,761 | 9,159,341 | 18% | 1,538,466 | 8,931,951 | 17% |
| Purchased Power Cost - Fuel | 4,721,313 | 19,700,000 | 19,700,000 | 24% | 7,259,363 | 22,720,000 | 32% |
| Purchased Power Cost - Non-fuel | 1,772,979 | 9,724,769 | 9,829,150 | 18% | 3,423,633 | 11,194,312 | 31% |
| Transmission Power Cost | 575,800 | 2,203,674 | 2,203,674 | 26% | 692,771 | 1,772,000 | 39% |
| Depreciation & Amortization | 1,214,606 | - | - | 0% | 1,182,136 | - | 0% |
| Total Operating Expenses | 10,248,804 | 41,295,650 | 42,105,107 | 24% | 14,501,383 | 45,735,985 | 32% |
| Operating Income (Loss) | 4,356,635 | 11,446,378 | 10,636,921 | 41% | 3,299,678 | 8,069,040 | 41% |
| Nonoperating Revenues (Expenses): | | | | | | | |
| Investment earnings | (22,814) | (70,000) | (70,000) | 33% | (62,742) | (115,000) | 55% |
| Debt Service - Principal | (541,667) | (1,625,000) | (1,625,000) | 33% | (475,000) | (1,425,000) | 0% |
| Debt Service - Interest | (925,643) | (3,256,978) | (3,256,978) | 28% | (914,471) | (3,564,711) | 26% |
| Miscellaneous revenue | 193 | - | - | 0% | 1,194,324 | - | 0% |
| Fund Balance | - | - | 809,457 | 0% | - | - | 0% |
| Total Nonoperating Revenues (Expenses) | (1,489,931) | (4,951,978) | (4,142,521) | 36% | (257,889) | (5,104,711) | 5% |
| Income (Loss) Before Operating Transfers | 2,866,704 | 6,494,400 | 6,494,400 | 44% | 3,041,789 | 2,964,329 | 103% |
| Operating transfers in | - | - | - | 0% | - | - | 0% |
| Operating transfers out | (804,801) | (2,923,200) | (2,923,200) | 28% | (964,094) | (2,964,329) | 33% |
| Total Operating Transfers | (804,801) | (2,923,200) | (2,923,200) | 28% | (964,094) | (2,964,329) | 33% |
| Net Income (Loss) | \$ 2,061,903 | \$ 3,571,200 | \$ 3,571,200 | | \$ 2,077,695 | \$ - | |

* As adjusted through January 31, 2012

REGULAR MEETING OF THE CITY COMMISSION
February 27, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Rachel D. Murrah Civic Center, 1050 West Morse Boulevard, Winter Park, Florida.

The invocation was provided by Coach Friedley, First Baptist Church of Winter Park, 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

Approval of the agenda

The agenda was approved by acclamation with a 5-0 vote. Action Item 10a was moved before the 11c public hearing.

Mayor's Report

- a. Presentation of checks from the Winter Park Chamber of Commerce to area schools from proceeds from the December 2011 pancake breakfast fundraiser

Debra Hendrickson, Winter Park Chamber of Commerce, presented \$1,300 checks to the City of Winter Park and to Aloma Elementary, Audubon Park Elementary, Brookshire Elementary, Dommerich Elementary, Killarney Elementary, and Lakemont Elementary from proceeds raised by Leadership Winter Park at the December 2011 pancake breakfast. Orange County School Board member Joie Cadle thanked Leadership Winter Park for their support of the schools.

- b. Proclamation - Recognizing Sonya Baumstein, Winter Park High School graduate now with Team Epoch rowing team

Mayor Bradley recognized Sonya Baumstein with a proclamation for her accomplishment of rowing 2,600 miles across the Atlantic Ocean. She is a Winter Park High School graduate and is only the 14th American woman to row an ocean and one of less than 500 people in the world to do so.

c. Presentation by School Board Member Joie Cadle regarding Brookshire Elementary

Orange County School Board member Joie Cadle summarized the improvements being made to Brookshire Elementary to include: the 11' deep retention pond they are required to put in, the entrances to the school, the playfields, the green space, the security of the school, the number of classrooms, the latest number of 537 enrolled students (the school will hold 559 students) and the plan for the vehicles dropping off and picking up their students. She announced that the construction date of completion is June 30, 2013 and will open August 13, 2013. Conceptual drawings provided by Ms. Cadle are part of these minutes.

City Manager's Report

a. 90 day plan

Mayor Bradley presented the 90 day plan consisting of March-May (attached as part of the minutes). He asked each Commissioner if they had questions or any issues with the schedule. The only issues brought forward for discussion included: Commissioner Cooper asked about the nomination of Vice Mayor to take place the first meeting of April (according to the Charter). Commissioner McMacken asked for clarification of the Park Avenue street signs item listed for May.

Discussion ensued regarding each item on the list and the completion schedule whereby an explanation by City Manager Knight was provided. Mayor Bradley suggested to place the process for sale or use of the Progress Point property on the April 4 Strategic Session meeting. Commissioner Cooper asked if we can research Community Development Districts (CDD's) that are formulated the same as the one we are anticipating regarding the Ravadauge infrastructure and receive that ahead of time. Mayor Bradley stated he believed that was already promised.

Mayor Bradley suggested reviewing other transportation issues regarding sidewalks, bus routes and traffic flows to the City. He requested that this be looked at in March and for staff to bring back recommendations as necessary so they will be in place for the Board appointment process in May. He asked that there be one group to look at transportation, sidewalks, bicycles, etc. He stated he would like this to be on the next agenda so they can provide guidance to staff. He suggested reviewing Lynx On Demand for our seniors as part of this.

Mayor Bradley stated he would like a task force to look at the future of technology (wireless) in Winter Park for the next agenda. He addressed the Economic Development Plan review and the schedule for this. Dori DeBord (Stone) stated this will be brought back prior to the budget process. Mayor Bradley also wanted to discuss governance indicators at the Strategic Planning Session and to discuss what it would take for us to be a "visually distinctive City."

Commissioner Cooper asked about receiving the information on the pension plan. City Manager Knight will provide the numbers in the next two weeks and this will be further discussed in early May.

Motion made by Commissioner McMacken to approve this plan going forward, seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Under the City Manager's Report, the following was discussed: They are moving into the pro shop this week and the need to acknowledge this and all the people involved in this project; advertise the Hazardous Waste Day; identify the schedule for repaving/re-bricking streets to be posted on the website, and dead tree removal and trimming around electrical lines.

City Attorney's Report

No items.

Non-Action Item

The Non-Action Item was moved after the One-Valet discussion.

Consent Agenda

- a. Approve the minutes of 2/13/12.
- b. Approve the following purchases and contracts:
 1. After-the-fact Purchase Order 146416 to Heart Utilities of Jacksonville for undergrounding of electric; \$63,938.70
 2. PR 148636 to Suntree Technologies, Inc. to purchase baffle boxes; \$90,616.25
 3. Contract renewal with High Performance Sports Management, Inc. (RFP-2-2010) for Tennis Management Services and authorize the Mayor to execute the contract renewal and lease agreement. **PULLED FOR DISCUSSION. SEE BELOW.**
 4. Continuing services contract with GAI Consultants, Inc. (RFQ-2- 2012) for Professional, Architectural & Engineering Services (Discipline: General Civil & Public Facility Engineering) and authorize the Mayor to execute the contract.
 5. Continuing services contract with Comprehensive Engineering Services, Inc. (RFQ-2-2012), Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Transportation Planning & Engineering) and authorize the Mayor to execute the contract.
 6. Continuing services contract with CDM Smith Inc. (RFQ-2-2012), Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Stormwater Management & Design) and authorize the Mayor to execute the contract.

7. Continuing services contract with Geosyntec Consultants (RFQ-2-2012), Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Stormwater Management & Design) and authorize the Mayor to execute the contract.
8. Amendments to the three Products and Services Agreements with Centurylink Sales Solutions, Inc. and authorize the Mayor to execute all Amendments
- c. Approve two mid-year changes to the City's medical insurance programs to become effective April 1, 2012: the implementation of Teladoc health care visits through phone or online video consultation; and health and dental insurance for domestic partners of employees.

Motion made by Commissioner Sprinkel to approve the Consent Agenda with the exception of Item b-3; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda Item 'b-3' - Contract renewal with High Performance Sports Management, Inc. (RFP-2-2010) for Tennis Management Services and authorize the Mayor to execute the contract renewal and lease agreement

Commissioner McMacken asked if everything has been addressed from last year that was requested from High Performance prior to renewal of this contract. Assistant Parks Director Ron Moore said 'yes'.

Motion made by Commissioner McMacken to approve Consent Agenda item 'b-3', seconded by Commissioner Sprinkel and carried with a 4-0 vote (Mayor Bradley was not present for the vote).

Action Items Requiring Discussion

- a. Billboard Agreement with CBS Outdoor at 600 Lee Road

This item was moved down before the public hearing.

- b. One-Way Valet Parking in Downtown

CRA Director Dori Stone asked to move the non-action item up after this item as they are both related to parking.

Peter Moore provided a presentation. He stated they are requesting approval to add 10 additional public spaces in the municipal lot for valet parking and to direct City staff to designate the parking spaces on the north side of New England Avenue, west of the bump-out, for valet ramping only. He addressed the letter received in January 2012 from One-Way Valet so they met with them, the Park Plaza Gardens Restaurant, the Chamber of Commerce and nearby property owners. He spoke

about the demand for increased valet parking. He stated that One-Way Valet has requested that the City add 10 spaces to those reserved in the municipal lot and to allow them to move their valet ramping services to the north side of New England Avenue in the westbound lane, near the railroad tracks.

Public Works and CRA staff met and developed the following recommendations:

- 1) Approve the additional 10 spaces on a trial basis and monitor demand. Past minutes seem to indicate that more spaces were originally intended and staff can monitor the expanded spaces to make sure that they remain full during operating hours. Additionally, depending upon the layout of the spaces, One-Way Valet may be able to make better use of the 20 spaces by stacking the cars, thereby increasing yield. (He added that the City has no fiscal responsibility because the entire cost is being covered by Park Plaza Gardens and the Chamber of Commerce)
- 2) Move the ramping location to the north side of New England, westbound lane, and designate the existing parking spaces near the tracks as exclusive for valet only. This would solve the conflicts of dealing with commercial loading traffic but may feel like a greater taking of public parking areas as those spaces are currently available all day for public use vs. the loading zone which is only public after 5pm. However this would not require a U-turn for the majority of customers as most of the users of valet travel westbound on New England Ave.
- 3) Require that the valet service remains free to all customers of any business.
- 4) Verify that all appropriate insurance and licensing is recorded with the city.
- 5) Encourage One-Way Valet and the restaurant to continue to search out private lot agreements that would provide them additional storage space for vehicles.

The Park Avenue Area Task Force (PAATF) reviewed this item at their meeting on January 24, 2012 and recommended moving forward with these recommendations as well as recommending that the Commission consider standardizing valet services in the downtown area.

Discussion ensued regarding the movement of the valet stand. Sam Papia, One-Way Valet, explained their preference where to move the stand to and their preference to have a designated valet parking area on Park Avenue with directional signage. The need to look at this in the longer term was suggested. Commissioner Cooper expressed concerns with taking away more parking spaces from available public use.

Ms. Mary Demetri, Park Plaza Gardens, agreed with the recommendation but that they originally asked for 50 spaces in 2005 but only got 10 spaces. She spoke about underwriting the entire cost for this.

City Manager Knight addressed the comprehensive valet parking ordinance that will be forthcoming to address all issues. Traffic Engineer Butch Margraf agreed with the recommendation to move to the north side of the street.

Upon discussion, Mayor Bradley asked for staff to provide recommendations as to where we can get 10-15 more spaces back. Commissioner Sprinkel addressed the need to look at this holistically for the City. Commissioner Cooper addressed the lack of data as to how the parking spaces are used at certain times and her concern with restricting an additional 10 parking places to require people to valet park.

Motion made by Commissioner Sprinkel to approve the staff recommendation as is; seconded by Commissioner Leary.

Motion amended by Mayor Bradley that staff will also look where in the downtown corridor where we can get 20 additional parking spots; seconded by Commissioner Leary.

Motion amended by Commissioner McMacken to approve this but with a trial basis of 90 days; seconded by Commissioner Cooper.

Chamber of Commerce and CEO Patrick Chapin agreed with the recommendations.

Discussion ensued regarding the need to have an understanding what is expected after the trial period ends and to measure the success of any trial period, whether we should allocate the use of public resources (i.e., parking spaces) on an annual basis in case the need for those resources changes, employees on Park Avenue should be parking elsewhere off of Park Avenue, and the ordinance that will be coming to address these issues possibly within the next 90 days.

It was clarified that the City does not have a contract with One-Valet (the agreement is executed between the Park Plaza Gardens Restaurant, the Chamber of Commerce, and One-Way Valet) and that a 90 day trial is not necessary because the valet service can be closed at any time with a 30 day notice.

Motion made by Commissioner Cooper that if we move forward with this, the City maintain clearly the right to terminate with reasonable notice without cause. Motion failed for lack of a second.

City Attorney Brown explained that the City controls its right-a-way.

Upon a roll call vote on the amendment (that staff look where in the downtown corridor where we can get 20 additional parking spots (outside of the valet request)), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the amendment (to approve this with a trial basis of 90 days), Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted no. Commissioner McMacken voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote on the main motion as presented (staff's recommendation to approve an additional 10 public spaces in the municipal lot for valet parking and direct staff to designate the parking spaces on the north side of New England Avenue, west of the bump-out for valet ramping only) and for staff to bring back where they can find 20 more parking spaces, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Comments

No public comments were made.

A recess was taken from 5:24 – 5:43 p.m.

Non-Action Item (this was moved to Action Items)

- a. Update of Park Avenue Area Task Force (PAATF) Downtown Parking Recommendations

CRA Director Dori Stone provided an update of their meeting with the Park Avenue Area Task Force regarding downtown parking recommendations. After discussion with the PAATF, the following recommendations broken into two steps were brought forward:

Year 2012

Create a map of free and long-term parking areas for business owners to distribute to employees;
Install wayfinding signs for downtown parking as soon as possible;
Encourage the Commission to consider a valet ordinance to standardize the valet services in the downtown area; and
Direct staff to discuss additional public/private partnerships within private lots with emphasis on peak parking periods (weekends, large events, holidays, etc.)

Year 2013

Conduct a revised downtown parking study prior to the opening of the SunRail station. The last study was done in 2007.

Ms. Stone indicated that funding is available for the wayfinding project, but there is no additional funding currently allocated for the additional work recommended by the PAATF.

Ms. Stone responded to questions regarding the City assisting in the creation of the map, the wayfinding signs for downtown that need to be done and placed, and that the study would be part of the next budget cycle.

Discussion ensued regarding the wayfinding sign project still not completed that has been addressed for years. Public Works Troy Attaway spoke about the decisions to be made on the internal non-state road plan (there is no defined plan in place determining where signs will be placed); there is a defined plan for the state roads. He stated they received approval for the entire package from the District 5 office in Deland (FDOT) and they now have the ability to begin permitting each location with our local office in Oviedo to implement the signs. Further discussion ensued regarding plans for the Central Business District. Ms. Stone stated she will be back in 30 days with this. She stated staff agrees with the PAATF recommendations.

Park Avenue employee parking was discussed and the need to educate those employees where to park as well as the recommendation to add an employee parking program to the list of recommendations. The importance of public/private partnerships was addressed.

There was a consensus to add this issue to the City Manager's Report to keep the Commission updated as to the status.

c. Water, Wastewater, and Reclaimed Water Rate Study

Water and Wastewater Utility Director Dave Zusi summarized the background of the study (the last one was completed 10 years ago) and the main goals of the study. He commented that since the last study we have seen a regional push towards surface water Alternate Water Source (AWS) projects as a future source of drinking water, increased water conservation initiatives, and restrictions to the allowable irrigation schedules from the SJRWMD. The rate study was structured to send a strong signal (while accounting for elasticity due to conservation); accurately apportion the water, wastewater and reclaimed water revenues to the correct cost center; and, fund future capital projects including expansion of reclaimed water.

The rate study was designed to collect additional water, wastewater, and reclaimed water revenues, with special emphasis on targeting the high irrigation users while having minimal impact on the very small consumers. The study recommended a simplification of the rate block structure from 6 blocks to 4 blocks.

There will be a fiscal impact on the City's customers that will be consistent with the volume of water they use and determined by the size of the meter. The impact is on a sliding scale where the more water is used, the more the fiscal impact to the customer. This is consistent with water conservation rate structures recommended by the St. Johns River Water Management District.

The long term impacts of the proposed new rate structure are to enhance water conservation, provide funding for debt service associated with future capital projects relating to expansion of the reclaimed water system, and correctly apportion the water, wastewater, and reclaimed water to the appropriate cost center.

Staff's recommendation was to approve the recommended rate adjustments in accordance with the comprehensive Water, Wastewater, and Reclaimed Water Rate Study conducted by CDM Smith, Inc. and as summarized in the Executive Summary (attached).

After his presentation, Mr. Zusi answered questions of the Commission. There was discussion regarding the importance to educate the residents about water usage to save money on their water bills. The Commission expressed concerns with the projected increase in rates that was believed to be excessive.

Mayor Bradley asked about our capital plan for the next 5 years for water and sewer. Finance Director Wes Hamil addressed the regular ongoing capital improvements that are done each year as well as the money to expand the reclaim system and to purchase additional sewer capacity. He explained that the improvements already made to the water treatment plants were bonded and will be paid on until about the year 2030 which is why they need extra funds. He stated the overall net increase is large for water and there is a drop for sewer.

Discussion ensued regarding the additional dollar amount the rate increase will take in per year and how much is covers reclaimed water capital and the cost of doing business. Mr. Hamil said the total increase would be 9.6% for all systems combined that would be effective through October 1, 2013. Questions were answered regarding how much is going to pay for water costs versus how much is going toward building our reclaimed water system.

Greg Seidel, Chairman of Utilities Advisory Board, explained the board looked at this as conservation pricing and are expecting that the people on the higher end will conserve more to lower their bills. He explained the importance of getting the conservation pricing in now for future development.

Upon further discussion, Mayor Bradley stated for the record he cannot vote for a 9.6% increase with the high increase going to users using more water and hopes that this will fund the capital plan in the future that will do that. He was not sure that regressive rates are the right way to go and is unclear of our capital needs and what this additional money will go for. He addressed the City's already high rates. Commissioner Leary asked if we have a plan as to what the entire infrastructure will cost and agreed that the increase is too large at this point and that an educational process needs to take place.

Commissioner McMacken agreed that the need is there for the long term but that we need specific infrastructure improvements that we can point to that is provided to the citizens so they understand what the increase for 2 years is going to pay for.

Mr. Zusi addressed the infrastructure plan they have with solid estimates for the improvements and where they are planning to go and the various phases of the program but that they have not done a cost benefit analysis between existing storage, expansion of our storage at the wastewater plant and whether we combine purchase of additional flow from Orlando, etc.

Commissioner Sprinkel spoke about the City's high rates and the difficulty to tell the community that we need to raise them higher. Commissioner Cooper expressed her concern with residents not understanding about the Alternate Water Source and what happens if we do not prepare to deal with the advent of an AWS and what capital is required to get there and how we will fund that.

Motion made by Commissioner Cooper to table this until a capital plan comes back, seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

d. Selection of an Architectural Firm for the design of the Amtrak Station

Assistant Public Works Director Don Marcotte provided background information regarding the Amtrak Station, the RFQ for continued architectural services and other related actions concerning commuter rail.

Commissioner McMacken declared a conflict of interest (Form 8B is attached) and did not vote on this item but did participate in the discussion.

A recess was taken from 7:12 to 7:21 p.m.

Discussion ensued regarding what has happened in the past and what has taken place since March 8, 2010 concerning the design build contractor HHCP. Questions were asked and answered by Mr. Marcotte. The parameters the contractor is required to design to was addressed. Mr. Attaway stated their intent is that it would be designed in a manner that works with the canopies that are already designed. Commissioner Cooper asked if the style or the mass (did not want to change the size) of the building should change that the public is brought into another public process where the conceptual alternatives are provided. The issue of the cost for improvements to the municipal lot was brought forward. Commissioner Cooper expressed concerns with selecting a firm without having their comparative qualifications and their experience for this job.

Upon further comments, **motion was made by Commissioner Sprinkel to select ACi to do a design build process; seconded by Commissioner Leary.**

Commissioners Leary and Sprinkel explained why they choose ACi and liked that they are local. Both firms and their work were discussed as well as if they should give local firms the #1 preference and if so to notify the other firms/companies ahead of time so they can decide if they want to submit a bid.

Mike Chatham, President, HHCP Architects, expressed their interest in presenting their credentials. He spoke about their involvement with the SunRail project to date and what they can bring to the City. He stated they would feel slighted if they were eliminated from contention for this job without an opportunity to present their credentials and capabilities to the City.

John Cunningham, ACi Architects, addressed the projects they have completed in Winter Park and their accomplishments in other cities.

Patrick Chapin, President/CEO, Chamber of Commerce, spoke in favor of supporting local businesses.

Motion made by Commissioner Cooper to table this item. Motion failed for lack of a second.

Upon a roll call vote to select ACi, Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken abstained. The motion carried unanimously with a 4-0 vote.

Public Hearings

- a. ORDINANCE NO. 2868-12: 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 SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

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

Motion amended by Commissioner Sprinkel that we implement the fines for parking at the same time that we implement the payment for the service (delay the fines until we put into place the payment for the service). She did not want to pass along more parking fines in the City. Mayor Bradley seconded the amendment for discussion.

There was discussion concerning enforcement of the spaces so non-electrical vehicles do not park there. Electric Utility Director Jerry Warren addressed his understanding from the last meeting regarding the City having some flexibility so they have decided that they are going to take the three stations in the Central

Business District and allow parking there to charge your vehicle or you can park there for 10 minutes maximum and if you violate that, you are subject to the \$100 fine. He stated this can be changed if it does not work.

There was discussion that the ordinance is clear and if you park there without charging your vehicle, you are violating the ordinance and subject to the \$100 fine. Also addressed was the authority of the City Manager regarding the posting of signs and their location. It was clarified by Commissioners Leary and McMacken that they do not want to allow a 10-15 minute parking of non-electric vehicles when the parking space is not being utilized. Commissioner Sprinkel did not want more fines imposed. Commissioner Cooper wanted these spaces utilized by other non-electric vehicles when electric cars are not parked in the space.

No public comments were made. **Upon a roll call vote on the amendment (implement the fines for parking at the same time that we implement the payment for the service (delay the fines until we put into place the payment for the service)); Mayor Bradley and Commissioner Sprinkel voted yes. Commissioners Leary, Cooper and McMacken voted no. The amendment to the motion failed with a 3-2 vote.**

Upon a roll call vote on the main motion (with no amendments), Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. Commissioner Sprinkel voted no. The motion carried with a 4-1 vote.

Mayor Bradley commented that the City Manager always has the right to put signs up or not to designate signs in his discretion.

b. Request of Windermere Winter Park Venture LLC:

- 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 MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 444 WEST SWOOPE 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 I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 444 WEST SWOOPE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading
- Conditional use approval to build a new two story, 10 unit residential condominium building at 434 and 444 W. Swoope Avenue

Attorney Brown read both ordinances by title. This public hearing was heard as one simultaneous public hearing requiring three separate motions.

Because the conditional use approval was a quasi-judicial proceeding, disclosures were made by each Commissioner as follows: Commissioner McMacken attended the P&Z meeting where this was discussed; Commissioner Cooper spoke with City Planning Staff; Commissioner Sprinkel drove by the site to review it; Commissioner Leary attended the P&Z meeting; and Mayor Bradley had also previously reviewed the site.

Planning Director Jeff Briggs explained the request to build a two story, 10 unit condominium building and that one lot is zoned correctly (R-3) but the other lot is zoned R-1A and needs to be re-zoned R-3. He explained how some of the lots were rezoned from R-3 back to Single Family in 1999 but that changes took place since then to include building the water plant on the north side of Swoope and in 2005 three of the lots were rezoned from Single Family to R-3. He stated the P&Z Board voted 5-0 to approve this request but with three conditions:

1. Final landscape plan review and approval delegated to with staff with special attention requested for the landscape buffer on the side that abuts the adjacent residential property.
2. Development Agreement to prohibit the open carports from being converted into garages.
3. That the maximum roof eve height is 24 feet and the maximum roof height is 31 feet (as shown on the plans from the first floor elevation).

Mr. Briggs addressed the variance needed for two more parking places based on the unit size. It was clarified that the variance is part of the conditional use.

Amy Luddy, Nasrallah Architectural Group, 3920 Edgewater Drive, Orlando, and representing the applicant, stated they have been working with staff to come up with a design solution that would be acceptable and was present to answer any questions. Questions of the Commissioner were responded to by Ms. Luddy.

Upon discussion, the applicant agreed to install a screen wall where you see the opening from the carport.

Motion made by Commissioner Leary to accept the first ordinance (comprehensive plan) on first reading; seconded by Commissioner Sprinkel.

Motion made by Commissioner Leary to accept the second ordinance (zoning) on first reading; seconded by Commissioner Sprinkel.

Motion made by Commissioner Leary to approve the conditional use request as presented (including the three P&Z Board conditions listed above), seconded by Commissioner Sprinkel.

Motion amended by Commissioner McMacken that the conditional use approval include that the exposed parking stall carport have a 48" knee wall across the front opening to screen the parking from the residents from the street, seconded by Commissioner Leary.

Motion amended by Commissioner Cooper that the long wall side on this project have some articulation. Motion failed for lack of a second.

City Clerk Cynthia Bonham read into the record from Mary Daniels, 650 W. Canton Avenue: "I'm concerned that we continue to re-zone single family R-1 to multi-family R-3 or R-4. I really would ask that you continue to reserve the R-1 and single family character of this community".

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Commissioner Cooper asked questions. She voted against the comprehensive plan change because she believed that changing the Future Land Use Map from Single Family to Multi-Family is not consistent with the policies of our current comprehensive plan. She clarified that once the Commission voted to change the comprehensive plan, she felt an obligation to approve the zoning change since the plan complied with the zoning.

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

Upon a roll call vote on the amendment (that the conditional use approval include that the exposed parking stall carport have a 48" knee wall across the opening there to screen the parking from the residents from the street), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

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

c. Action item 10-a (moved down the agenda): Billboard agreement with CBS Outdoor at 600 Lee Road

Planning Director Jeff Briggs explained the request with CBS Outdoor at 600 Lee Road and the need to vote on the billboard agreement first, otherwise they do not want to annex without the agreement.

Background information on this project is as follows: The property at 600 Lee Road has been acquired by FDOT as part of the I-4 project. As part of that condemnation settlement there remains on this property, an existing I-4 facing billboard sign owned by CBS Outdoor and their permanent easement for the sign. CBS Outdoor desires to demolish that existing static face billboard and rebuild a new digital billboard as a replacement. To accomplish this, the City Commission must approve the Billboard Agreement and the annexation of 600 Lee Road. FDOT has submitted the required voluntary annexation petition.

The staff and city attorney have negotiated the Agreement with CBS Outdoor that will require CBS Outdoor to remove three (3) existing billboard signs in other locations in the City in order to replace and convert the existing billboard to a digital sign (on both faces). This would occur in two phases. The first phase for CBS Outdoor will be the reconstruction of the billboard sign at 600 Lee Road with a digital face on the north side and a static face on the south side. The new billboard will be the same size as the existing billboard in terms of square footage (672 sq. ft.) but it will be taller in order to improve its' visibility along I-4. For the first phase, CBS Outdoor has agreed to remove the existing billboard signs at 2170 W. Fairbanks Avenue and at 2090 Aloma Avenue. The second phase at some time in the future will allow the conversion of the south facing side from a static to digital message face. At that time, another existing billboard at a "to be determined" location in the City must be removed. Questions were provided by the Commissioners whereby Mr. Briggs responded.

Commissioner Cooper provided to the Commission a position paper indicating why she thought the City was not receiving a fair value in the agreement. It included the number of viewers the new sign would have due to increased height allowing I-4 viewing and the comparative number of faces between digital and static and our offer to annex. She expressed concerns that we are not getting fair value because we are giving them annexation to keep the billboard they otherwise could not have; additional height to change it to 'eyes' from I-4; and they have selected the billboard that is closest to I-4 on Fairbanks and the billboard far to the east on Aloma and have left the billboards that are located in the middle of where that we are spending millions to clean up. She also wanted the 3rd billboard to be identified at this time and to be removed concurrent with the other two billboards.

Mayor Bradley viewed this as a gift to the City for us to remove three billboards and was not sure we needed to be compensated as they are voluntarily asking to come into Winter Park which is a good thing.

Commissioner Leary addressed his concern with the vagueness of the future removal of the billboard within the agreement. He wanted to see more detail in the agreement as to which boards are removed in the future when it switches from a static billboard to a digital one and that the City should identify which ones will be removed from a list of CBS Outdoor billboards.

Commissioner Sprinkel expressed her concerns regarding the 3rd billboard and her difficulty with approving something in the future that she does not have any parameters around.

Commissioner McMacken wanted the 3rd billboard identified in the agreement and did not want to negotiate this at this meeting. Staff and the attorney should work out the details.

Motion made by Commissioner Sprinkel to accept the agreement, seconded by Mayor Bradley.

Commissioner Leary commented he did not want to negotiate from the dais and that the staff and our attorney should negotiate with CBS.

Motion amended by Commissioner Sprinkel that the 3rd billboard when it is removed is between I-4 and Park Avenue; seconded by Commissioner Cooper.

Motion amended by Commissioner Cooper that the billboard is identified now as opposed to at some undefined time in the future. Motion failed for lack of a second.

Motion made by Commissioner Cooper to table and to allow staff to further negotiate this arrangement; seconded by Commissioner McMacken and carried with a 3-2 vote with Mayor Bradley and Commissioner Sprinkel voting no. Commissioners Leary, Cooper and McMacken voted yes. The motion carried with a 3-2 vote.

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 600 LEE ROAD AND THAT PORTION OF THE INTERSTATE FOUR CONTIGUOUS TO THE PROPERTY WITHIN THE CITY OF WINTER PARK AT 2684 LEE ROAD, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading

This hearing did not move forward because the agreement above was not approved and was tabled.

- d. RESOLUTION NO. 2102-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1301 PELHAM ROAD, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Brown 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.**

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" SO AS TO PROVIDE CLARITY, IMPROVE FUNCTIONALITY AND TO ALLOW THE CITY TO MEET THE STANDARDS FOR PARTICIPATION IN THE FLORIDA CERTIFIED LOCAL GOVERNMENT PROGRAM. First Reading

Motion made by Mayor Bradley to table this item and refer it to the Planning and Zoning Board for their recommendation; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- f. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, IMPOSING AND EXTENDING A TEMPORARY MORATORIUM FOR AN ADDITIONAL FORTY-FIVE (45) DAYS ON THE FILING AND RECEIPT OF ANY APPLICATION FOR, OR ISSUANCE OF, BUSINESS TAX RECEIPTS, BUSINESS LICENSURE AND LAND USE APPROVALS FOR THE OPERATION OF "PAIN MANAGEMENT CLINICS"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. First Reading

Attorney Brown the ordinance by title. The ordinance amends Ordinance No. 2840-11, Moratorium for Pain Management Clinics.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Leary. 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.**

City Commission Reports:

- a. Commissioner Leary – No report
- b. Commissioner Sprinkel – No report
- c. Commissioner Cooper – No report
- d. Commissioner McMacken

Commissioner McMacken spoke about the Community Action Board that he serves on and the request from the board that the City assign an alternate to this position representing the City of Winter Park. This will be approved by Orange County. There was consensus to add this to the next agenda and that recommendations be forwarded to the City Manager beforehand.

- e. Mayor Bradley

Mayor Bradley reported that he threw out the first pitch at the Babe Ruth Little League softball/hardball game.

The meeting adjourned at 9:05 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

| | | | |
|---------------------------------------|--|--------------|---|
| item type | Consent Agenda | meeting date | March 12, 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. | Bartow Chevrolet | Purchase of six (6) Chevrolet Caprices for Police Department | Total expenditure included in approved FY12 vehicle/equipment replacement schedule. Amount: \$155,598 | Commission approve PR 148771 to Bartow Chevrolet |
| Vehicle pricing is established through the Florida Sheriff's Association contract 11-19-0907. The City Commission authorized piggybacking this contract on November 28, 2011. | | | | |

Contracts

| | vendor | item background | fiscal impact | motion recommendation |
|---|-----------------------|--|---|--|
| 2. | Herbert-Halback, Inc. | 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 approve continuing services contract with Herbert-Halback, Inc., and authorize the Mayor to execute the contract. |
| The City utilized a formal solicitation process to shortlist two (2) firms to provide continuing landscape architect services. The City Commission authorized staff to negotiate with this firm on February 13, 2012. Contract will be for a period of one (1) year with four (4) renewal options, not to exceed five (5) years in total. | | | | |
| 3. | 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 approve continuing services contract with Miller Legg, and authorize the Mayor to execute the contract. |
| The City utilized a formal solicitation process to shortlist two (2) firms to provide continuing landscape architect services. The City Commission authorized staff to negotiate with this firm on February 13, 2012. Contract will be for a period of one (1) year with four (4) renewal options, not to exceed five (5) years in total. | | | | |

Piggyback contracts

| | vendor | item background | fiscal impact | motion recommendation |
|----|-------------------------|--|---|--|
| 4. | Helena Chemical Company | Piggybacking the Lake County contract for Agricultural Chemicals | Total annual expenditure included in approve FY12 budget. Amount: | Commission approve piggybacking the Lake County contract with Helena Chemical Company and authorize the Mayor to |

| | | | | |
|---|----------------------|---|---|---|
| | | | \$100,000 | execute the Piggyback Contract. |
| Lake County utilized a competitive bidding process to award this contract. The City Commission authorized us to piggyback on April 11, 2011 for the term that expired January 31, 2012. The new contract term expires January 31, 2013. | | | | |
| 5. | Unifirst Corporation | Piggybacking the City of Orlando contract for Rental of Work Uniforms | Total annual expenditure included in approved FY12 budget | Commission approve piggybacking the City of Orlando contract with Unifirst Corporation and authorize the Mayor to execute the Piggyback Contract. |
| The City of Orlando utilized a competitive bidding process to award this contract. The City Commission authorized us to piggyback on March 14, 2011 for the term that expired February 21, 2012. The new contract term expires February 21, 2013. | | | | |

Formal Solicitations

| | vendor | item background | fiscal impact | motion recommendation |
|---|--|---|---|---|
| 6. | Bellomo-Herbert & Company, Inc.; Le-Huu Partners | RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Parks & Recreation) | Continuing Contract to be used on a per project basis with approved budget. | Commission authorize staff to enter into negotiations with the top ranked firms, Bellomo-Herbert & Company; Le-Huu Partners. |
| 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 Parks & Recreation Services. A post presentation ranking identified the top two (2) ranked firms as Bellomo-Herbert & Company, Inc. and Le-Huu Partners. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with those two firms for continuing services contracts for the discipline of Parks & Recreation. | | | | |
| 7. | Environmental Research & Design, Inc. | RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Lake Management) | 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, Environmental Research & Design, 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 Lake Management Services. A post presentation ranking identified the top ranked firm as Environmental Research & Design, Inc. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with those two firms for continuing services contracts for the discipline of Lake Management. | | | | |
| 8. | Matern Professional Engineering; Shaw Environmental & Infrastructure | RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Green 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 firms, Matern Professional Engineering; Shaw Environmental & Infrastructure |
| 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 Green Planning & Engineering. A post presentation ranking identified the top two ranked firms as Matern Professional Engineering; and Shaw Environmental & Infrastructure. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with those two firms for continuing services contracts for the discipline of Green Planning & Engineering. | | | | |
| 9. | Southeastern Surveying & Mapping | RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering | Continuing Contract to be used on a per | Commission authorize staff to enter into negotiations with the top ranked firm, |

| | | | | |
|--|-------------------------------|---|---|---|
| | Corporation | Services (Discipline: Survey Services) | project basis with approved budget. | Southeastern Surveying & Mapping Corporation. |
| 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 Survey Services. A post presentation ranking identified the top ranked firm as Southeastern Surveying & Mapping Corporation. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with those two firms for continuing services contracts for the discipline of Survey Services. | | | | |
| 10 | Kelly, Collins & Gentry, Inc. | RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Roadway Design) | 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, Kelly, Collins & Gentry, 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 Roadway Design. A post presentation ranking identified the top ranked firm as Kelly, Collins & Gentry, Inc. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with those two firms for continuing services contracts for the discipline of Roadway Design. | | | | |



city commission agenda item

| | | | |
|---------------------------------------|--|--------------|--|
| item type | Consent Agenda | meeting date | March 12, 2012 |
| prepared by department division | George Wiggins Building 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 type="checkbox"/> no <input type="checkbox"/> N/A final vote | | |

subject

Placement of temporary Modular Classrooms for Rollins College [SW Corner of Fairbanks & Ollie Avenues]

motion | recommendation

Approve request to locate temporary modular classrooms and administration building during construction of Bush Science Center addition, subject to providing landscape buffer along both street frontages as depicted in exhibit provided and protection of shade trees.

background

During the renovation of the Bush Science Center and construction of the addition all of the classroom space will be unavailable until August 2013. To make up for this lost space, the College has proposed to place temporary classroom buildings at a location on the campus that is currently vacant and will have the least impact on other activities on and off the college property. The proposed location is depicted on a site plan showing the placement of 9 classrooms, 7 science labs and an administrative building at the corner of Fairbanks and Ollie Avenues. A temporary gravel parking area will be provided in addition to two asphalt parking lots. However, students attending these classrooms will not be parking at this site since they have access to parking in the parking garage. More specific details of this request are outline in the overview document provide by Richard Shortridge, Manager of Construction for Rollins College.

Various city departments met with the college, the general contractor for the Bush Science Center project, the sub-contractor handling the modular buildings (Williams Scotsman), the project engineer and the campus landscape horticulturist to address various building code, fire code, utility, and storm water issues that will be addressed during the actual permitting process.

alternatives | other considerations

No other appropriate alternate locations are available on the Rollins campus to place the desired number of temporary classroom buildings.

fiscal impact

N/A

long-term impact

N/A

strategic objective

Quality environment



Fairbanks Avenue Planting Elevation

Scale: Not to Scale
February 21, 2012



Landscape Planting Plan

Scale: 1" = 30'-0"
February 21, 2012

Wednesday, February 15, 2012

Jeffrey Briggs
City of Winter Park
Planning Department

Re: Rollins College Temporary Modular Facilities

Dear Jeff,

Per your discussions with Scott, the Bush Science Center renovation is scheduled to begin shortly. As this semester comes to a close at the beginning of May, the Bush building will be vacated for approximately 13 months. During this interim, the personnel, students, classes and research programs housed within Bush will continue in the proposed temporary modular facilities and other existing buildings on campus until they are returned to the Bush building in August 2013.

The attached provides a description and schedule for the installation and subsequent removal of the proposed temporary modular facilities. Also attached, is the layout for the temporary buildings on the proposed site, a landscape plan, and a tree removal plan.

Please place this information on the city commission February 27th meeting agenda. Thank you for your assistance on this request.

Best regards,

A handwritten signature in black ink, appearing to read "Richard Shortridge", written in a cursive style.

Richard Shortridge
Manager of Construction
Rollins College
407-646-2146

Rollins College

Renovation of the Archibald Granville Bush Center for Science

Temporary Modular Displacement Facilities

Overview

The Bush science Center is the largest building on campus. The Bush building was constructed in 1968. In 1987, the Johnson Center addition was constructed. The current building is approximately 91,000 ft.². The existing teaching labs, research labs, classrooms, building infrastructure systems and equipment is in need of upgrading, modernization, and life safety code corrections.

The Bush renovation project involves complete demolition of the interior spaces, mechanical, electrical and plumbing systems, the exterior building façade, demolition of the Johnson Center, and a new addition of approximately 19,000 ft.². In summary, the building is being demolished down to the structural components and rebuilt from that structural shell, a modern new science facility.

In order to accomplish this comprehensive renovation and not compromise the educational mission of Rollins College, the educational and research programs currently housed in the Bush science Center need to continue uninterrupted, in alternate locations for the duration of the project. Many options were explored, with the most viable and least disruptive option being the relocation of staff, students, labs, classroom, etc. alternate facilities but still located on the Rollins campus. A few of these alternate facilities can be accommodated in other existing campus buildings. However, the majority of these programs will need to be relocated to temporary facilities brought to our campus, utilized only during construction, and immediately removed upon completion.

Schedule

1. The first phase of the Bush science Center renovation has recently been completed. This consisted of the relocation of city utilities to clear the building footprint for the construction of the new addition.
2. The second phase of the Bush science Center renovation is the construction of the new building addition. The contractor is scheduled to begin this work in mid-March 2012.

3. The third phase of the renovation is to install temporary facilities on the Rollins campus adjacent to Fairbanks and Ollie Avenue. The proposed site layout for the temporary facilities is attached. The installation of temporary facilities will begin mid-April. The majority of the temporary facilities will be placed on the site by May 1, 2012. The site work includes the demolition and removal of the Mowbry House to provide the needed space for the temporary facilities. Mowbry House has been slated for demolition for some time and its removal has been part of the campus master plan.

After classes and exams finish for this semester on May 8, 2012, the contents of the Bush building will be moved to these temporary facilities as well as under locations within existing campus buildings. The move is scheduled to be completed by May 18. The temporary administration building will be occupied at that time. The remaining labs and classrooms will be connected to utilities, sidewalk and ramps installed, landscaping completed. The temporary facilities will remain in place until completion of the building and resumption of classes within the renovated Bush building on August 15, 2013.

4. The fourth stage of the project is the complete demolition of the Johnson Center, renovation of the existing Bush building, and completion of the building addition. This phase will begin immediately after the move out of all building occupants and contents on May 18, 2012. Completion of the Bush renovation and addition is scheduled for July 15, 2013.
5. The fifth and final stage of the project is the installation of new furniture and lab equipment, move-in of all occupants and contents, demobilization of the temporary facilities and restoration of the temporary site. The move into the newly completed Bush building will occur between July 15 and August 7, 2013. Temporary site demobilization and restoration will begin immediately after the move back into the Bush Building and be completed by mid-September 2013.

Temporary Modular Buildings

The buildings are constructed of standard wood stud interior and exterior walls. The exterior of the building is metal. The roof material is a composite rubberized sheeting on a slightly rounded surface to prevent ponding. The a/c units are mounted on one end of each modular unit. The buildings are set on site, the towing tongues removed and the space below the units are covered in matching metal skirting. The main building, color is light beige with forest green trim (see attached brochure). Standard concrete

sidewalks will be provided for circulation and access to the buildings. Ramps and elevated walkways will be constructed of wood decking with metal safety rails (see attached picture of deck).

Site Landscaping

Along Fairbanks and Ollie Avenue site perimeter, dense screening utilizing plant material will be planted eastward from 426 Fairbanks to Ollie Avenue and along Ollie Avenue extending to the Tiedtke Way at the south side of the site. The depth of the screening material will extend at least 20 feet back from the sidewalk edge. All existing plant material currently within this area is to remain and additional plant material will be installed to provide density.

The current plant material consists of large oaks and mature azaleas with some minimal openings of turf. The proposed planting will result in an increased density for both upper and lower views. Background peripheral hedge planting will be installed utilizing plant material (podocarpus) that at time of planting will be at approximately 3' tall with 3 foot on center spacing and will be maintained at a 6'+ level to ensure density. Forward of the background planting (towards the roadways) we will install multiple layers of plant material to create additional vertical screening, as well as an enhanced aesthetically pleasing lower level. The plant palette will include Oak, Eleaocarpus, Cedar, Azalea, Asiatic jasmine, Ilex shillings and Tabebuia.

The landscaping will be supplied by the Rollins irrigation system and maintained per Rollins standards.

Utilities

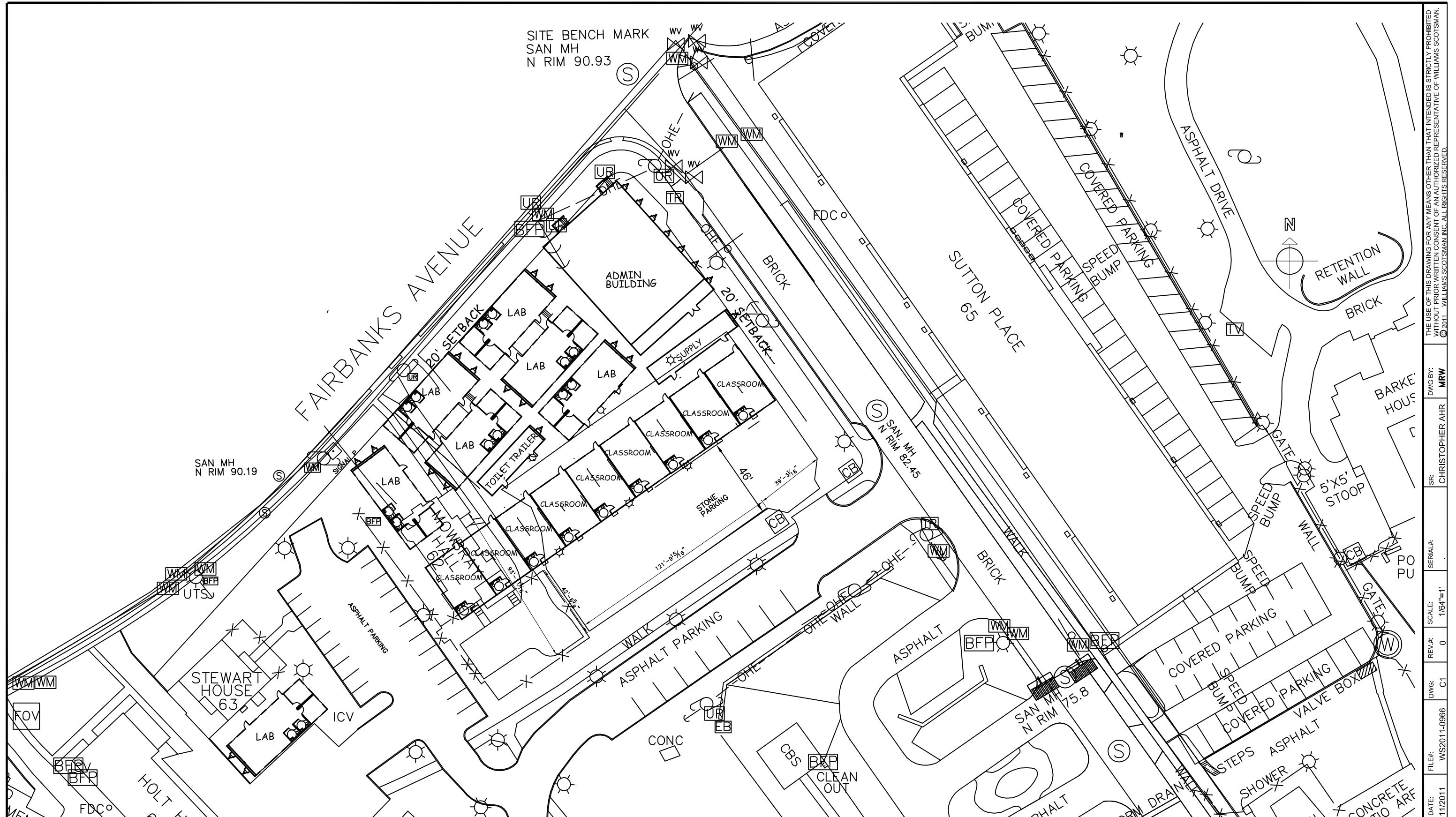
The site will utilize the city water, power, and sanitary services.

Tree Impact

Attached plan indicates trees that will be removed to accommodate the modular buildings. The permit request is currently being reviewed by code compliance (Alan Lee).

Upon removal of the temporary facilities, the site will be landscaped to match the appearance of the rest of Rollins campus.

ROLLINS COLLEGE
SCIENCE CENTER PROJECT
MODULAR BUILDING
SITE PLAN



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| DATE: | 11/2011 |
| FILE#: | WS2011-0366 |
| DWG#: | C1 |
| REV#: | 0 |
| SCALE: | 1/64"=1' |
| SERIAL#: | |
| SR: | CHRISTOPHER AHR |
| DWG BY: | MRW |

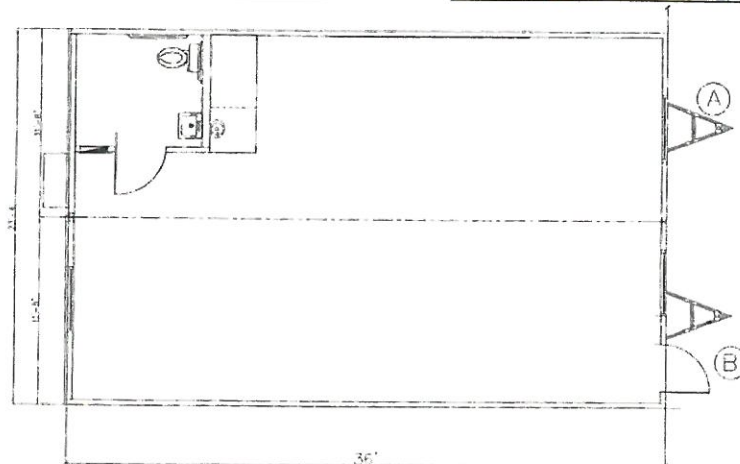
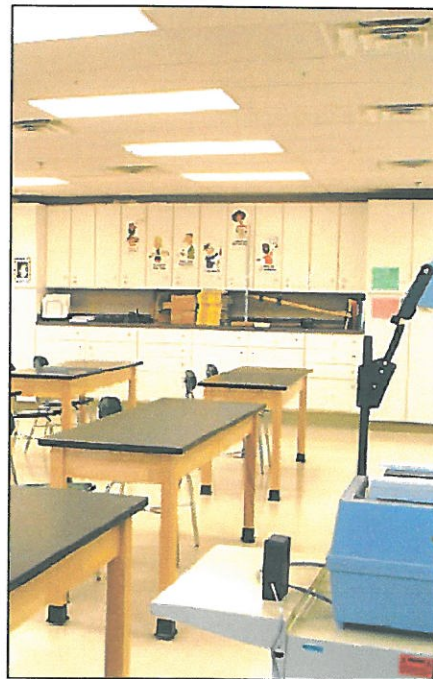


Williams Scotsman, Inc.
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city commission public hearing

| | | | |
|---------------------------------------|------------------------------------|---|--|
| item type | Public Hearing | meeting date | March 12, 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 | 5-0 final vote |

Subject: Rezoning and Conditional use for 10 unit, two story Condominium at 434 and 444 W. Swoope Avenue

This is the second reading of the ordinances. The conditional use was approved at the February 27, 2012 meeting.

Windermere Winter Park Ventures LLC is requesting a Comp. Plan FLU Map and Zoning Map change from the existing Single Family designation (R-1A) to Medium Density Residential (R-3) on the property at 444 W. Swoope Avenue. They also own the adjacent lot to the east at 434 W. Swoope and on these two combined lots the applicant requests Conditional Use approval for a two story, 10 unit residential condominium project.

P&Z Board Recommendation:

The Planning and Zoning Board voted 5-0 to Approve the Comp. Plan FLU Map change and Rezoning and also 5-0 to Approve the Conditional Use with three conditions:

1. Final landscape plan review and approval delegated to with staff with special attention requested for the landscape buffer on the side that abuts the adjacent residential property.
2. Development Agreement to prohibit the open carports from being converted into garages.
3. That the maximum roof eve height is 24 feet and the maximum roof height is 31 feet (as shown on the plans from the first floor elevation).

Summary:

These properties are immediately west of the commercial development on Virginia Avenue which is across the street from the Public Safety complex. On the opposite side of Swoope Avenue from these properties is that City's Swoope Avenue Water Plant. Each lot is 50 feet wide by 250 feet deep for a combined site of 100 feet by 250 feet (25,000 sq. ft.). The lot at 434 W. Swoope is now zoned R-3 and the rezoning of 444 W. Swoope would make the entire site R-3 for the proposed condominium project.

Based on the requested R-3 zoning, when you have a property with more than 15,000 sq. ft.,

the standards of R-3 apply, which permits one unit for each 2,500 square feet of land. So the combined 25,000 sq. ft. of land in the two combined lots equates to the 10 units requested.

The Rezoning Request and the Zoning History for this Block:

For 28 years, from 1971 to 1999, this entire block, was zoned multi-family (R-3). Then in 1999 a group of neighbors went door to door throughout the neighborhood soliciting written consents from property owners to down-zone their properties from R-2 or R-3 zoning to single family R-1A zoning in order to limit the potential densification of the neighborhood and to preserve the predominately single family character of the neighborhood. The group gathered petitions from about 100 property owners who agreed and requested the City to down-zone their property. The City in 1999 agreed to that request and down-zoned those properties. At that time, five of the eight lots on the south side of this block were down-zoned from R-3 to R-1A, including this subject lot at 444 Swoope Avenue.

Two things have changed since 1999. One has been the construction of the City's Water Plant across the street. While it was designed to fit the character of the neighborhood, it is still an institutional use. The second thing is that in 2005 the City agreed to rezone back to R-3, the two properties (three lots) at 472 and 510 Swoope Avenue. So now there are just two properties/lots on this south side of Swoope that remain single family (R-1A). The two properties include this property requested for rezoning at 444 Swoope and the adjacent one at 446 Swoope.

As with the rezoning request made in 2005, the applicant feels that the proximity of the City's Water Plant and the physical nature of these deep 250 foot lots lend themselves better to multi-family usage. In this case, they also cite the proximity of this combined property being adjacent to the commercial development along Virginia Avenue.

The Conditional Use Request and Future Development Plans:

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*".

Thus, the applicant is presenting and requesting conditional use approval per the attached plans. Those plans show ten, two story condominiums. Nine of the units range in size from 1,349 to 1,555 sq. ft. of living area and the end unit at the rear is 2,140 sq. ft. There is open carport parking and living space on the first floor of each unit and living area on the second floor. Each unit has one parking space (at their front door) and one space in the parking lot area in the rear. Parking is required at 2.5 spaces per unit (25 spaces) and the site plan shows 23 parking spaces (including the required handicapped space) so there is a variance request for the two parking space shortfall.

One design feature that the planning staff supports and requested was for the project to utilize an open carport parking design versus enclosed garages. Experience has taught us that with townhouse projects, enclosed garages often are used for storage and then we have one car or both cars parked out on the street. So to keep cars from being parked up and down the street, the design includes open carport parking.

Architecturally, the design is simple but in scale with the neighborhood. On the street front unit, there is a street front facing front porch to give the building visual street appeal.

The project meets the R-3 code provisions. The maximum building footprint is 40% of the lot area and this building is at 22%. The maximum impervious coverage is 75% and this project is at 73%. The maximum building height is 35 feet and this project is 20 feet to the roof eave and 31 feet to the pitched roof peak. The project conforms to the required setbacks. The only variance is for the two parking space shortfall. The applicant believes that given the average unit size of 1,450 sq. ft. the residents will be a combination of two person households and singles/empty nesters, thus the parking will be sufficient.

Staff Appraisal:

This lot at 444 W. Swoope Avenue of 50 feet by 250 feet deep is better suited for multi-family development as situated in a block predominately zoned R-3. This property has commercial development to the east, multi-family (R-3) properties to the south and is located across the street from the City's Water Plant. Also, the City has already rezoned (in 2005) three of these lots based upon the same factors. So staff believes this to be sufficient rationale to approve the change requested.

STAFF RECOMMENDATION WAS FOR APPROVAL of the Comp. Plan FLU Map and Zoning Map change to multi-family (R-3).

For the Conditional Use, the staff supports the request and the minor parking variance with maintaining the one provision concerning the open carports.

STAFF RECOMMENDATION WAS FOR APPROVAL of the Conditional Use with the condition that the carports remain open and not be allowed to be enclosed and that a Development Agreement and the Condominium documents reflect this restriction.







[illegible]

PARKING SUMMARY
(22) 9' x 18' VEHICLE SPACES
1 H.C. ACCESSIBLE
(23) TOTAL SPACES

| | |
|----------------------------|-------------|
| LOT AREA | 25,077 S.F. |
| BUILDING FOOTPRINT | 5,518 S.F. |
| WALKS/DRIVES/PARKING | 12,698 S.F. |
| TOTALIMPERVIOUS AREA | 18,216 S.F. |
| PERVIOUS/ IMPERVIOUS RATIO | 27% / 73% |

| | |
|----------------------------|-------------|
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| BUILDING FOOTPRINT | 5,518 S.F. |
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NASRALLAH
Architectural Group Inc.

A 100% Corporation for
Windermere Winter Park Ventures, L.L.C.
444 S. 1st W. Group Ave., Winter Park, FL 32789

| | | | |
|----------|-------------|------------|----------|
| DATE | DESIGNED BY | CHECKED BY | DATE |
| 12/12/12 | 12/12/12 | 12/12/12 | 12/12/12 |
| SCALE | | 1:1 | |

01-24-2012

SHEET NO.

SP 1.1

ATTACHED TO THE
CONCRETE, 1.00



- ELEVATION NOTES:** — CED
- ALL DIMENSIONS AND LOCATIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- ALL EXTERIOR MATERIALS AND FINISHES TO BE OF HIGHEST QUALITY AND SHALL NOT ALLOW A FINISH OF A FINISH OTHER THAN THAT SPECIFIED.
- ELEVATION NOTES:** — CED
1. CONCRETE FOUNDATION WALL.
 2. PRECAST CONCRETE PIER/POST.
 3. PRECAST CONCRETE PIER/POST.
 4. PRECAST CONCRETE PIER/POST.
 5. PRECAST CONCRETE PIER/POST.
 6. PRECAST CONCRETE PIER/POST.
 7. PAINTED WOOD TRUSS/BEAM.
 8. PAINTED WOOD TRUSS/BEAM.
 9. PAINTED WOOD TRUSS/BEAM.
 10. LANDSCAPE CONCOURSE FOR MECHANICAL EQUIPMENT.
 11. SITE WALL FOR ELECTRICAL EQUIPMENT.
 12. WALL MOUNTED LIGHT FIXTURE.

| | | | |
|----------|------------|----|----------|
| DATE | 11/11/2011 | BY | Y. Y. Y. |
| REVISION | | BY | |

NASRALLAH
ARCHITECTURAL GROUP INC.
3333 E. Greenway, Suite 100
Greenway, FL 33409
Phone: (407) 242-2499
Fax: (407) 242-2499
A-25501871

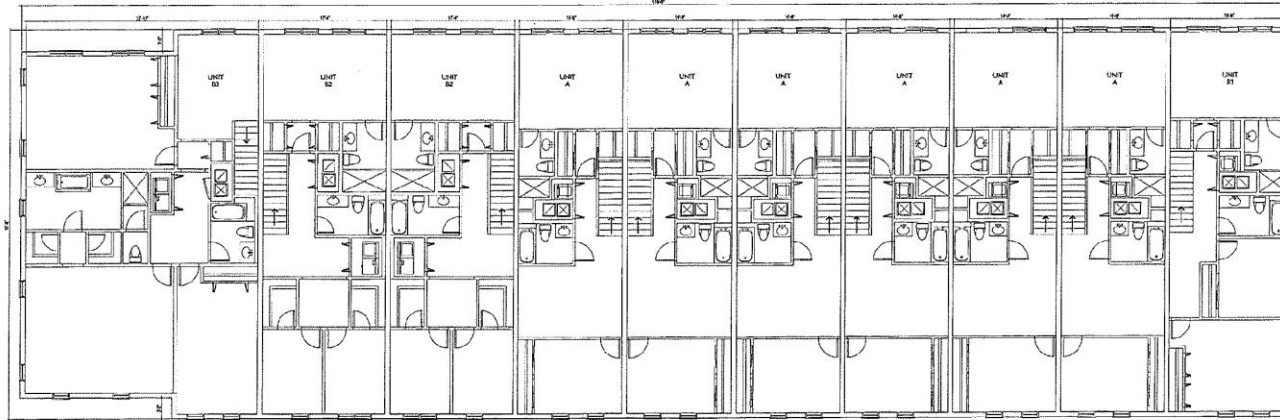
Windermere Winter Park Ventures, L.L.C.
444 S. US HWY 1, Suite 100, Winter Park, FL 32789

| | |
|-------------|------------|
| PROJECT NO. | 01-24-2012 |
| DATE | 01-24-2012 |
| BY | Y. Y. Y. |
| CHECKED BY | Y. Y. Y. |

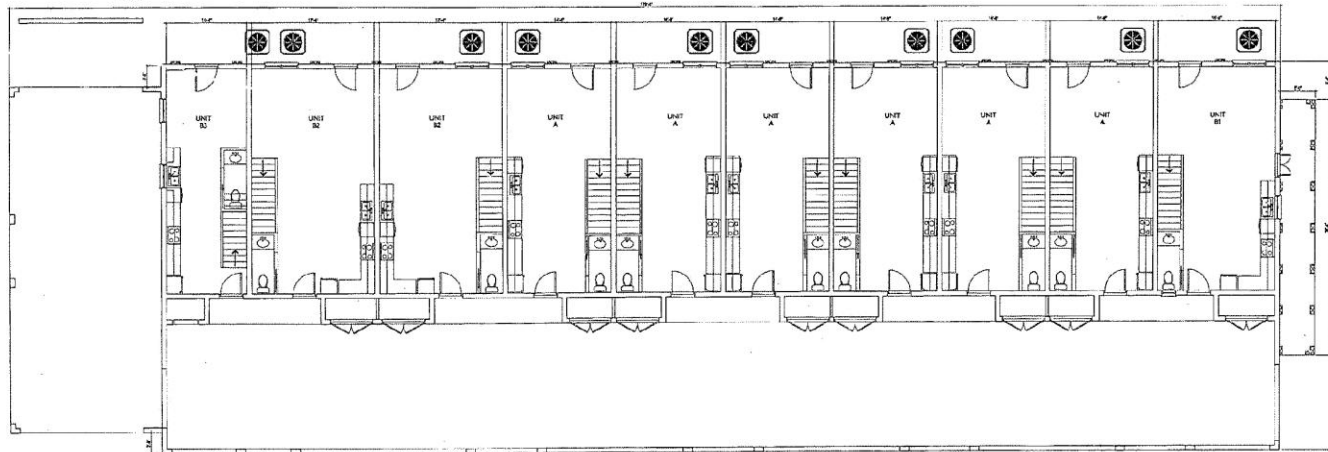
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NOT VALID WITHOUT
SIGNATURE & SEAL

Y. Y. Y.
P.E. No. 10100000



2 SECOND LEVEL OVERALL FLOOR PLAN
SCALE: 3/8" = 1'-0"



1 FIRST LEVEL OVERALL FLOOR PLAN
SCALE: 3/8" = 1'-0"



| DATE | REVISION |
|------|----------|
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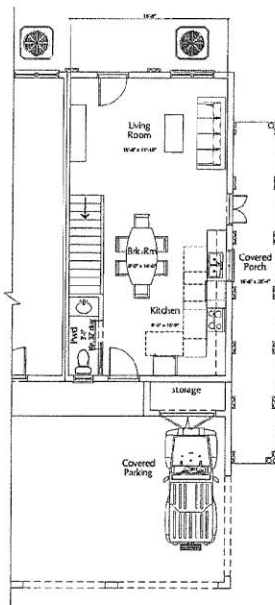
NASRALLAH
ARCHITECTURAL GROUP, INC.
3300 Edgewater Drive, Suite 101
Tampa, FL 33609
Phone: 813-288-1111
Fax: 813-288-1112
www.nasrallah.com

A THAKAT CORPORATION, INC.
Windermere Winter Park Ventures, L.L.C.
620 S. 14th Street, Suite 101, Winter Park, FL 32789

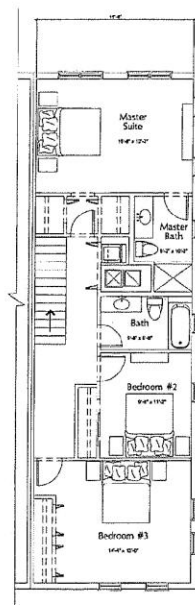
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01-24-2012
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1.0

not to be used without
signature of architect

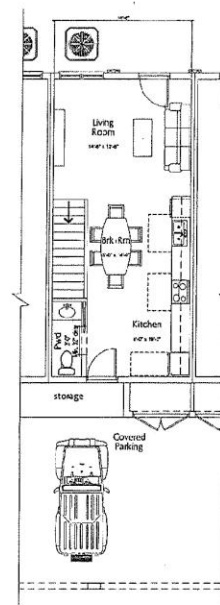


3 UNIT B1 1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"

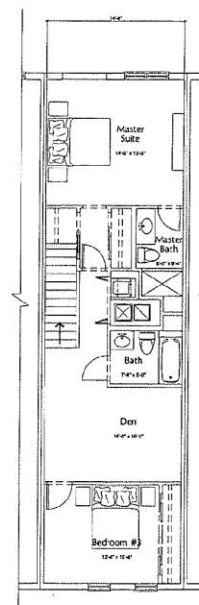


4 UNIT B1 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"

| | | |
|-------|-----------------|--------------|
| NORTH | AREA CALC. | |
| | 1st Floor (A/C) | 583 SQ. FT. |
| | 2nd Floor (A/C) | 372 SQ. FT. |
| | Total (A/C) | 1555 SQ. FT. |



1 UNIT A 1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 UNIT A 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"

| | | |
|-------|-----------------|--------------|
| NORTH | AREA CALC. | |
| | 1st Floor (A/C) | 506 SQ. FT. |
| | 2nd Floor (A/C) | 843 SQ. FT. |
| | Total (A/C) | 1349 SQ. FT. |

Windermere Winter Park Ventures, L.L.C.
A Windermere Real Estate Company
4418 N.W. 11th Street, Suite 101, Fort Lauderdale, FL 33309
Tel: 407-457-0000 Fax: 407-457-2499

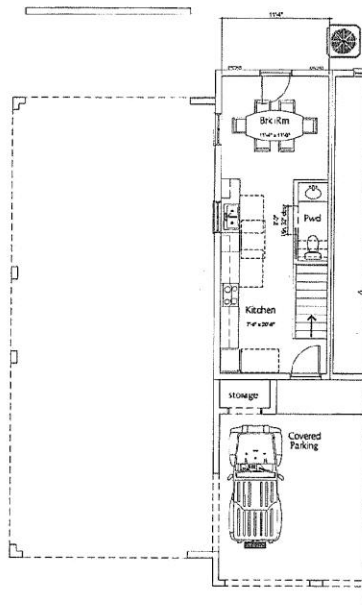
NASRALLAH
Architectural Group Inc.
2202 S. Broward Blvd., Suite 102
Fort Lauderdale, FL 33316
Tel: 407-457-0000 Fax: 407-457-2499

01/24/2012

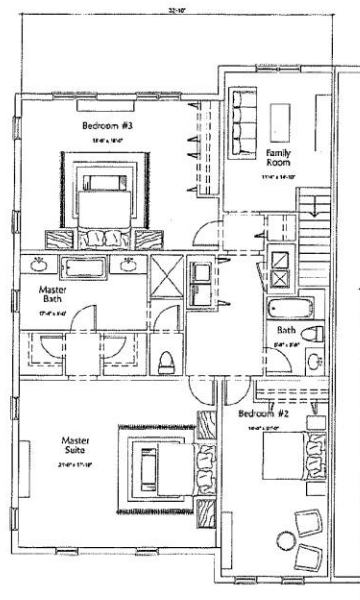
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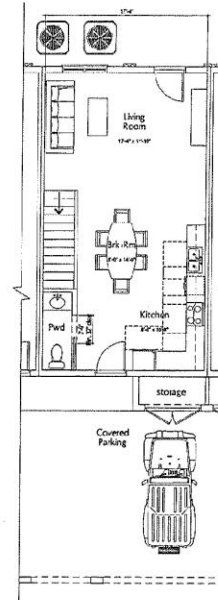
3 UNIT B3 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"



4 UNIT B3 2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"



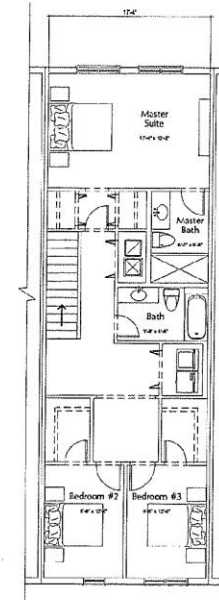
AREA CALC.
1st Floor (A/C) 408 SQ.FT.
2nd Floor (A/C) 1732 SQ.FT.
Total (A/C) 2140 SQ.FT.



1 UNIT B2 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"



AREA CALC.
1st Floor (A/C) 594 SQ.FT.
2nd Floor (A/C) 990 SQ.FT.
Total (A/C) 1584 SQ.FT.



2 UNIT B2 2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"

Windermere Winter Park Ventures, L.L.C.
A 100% Owned Subs. Co.
444 S. GARY ROAD, WINTER PARK, CO. 82703

NASRALLAH
Architectural Group, Inc.
3900 Edgewater Drive, Suite 102
Boulder, CO 80504
Ph: 477-4700 Fax: 477-4701
Cell: 477-4701 Email: nasrallah@nasrallah.com

DATE: 01/24/2012
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

Sheet
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1.2

Not to be used without written permission of the architect.

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 MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 444 WEST SWOOPE 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 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 February 7, 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 February 27, 2012 and March 12, 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 medium-density residential on the property at 444 W. Swoope Avenue, said property being more particularly described as follows:

Lot 5 and that portion of the vacated alley lying to the south thereof, Block 11, Revised Map of the Town of Winter Park as recorded in Plat Book "A", Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID # 5-22-30-9400-11-050

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 MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT ON THE PROPERTY AT 444 WEST SWOOPE 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 February 7, 2012 meeting; and

WHEREAS, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning change set forth hereunder and considered 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 444 W. Swoope Avenue, more particularly described as follows:

Lot 5 and that portion of the vacated alley lying to the south thereof, Block 11, Revised Map of the Town of Winter Park as recorded in Plat Book "A", Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID # 5-22-30-9400-11-050

SECTION 2. Restrictions on Height and on Garage/Carports. Notwithstanding the provisions of the R-3 zoning district, this property shall not be used for any building taller than two stories and no enclosed garage or carport areas are permitted without the subsequent approval of the City Commission. The owner consents to this ordinance being recorded in the public records.

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 _____. If Ordinance _____ does not become effective, 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



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
Welcome Center

February 7, 2012
7:00 p.m.

MINUTES

Mr. Krecicki called the meeting to order at 7:00 p.m. in the Welcome Center. Present: Chairman Drew Krecicki, Sarah Whiting, James Johnston, Tom Sacha, and Robert Hahn (alternate). Absent: George Livingston, Peter Gottfried and Randall Slocum. Staff: Planning Director Jeffrey Briggs, Senior Planner Stacey Hectus and Planning Technician Caleena Shirley.

Approval of minutes – January 10, 2012

Motion made by Mr. Sacha, seconded by Mr. Livingston to approve the December 6, 2011, meeting minutes. Motion carried unanimously with a 5-0 vote.

PUBLIC HEARINGS:

Planning Director Jeffrey Briggs announced that there will be one public hearing on the three requests:

REQUEST OF WINDERMERE WINTER PARK VENTURE LLC TO: AMEND THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON THE PROPERTY AT 444 W. SWOOPE AVENUE.

REQUEST OF WINDERMERE WINTER PARK VENTURE LLC TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT ON THE PROPERTY AT 444 W. SWOOPE AVENUE.

REQUEST OF WINDERMERE WINTER PARK VENTURE LLC FOR: CONDITIONAL USE APPROVAL UNDER THE LARGE BUILDING ORDINANCE TO BUILD A NEW TWO STORY, 10 UNIT RESIDENTIAL CONDOMINIUM BUILDING AT 434 AND 444 W. SWOOPE AVENUE.

Planning Director Jeffrey Briggs presented the staff report and explained that Windermere-Winter Park Ventures LLC is requesting a Comprehensive Plan FLU Map and Zoning Map change from the existing Single Family designation of (R-1A) to Medium Density Residential (R-3) on the property at 444 W. Swoope Avenue. He pointed out that they also own the adjacent lot to the east at 434 W. Swoope. Further, on these two combined lots is also a request for Conditional Use approval for a new two-story 10-unit residential condominium project. Mr. Briggs reviewed the characteristics of the surrounding neighborhood explaining that these properties are immediately west of the commercial development on Virginia Avenue and on the opposite side of Swoope Avenue from the City's new Swoope Avenue Water Plant. Each lot is 50 feet wide by 250 feet deep for a combined site of 100 feet by 250 feet (25,000 sq. ft.). The lot at 434 W. Swoope is now zoned R-3 and the rezoning of 444 W. Swoope would make the entire site R-3 for the proposed condominium project.

Mr. Briggs noted that the requested R-3 zoning permits one unit for each 2,500 square feet of land thus the combined 25,000 sq. ft. of land in the two lots equates to the 10 units requested. Mr. Briggs reviewed the current rezoning request, zoning history of this particular block, the conditional use request as well as future development plans.

Mr. Briggs explained that the effort in 1999 by the neighborhood seeking down-zoning was a wonderful grass roots effort to maintain the single family character of the neighborhood. The staff doesn't want to undermine that effort however, the lot size and location or context of these properties lend themselves to R-3 zoning. Staff recommended approval of the Comp. Plan FLU Map and Zoning Map change to multi-family (R-3).

With regard to the Conditional Use, staff also supports the request and the minor parking variance with maintaining the one provision concerning the open carports. Staff recommended approval of the Conditional Use with the condition that the carports remain open and not be allowed to be enclosed and that a Development Agreement and the Condominium documents reflect this restriction. Mr. Briggs responded to Board member questions and concerns.

Mark Nasrallah, (architect for the project) 3920 Edgewater Drive, represented the applicant. He stated that they were in agreement with staff recommendations and that the plans have been modified incorporating the concerns pointed out by staff. Mr. Nasrallah responded to board member questions and concerns.

Lurline Fletcher, 790 Lyman Avenue, spoke in opposition to the request. She expressed concern the process of how the comprehensive plan is amended. She also stated that she feels that the property should remain single-family and multi-family.

No one else wished to speak concerning the request. Public Hearing closed.

The Board members briefly discussed the request. There was consensus that the location of this lot since it has existing R-3 zoning immediately to the east and south and the institutional water plant across the street lends itself to be rezoned to R-3. Mrs. Whiting stated that she agrees with the staff recommendation concerning the open carport and incorporating that language into a developer's agreement. She also requested that height be amended to make the height 20 feet to the roof eave and 31 feet to the height of the roof (as shown on the plans from the first floor elevation). Discussion ensued about the review of the final landscape plan and the Board members expressed that they were agreeable to staff reviewing the landscaping.

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request to amend the Comprehensive Plan, Future Land Use Map to change the designation of single-family residential to medium-density residential on the property at 444 W. Swoope Avenue. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Krecicki, seconded by Mr. Sacha amend the official zoning map so as change the zoning designation of single-family residential (R-1A) district to medium density multi-family (R-3) district on the property at 444 W. Swoope Avenue. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the Conditional Use request to build a new two story, 10 unit residential condominium building at 434 and 444 W. Swoope Avenue subject to the following conditions:

- 1. Final landscape plan review and approval delegated to with staff with special attention requested for the landscape buffer on the side that abuts the adjacent residential property.**
- 2. Development Agreement to prohibit the open carports from being converted into garages.**
- 3. That the maximum roof eave height is 24 feet and the maximum roof height is 31 feet (as shown on the plans from the first floor elevation).**

Motion carried unanimously with a 5-0 vote.



city commission agenda item

| | | | |
|---------------------------------------|---|--------------|---|
| item type | Public Hearing | meeting date | March 12, 2012 |
| prepared by department division | Art King, Police Department Brett Railey – Police Department | 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

This is the second reading of the ordinance.

Imposing and extending a temporary moratorium for an additional 45 days on the filing and receipt of any application for, or issuance of, business tax receipts, business licensure and land use approvals for the operation of "Pain Management Clinics"; providing for repeal of City Ordinance 2840-11 adopted by the Winter Park City Commission on April 25, 2011.

motion | recommendation

Recommend approval

background

Many Police Departments in the State of Florida have reported that a pattern of illegal drug use and distribution has been linked to Pain Management Clinics. On December 2, 2010, the Florida Department of Law Enforcement released the Florida Medical Examiners Commission 2010 Interim Report on Drugs Identified in Deceased Persons. The report aggregated toxicology reports submitted to the Florida Medical Examiners Commission and found that during January through June of 2010, of the 89,900 deaths occurring in Florida from all causes, 4,150 were drug-related. Of the 4,150 drug-related deaths, the report found as follows:

Prescription drugs accounted for 81% of all drug-related deaths when excluding deaths related to Ethyl Alcohol. 1286 people died with at least one prescription drug in their system that was, in the opinion of the medical examiner, the cause of death. The drug that caused the most deaths during the study period (715 decedents) was Oxycodone (trade names include OxyContin). In the Ninth Medical Examiner District (consisting of Orange and Osceola Counties) 63 deaths were related to Alprazolam (trade names include Xanax) 27 deaths were related to Diazepam (trade names include Valium) 76 deaths were related to Oxycodone (trade names include OxyContin) 30 deaths were related to Hydrocodone (trade names include Vicodin and Lortab) and 15 deaths were related to Proxyphene (trade names include Darvon and Darvocet).

Studies have found that the abuse of prescription pain medication can and does lead to property crimes, violent crime, drug dependency, debilitating sickness and death.

The creation of a City Ordinance regulating Pain Management Clinics is not intended to interfere with legitimate medical clinics or the lawful prescription and use of controlled substances.

On December 7, 2010 Orange County adopted an ordinance imposing a one year moratorium on the issuance of a business license for any new pain management clinics and authorizing the Orange County Tax Collector to decline the license renewal or license transfer of any pain management clinic that is not registered with the Florida Department of Health as required by sections 458.3265 or 459.0137, Florida Statutes.

alternatives | other considerations

N/A

fiscal impact

None

strategic objective

Quality Government services.

ORDINANCE NO. ____-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, IMPOSING AND EXTENDING A TEMPORARY MORATORIUM FOR AN ADDITIONAL FORTY-FIVE (45) DAYS ON THE FILING AND RECEIPT OF ANY APPLICATION FOR, OR ISSUANCE OF, BUSINESS TAX RECEIPTS, BUSINESS LICENSURE AND LAND USE APPROVALS FOR THE OPERATION OF "PAIN MANAGEMENT CLINICS"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2840-11, the City of Winter Park adopted a temporary moratorium for three hundred twenty (320) days, on the issuance of, business tax receipts, business licensure and land use approvals for the operation of "pain management clinics"; and

WHEREAS, the City of Winter Park, Florida adopts by this reference and incorporates herein all other findings made by the City Commission in Ordinance No. 2840-11; and

WHEREAS, Section 9 of Ordinance No. 2840-11 contemplates up to an additional ninety (90) days for the temporary moratorium, upon finding that additional time is needed for staff to conclude its review of the problems associated with pain management clinics within the City and for the drafting of regulation of those businesses as set forth in Ordinance No. 2840-11; and

WHEREAS, additional time is reasonably required to adequately address the issues described in Ordinance No. 2840-11 facing the City of Winter Park; and

WHEREAS, the City Commission of the City of Winter Park by this Ordinance, after holding a public hearing, specifically does make those findings, i.e. that the problems giving rise to the need for the temporary moratorium established by Ordinance No. 2840-11, continue to exist, that reasonable progress is being made in carrying out a specific and prompt plan of corrective action, and that additional time is reasonably needed to adequately address the issues facing the City as set forth in Ordinance No. 2840-11.

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

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

Section 2. Extension of Temporary Moratorium. The temporary moratorium enacted and imposed by Ordinance No. 2840-11, by this City Commission, on or about April 25, 2011, is hereby extended, an additional forty-five (45) days, on the issuance of any business tax license or receipt, permit, conditional use approval, site plan approval, and any other official action of the City of Winter Park having the effect of permitting or allowing construction and/or operations of certain businesses within the City of Winter Park related to the operation of pain clinics and pain management clinics as defined in Ordinance No. 2840-11. All definitions, terms, conditions and requirements contained in and imposed by the temporary moratorium (Ordinance No. 2840-11) are hereby adopted by this reference and extended for an additional forty-five (45) days.

Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision 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 portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida, and pursuant to City Charter.

ADOPTED by the City Commission of the City of Winter Park, Florida, in a regular meeting held on the 12th day of March, 2012.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk



city commission public hearing

| | | | |
|---------------------------------|--------------------------------------|--|---|
| item type | Public Hearing | meeting date | March 12, 2012 |
| prepared by department division | Lindsey Hayes Planning Department | approved by | <input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| board approval | Historic Preservation Board | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A | 6-0 final vote |

Subject:

At the February 27 meeting, the City Commission has asked for a recommendation from the Planning and Zoning Board on the amendments that the Historic Preservation Board is recommending to the historic preservation section of the Land Development Code.

Recommendation

The Historic Preservation Board voted 6-0 on February 8, 2012 to recommend approval. The amendments were discussed at the February 29 Planning and Zoning Board work session and will be on their March 6 agenda. The minutes of the Planning and Zoning meeting will be emailed to the City Commission on March 7.

Summary

The historic preservation ordinance was put in place in 2001 and has not had an in-depth review since then. Drawing on a decade of implementation experience, the HPB has reviewed the ordinance over the last year and developed a number of proposed amendments. Catherine Reischmann in the city attorney's office has reviewed the proposed amendments and has offered additional comments which have been incorporated into the amendments recommended by the board. The proposed amendments:

- Provide clarification that staff reviews are permitted for minor alterations as administrative review
- Provide for board member qualifications
- Clarify some definitions
- Enhance outreach to potential historic district resident during the designation process
- Revise the vote requirement for local districts to a majority of the returned vote
- Clarify the criteria and conditions for variances
- Reduce the size of accessory dwellings to 750 square feet in most circumstances
- Add an expiration date for certificates of review and an extension process
- Clarify the certificate of review appeal process
- Remove outdated/ineffective inordinate burden to property references
- Provide for consistency with the city-wide board ordinance and departmental restructuring

Reestablishing the board member qualifications will allow the city to meet the standards to become a Certified Local Government (CLG). Florida has a set-aside of grant funds for CLGs. Cities that have CLG status have much greater likelihood of grant funding for preservation activities. There is no cost for CLG application or participation. A board with these qualifications will produce reasoned, defensible decisions.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE"
ARTICLE VIII, "HISTORIC PRESERVATION" SO AS TO
PROVIDE CLARITY, IMPROVE FUNCTIONALITY, REVISE THE
PROCESS AND PROCEDURES FOR THE CREATION OF
HISTORIC DISTRICTS AND TO ALLOW THE CITY TO MEET
THE STANDARDS FOR PARTICIPATION IN THE FLORIDA
CERTIFIED LOCAL GOVERNMENT PROGRAM.

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

SECTION 1. That Chapter 58 "Land Development Code", Article VIII "Historic
Preservation" of the Code of Ordinances is hereby amended and modified as shown in Exhibit
A (ATTACHED).

SECTION 2. All ordinances or portions or ordinances in conflict herewith are hereby
repealed.

SECTION 3. This ordinance shall become effective immediately upon its final passage
and adoption.

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

Mayor Kenneth W. Bradley

ATTEST:

City Clerk

Exhibit "A"

Article VIII. HISTORIC PRESERVATION

Division 1- GENERALLY

Section 58-433. - Short title; intent and purpose.

- (a) *Short title.* This article shall be cited as the Winter Park Historic Preservation Code.
- (b) *Intent and purpose.*

- (1) The purpose of these regulations is to establish the framework for a comprehensive historic preservation program in the city.
- (2) It ~~shall be~~ is the policy of the city to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures, sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the city, state, or nation. Furthermore, it is the purpose of this article to strengthen the economy of the city by stabilizing and improving property values in historic areas and to encourage new buildings and development that will be harmonious with existing historic buildings and districts.
- (3) In addition, the provisions of this article will assist the city and private property owners to be eligible for federal tax incentives, federal and state grant funds, property tax abatement, and any other incentive programs for the purpose of furthering historic preservation activities.

Section 58-434. – Definitions.

The following words, terms and phrases, as used in this article, shall have the meanings set forth below except where the context clearly indicates a different meaning.

Addition means a construction project physically connected to the exterior of an historic building or that increases the gross floor area of the building.

Administrative review means the Historic Preservation Board (HPB) staff may approve, approve with conditions, or deny certain types of permit applications for alterations or additions as listed in the HPB rules of procedure and based upon the standards in section 58-469 to an individually designated historic landmark, resource, or property located in a historic district. Staff is not required to grant this review and, at staff's discretion, may require review by the HPB. If the applicant wishes to appeal staff's decision, a complete certificate of review application for the project will then be placed on the HPB agenda.

Alteration means any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving

exterior changes in form, texture, materials or color, or any such changes in appearance to a designated landmark or resource or in a ~~specially~~ designated historic site, or district.

Applicant means an individual or group who provides sufficient written information to the city to ascertain that the property potentially meets the minimum eligibility requirements for local historic designation, or who is applying for a Certificate of Review.

Archaeological site means a single specific location that has yielded, or based on previous research is likely to yield, information on local history or prehistory.

Certificate of Review means ~~the approval process a written document approved by the Winter Park Historic Preservation Commission Board HPB~~ allowing an applicant to proceed with approved exterior alterations, additions, relocation, new construction, or demolition of, or other work to, a designated historic landmark building, landmark site, historic resource or property in a historic district, following a determination of the proposal's suitability to applicable criteria.

~~(1) Standard certificate of review: Those certificates based upon such specific guidelines and standards as may be recommended by the Historic Preservation Commission and for which issuance, by the city, has been authorized upon findings that proposed actions are in accord with such official guidelines and standards.~~

~~(2) Special Certificate of review: Those certificates involving the demolition, removal, reconstruction, exterior alteration or new construction which requires determination by the Historic Preservation Commission before such certificate can be issued.~~

City means the City of Winter Park.

Commemorative historic district means a geographic area which no longer possesses a concentration of historic resources sufficient to become a historic district, but whose history is of historical, social, cultural or archeological significance to be worthy of recognition for its educational value.

Contributing element means a building or structure that contributes to the historic significance of a district, which by location, design, setting, materials, workmanship, feeling, and/or association adds to the district's sense of time, place and historic development.

Demolition means an act or process that destroys or razes, in whole or in part, a building structure or site, including a building within a district, or which permanently impairs its structural integrity.

Historic landmark or resource means any site, building, structure, landscape feature, improvement, or archaeological site, which has been designated as an historic landmark or resource pursuant to procedures described in this article.

Historic district means a geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, improvements, or landscape features united by historic events or aesthetically

by plan or physical development, and which area has been designated as an historic district pursuant to procedures described in this article. Such district may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks or resources, nevertheless contribute to the overall visual character of the district.

Historic Preservation Commission Board (HPB) means the City of Winter Park Historic Preservation ~~Commission Board~~ as created by ~~section 58-441 and 58-442~~ Ordinance Number 2843-11.

Historic survey means the results of a systematic process of identifying significant buildings, sites and structures through visual reconnaissance and research for compilation in the Florida Master Site File maintained by the Bureau of Historic Resources in Tallahassee, Florida.

Improvement means any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earthworks, or other manmade object constituting a physical betterment of real property or any part of such betterment.

Multiple property nomination means a group of related significant properties that share common themes, and are organized by historic contexts and property types.

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

Ordinary repairs and maintenance means any:

- (1) Work done on any improvement, which does not involve a change of design, appearance or material.
- (2) Replacement of any part of an improvement where the purpose and effect of such work or replacement is to correct any deterioration, decay of, or damage to such improvement or any part thereof and to restore the same as nearly as may be practicable to its condition prior to the occurrence of such deterioration, decay or damage.

Reconstruction means the process of reproducing, by new construction, the exact form and detail of a demolished building, structure or object as it appeared at a certain point in time.

Rehabilitation means the process of repairing or altering a historic building so that an efficient contemporary use is achieved, while preserving those significant historical, architectural or cultural features that establish the character of the property.

Relocation means the act of preserving a historic structure, which cannot remain on its existing site, by physically moving it to a new location.

Restoration means the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Standards for Rehabilitation (36 CFR 67) as revised in 1990 means the standards provided by the National Park Service and the Secretary of the Interior that provide guidance on the sensitive rehabilitation of a historic property. The standards generally address issues that include: character defining elements; changes which have occurred over the course of the property's history; desirable approaches to the repair of damaged features; appropriate cleaning methods; archaeological resources; and new construction in connection with a historic property.

Section 58-435. - Relationship to zoning districts.

These regulations are intended to provide the framework to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, parks, residential neighborhoods and commercial districts. These regulations are intended to act as an overlay to existing zoning designations. Zoning amendments may be applied to designated historic structures, districts, and sites with such actions and procedures as otherwise provided for in this chapter.

Division 2. - HISTORIC PRESERVATION BOARD

Section 58-441 — Establishment of the Commission. — Qualifications.

~~There is hereby established a Historic Preservation Commission (HPC) of the City of Winter Park.~~

- (1) At minimum, one member of the HPB shall be an architect.
- (2) Other members may have experience, expertise or demonstrated interest in one or more of the following areas:
 - a. Architecture;
 - b. History;
 - c. Architectural history;
 - d. Archaeology;
 - e. Urban planning;
 - f. Landscape architecture;
 - g. Historic preservation;
 - h. Real estate;
 - i. Law;
 - j. Cultural anthropology;
 - k. Building construction; or related fields.

Section 58-442. — Membership. — 58-445 Reserved.

~~(a) Members. — The HPC shall consist of five members and one alternate to be appointed by the mayor and confirmed by the city commission. The alternate will sit in the absence of a regular member and will vote in the absence of that member. — Members shall serve without~~

~~compensation but shall be reimbursed for actual expenses subject to the prior approval of the city commission.~~

~~(b) *Qualifications:*~~

~~(3) Members of the HPC be residents of the city and shall have demonstrated civic pride, interest in historic preservation, and the knowledge, experience, and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources.~~

~~(4) At minimum, one member shall be an architect.~~

~~(5) Other members may have experience, expertise or demonstrated interest in one or more of the following areas:~~

~~l. architecture;~~

~~m. History;~~

~~n. Architectural history;~~

~~o. Archaeology;~~

~~p. Urban planning;~~

~~q. Landscape architecture;~~

~~r. Historic preservation;~~

~~s. Real estate;~~

~~t. Law;~~

~~u. Cultural anthropology;~~

~~v. Building construction; or related fields.~~

~~(c) *Voting:* A quorum shall consist of three (3) HPC members. An affirmative vote of three HPC members shall be necessary for the adoption of any motion thereof. A quorum shall include the vote of the alternate when the alternate is voting for an absent member.~~

~~(d) *Advisory members.* The HPC may appoint advisory members. Advisory members will not vote. They may be appointed to represent historic districts and/or to provide specific areas of expertise not met by voting members. The advisory members do not need to be residents of Winter Park.~~

~~(e) *Administrative.* The city shall provide the HPC with administrative staff and fiscal support subject to budgetary approval by the city commission. The city attorney shall serve as legal counsel to the HPC in all matters.~~

~~**Section 58-443. Terms of Office.**~~

~~Members of the HPC shall serve for a term of three years which shall be staggered; except, however, for initial appointees, when two members shall serve for a term of three years, two members for a term of two years, and one member for a term of one year. Members shall continue to serve in office until the appointment of a successor. Members appointed to fill a vacancy shall serve the remainder of~~

~~the unexpired term. Members may be re-appointed on the expiration of their term with a two-term limit.~~

~~(1) *Vacancies:* Vacancies on the HPC caused by expiration of a term or resignation, removal, death, or permanent absence from the city or by incapacity of a member shall be filled by appointment. The alternate shall be appointed to the vacancy and a new alternate appointed.~~

~~(2) *Removal:* Members may be removed from the HPC by a vote of the city commission. If a member is absent from two of three consecutive regular meetings without cause, and without prior approval of the chairperson, the HPC shall declare the member's office vacant. The alternate will fill the office and the HPC will petition the City Commission for the appointment of a new alternate. If a member is unable to attend four meetings in a 12-month period, the seat will be declared vacant. The alternate will fill the office and the HPC will petition the city commission for the appointment of a new alternate.~~

~~Section 58-444. — Officers.~~

~~Members of the HPC shall elect a chairperson to serve for a term of one year. In subsequent years, members shall elect a chairperson to serve for a term of one year from among the members who have served at least one year. Nothing shall prevent the HPC from naming a chairperson for a successive term. The HPC may create and fill other offices, as it may deem desirable.~~

~~Section 58-445. — Meetings.~~

~~The HPC shall meet monthly or as required to conduct its business. The HPC may adopt rules for the governance of its proceedings. All meetings and agendas will be advertised, and open to the public. Minutes of all proceedings shall be kept and made available to the public.~~

Section 58-446. - Functions, powers and duties.

The HPCCB shall be responsible for the development and administration of a comprehensive historic preservation program, and shall identify and maintain the city's historic resources for the benefit of both present and future residents. It shall be the responsibility of the HPCCB to:

- (1) Provide or recommend incentives for historic preservation, and recommend zoning changes needed to achieve the preservation of historic resources;
- (2) Identify potential historic landmarks and potential historic districts for designation; and provide assistance to, and education of, owners of properties for potential designation;
- (3) Develop and maintain a local register of historic places and review National Register nominations within the city;

- (4) Develop guidelines based upon the Secretary of the Interior's Guidelines for use in reviewing applications for Certificates of Review. The Secretary of the Interior's Standards for Rehabilitation as revised in 1990 will be used until local guidelines are developed and adopted by the HPCB;
- (5) Review applications for certificates of review for designated landmarks and resources, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement, and contributing and non-contributing properties within designated districts;
- (6) Approve variances, ~~subject to adopted design guidelines,~~ that are appropriate for the preservation of historic resources in conjunction with applications for certificates of review;
- (7) Conduct an ongoing survey and inventory of historically, culturally or architecturally significant buildings, structures, districts and archaeological sites within the city; coordinate survey results with the Florida Master Site File; and plan for resource preservation with the aid of staff and consultants with professional expertise as may be necessary;
- (8) Develop programs to stimulate public interest and involvement in the city's history and preservation, and inform the public of the city's preservation opportunities and the HPCB's activities;
- (9) Cooperate with and advise local, state and federal governments on preservation activities;
- (10) Attend relevant educational meetings, workshops and conferences;
- (11) Adopt rules of procedure, which shall be reviewed annually and which shall be available for public inspection; and
- (12) Perform any other function that may be designated by the city commission.

Division 3. - DESIGNATION OF HISTORIC LANDMARKS, RESOURCES AND DISTRICTS

Section 58-456. - Designation Criteria.

In order to qualify as a local historic landmark, resource or district, properties must have character, interest or value as part of the historical, cultural, archaeological, aesthetic or architectural heritage of the city, state or nation. For a multiple property nomination, eligibility may be based on the establishment of historic contexts or themes that describe the historical relationship of the properties. The eligibility of any potential historic landmark, resource or district shall be supported by meeting one or more criteria based upon the National Register of Historic Places guidelines at the national, state or local level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.

(1) The National Register criteria for evaluation requires that the quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations and:

- a. That are associated with events that have made a significant contribution to the board patterns of our history; or
- b. That are associated with the lives of persons significant in our past; or
- c. That embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. That have yielded, or may be likely to yield, information important in prehistory or history.

(2) Historic districts must meet one or more of the National Register criteria at the national, state or local level. A district shall possess a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

- a. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the historic environment or be an arrangement of historically or functionally related properties.
- b. A district must be a legally definable, contiguous geographic area. ~~that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations.~~ The boundaries must be based upon a shared relationship among the properties constituting the district and represent the area which completed the process described in section 58-457(2). For the record, the boundaries should be defined by parcels and lots shown on Orange County Property Appraiser's maps.

Section 58-457. - Designation Procedures.

Winter Park historic landmarks, resources or districts shall be designated only as provided in this section. Properties, which meet the criteria for designation as set forth in section 58-456, shall be designated according to the following procedures:

(1) Designation of local historic landmark and resources.

- a. Recommendations for nomination for designation of local historic landmarks and resources may be submitted to the Planning ~~and Community Development~~ Department by the property owner, the HPCB, or a city commission member who believes that the property meets the criteria for listing as set forth in section 58-456. The proposal shall include a legal description or address of the property, a brief statement regarding its historic, cultural, aesthetic or architectural significance, and must include authorization by the property owner(s). A recommendation for nomination that does not include the property owner(s) authorization shall not proceed.
- b. Every proposed historic landmark or resource shall have a historic designation report prepared by the city that shall be presented to the HPCB at a regularly scheduled meeting.

- c. For each proposed designation of a historic landmark, the city is responsible for mailing a copy of the designation report and a notice of public hearing to all property owners of record on the latest Orange County tax roll within a 500 foot radius of the proposed landmark at least fifteen days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least ~~fifteen~~ thirteen days prior to the hearing.

(2) *Local historic districts.*

- a. Nominations for designation of historic districts may be submitted to the Planning ~~and Community Development~~ Department by petition from 20% of the district property owners, by any member of the HPCB, or by a city commission member, who believes that the district or neighborhood meets the criteria for listing as set forth in section 58-456. The ~~proposal~~ nomination shall include a description of the proposed boundaries of the district, and a brief statement explaining its historic, cultural, aesthetic or architectural significance, and a petition representing the ownership of at least 20% of the properties within the proposed district. Designation of historic districts shall only be considered by the HPCB subsequent to meetings with district property owners and actions as described in subsections b. and c.
- b. Prior to consideration of designation by the HPCB, the city shall ~~facilitate conferences~~ mail information to each property owner of record to notify them of the initial interest in establishing a historic district, what would be the effects of establishing a local historic district, and a schedule of informational meetings for owners and interested parties. The schedule of informational meetings will also be published in a newspaper of general circulation and posted on the city's web site. Staff will conduct informational meetings with property owners within the nominated district ~~to discuss~~ regarding the following: 1) the historic designation report, 2) proposed boundaries, 3) contributing and non-contributing buildings and elements, 4) district goals, 5) design guidelines and 6) results of designation and incentives.
- c. After informational meetings have concluded, the city will mail a summarized final historic designation report to every property owner of record in the proposed district. The mailing will describe the voting process including a 14 day deadline to respond. The final report, voting process and deadline to vote will also be posted on the city's web site. Property owners of record will be polled, with each property representing one vote. Upon receipt of a favorable vote representing the majority of the returned vote, ownership of two-thirds of the properties within the proposed district, the historic designation report shall be forwarded to the HPCB for a public hearing at a meeting. A historic district that is commemorative in nature only and whose designation report does not require design review will not require a vote of the property owners, but shall require a public hearing as described in section 58-457(2)d.
- d. The nominated historic district shall have the historic designation report presented to the HPCB at a regularly scheduled meeting. The designation report shall include the historic context, proposed boundaries, contributing and non-contributing elements, a staff

recommendation and the results of listing including guidelines for review and appropriate incentives. For each proposed designation of a historic district, the city is responsible for mailing a notice of public hearing to all property owners of record whose property is located within the boundary of the proposed district fifteen days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least thirteen days prior to the hearing.

- e. A commemorative historic district may be nominated by petition representing 20% of the property owners or by the HPB or by a city commission member who believes that the nominated area meets the definition. A historic district that is commemorative and whose designation report does not contain a design review requirement will not require a vote of the property owners, but shall require a public hearing as described in section 58-457(2) d.

- (3) Decision of the historic preservation ~~commission~~ board. If, after a public hearing, the HPCB finds that the proposed local historic landmark, resource or district meets the criteria set forth in section 58-456 it shall transmit such findings to the city commission along with the recommendation that the designation be approved. The historic landmark, resource or district shall only be recorded in the Winter Park Register of Historic Places following adoption of a resolution of the city commission approving such designation.

- (4) ~~The city commission shall further direct staff to notify the following of the action with a A~~ copy of the resolution(s) designating the historic landmark, resource or district and the adopted guidelines for review shall be sent to:

- Planning ~~and Community Development~~ Department
- Building and Code Enforcement Department
- City Clerk
- Public Works Department
- Owners of the affected property and other parties having an interest in the property, if known

- (5) Following the published date of a public hearing before the HPCB, no permits shall be issued by the building ~~department division~~, except for permits that do not require the review of the historic preservation ~~commission board~~, for any new construction, exterior alterations, moving, or demolition of the real property that is the subject matter of the recommendation, until one of the following has occurred:

- The historic designation is enacted and a Certificate of Review is issued under the provisions of Division 4; or
- The historic designation is denied by the city commission; or
- The property owner has applied for an accelerated approval of a certificate of review prior to final enactment of the historic designation; and such certificate of review has been issued under the provision of section 58-473, and the property owner has voluntarily proffered a

covenant binding him to comply with all terms and conditions of the certificate of review which will cease to be effective should the city commission deny the historic designation.

- (6) Historic landmarks, resources or districts shall be formed as ~~an a-special~~ overlay, which shall be placed over the existing zoning. The regulations and procedures for both the zoning district and the historic landmark, resource or district regulations shall apply.

Division 4. CERTIFICATE OF REVIEW

Section 58-466. - Purpose.

The purpose of the certificate of review process is to assist owners of historical landmarks or resources and owners in historic districts, in accordance with design guidelines, who plan to rehabilitate, restore or redevelop their property for contemporary use to achieve their goals and take advantage of incentive programs while preserving the historic character, architecture and materials, to the greatest extent possible.

Section 58-467. - Pre-application conference.

Before entering binding commitments or incurring substantial expense in the preparation of plans, surveys and other data, and before submitting an application for a certificate of review, an applicant should confer with the ~~city~~ HPB staff to obtain information and guidance. The purpose of such conference is to further discuss and clarify conservation objectives and design ~~guidelines~~ in cases that do not conform to ~~established~~ objectives and ~~guidelines~~ the land development code. In no case shall any statement or representation made prior to the official application review be binding on the HPCB, the city commission or any city departments.

Section 58-468. - Review requirement.

The HPCB shall review and render a decision during an advertised public hearing on applications for ~~special~~ certificates of review for any proposed exterior alterations, additions, demolitions, or relocations of designated historic landmarks, historic resources, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement. The HPCB shall review and render a decision on all applications for ~~special~~ certificates of review for any proposed exterior alterations, additions, demolitions, new construction or relocations within the boundaries of designated historic districts for both contributing and non-contributing properties. The HPCB may approve, approve with recommendations, or deny an application. For reconstructed buildings that have been permitted pursuant to section 58-480, the provisions of this section shall still apply. Appeals are provided for in section 58-477.

Section 58-469. - Guidelines for review.

In adopting guidelines for review, it shall be the intent of the HPCB to preserve the exterior historic characteristics of the landmark, resource or district, and to promote maintenance, restoration,

adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites, and streetscapes. Guidelines shall also serve as criteria for staff to make decisions, as permitted by the HPCB, regarding applications for standard certificates of review.

- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation as revised in 1990 are generally the standards by which applications for any Certificate of Review for landmark buildings, sites, districts or neighborhoods are to be measured and evaluated. The HPCB may recommend additional standards to preserve and protect ~~special~~ features unique to the city or may recommend amending existing guidelines to the city commission.
- (2) Variances to achieve the design review standards for historic preservation may be granted from the land development code requirements as may be appropriate ~~to achieve the design review standards for historic preservation for the purposes of this ordinance provided the variance does not negatively affect the character of the area and with good cause shown.~~ These variances may include those for building height, side, rear and front setbacks, building coverage, floor area ratio, impervious coverage, stormwater retention and walls and fences. Building code exemptions may be granted subject to the guidelines of the Florida Building Code for qualified historic buildings or structures. Additional information to justify variances and exemptions may be needed.
 - a. When a variance or exception is considered, the application shall comply with the notice standards listed in Section 58-473 (c).
 - b. All variance requests through the HPCB design review process shall be limited to properties with individual landmark, resource or district designation. This landmark, resource or district designation must be completed before issuance of a building permit for the work that required a variance.
 - c. The appeal of a decision to grant or deny a variance by any person aggrieved by the decision of the HPCB shall be taken to the city commission after following notice criteria of Section 58-88 (c) (1) if filed within 15 days of the date of the decision by the HPCB.
- (3) The HPCB may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks and resources or on properties in a designated historic district.
 - a. Historic designation must be completed before the issuance of a building permit or approval for the construction, re-establishment or construction of a new garage apartment or accessory cottage.
 - b. Building setbacks shall be determined by the HPCB, however no garage apartment or accessory cottage shall be in a required front setback or closer than five feet to a rear or side line, unless such setback currently exists. ~~, or in a required front setback.~~
 - c. ~~Garage apartments or accessory cottages shall not exceed 1,000 square feet in size. It is desirable that garage apartments or accessory cottages not exceed 750 square feet. The HPB may reduce or enlarge this square foot limitation depending on the configuration or size of the property.~~ Conversion of any existing garage space shall not be allowed, but an existing garage may be enlarged in height or ground area to accommodate the garage apartment. Garage apartments or accessory cottages may

utilize a separate electric meter and utility connections contingent upon meeting the parking requirements for an accessory dwelling unit.

- d. Tenants must be provided on site parking space(s) behind the front setback of the principal residence. All required parking spaces must be accessed independently and shall not require moving any vehicle to allow another vehicle to enter or exit from the property. All vehicles shall be parked on site in spaces conforming to setbacks so that no regular daytime or overnight parking occurs on city streets. Violation of these terms and conditions will be deemed sufficient grounds for the Code Enforcement Board to order the discontinuation of the garage apartment or accessory cottage as a secondary living unit along with other penalties and remedies at their discretion.
- (4) Each designated historic district may adopt specific district guidelines for design review based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as revised in 1990 subject to final approval by the HPCB. Guidelines may be reviewed and amended from time to time.
- (5) Local guidelines for design review may be adopted based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as revised in 1990.

Section 58-470. – Forms.

Applications for certificates of review will be made on forms approved and provided by the historic preservation ~~commission~~ board.

Section 58-471. - Delegation of review authority.

HPCB may delegate the authority to appropriate staff members to review and grant administrative ~~standard~~ certificates of review without referral to the HPCB and without a public hearing in the case of certain types of applications, which the HPCB shall determine in advance.

Section 58-472. – ~~Standard certificates.~~ Administrative design review.

Based upon the standards for rehabilitation, the designation report, a complete application for administrative design review, and any additional plans, drawings or photographs to fully describe the proposed alteration, the city shall within 15 business days from the date a complete application has been filed, approve, approve with conditions or deny the application for a standard certificate of review administrative design review prior to the issuance of a building permit. The decision shall be based upon the standards in section 58-469(1). The findings of the city shall be mailed to the applicant within three days of the city's decision accompanied by a statement in full regarding the decision. The applicant shall have an opportunity to challenge the city's decision by applying for a ~~special~~ certificate of review from the HPB within 15 days of the findings.

Section 58-473. ~~Special certificates.~~ Certificate of Review.

- (a) An applicant for a ~~Special~~ Certificate of Review whether for exterior alteration, addition, restoration, renovation, moving or demolition, shall submit an application to the HPCB accompanied by photographs, elevations, site plans, floor plans, and samples of materials as

deemed appropriate by the HPCB to fully describe the proposed appearance, materials and architectural design of the building, other outbuildings, and site plan. The application shall include floor area ratio, impervious lot coverage and height and setback calculations as well as landscape and hardscape plans if appropriate. The applicant shall provide adequate information to enable the HPCB to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological zone, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.

- (b) In the event that the applicant is requesting a ~~special~~ certificate of review for demolition, the HPCB shall be provided with the details for the proposed disposition of the site. The HPCB may require architectural drawings, financial plans or other information regarding any proposed new construction. Proposed demolitions shall be reviewed subject to the considerations in section 58-479.
- (c) The HPCB will rule upon applications for a certificate of review during a public hearing. A notice of the hearing shall be published in a newspaper of general circulation within the city at least ~~thirteen~~ 15 days in advance of the hearing. Written notice of the time and place of the hearing and the proposed action to be taken shall be mailed at least 15 days in advance of the meeting to all owners of record of property within 500 feet of the property requesting a certificate of review. A notice shall also be posted upon the property at least 15 days in advance of the hearing.
- (d) An approved Certificate of Review and any accompanying variance(s) shall expire one year after the date of approval. Upon the request of the property owner, staff may administratively extend the approval for an additional year. After two years, the property owner may request an extension from the HPB.

Section 58-474. - Decision of the ~~Commission Board~~.

The decision of ~~the historic preservation commission~~ HPB shall be based upon the guidelines set forth in section 58-469 as well as the general purpose and intent of these regulations and any specific planning objectives and design guidelines officially adopted for the particular historic landmark, resource or historic district. The decision may include such incentives for preservations as the HPCB finds appropriate. ~~No decision of the HPCB shall result in an inordinate burden for the owner if the HPCB has determined the existence of such burden in accordance with state law.~~ The decision of the HPCB shall include a complete description of the reasons for such findings and details of the public interest that is sought to be preserved and shall direct one or more of the following actions:

- (1) Issuance of a ~~special~~ certificate of review for the work proposed by the applicant; or
- (2) Issuance of a ~~special~~ certificate of review with specified modifications and conditions or;

- (3) Issuance of a ~~special~~ certificate of review with recommendations for zoning required for the ~~to~~ preservation of the building or site and those recommendations shall be placed on the consent agenda of the soonest possible planning and zoning ~~commission board~~ meeting.
- (4) Denial of the application and refusal to grant a certificate of review; or
- (5) Issuance of a ~~special~~ certificate of review with a deferred effective date of up to 12 months from the date of the HPCB's decision at a public hearing in cases of demolition or moving of a significant building.

Section 58- 475. - Time limit.

The historic preservation board shall act upon an application within 60 days of receipt of the proposed action. The time limit may be waived at any time by mutual written consent of the applicant and the HPCB.

Section 58-476. – Record.

The decision of the historic preservation ~~commission board~~ shall be issued in writing. Evidence of approval of the application shall be by certificate of review issued by the HPCB or the HPCB's designated staff representative to the applicant, and whatever its decision, notice in writing shall be given to the applicant, city clerk, and the director of the planning ~~and community development~~ department. When an application is denied, the HPCB's notice shall provide an adequate written explanation of its decision. The HPCB shall keep a written record showing its action on each application considered.

Section 58-477. - Appeals.

- (a) Any substantially affected party may appeal any decision of the HPCB to the city commission by filing within 15 days after the date of the decision a written notice of appeal and an appeal fee as established by the city's schedule of fees. The notice shall set forth concisely the decision appealed from and the reasons or grounds for the appeal.
- (b) The appeal shall be heard by the city commission, which shall hear and consider all facts material to the appeal and render a decision promptly. The appeal shall be a de novo appeal. The city commission may affirm, modify or reverse the HPCB's decision based on the standards in section 58-469. The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to a the courts having jurisdiction over the matter. as provided by the Florida Rules of Appellate Procedure.

Section 58-478. - Change in approved work.

The HPCB's staff shall review any change in work proposed subsequent to the issuance of a certificate of review. If the HPCB's staff finds that the proposed change does not materially affect the historic character or the proposed change is in accord with approved guidelines, it may issue a supplementary ~~standard~~ certificate of review for such change. If the proposed change is not in accordance with

guidelines, standards, or certificates of review previously approved by the HPCB, a new application for a ~~special~~ certificate of review shall be required.

Section 58-479. - Guidelines for issuance – Demolition, and construction, excavation or other disturbance in archaeological zones.

(a) In addition to all other provisions of this article the HPCB shall consider the following criteria in evaluating applications for a ~~special~~ certificate of review for demolition of designated properties:

- (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- (3) The structure is one of the last remaining examples of its kind in the city, the county or the region.
- (4) The structure contributes to the historic character of a designated district.
- (5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.
- (6) There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

(b) In cases where new construction, excavation, tree removal or any other activity may disturb or reveal an identified interred archaeological site, the HPCB may issue a certificate of review with a delayed effective date up to 60 days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the HPCB. A certificate of review may be denied if the site were of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

Section 58-480. - Reconstruction of destroyed historic landmarks.

The loss of local historic landmarks, resources or contributing structures within a historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building, structure or object as it appeared at a certain point in time. The HPCB shall encourage reconstruction when deemed appropriate when such reconstruction is based upon evidence of the size, form, architectural style and detail of the original building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places.

DIVISION 5. - ADMINISTRATION AND ENFORCEMENT

Section 58-491. National Register of Historic Places Nominations.

The HPCB shall review local nominations to the National Register of Historic Places and shall forward a record of their actions and recommendations to the Florida State Historic Preservation Officer.

- (1) The city commission, city manager, planning ~~and community development~~ department director, owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPCB meeting in which to comment on or object to the listing of a property in the National Register of Historic Places.
- (2) Objections by property owners must be submitted in writing and their signature notarized to prevent nomination to the National Register of Historic Places.

Section 58-492. - Certified Local Government Performance.

The HPCB shall apply to participate in the certified local government program through the Florida Division of Historical Resources. As part of the program requirements the HPCB shall:

- (1) Provide 30 days prior notice of all meetings to the state historic preservation officer.
- (2) Submit minutes of each meeting to the state historic preservation officer within 30 days of each meeting.
- (3) Submit record of attendance for the HPCB to the state historic preservation officer within 30 days of each meeting.
- (4) Submit public attendance figures for each meeting to the state historic preservation officer within thirty days of each meeting.
- (5) Notify state historic preservation officer of any change in HPCB membership within 30 days of the action.
- (6) Notify state historic preservation officer immediately of all new historic designations or alterations to existing designated buildings, structures and sites.
- (7) Submit amendments to ordinance to the state historic preservation officer for review and comment at least 30 days prior to adoption.
- (8) Submit annual report by November 1 covering previous October 1 through September 30. The annual report shall include:
 - a. Any changes to the rules of procedure.
 - b. The number of proposals reviewed.
 - c. All new designations.
 - d. Changes to the HPCB.
 - e. Revised resumes of HPCB members as appropriate.
 - f. Changes to the historic preservation ordinance.
 - g. A review of any survey and inventory activity with a description of the system used.
 - h. A program report on each grant-assisted activity.

Section 58-493. - Amendments.

Applications for amendments to existing designated historic landmarks, resources or historic districts shall be processed according to the provision of sections 58-456 and 58-457 of this chapter provided that no action resulting from such application shall have the effect of eliminating the requirement for

certificates of review as otherwise provided for in this article. Where the HPCB has issued a certificate of review for demolition or moving of the improvement or feature of principal historic significance on a historic landmark site, the historic classification may be changed through the amendment process.

Section 58-494. - Ordinary maintenance and repair.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any improvement, which does not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features.

Section 58-495. - Enforcement of maintenance and repair provisions.

Where the HPCB or city determines that any improvement of a designated historic landmark or historic district is endangered by lack of maintenance and repair, or that other improvements in visual proximity to a historic landmark, historic resource or historic district ~~or neighborhood~~ lack maintenance and repair to such an extent as to detract from the desirable character of the historic landmark, historic resource or historic district, it shall request appropriate officials or agencies of the city to require correction of such deficiencies under authority of applicable laws and regulations.

Section 58-496. - Unsafe structures.

In the event the building official determines that any designated landmark building, historic resource or contributing structure within a designated historic district is unsafe pursuant to the Winter Park Building Code, he or she shall immediately notify the HPCB with copies of such findings. Where reasonably feasible within applicable laws and regulations, the building official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the HPCB. The HPCB may take appropriate actions to effect and accomplish the preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, if such actions do not interfere with procedures in the Winter Park Building Code.

Section 58-497. Emergency conditions.

For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to an improvement, or site within a designated historic landmark, resource or district pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it later under the normal review procedure of this article.

Section 58-498. - Inspections.

The Building and Code Enforcement Department shall assist the HP~~CB~~ by making necessary inspections in connection with enforcement of this article. The building official shall be responsible to promptly stop any work attempted to be done without or contrary to any Certificate of Review required under this division and shall further be responsible for ensuring that any work not in accordance with an issued Certificate of Review shall be corrected to comply with the certificate, or that authorized remedial action in accordance with city codes is initiated promptly.

Section 58-499. - Reserved. ~~Inordinate burden.~~

~~Nothing in this ordinance shall cause an inordinate burden to a property owner's existing use of real property or a vested right under 1995 FLA. Laws Ch. 95-181, § (1-2), the Bert J. Harris, Jr. Private Property Rights Protection Act. An inordinate burden to a property owner's existing use of real property or a vested right may not be considered unless an application for a certificate of review for a designated property has been denied. In any instance where there is a claim of an inordinate burden to existing use of real property or vested rights, the owner shall submit, by affidavit, to the commission at least 30 days prior to a public hearing, such information as may be required to describe those vested rights and the perceived inordinate burden to those rights.~~

Section 58-500. - Violations.

Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature or site either to its appearance prior to the violation or in accordance with a Certificate of Review approved by the HP~~CB~~. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty otherwise provided in section 2-108.

Division 6. TAX EXEMPTIONS FOR HISTORIC PROPERTIES

Section 58-511. - Scope of tax exemptions.

A method is hereby created for the city commission to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption may apply to 100 percent of the assessed value of all improvements to historic properties, which result from restoration or rehabilitation made on or after the effective date of an approved application. The exemption applies only to taxes levied by the city. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property.

Section 58-512. - Duration of tax exemptions.

Any exemption granted under this section to a particular property may remain in effect for ten years as specified in the ordinance approving the exemption. The duration of ten (10) years may continue regardless of any change in the authority of the city to grant such exemptions or any changes in

ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements, which qualified the property for an exemption, must be maintained over the period for which the exemption was granted.

Section 58-513. - Eligible properties and improvements.

(a) Property is qualified for an exemption under this section if:

(1) At the time the exemption is granted, the property is:

- a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended;
- b. A contributing property within a National Register listed district; or
- c. Individually listed in the Winter Park Register of Historic Places or noted as a contributing structure within a designated local historic district as enacted by ordinance of the city commission.

(2) The HPCB has certified to the city commission that the property for which an exemption is requested satisfies subsection (a) (1).

(b) In order for an improvement to a historic property to qualify the property for an exemption the improvement must be;

- (1) Consistent with the United States Secretary of the Interior's Standards for Rehabilitation and/or local design guidelines for historic preservation; and
- (2) Determined by the HPCB to meet criteria established in rules adopted by the department of state.

Section 48-514. – Applications.

Any person, firm or corporation that desires ad valorem tax exemption from the improvement of a historic property must, in the year the exemption is desired to take effect, file with the historic preservation staff a written application on a form approved by the Florida Department of State. All applicable fees shall be paid at the time the application is submitted. The application must include the following information:

- (1) The name of the property owner and the location of the historic property.
- (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvement.
- (3) Proof to the satisfaction of the HPCB that the property that is to be rehabilitated or renovated is a historic property under this section.
- (4) Proof to the satisfaction of the HPCB that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Florida Department of State.
- (5) Other information identified in appropriate Florida Department of State regulations.

Section 58-515. - Required covenant.

To qualify for an exemption the property must enter into a covenant or agreement with the City Commission for the term for which the exemption is granted. The form of the covenant must be established by the Florida Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors or assigns. Violations of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years plus interest on the difference calculated as provided in F.S. 212.12(3).

Section 58-516. - Review by historic preservation ~~commission~~ board.

The HPCB or its successor is designated to review exemptions. The HPCB must recommend that the city commission grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Florida Department of State. The recommendation and the reason therefore must be provided to the applicant and to the city commission before consideration of the application at an official meeting.

Section 58-517. - Approval by the city commission.

A majority vote of the city commission shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The city commission shall include the following in the ordinance approving the written application for exemption:

- (1) The name of the property owner and the address of the historic property for which the exemption is granted.
- (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
- (3) A finding that the historic property meets the requirements of this article.



city commission public hearing

| | | | |
|---------------------------------------|---|--------------|--|
| item type | Public Hearing | meeting date | March 12, 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 checked="" type="checkbox"/> N/A final vote | | |

subject

Undergrounding of Electric/CATV Facilities Confirming and Declaring Resolutions
Via Salerno/Mayfield Avenue

motion | recommendation

Approve confirming and declaring resolutions calling for the City of Winter Park City Commission to convene as an Equalization Board pertaining to the undergrounding of electric/CATV facilities in the area of Via Salerno and Mayfield Avenue. Staff recommendation is to approve both resolutions.

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 CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS IN AND FOR THE CITY, TO-WIT: UNDERGROUND ELECTRIC/CATV (BHN) FACILITIES ALONG VIA SALERNO AND MAYFIELD AVENUE FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park, Florida has established a policy for undergrounding electric/CATV (BHN) facilities within the City; and

WHEREAS, the owners of the requisite number of lots within the area along Via Salerno and Mayfield Avenue have requested the undergrounding of electric/CATV (BHN) facilities, and

WHEREAS, Section 170.201, Florida Statutes, allows the City Commission of the City of Winter Park to levy and collect special assessments to fund capital improvements and municipal services; and

WHEREAS, the expenses of the electric/CATV (BHN) undergrounding project are to be defrayed by special assessments; and

WHEREAS, Sections 170.03 and 170.201, Florida Statutes, establish procedures to be followed by the City of Winter Park prior to commencement of the Project.

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

Section 1. The City of Winter Park shall provide public improvements consisting of the undergrounding of electric/CATV (BHN) facilities in the area described as, Via Salerno and Mayfield Avenue. The exact location and description of such improvements and municipal services appear upon the plans and

specifications on file with the Electric Utility Department of the City of Winter Park.

Section 2. The estimated cost of this improvement to be paid by special assessments is \$44,050.00 (electric) and \$5,236.00 (BHN), representing an estimated unit cost of \$2,937.00 (electric) and \$349.00 (BHN) per adjacent parcel, which will be paid by special assessments established by the City Commission of the City of Winter Park in accordance with the provisions of Chapter 170, Florida Statutes. Such assessments, when established, the amount of the first year's assessment, and the method and schedule for payment, are as set forth on Schedule A attached hereto, and may be paid to the city as follows:

In cash without interest, at anytime within 30 days after the aforesaid improvement has been completed, or

In ten (10) equal annual installments of principal and interest accrued at the rate of 4.25% per annum for electric undergrounding and prime interest for CATV (BHN) undergrounding, such payments to commence upon the approval of the resolution and submittal to the appropriate agency(s) for inclusion in the tax roll(s) and annually there-after.

If such annual installments are not paid when due, there shall be added a penalty of one percent (1%) thereof per month until paid. Such assessments shall constitute liens, and shall be enforceable as provided in Chapter 170, Florida Statutes.

Section 3. The lands upon which the aforesaid special assessments shall be levied shall be all lots and lands adjoining and contiguous or bounding and abutting within the described Neighborhood Electric Assessment District (NEAD) improvements which are specially benefitted thereby and further designated by the assessment plat herein provided for.

Section 4. The public is invited to review the assessment plat, the plans and specifications, and the estimate of the cost of the Project, all of which are on file with the City Clerk of the City of Winter Park, Florida, all as required by Chapter 170, Florida Statutes.

Section 5. This Resolution shall be published once in a newspaper of general circulation published in the City of Winter Park, Florida.

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 12th day of March, 2012.

Kenneth W. Bradley, Mayor

Attest:_____
Cynthia S. Bonham, City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170.03, FLORIDA STATUTES, CONFIRMING THE SPECIAL ASSESSMENTS FOR THE UNDERGROUNDING OF ELECTRIC/CATV (BHN) FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ADJACENT TO VIA SALERNO AND MAYFIELD AVENUE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park, Florida has determined and does hereby determine, to make and fund certain public improvements and municipal services authorized by Section 170.01 and 170.201, Florida Statutes, consisting of undergrounding electric/CATV (BHN) facilities, generally described as adjacent to those properties on Via Salerno and Mayfield Avenue, more specifically indicated hereafter, such public improvements to be hereinafter referred to as the “Project”; and

WHEREAS, a portion of the expenses of the Project are to be defrayed by special assessments; and

WHEREAS, Section 170.07, Florida Statutes, requires that a public hearing be conducted with respect to the special assessment roll which has heretofore been filed with the City Clerk; and

WHEREAS, Section 170.08, Florida Statutes, requires that at said public hearing the City Commission of the City of Winter Park meet as an equalizing board to hear and consider any and all complaints as to such special assessments; and to adjust and equalize the said assessments when necessary on a basis of justice and right; and

WHEREAS, the City Commission of the City of Winter Park has met as such equalizing board and has heard and considered all complaints as to such special assessments raised by the owners of property to be assessed and other interested persons.

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, after hearing and considering all complaints brought before it as to the special assessments to be charged against property owners for the undergrounding of electric/CATV (BHN) facilities and funding of capital improvements consisting of undergrounding of electric/CATV (BHN) facilities along Via Salerno and Mayfield Avenue, does hereby

approve and confirm the special assessments as contained in the Special Assessment Rolls filed with the City Clerk of the City of Winter Park.

Section 2. By being so approved and confirmed, such assessments shall become legal, valid and binding first liens, upon the property against which such assessments are made, until paid.

Section 3. The City Clerk shall cause such approved and confirmed special assessments to be duly recorded in a special book to be known as the “improvement lien book”. The record of the lien in said book shall constitute prima facie evidence of its validity.

Section 4. 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 12th day of March, 2012.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk