



city commission agenda

Regular Meeting Commission Chamber

August 26, 2013
3:30 p.m.
Commission Chambers

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

welcome

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

meeting procedures

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

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

1	Meeting Called to Order	
2	Invocation Fire Chief Jim White Pledge of Allegiance	
3	Approval of Agenda	
4	Citizens Budget Comments	
5	Mayor's Report	
	a. Presentation – Winter Park Chamber of Commerce's Lifetime Achievement Award	5 minutes
6	City Manager's Report	Projected Time
7	City Attorney's Report	Projected Time
8	Non-Action Items	Projected Time

9	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)	
10	Consent Agenda <ul style="list-style-type: none"> a. Approve the minutes of 8/12/13. b. Approve the purchase order for Technical Solutions to perform work for CIP project - Alum Station upgrades under approved Stormwater CIP using Stormwater Utility Funds; \$137,213. c. Approve the budget adjustment to fund payments to Waste Pro and ADPI (third party billing agent for ambulance transport services) through the remainder of the current fiscal year. d. Approve the annual review of the City's Debt Management Policy. e. Approve the expenditure of \$149,700 of Federal Forfeiture Funds for the purchase and installation of the AeroClave Hydra System and two portable units. 	Projected Time 5 minutes
11	Action Items Requiring Discussion <ul style="list-style-type: none"> a. Budget discussion 	Projected Time 30 minutes
12	Public Hearings <ul style="list-style-type: none"> a. <u>Police and Fire Pension ordinances:</u> <ul style="list-style-type: none"> - Ordinance – Amending the Firefighters' Pension Plan (2) - Ordinance – Amending the Police Officers' Pension Plan (2) b. Resolution – Designating 940 Old England Avenue as a historic resource in the Winter Park Register of Historic Places c. <u>Request of the City of Winter Park:</u> <ul style="list-style-type: none"> - Ordinance – Revising the permitted and conditional uses regulations for restaurants and other food service establishments; providing definitions for fine dining and other restaurants (1) 	Projected Time 10 minutes 10 minutes 40 minutes
13	City Commission Reports <ul style="list-style-type: none"> a. Commissioner Leary b. Commissioner Sprinkel c. Commissioner Cooper d. Commissioner McMacken e. Mayor Bradley 	Projected Time 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

August 26, 2013

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
Lee Road Median Update	Revised permit documents for palm trees submitted and currently under review. Submitted revised plans 8-6-13 to FDOT.	September 2013
Fairbanks Improvement Project	<p>Progress Energy continuing to study transmission/distribution lines between I-4 and 17-92. FDOT has approved funding for PEF project engineering. PEF and FDOT have executed the engineering agreement.</p> <p><u>Communication Notices</u></p> <ul style="list-style-type: none"> • Jackson lift station is largely complete. • Gravity sewer is complete and being tested. • Paving mostly completed 	<u>Construction Project</u> On schedule
Wayfinding Signs	All non-FDOT wayfinding signs are installed. Permitting of the FDOT signs continues. Old signs are being removed.	All available locations have been installed.
Post Office Discussions	No new developments.	
Organizational Support	Will be discussed along with proposed FY14 budget and adoption process.	September 2013
Amtrak/SunRail Station	Roof trusses and decking being constructed. West parking lot improvements completed.	Building complete December 2013 SunRail complete May 2014
Quiet Zones	FDOT consultant still reviewing concept plans. Field meeting held July 23-24.	Ongoing coordination with MetroPlan and FDOT.
Wholesale Power Supply	Power supply portfolio approved by Commission 6/24. Contract negotiations with suppliers are underway.	September 2013
Territory/CR-3 Negotiations	Ongoing discussions with Progress Energy/Duke	August/September 2013

New Hope Baptist Church Project	The pastor notified us that they are having a new person take over the work and will be moving ahead soon. The Pastor's daughter (recovering from major surgery) has returned to handle the DCF licensing with the State.	Fall of 2013 (per Pastor)
Martin Luther King, Jr. Park	Pond expansion started on July 8 and will take four weeks to complete. Excavation completed. Grading and boardwalk bridge will begin 8-7-13.	Completion - August 2013
Strategic Planning Session	The strategic planning meeting will be held at the Winter Park Community Center on September 6 from 9 a.m. to 2 p.m.	

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.

REGULAR MEETING OF THE CITY COMMISSION
August 12, 2013

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:31 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Parks and Recreation Director John Holland, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Tom McMacken

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Mayor Bradley to remove Item 11b; seconded by Commissioner McMacken to approve the agenda with the above change; approved by acclamation with a 5-0 vote.

Budget Comments

Joe Terranova, 151 N. Virginia Avenue, commended City Manager Knight, staff and the Commission for establishing goals and providing feedback during the budget season. He approved the budget but did not want the City to use the profits from the electric utility fund for anything other than undergrounding. He suggested that the City set a definitive goal for the undergrounding program by determining what the yearly contribution amount should be over a certain period of time; then allow staff to figure out how we are going to achieve that goal.

Mayor's Report

- a. Check presentation of \$25,000 from the Winter Park Health Foundation to go toward the purchase of the City's new shuttle bus.

Patricia Maddox, President and CEO of Winter Park Health Foundation, presented a \$25,000 check to help pay for the new city shuttle bus to be used by the Community Center to transport seniors and youth to the various off-site programs.

- b. Board appointments:
 - Code Enforcement Board:
Daniel McIntosh and John Hunt (2012-2015 terms)

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

- Construction Board of Adjustment and Appeals Board:
William (Bill) Maroon (alternate) (term 2012-2015)

Motion made by Mayor Bradley that the Construction Board of Adjustment and Appeals appointment is accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

City Manager's Report

City Manager Randy Knight reminded the Commission to submit their budget comments/suggestions to him no later than August 15.

City Attorney's Report

Attorney Larry Brown addressed the letter recently sent to the Commission outlining the City's authority with regulating activities on our lakes and offered to address any questions. City Manager Knight acknowledged the request to provide information on the overall process including who is in charge of issuing permits for activities on the lakes.

Commissioner Cooper noted that there is new legislation on public/private partnerships and felt that it would be advantageous for the City Attorney to research this and provide feedback. Attorney Brown acknowledged. Commissioner Sprinkel asked to set aside some time during the strategic planning meeting to discuss public/private partnerships and how they should move forward.

Non-Action Item

a. June 2013 Financial Report

Finance Director Wes Hamil provided the financial report and answered questions.

Motion made by Commissioner Cooper to approve the report as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Public comments (5:00 p.m.)

1. Bunny Simmerson, 383 Sylvan Drive, detailed the history of the old historic Alabama House located at 1700 Alabama Drive. She explained that her husband and her acquired the Alabama House in the early 1980's and while in the process of turning the home into a condominium she researched the historical archives and noticed that a lot of the dates in the City and library records are incorrect. She hoped the Historical Preservation Board would contact her so that she can help

them document/publish the correct information. Mayor Bradley let her know that City staff will be in touch with her and assist with the historical designation process.

2. Sally Flynn, 1400 Highland Road, believed that our community does not understand the designation program. She asked the City to educate the residents so they can embrace the program and voluntarily place their homes onto the historic register.

3. Jan Clanton, Public Art Advisory Board (PAAB), 1030 McKean Circle, asked the City to contribute an additional \$19,000 to add the Art in Transit element at the SunRail station. She explained that this item was discussed and approved by the Commission during their January 28, 2013 meeting.

City Manager Knight explained that on January 28 the Commission only approved the artwork. He said FDOT has budgeted \$6,500 for the Art in Transit component. He explained his understanding that the artist was to hold a fundraising event to raise the rest of the money needed; however, the PAAB is now requesting that the City contribute \$19,000 which is the remainder of the funds needed. Mayor Bradley acknowledged the request and asked City Manager Knight to provide them with several budget recommendations to fulfill this request.

4. Jeffrey Blydenburgh, 204 Genius Drive, complimented the work done by the Historical Preservation Board and agreed that the residents need further education.

5. Lurline Fletcher, 790 Lyman Avenue, felt that there are a significant amount of historical assets on the west side that should be registered or designated. She asked the HPB to research this part of the community as well.

Consent Agenda

- a. Approve the minutes of 7/22/13.
- b. Approve the following purchases and contracts:
 1. After the fact Purchase Order 150557 to NU Environmental Development for pond excavation in conjunction with CNL development project for the Martin Luther King, Jr. Park excavation; \$70,000.00.
 2. Clay brick pavers for the New England/Alfond Inn Bricking project to Brick America (IFB-15-2011); \$67,210.00.
 3. Contract renewal and subsequent Purchase Order with Cigna Group Insurance for RFP-19-2008 Group Term Life, AD&D, and Voluntary Term Life for Employee, Spouse and Children, Long Term Disability and authorize the Mayor to execute the Renewal Package documents; \$133,282.
 4. Contract renewal and subsequent Purchase Order with MetLife Dental Group Insurance for RFP-19-2008 and authorize the Mayor to execute the Renewal Package documents; \$370,851.

5. Contract renewal and subsequent Purchase Order with Aetna for RFP-6-2007 for medical insurance and authorize the Mayor to execute the Renewal Package documents; \$6,128,100.
6. Contract with ARAG to offer Pre-paid Legal Services benefits for employee and spouse.
7. Piggybacking the South Florida Water Management District Contract #6000000579 with Winfield Solutions, LLC for various herbicides and related adjuvants and authorize the Mayor to execute the Piggyback Contract.
- c. Authorize the Mayor to execute the power supply and interconnection agreements with the Orlando Utilities Commission; and to execute the T-1 tariff service agreement and associated transaction confirmations with Florida Power & Light Company plus a limited services agreement which will allow FPL to act as the City's Transmission Agent.
- d. Confirm the appointment of Dori Stone as Director of Planning and Community Development (Planning and Economic Development/CRA Departments to be consolidated into one unified department).

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

Action Items Requiring Discussion

- a. Comparison report: Winter Park Register of Historic Places and the National Register of Historic Places

Planner Lindsey Hayes explained the Commission approval on July 8, 2013 regarding the Historic Preservation review process. She addressed that on July 10, 2013 the Historic Preservation Board (HPB) reviewed the suggested tasks and the review process as directed by the Commission. On July 15 and July 25 the HPB held two special meetings to review and approve the information being presented today.

Randall Glidden, Chairman of the Historic Preservation Board, provided a Power Point presentation. He discussed in detail: that preservation is future oriented; New Nation – New History; The National Register of Historic Places Criteria; the Downtown Winter Park Historic District; the Interlachen Avenue Historic District; advantages and disadvantages associated with listing on the National Register; Federal Tax Credit Programs; How communities protect their resources; the Path to Preservation; the Historical Resources Task Force 2000; Components of the ordinance and what it does and does not do; the Designation Process for Individual Properties; Results of Designation to the Winter Park Register of Historic Places; What is a Historic District and the designation process for Historic Districts; the benefits of Local Historic Districts; the Goals for the Conservation of Vintage Neighborhoods and Landmarks; if repairs and improvements can be made; if there

can be infill and redevelopment in a district; and the overall review process. Mr. Glidden answered questions posed by the Commission.

Ms. Hayes explained that staff will continue to work on the other tasks as outlined by the Commission including an update to the current inventory of historic properties. She said the HPB is suggesting the use of a consultant (not to exceed \$10,000) to assist in looking at the benchmarking with other key cities including those indicated by the Commission and others that might be relevant. The consultant would also assist in proposing modifications to the HPB ordinance that could help achieve the goals to increase the number of designated properties pursuant to goals as may be established by the Commission. Ms. Hayes asked for direction regarding the hiring of a consultant.

Mayor Bradley addressed the direction provided at the July 8 meeting by approving the use of an outside consultant if needed and that City Manager Knight has the authority to sign the contract as long as it is under the allotted threshold amount.

Ms. Hayes acknowledged the request to provide the Power Point to the Commission via email and to post it on the City's website.

City Manager Knight advised that prior to the start of today's meeting he received a telephone call from Debbie Komanski (Polasek Museum) asking to relay a message from her to the Commission. She said if they are successful in moving the Capen House they intend to place it on the historic register.

b. CNL request to use City owned land for public/private parking structure

This item was removed from the agenda.

Public Hearings:

- a. ORDINANCE NO. 2932-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA REPEALING OBSOLETE PROVISIONS AND AMENDING CHAPTER 98, TRAFFIC AND VEHICLES, ARTICLE VI, TRAFFIC LIGHT SAFETY ACT, OF THE CITY CODE TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICER CONSISTENT WITH GENERAL LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. Second Reading

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

- b. ORDINANCE NO. 2933-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 2-107(e), ADMINISTRATIVE FINES; COSTS OF REPAIR; LIENS, OF CHAPTER 2, ADMINISTRATION, REPEALING THE CLAUSE DECLARING THAT CODE ENFORCEMENT LIENS TAKE PRIORITY OVER OTHER LIENS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND EFFECTIVE DATE.
Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Leary.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. The motion carried with a 4-0 vote. Commissioner Sprinkel was absent during the vote.**

- c. Red Light Camera Program:

Attorney Brown read all three resolutions by title.

RESOLUTION NO. 2125-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPOINTING A HEARING OFFICER PURSUANT TO THE AUTHORITY CONFERRED IN CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner McMacken. 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.**

RESOLUTION NO. 2126-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPOINTING A STAFF MEMBER OF THE CITY OF WINTER PARK POLICE DEPARTMENT AS DESIGNATED BY THE CHIEF OF POLICE AS THE CLERK TO THE LOCAL HEARING OFFICER FOR RED LIGHT CAMERA INFRACTION HEARINGS PURSUANT TO CHAPTER 98, OF THE WINTER PARK CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion made by Commissioner Sprinkel to adopt the resolution; 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.**

RESOLUTION NO. 2127-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING THE AMOUNT OF THE MUNICIPAL COSTS FOR RED LIGHT CAMERA INFRACTIONS PURSUANT TO CHAPTER 98, WINTER PARK CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Motion made by Commissioner McMacken to adopt the resolution; 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.

- d. Police and Fire Pension ordinances to comply with recent changes to the Internal Revenue Code relating to tax qualified pension plans:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 3, FIREFIGHTERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-154, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-165, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. City Manager Knight explained that based on recent statutory revisions several administrative changes were made to the ordinances per the direction of our pension attorney.

In addition, the police pension ordinance also incorporates the new statute related to limiting 300 hours of overtime and limiting the amount of accrued vacation/personal leave that will be paid out from the police side. He explained that this specific information is currently in the police contract; however, the fire contract is still being worked on so this language is not in the fire pension ordinance. City Manager Knight answered questions.

Commissioner Sprinkel felt it would be advantageous to know what percentage of the City's budget goes towards the police and fire departments. She asked City Manager Knight to provide the information in a pie chart format so that everyone can understand it more clearly.

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-201, DEFINITIONS; AMENDING SECTION 74-204, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-215, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by**

Commissioner Sprinkel. 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 items.
- b. Commissioner Sprinkel

Commissioner Sprinkel addressed the great turnout at Mayor Bradley's coffee talk.

Commissioner Sprinkel asked staff to provide a monthly or quarterly report on items such as how many children attended summer camp, how many people we are transporting to social events via the new city bus that was just purchased, etc. The request was acknowledged by City Manager Knight.

- c. Commissioner Cooper

Commissioner Cooper thanked Attorney Brown for providing information outlining the City's authority with regulating activities on the lakes. She suggested that we obtain feedback from our Lakes and Waterways Board as to what other municipalities are allowing or not allowing and how they are handling the safety issues of paddle boarders, etc.

As requested, Director of Planning and Community Development Dori Stone provided a brief status update concerning street musicians on the Avenue.

- d. Commissioner McMacken – No items.
- e. Mayor Bradley

Mayor Bradley encouraged everyone to drive safely during the school starting season and welcomed all of the students back to school.

Mayor Bradley expressed excitement to attend the grand opening of the Alford Inn Hotel this coming Sunday and said the new boutique hotel is a great addition to our community.

The meeting adjourned at 5:40 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

item type	Consent Agenda	meeting date	August 26, 2013
prepared by department division	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		

Purchases over \$50,000

	vendor	item background	fiscal impact	motion recommendation
1.	Technical Solutions	Alum Station Upgrades under approved Stormwater CIP Using Stormwater Utility Funds	Total expenditure included in approved FY13 Capital Improvement Project. Amount: \$137,213	Commission approve the subsequent Purchase Order for Technical Solutions to perform work for CIP project.
This request is for purchase requisition 152931 to continue work on the Alum Station CIP for stormwater utility.				



city commission agenda item

item type	Consent Agenda	meeting date	August 26, 2013
prepared by department division	Wes Hamil, Finance Director Finance	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

Budget adjustment to fund payments to Waste Pro and ADPI (third party billing agent for ambulance transport services) through the remainder of the current fiscal year.

motion | recommendation

Approve budget adjustment

background

Garbage collection and ambulance billing revenues are higher than originally projected in the budget due to additional activity as are the related cost. This budget adjustment formally appropriates the additional revenue to be used to pay related bills for the last two to three months of the fiscal year.

alternatives | other considerations

N/A

fiscal impact

No impact to bottom line

long-term impact

N/A

strategic objective

N/A

CITY OF WINTER PARK

BUDGET ADJUSTMENT

SUBMITTING DEPARTMENT: Finance ADJUSTMENT NUMBER: _____DATE: 8/13/2013 GROUP NUMBER: _____

SOURCE OF FUNDS:			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT NUMBER	ADJUSTMENT
001-0000-313.70-00	Garbage franchise fee revenue		30,000
001-0000-343.40-10	Garbage revenue		30,000
001-0000-343.40-11	Special pickup revenue		1,000
001-0000-342.60-10	Ambulance transport revenue		10,000
TOTAL			<u><u>71,000</u></u>

USE OF FUNDS:			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT NUMBER	ADJUSTMENT
001-3109-534.34-40	Garbage and trash		60,000
001-3109-534.34-41	Special pickup		1,000
001-5104-522.34-40	Ambulance billing service		10,000
TOTAL			<u><u>71,000</u></u>

REASON FOR ADJUSTMENT REQUEST:

Appropriate projected revenues in excess of budget estimates to cover related costs

APPROVALS:

<div> <div>Wes Hamil</div> <div>Finance Director</div> </div>		Commission Approval Date	<div> <div>Randy Knight</div> <div>City Manager</div> </div>	<div> <div>8/15/2013</div> <div>Date</div> </div>
		8/14/2013		
		Date	Department Head	Date



city commission agenda item

item type	Consent Agenda	meeting date	August 26, 2013
prepared by department division	Wes Hamil, Finance Director Finance	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

City Debt Management Policy

motion | recommendation

Approve annual review of the City's Debt Management Policy

background

The City's Debt Management Policy calls for an annual review to determine if any revisions should be made to adjust to any changes in the municipal borrowing marketplace. Staff and the City's financial advisor, Public Financial Management, have reviewed the attached policy and do not recommend any changes. The last review was approved by the City Commission in August 2012.

alternatives | other considerations

fiscal impact

No impact to bottom line

long-term impact

strategic objective

DEBT MANAGEMENT POLICY
CITY OF WINTER PARK, FLORIDA

1. **Administration of debt policy:** The Finance Director of the City of Winter Park, Florida (the "City") is charged with overseeing and implementing the provisions of this policy. It shall be his/her specific responsibility to recommend to the City Manager/Assistant City Manager and subsequently to the City Commission the selection of any external agents (bond counsel, financial advisors, underwriters, arbitrage rebate consultants, paying agents, trustees, printers, etc.), to review the proposed annual capital expenditures and financing plan, to recommend specific projects for debt financing, to participate as members of the financing team in the issuance of any debt obligations of the City, and to ensure all continuing disclosure requirements are met following the sale of bonds.

The City Manager and Finance Director are responsible for administration of the City's financial policies. The City Commission is responsible for the approval of any form of the City's borrowing and the details associated therewith. Unless otherwise designated, the Finance Director coordinates the administration and issuance of debt.

2. **Purpose and Objective:** The adoption of a written debt policy by the City Commission and its active use help ensure a consistent approach to debt issuance which will benefit existing and future holders of City debt. Access to capital markets at reasonable interest rates and credit terms is a fundamental goal that is facilitated through the adoption of appropriate debt policies taking into consideration the amount and types of fixed and variable rate debt given the City's risk tolerance to market fluctuations, capital market outlook, future capital needs, credit, rating agency considerations, tax implications and industry competition.
3. **Scope:** This policy shall apply to all debt obligations of the City, whether for the purpose of acquisition or construction of City assets, the refunding of existing debt and for all interest rate hedging products and derivatives.

4. **Exceptions:** Exceptions to this policy will be approved by the City Commission.

5. **Reporting Practices:**

The Finance Department or designees will promptly notify the rating agencies of any debt restructuring, derivative products entered into or any other transaction, which does not involve issuance of debt but has an impact on the overall rate of interest on its debt or its debt structure. The Department or designees shall also respond to all inquiries from creditors, investors, and rating agencies in a complete and prompt fashion.

6. General Debt Issue Policies:

- a. **Structure:** The City's capital structure may consist of fixed rate and variable rate debt in both traditional and synthetic form along with hedging instruments such as interest rate swaps, caps, collars and other non-speculative derivative products. The percentage of total debt that may be variable rate-based may from time-to-time change, as debt management strategies change given interest rate environments and appropriate approvals. The risks associated with any given structure and the financial instruments used shall be fully explained to those who must decide and approve any final financing structure.
- b. **Borrowing:** The City Commission shall have the authority to borrow money, contract loans and issue bonds in accordance with the provisions of the Constitution of the State of Florida and the general laws of the state. However, approval by voter referendum shall be required prior to the issuance of any of the following categories of bonds per the City Charter:
 - 1. General obligation bonds which pledge the full faith and credit of the taxing power of the City,
 - 2. Revenue bonds intended to finance enterprises or projects which involve the purchase, lease and/or acquisition of real property by the City or agencies thereof, with the exception of revenue bonds issued to finance the purchase, lease and/or acquisition of park real property and/or park projects by the City or agencies thereof, or
 - 3. Revenue bonds which pledge specific non ad valorem taxes as the primary source(s) of revenue to pay principal and interest and which have a principal value in excess of one (1) million dollars. This dollar limitation shall be adjusted annually as of the end of each fiscal year in accordance with changes in the cost-of-living index as published by the federal government. Revenue bonds issued to finance the purchase, lease and/or acquisition of park real property and/or park projects by the City or agencies thereof would not be limited by this requirement.
- c. **Pay-As-You-Go:** The City will strive to maintain a high reliance on pay-as-you-go financing for its capital improvements and capital assets.
- d. **General Obligation Debt Levels:** As a goal, the City will maintain its net general obligation bonded debt at a level not to exceed two (2) percent of the assessed valuation of taxable property within the City unless otherwise directed by the City Commission.
- e. **Reserves:** The City will maintain revenue bond reserves to comply with the covenants of the bond issues and ensure adherence to federal arbitrage regulations.

- f. **Purpose and Projects:** Long-term borrowing will not be used to finance current operating expenditures. However, this does not preclude the City from using debt to meet short-term operating needs in the event of an emergency such as a natural or man-made disaster.
- g. **Term:** The following guidelines should govern the issuance of new money financing.
- The maturities of debt will be equal to or less than the useful economic life of the item financed.
 - Where practicable the debt service structure on new money financing should be level debt service if economically feasible.
 - The use of credit enhancement should be evaluated on a maturity-by-maturity basis and only used where the economic benefits exceed the costs of issuing rated or unrated debt obligations.
 - Call features are preferred and should be utilized when financially prudent in order to provide future flexibility.
 - The use of a fully funded debt service reserve should always be evaluated against the use of a surety or other debt service reserve product.
- h. **Bond Insurance:** Bond insurance is an insurance policy purchased by an issuer or an underwriter for either an entire issue or specific maturities, which guarantees the payment of principal and interest. This insurance provides a higher credit rating and must result in a lower borrowing cost for an issuer after consideration of the premium rate and underlying ratings.
- Bond insurance can be purchased directly by the City prior to the bond sale (direct purchase) or at the underwriter's option and expense (bidder's option).
- When insurance is purchased directly by the City, the present value of the estimated debt service savings from insurance should be at least equal to or greater than the insurance premium. The bond insurance company will usually be chosen based on an estimate of the greatest net present value insurance benefit (present value of debt service savings less insurance premium).
- Credit enhancement may take other forms such as Letters of Credit (LOC) or other securitization products and may be used if economically beneficial to the City.
- i. **Credit Ratings:** Credit ratings have wide investor acceptance as tools for differentiating credit quality of investments. The City shall attempt to continually improve its credit ratings. Comprehensive annual credit rating reviews should be provided to the rating agencies as well as periodic updates and ongoing communication of events affecting the City's overall credit, including asset and liability management issues.

- j. **Non-Rated:** Non-rated securities may be issued if the credit rating on the issue does not perform any economic benefit or add any value to capital market participants.
- k. **Tax Status:** The City has traditionally issued tax-exempt debt which results in significant interest cost savings compared with the interest cost on taxable debt. Accordingly, all of the City's debt should be issued to take advantage of the exemption from federal income taxes unless prohibited by federal law or applicable federal regulations.
- l. **Subordinated Debt:** The lien status and credit rating on this type of debt is inferior and protection to the bondholder is lower, therefore, this type of debt should be minimized to reduce the City's overall borrowing costs, unless it is the only method available to finance a project. There may be occasions when this type of debt is issued for potential restructuring reasons, when current senior-lien debt covenants are undesirable and this debt is soon to be retired or refunded.
- m. **Capital Leasing:** Over the lifetime of a lease, the total cost to the City will generally be higher than purchasing the asset outright. As a result, the use of lease/purchase agreements and certificates of participation in the acquisition of vehicles, equipment and other capital assets shall generally be avoided, particularly if smaller quantities of the capital asset(s) can be purchased on a "pay-as-you-go" basis.
- n. **Callable Bonds:** Call provisions on bonds provide future flexibility to refinance or restructure debt and eliminate onerous covenants. Consequently, the City shall attempt to always have call provisions on its debt. Call provisions on each transaction should be analyzed upon marketing the bond issue and determined at the time, upon recommendation of the Financial Advisor.
- o. **Refunding Criteria:** Generally, the City issues refunding bonds to achieve debt service savings on its outstanding bonds by redeeming high interest rate debt with lower interest rate debt. Refunding bonds may also be issued to restructure debt or modify covenants contained in the bond documents. Current tax law limits to one time the issuance of tax-exempt advance refunding bonds to refinance bonds issued after 1986. There is no similar limitation for tax-exempt current refunding bonds. The following guidelines should apply to the issuance of refunding bonds, unless circumstances warrant a deviation therefrom:
 - refunding bonds should generally be structured to achieve level annual debt service savings;
 - the life of the refunding bonds should not exceed the remaining life of the bonds being refunded or the assets financed, whichever is longer;
 - advance refunding bonds issued to achieve debt service savings should have a minimum target savings level measured on a present value basis equal to 5% of the par amount of the bonds being refunded;

- current refunding bonds issued to achieve debt service savings should have a minimum target savings level measured on a present value basis equal to 3% of the par amount of the bonds being refunded;
- refunding bonds which do not achieve debt service savings may be issued to restructure debt or provisions of bond documents only if such refunding serves a compelling City interest or under extraordinary conditions.

The minimum target savings level for refundings should be used as a general guide to guard against prematurely using the one advance refunding opportunity for post-1986 bond issues. However, because of the numerous considerations involved in the sale of refunding bonds, the target should not prohibit refundings when the circumstances justify a deviation from the guideline.

- p. **Debt Service Coverages:** Debt service coverages shall conform to bond resolutions and remain at those levels to ensure that the City's credit rating is not diminished.

7. Method of Sale

The City's policy is to sell public debt using the method of sale expected to achieve the best result, taking into consideration short-term and long-term implications. The following section of this policy is intended to ensure that the most appropriate method of sale is selected in light of financial, market, transaction-specific and issuer conditions.

- a. Competitive vs. Negotiated Preference: Competitive method sale should be preferred and considered when the following conditions are present:
- The City has been a stable and regular borrower in the public market.
 - There is an active secondary market for the City's debt.
 - The City has an underlying credit rating of A or above.
 - The issue is neither too large to be absorbed by the market or too small to attract investors.
 - The issue is not composed of complex or innovative features.
 - Interest rates are stable, market demand is strong and the market is able to absorb reasonable levels of buying and selling with reasonable price reliability.

If conditions for a competitive bond sale are not available then the following practice will apply to negotiated bond sales:

- A competitive underwriter-selection process that ensures that multiple proposals are considered will be used.

- The City's staff and the Financial Advisor will remain actively involved in each step of the negotiation and sale processes to uphold the public trust.
 - The City's staff and Financial Advisor, who are familiar with and abreast of the condition of the municipal market shall assist in structuring the issue, pricing, and monitoring sales activities. The Financial Advisor will submit recommendations regarding the method of sale, structure and timeline of events for the issue to the City in written form.
 - The City will require that financial professionals disclose the name(s) of any person or firm compensated to promote the selection of the underwriter; any existing or planned arrangements between outside professionals to share tasks, responsibilities and fees; the name(s) of any person or firm with whom the sharing is proposed; and the method used to calculate the fees to be earned.
- b. **Financial Advisor Serving as Underwriter:** The financial advisor to the City may not act as underwriter on any loan, bond or other undertaking of the City of Winter Park. Additionally, no affiliate of the financial advisor shall act as an underwriter on any financial undertaking, issue or bond of the City of Winter Park unless the loan, bond or other undertaking is competitively bid through a process that does not give an affiliate of the financial advisor an advantage. For purposes of this policy, an affiliate of the financial advisor would include a subsidiary, division, holding company, sister corporation, or partner of the financial advisor. Additionally, a firm that has acted as a financial advisor to the City of Winter Park or any affiliate thereof may be an underwriter if the firm is not under contract or retained to be the financial advisor to the City at the time of the issue or bond.
- c. **Private Placements:** The City may determine to seek funding by way of a private placement or bank loan where the size and structure of the borrowing does not warrant the issuance of publically offered debt. The City's Financial Advisor will compare the overall costs of a private placement with those of a public offering and recommend the most cost effective approach.
- d. In the event the City chooses to use a negotiated or private placement sale, staff shall document the reasons this method was chosen.

8. **Capital Improvement Plan**

The Finance Department will prepare, as part of the annual budget process, a Capital Improvement Plan that will be submitted to the City Commission for approval. Such Capital Improvement Plan will address at a minimum the amount of debt projected to be issued during the next five fiscal years.

Factors to be considered in the final projections are:

- The forecast of spending levels for capital projects.
- The availability of internal funds to pay for capital projects.
- Desired debt service coverage levels consistent with a highly-rated municipality.

- The additional bonds test calculation outlined in the applicable bond ordinances or related documents.

9. Fixed Rate Debt

a. Overview

Fixed rate debt is authorized to finance capital projects and for any other allowable purpose as stipulated in the governing bond ordinances and tax regulations.

b. Type

The City may issue any type of fixed rate debt as authorized by the City's various bond ordinances and recommended by the City's Financial Advisor.

c. Maturity, Structure, and Call Provisions

Prudent debt management requires that there be a proper matching of the lives of the assets and the length of the debt, whether taxable or tax-exempt, used to finance such asset. In addition, the City will, at all times, structure the amortization and maturity of any fixed rate debt to comply with the appropriate tax regulations.

To provide the maximum amount of flexibility, the City will utilize call provisions whenever possible. City staff, along with the financial advisor and underwriter, will assess the market at the time of pricing to determine its ability to issue bonds with such features while minimizing interest costs.

d. Providers

The City is allowed to sell debt by either negotiated sale or competitive bid. The determination of the method is to be made prior to each financing.

If the City selects the "competitive sale" method, determination of the winning bid will be based on the underwriting firm with the lowest True Interest Cost (TIC) proposal.

The City will employ staff or an outside professional financial advisor, other than the underwriter, who is familiar with and abreast of the conditions of the municipal market, and is available to assist in structuring the issue, pricing, and monitoring of sales activities. The City shall not use a firm to serve as both the financial advisor and underwriter. Selection of underwriters, financial advisors, bond counsel, and other necessary consultants involved in the debt transactions will be selected as outlined in the City Purchasing Policy.

e. Debt Service Reserve Fund

Unless otherwise recommended by the City's financial adviser and approved by the City Commission, a debt service reserve fund will be funded, maintained, and held for the benefit of bondholders as specified in the ordinance authorizing the sale of the bonds to pay principal and/or interest on the bonds should revenues from

operations not be sufficient for such purpose in accordance with the appropriate bond ordinance.

- The debt service reserve fund may be in the form of cash and/or investments funded from the proceeds of bonds and/or revenues from operations or other pledged sources.
- If allowed by the ordinance, a surety issued by a financial institution nationally recognized in the industry to issue such policies may be used in place of a cash-funded debt service reserve.
- If allowed under the respective bond ordinance, any other form of financial instruments may be used in place of cash-funded or surety-funded debt service reserve, provided such financial instruments are issued by firms of nationally recognized standing.
- The City will weigh the benefits of each method of funding the debt service reserve fund prior to each issue and will choose the method most beneficial to the City based upon the facts and circumstances of each issue.

f. Approvals

The structure, maturity, and call provisions for each fixed rate financing must be approved by the Finance Director or designee on or prior to the date of pricing. Negotiation with the underwriter on negotiated bond transactions will be conducted by the Financial Advisor. Final transaction approval must be obtained from the City Commission.

g. Compliance/Reporting Requirements

All outstanding debt will be reported annually in the CAFR as required by generally accepted accounting principles.

The City will monitor and report any arbitrage rebate liability due to the U.S. Treasury on bond proceeds from fixed rate transactions.

10. Variable Rate Debt Instruments

a. Overview

Variable rate debt is authorized to finance capital projects and for any other allowable purpose as stipulated in the governing bond ordinances and tax regulations.

The City must adhere to the variable rate debt limits outlined in this Policy.

b. Type

The City may issue any type of variable rate debt as authorized by the various bond ordinances and recommended by the City's Financial Advisor. Some of the various types of debt authorized include, but are not limited to, Commercial Paper, Variable Rate Demand Obligations, and Medium Term Notes.

c. Management

On a periodic basis, the Director of Finance or designee will make decisions regarding any changes to the interest mode for variable rate obligations based on current and projected market conditions.

d. Maturity and Call Provisions

The City will structure the maturity dates of the variable rate debt to match the lives of the assets being financed. The City will, at all times, structure the amortization and maturity of any variable rate debt to comply with the appropriate tax regulations

e. Providers

Underwriters, remarketing agents or dealers of the City's variable rate debt program will be selected pursuant to the City's Purchasing Code.

Banks providing Liquidity Facilities for variable rate debt shall be reviewed regularly with the Financial Advisor and minimum short and long term ratings should be maintained in order to ensure good trading performance.

f. Variable Rate Debt Amount

The City's total variable rate debt outstanding as a percentage of its total debt will not exceed rating agency guidelines for highly rated municipalities. Variable rate debt synthetically fixed through a swap agreement will not be considered variable rate debt for this criterion.

g. Approvals

The structure and maturity for each variable rate financing must be approved by the Finance Director or designee prior to the transaction. Final transaction approval must be obtained from the City Commission.

h. Compliance/Reporting Requirements

All outstanding debt will be reported annually in the CAFR as required by generally accepted accounting principles.

The City will monitor and rebate any arbitrage liability due to the U.S. Treasury on bond proceeds from variable rate transactions.

11. Interest Rate Swaps, Caps, Options, and Collars

a. Overview

The prudent use of hedging instruments, including interest rate swaps, caps, options, and collars, can be an effective tool in meeting funding needs and structuring a balance sheet while managing risk associated with the movement of interest rates. Utilizing hedging products can provide the City with cost effective alternatives to traditional debt financing choices.

Utilizing interest rate swaps to achieve substantially lower interest cost is a main component in building the desired capital structure to allow the City to finance efficiently. There are three types of interest rate swaps the City is authorized to enter into:

- Floating to fixed rate swaps,
 - Hedge interest rate risk on variable rate debt,
 - Lock in fixed rates on refunding bonds that will be issued in the future or
 - Take advantage of opportunities to obtain fixed swap rates that are lower than comparable fixed rate bonds.
- Fixed rate to floating rate swaps
 - Increase the amount of variable rate exposure without incurring the remarketing and liquidity costs.
 - Eliminate the put risk associated with variable rate debt.
- Basis swaps manage the risk associated with
 - The mismatch between two benchmarks.
 - Methodologies used to set interest rates.

b. Risks

Interest rate swaps and related hedging instruments may introduce additional risks to the City's credit profile. These risks include, but are not necessarily limited to, termination risk, counterparty risk, re-execution risk, amortization risk, Basis Risk, market risk, and tax event risk. Prior to entering into each interest rate swap transaction, these risks are evaluated to ensure adequate provisions are in place to minimize the downside and provide the maximum benefit the transaction originally intended.

c. Interest Rate Swap Management

The Finance Director or designee shall have the overall responsibility, from an overview standpoint, for the execution and management of interest rate swaps.

The Finance Director or designee shall determine the size of the total interest rate swap program and the maturity date for the swaps within the parameters of the Policy which has been approved by the City Commission.

Interest rate caps, collars and other related hedging instruments may be utilized to help manage interest rate risk in the Debt Management Program.

Forecasts of interest rate volatility and expected performance of the swaps, caps, collars, and related hedging instruments under various interest rate scenarios shall be updated on a periodic basis. Short and long term interest rates will be monitored over varying time periods and adjustments to the interest rate swap program will be modified.

d. Compliance/Reporting Requirements

Collateral reports will be updated on a monthly basis providing information relating to specific swap transactions that may require collateral posted based on mark to market valuations.

All outstanding debt will be reported annually in the CAFR as required by generally accepted accounting principles.

e. Optional Termination

The City shall consider including a provision that permits the City optionally to terminate the agreement at the market value of the agreement at any time. In general, the counterparty shall not have the right to optionally terminate an agreement. As practical as possible, the City shall have the right to assign its obligation to other counterparties.

f. Aspects of Risk Exposure Associated with Such Contracts

Before entering into an interest rate swap, The City shall evaluate all the risks inherent in the transaction. These risks to be evaluated should include the counterparty risk, market risk, termination risk, rollover risk, basis risk, tax event risk and amortization risk.

The City shall endeavor to diversify its exposure to counterparties. To that end, before entering into a transaction, it should determine its exposure to the relevant counterparty or counterparties and determine how the proposed transaction would affect the exposure.

g. Approvals

The structure of each interest rate swap must be approved by the Finance Director or designee prior to the transaction. Final transaction approval must be obtained from the City Commission.

h. Providers

Financial Institutions and Dealers executing interest rate swaps, caps, options, and other hedging instruments for the City shall be selected pursuant to the City Purchasing Policy. The City shall require that all institutions and dealers entering

into interest rate swap, cap, option, and other hedging instrument agreements execute a Master Swap Agreement (the ISDA Master Agreement must be used as a part of the Master Swap Agreement) that is signed by both parties. All transactions entered into shall adhere to the requirements of the Master Swap Agreement.

The Master Swap Agreement will contain, among other things, language regarding credit rating maintenance standards. All providers will either, (1) be rated AA-/Aa3 or better by at least 2 of the rating agencies (Fitch, Moody's, or Standard & Poor's) at the time of execution and enter into a collateral agreement to provide collateral as determined by the Credit Support Annex in the event that the credit rating falls below the AA-/Aa3 level or (2) be rated A/A2 or better by at least 2 of the rating agencies at the time the Agreement is entered into, and enter into a collateral agreement. The Finance Department will obtain an update of each provider's credit ratings on a quarterly basis.

i. **Swap Advisor and Counterparty Procurement**

Interest rate swaps can be procured on a competitive or negotiated basis. The appropriate procurement method depends on the structure of the interest rate exchange agreement as well as the market conditions. For all interest rate swaps, the City will engage a Swap Advisor to assist with the pricing and structuring of the agreement as well as to recommend the appropriate procurement method.

12. Investment of Bond Proceeds

The proceeds of the bond sales will be invested until expended for the intended project in order to maximize the utilization of the public funds. The investments will comply with the City's investment policy unless superseded by a bond covenant or related agreement. All bond proceeds shall be invested in manner to avoid, if possible, and minimize any potential negative arbitrage over the life of the bond issue. Bond proceeds to be used for the construction or acquisition of the capital assets shall be conservatively invested according to draw schedules which will be amended as needed.

13. Continuing Disclosure Requirements

The Finance Director with the assistance of the Financial Advisor and Bond/Disclosure Counsel will produce all the necessary documents for disclosure. All debt issues will meet the disclosure requirements of the Securities and Exchange Commission and other government agencies before and after the bond sales take place. The City's CAFR will be the primary vehicle for compliance with the continuing disclosure requirements. The CAFR may be supplemented with additional documentation if necessary. The City will follow a policy of "full disclosure" in its CAFR and bond official statements. The Finance Director will be responsible for filing the CAFR and providing disclosure on the status of all material events to the Municipal Securities Rulemaking Board, (MSRB) via the Electronic Municipal Market Access (EMMA) system.

14. **Effective Date**

This Policy will become effective upon adoption by the City Commission. This Policy shall be reviewed on an annual basis and amended as necessary with the approval of the City Commission.

15. **Definitions**

Advance Refunding - A bond is treated as issued to advance refund another bond if it is issued more than 90 days before the redemption of the refunded bond.

Amortization Risk – the potential cost to the issuer resulting from a mismatch between the outstanding underlying bond amortization and the outstanding notional amount of the swap.

Basis Risk – movement in the underlying variable rate indices may not be perfectly in tandem, creating a cost differential that could result in a net cash outflow from the issuer. Also, a mismatch can occur in a swap with both sides using floating, but different, rates.

SIFMA Index – The Securities Industry and Financial Markets Association Swaps Index, the principal benchmark for the floating rate payments for tax-exempt issuers. The index is a national rate based on a market basket of high-grade, seven-day tax-exempt variable rate bond issues.

Commercial Paper Note - shall mean any Bond which has a maturity date which is not more than 270 days after the date of issuance thereof.

Competitive Bid - a method of submitting proposals for the purchase of new issue of municipal securities by which the securities are awarded to the underwriting syndicate presenting the best bid according to stipulated criteria set forth in the notice of sale.

Counterparty risk – the risk that the other party in the derivative transaction fails to meet its obligations under the contract.

Credit Enhancement - shall mean, with respect to the Bonds of a Series, a maturity within a Series or an interest rate within a maturity, the issuance of an insurance Policy, letter of credit, surety bond or any other similar obligation, whereby the issuer thereof becomes unconditionally obligated to pay when due, to the extent not paid by the City or otherwise, the principal of and interest on such Bonds.

Credit Support Annex - is a standard supporting document that is made part of the ISDA Master Swap Agreement that governs the use of posting collateral when required.

Current Refunding - A bond is treated as issued to current refund another bond if the refunding issue is issued not more than 90 days before the redemption of the refunded bond.

Hedge – a transaction entered into to reduce exposure to market fluctuations.

Interest rate swap – a transaction in which two parties agree to exchange future net cash flows based on predetermined interest rate indices calculated on an agreed notional amount. The swap is not a debt instrument between the issuer and the counterparty, and there is no exchange of principal.

ISDA – International Swap Dealers Association, the global trade association with over 550 members that include dealers in the derivatives industry.

ISDA Master Agreement – the standardized master agreement for all swaps between the Issuer and the dealer that identifies the definitions and terms governing the swap transaction.

Letter of Credit (LOC) – A financial product generally purchased from a bank to provide credit enhancement and liquidity on variable rate bonds.

LIBOR – the principal benchmark for floating rate payments for taxable issuers. The London Inter Bank Offer Rate (LIBOR) is calculated as the average interest rate on Eurodollars traded between banks in London and can vary depending upon the maturity (e.g. one month or six months).

Long-dated swap - a swap with a term of more than ten years. Often used in the municipal market, as issuers often prefer to use a hedge that matches the maturity of the underlying debt or investment.

Mark-to-market – calculation of the value of a financial instrument (like an interest rate swap) based on the current market rates or prices of the underlying instrument (i.e. the variable on which the derivative is based).

Medium Term Note - any bond which has a maturity date which is more than 365 days, but not more than 15 years, after the date of issuance and is designated as a medium term note in the supplemental ordinance authorizing such bond.

Negotiated Sale - the sale of a new issue of municipal securities by an issuer through an exclusive agreement with an underwriter or underwriting syndicate selected by the issuer.

Tax Event Risk - the risk that tax laws will change, resulting in a change in the marginal tax rates on swaps and their underlying assets or, in a more extreme situation, remove the tax-exempt status of the issue and, therefore, its contractual obligations priced as tax-exempt facilities.

Termination risk – the risk that a swap will be terminated by the counterparty before maturity that could require the issuer to make a cash termination payment to the counterparty.

True Interest Cost - is the rate, compounded semi-annually, necessary to discount the amounts payable on the respective principal and interest payment date to the purchase price received for the bonds.

Variable Rate Bond - shall mean any Bond not bearing interest throughout its term at a specified rate or specified rates determined at the time of initial issuance.

Variable Rate Demand Obligations (VRDO) - A long term maturity security which is subject to a frequently available put option or tender option feature under which the holder may put the security back to the issuer or its agent at a predetermined price (generally par) after giving specified notice or as a result of a mandatory tender. Optional tenders are typically available to investors on a daily basis while in the daily or weekly mode and mandatory tenders are required upon a change in the interest rate while in the flexible or term mode. The frequency of a change in the interest rate of a variable rate demand obligation is based upon the particular mode the security is in at the time.



city commission agenda item

item type	Consent Agenda	meeting date	August 26, 2013
prepared by	Deputy Chief Art King	approved by	<input checked="" type="checkbox"/> City Manager
department	Police		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> N/A		
		final vote	

subject

AeroClave Hydra System at the Public Safety Building and two RDS 3110 portable decontamination units.

motion | recommendation

Recommend approval for the expenditure of \$149,700 of Federal Forfeiture Funds for the purchase and installation of the AeroClave Hydra System and two portable units.

background

AeroClave is the world's foremost producer of large scale decontamination equipment. AeroClave has developed decontamination solutions for the military, healthcare, life science, police/fire/EMS, and athletics industries. AeroClave solution is a combination of aerosolized Hydrogen Peroxide and Destroyer technologies that yield a full-spectrum 6 log sterilization in approximately one hour. Fixed installation of 25 heads covering detention cells, booking areas, evidence rooms, K-9 area, S.W.A.T. room, vehicle evidence bay, and the weight room/ gym area will result in an instantaneous reduction of bacteria and viruses, rendering any and all desired surfaces decontaminated.

The two portable units (RDS3110) are lightweight, easy to transport and are capable of achieving the same consistent full-spectrum sterilization. The portable units provide the ability to sterilize any asset anywhere, at any time. The units will primarily be utilized and extremely helpful at contaminated crime scenes and drug houses.

alternatives | other considerations

None

fiscal impact

Federal Forfeiture Funds will be utilized to purchase the system.

long-term impact

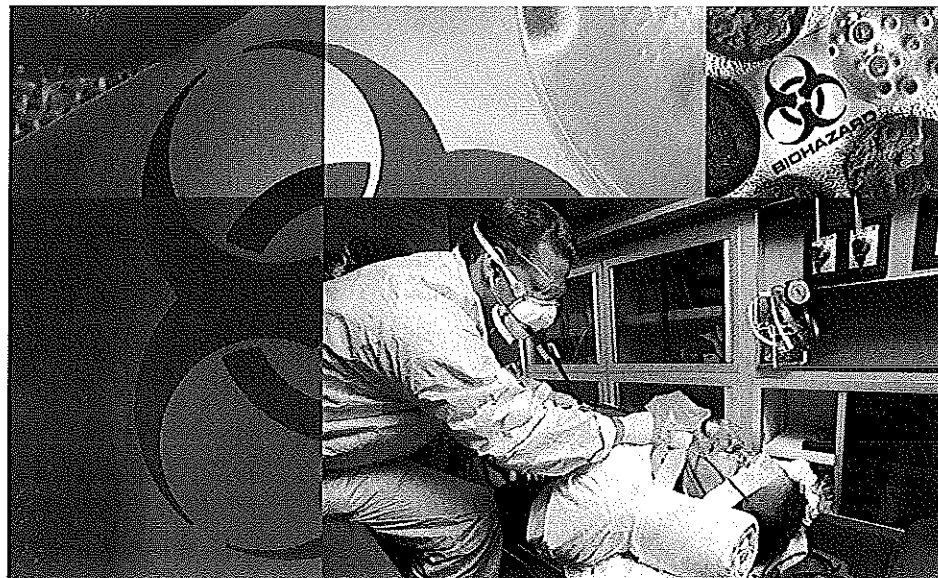
Continue to establish the agency as an industry leader in providing state of the art equipment for the protection and health of employees.

strategic objective

Improve employee health, provide a safer environment and quality infrastructure.

The AeroClave Full-Spectrum Solution

AeroClave is the world's foremost producer of large-scale decontamination equipment. Our primary mission is to combat the spread of infectious diseases.



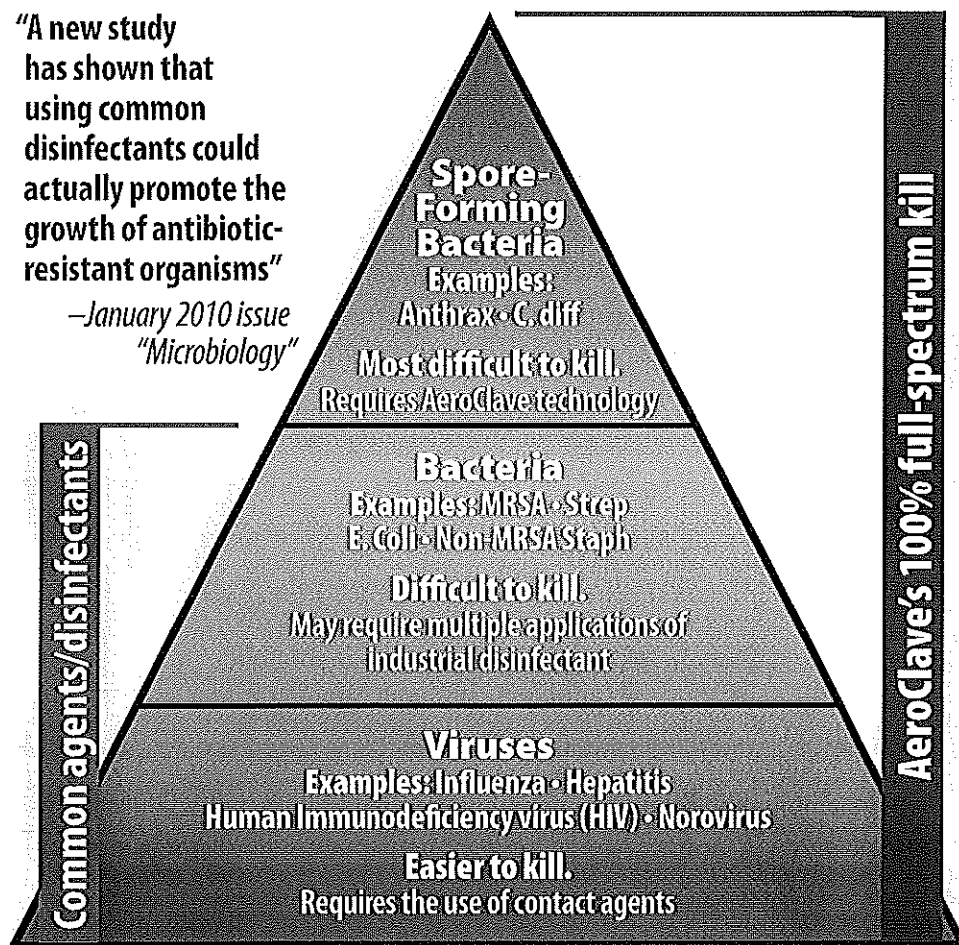
The AeroClave Solution is a combination of aerosolized Hydrogen Peroxide (aHP) and Destroyer™ technologies that yield a full-spectrum 6-log sterilization in approximately one hour.

AeroClave has developed a family of comprehensive, cost-effective and environmentally safe solutions to sterilize assets of all sizes. All AeroClave solutions provide a full-spectrum kill that have been validated with the same FDA-approved process used to certify the cleanliness of pharmaceutical manufacturing facilities. The process has a low cost-per-cycle and is controlled through an easy-to-use computer interface. It is safe for all sensitive electronic equipment and can be used for the rapid and thorough decontamination of ambulances, police vehicles, buses, aircraft, hospitals, doctors' offices, nursing homes, schools, athletic training facilities and other buildings from a single room to the entire building. The operator training cycle is short and the equipment is easily serviced.

For additional information contact:
AeroClave LLC
650 South Capen Avenue
Winter Park, FL 32789
tel: 407.788.3300
toll free: 800.788.9119
www.aeroclave.com

"A new study has shown that using common disinfectants could actually promote the growth of antibiotic-resistant organisms"

—January 2010 issue
"Microbiology"



AeroClave's technology is the most cost-effective process to kill the full-spectrum of diseases from easy-to-kill viruses to spore-forming bacteria.



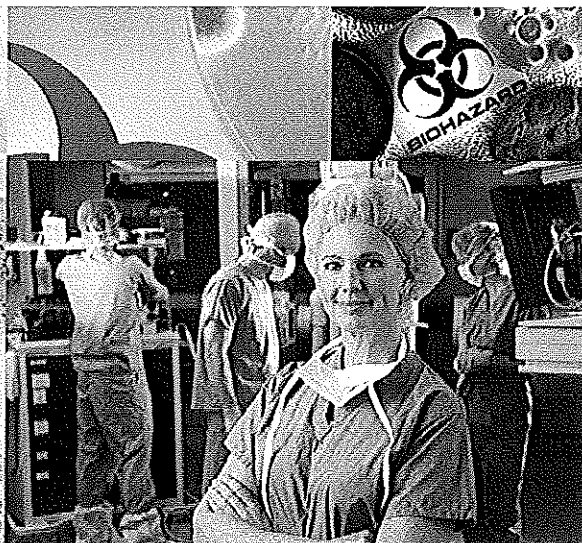
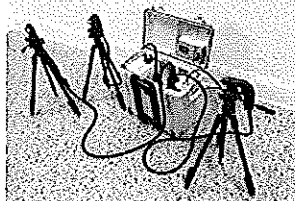
Biodefense for the 21st century.



RDS 3110

Room Decontamination System

AeroClave is the world's foremost producer of large-scale decontamination equipment. Our primary mission is to combat the spread of infectious diseases.



The AeroClave Solution is a combination of aerosolized Hydrogen Peroxide (aHP) and Destroyer™ technologies that yield a full-spectrum 6-log sterilization in approximately one hour.

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Description

AeroClave's Room Decontamination System (RDS) is the latest in room sterilization technology. It utilizes a proprietary aerosolized Hydrogen Peroxide (aHP) process to sterilize rooms, vehicles, and equipment.

The newest addition to the AeroClave family of sterilization products, the RDS 3110, is the safest and easiest way to ensure that all of your facilities and assets are as clean as possible.

The RDS 3110 has two static aHP heads and one smart port which allows the unit to be operated with either the remote aHP head or the handheld AeroClave Portable Applicator (APA). These options give you the ability to sterilize any asset, anywhere, at any time.

The RDS 3110 unit is lightweight, easy to transport, and is capable of achieving the same consistent full-spectrum 6-log sterilization that AeroClave's larger RDS 4110 and RDS 6220 units provide.

Feature	RDS3110
Voltage	110 VAC
Sterilization technology	aHP
Number of aHP static heads	2
Number of smart ports*	1
Dimensions	19.7" L x 12" W x 18" D
Weight	Approx. 50lbs.
Scalable technology (multiple RDS units/application)	Yes
Total spectrum kill	Yes
Safe for sensitive equipment	Yes
Warrant (parts & labor)	12 months

*Smart ports allow for either one remote aHP head or one APA to be plugged into RDS.



Biodefense for the 21st century.





city commission agenda item

item type	Action Items for Discussion	meeting date	August 26, 2013
prepared by department division	City Manager Administration	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		

subject

Discussion of Commission recommendations on proposed FY 2014 Budget

motion | recommendation

Review proposed budget changes and vote on ones the Commission want to see included in the budget ordinance scheduled for adoption in September.

background

The attached spreadsheet depicts the budget recommendations turned into city management along with staff analysis on the impact, if any, for each recommendation. I used matching colors to show budget recommendations about the same topics.

Also on the spreadsheet you will note that we received revised projections from the State on sales tax revenues. The new projections are about \$80,000 higher than what was included in the proposed budget, so an additional \$80,000 is available for appropriation.

fiscal impact

Depends on items approved.

long-term impact

Depends on items approved.

strategic objective

Quality government services and financial security.

City of Winter Park, Florida, USA
2014 Proposed Budget
Combined Spreadsheet of Recommendations
August 26, 2013

Submitted by	Recommendation	Fund ¹	Financial Impact Decrease/(Increase)	Staff Comments on Operational Impact
<i>Suggestions</i>				
City Management	Increase budget for sales tax revenue based upon revised state estimates	General fund	\$ 80,000	More funds available for appropriation
Mayor Bradley	Create additional parking spaces in downtown corridor	General Fund (CIP)	\$ 500,000	
Mayor Bradley	Reduce funding for vehicle replacement to 2013 budgeted levels	Various	\$ (400,000)	Will create a larger need in 2015 but can be done.
Mayor Bradley	Reduce Street Paving	General Fund (CIP)	\$ (100,000)	Would delay a few repaving projects by a year
Mayor Bradley	New art work for Train Station	General Fund or CRA	\$ 50,000	
Mayor Bradley	Create entry of Lee Road to Tree Farm	General Fund (CIP)	TBD	The actual access road would not cost much but we would have to either negotiate a purchase of the ROW or condemn it.
Vice-Mayor Sprinkel	Art for train station	General Fund or CRA	\$ 19,500	
Vice-Mayor Sprinkel	Increase ROW tree maintenance	General Fund	Amount not specified	
Vice-Mayor Sprinkel	Find way to fund Quiet Zones	TBD	Amount not specified	The estimated cost to implement quiet zones from the north city limits line to the south city limits line is \$1.4 million. This includes a 30% contingency at this point and also includes an intersection that we are working with FDOT to fund.
Commissioner McMacken	Fund below from Reserves	General Fund	\$ (250,000)	If an unbudgeted need arises during the year it would need to be funded out of Reserves instead of the contingency
Commissioner McMacken	Increase funding for Removal and Trimming of hazardous trees	General Fund	\$ 250,000	Would help City get caught up

Commissioner Cooper	Increase funding to address Cat 1 Hazardous Tree Removal and Cat 1 Tree Pruning . Amend ordinance to assign responsibility for maintenance of street tree canopy to the City as opposed to the residents. Focus funding to address Cat 1 street ROW trees first.	General Fund	\$ 300,000	Would help City get caught up
Commissioner Cooper	Set a minimum goal of \$3.5M annual Electric Fund investment in undergrounding. Establish a policy that limits electric fund transfers and limits transferring new costs to Electric Fund until annual minimum undergrounding is funded.	Electric	none in FY 14	
Commissioner Cooper	Consider funding WP's Other Post Employment Benefits (OPEB) plan. Unfunded Actuarial Accrued Liability (UAAL) has grown from \$1.6M in FY09 to \$7.2M in FY13. Currently the OPEB benefits are unfunded and we operate on a pay as you go plan.	All funds with employees	apx. (\$400K) FY14 (Normal cost \$591K less employer contribution , \$213K)	Based upon latest actuarial report, the pay as you go method will increase from about 0.8% of payroll to about 2.4% of payroll in 20 years. This pay as you go amount is already factored into our health insurance premium cost each year. The city provides OPEB at the minimum amount required by State law. Very few cities choose to fund amounts in excess of pay as you go. Those that do are typically the cities that offer more than the minimum required OPEB.
Commissioner Leary	Reduce Contingency/Reserves	General Fund	\$ (250,000)	If an unbudgeted need arises during the year it would need to be funded out of Reserves instead of the contingency
Commissioner Leary	Increase funding for Removal of Priority 1 trees	General Fund	\$ 250,000	Would help City get caught up



city commission public hearing

item type	Public Hearing	meeting date	August 26, 2013
prepared by department division	Michelle del Valle City Management	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Police Pension Board Fire Pension Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

subject

1. Ordinance amending City of Winter Park Firefighters' Pension Plan – SECOND READING
2. Ordinance amending City of Winter Park Police Officers' Pension Plan – SECOND READING

motion | recommendation

Approve both ordinances, separately, on second reading.

summary

The proposed ordinances, provided by the Pension Boards' attorney, Christiansen & Dehner, represent changes required to comply with recent changes to the Internal Revenue Code (IRC) relating to tax qualified pension plans.

Firefighters' Pension Plan

- Amendment Section 74-151- Definition Credited Service
- Amendment Section 74-154 - Finances and Fund Management
- Amendment Section 74-165 – Maximum Pension

Police Officers' Pension Plan

- Amendment Section 74-201- Definition Credited Service
- Amendment Section 74-204 - Finances and Fund Management
- Amendment Section 74-215 – Maximum Pension

Also included in the packet are reviews from Gabriel Roeder Smith & Company, the pension plans' actuary, indicating there is no cost to making these changes and confirmation from the City's pension counsel, Lewis, Longman & Walker, that revisions are required by federal law and IRS regulation.

Also included are changes to Section 74-201, Definitions, Salary.

board comments

N/A

June 4, 2013

Mr. Jeff Templeton
Retirement Plan Administrator
Winter Park Firefighters' Retirement System
9154 Lake Burkett Drive
Orlando, Florida 32817

Re: Proposed Ordinance No. XXX

Dear Jeff:

As requested by Scott R. Christiansen, Esq., we have performed an actuarial review of the attached revised proposed Ordinance under the Winter Park Firefighters' Retirement System.

Based upon our review, the revised proposed Ordinance:

1. Amends the definition of *Credited Service* to comply with Internal Revenue Code (IRC) changes.
2. Amends the Board's ability to invest in group trusts to comply with (IRC) changes.
3. Amends language regarding maximum pension limitations to comply with (IRC) changes.
4. Provides for codification.
5. Repeals all Ordinances in conflict herewith.
6. Provides for severability.
7. Provides for an effective date.

In our opinion, based upon the actuarial assumptions and methods to be employed in the October 1, 2012 Actuarial Valuation, the revised proposed Ordinance is a *no cost* Ordinance under State minimum funding requirements.

We are available to respond to any questions concerning the above.

Sincerest regards,



Lawrence F. Wilson, A.S.A.
Senior Consultant and Actuary

Enclosure

cc: Scott R. Christiansen, Esq.
Mr. Randy Knight

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 3, FIREFIGHTERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-154, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-165, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS;

SECTION 1: That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 3, Firefighters, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-151, Definitions, to amend the definition of "Credited Service", to read as follows:

* * * * *

Credited Service means the total number of years and fractional parts of years of service as a Firefighter with Member contributions, when required, omitting intervening years or fractional parts of years when such Member was not employed by the City as a Firefighter. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five (5) years after leaving the employ of the Fire Department pending the possibility of being reemployed as a Firefighter, without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Fire Department, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a Firefighter with the Fire Department within five (5) years, his Accumulated Contributions, if one-thousand dollars (\$1,000.00) or less, shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board shall be returned. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Firefighter repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a Member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a Firefighter with the City to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- A. The member is entitled to reemployment under the provisions of USERRA.
- B. The Member returns to his employment as a Firefighter within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.

- C. The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- D. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

* * * * *

SECTION 2: That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 3, Firefighters, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-154, Finances and Fund Management, subsection 6.B.(3), to read as follows:

- 6.B. (3) In addition, the Board may, upon recommendation by the Board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100 and Revenue Ruling 2011-1 or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the Code, individual retirement accounts that are exempt under section 408(e) of the Code, eligible governmental plans that meet the requirements of section 457(b) of the Code, and governmental plans under 401(a)(24) of the Code. For this purpose, a trust includes a custodial account that is treated as a trust under section 401(f) or under section 457(g)(3) of the Code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the System or plan.

* * * * *

SECTION 3: That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 3, Firefighters, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-165, Maximum Pension, to read as follows:

Sec. 74-165. Maximum pension.

- 1. *Basic Limitation.* Notwithstanding any other provisions of this System to the contrary, the Member contributions paid to, and retirement benefits paid from, the System shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual

benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this Section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A))). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

2. *Adjustments to Basic Limitation for Form of Benefit.* If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit. If the benefit under the plan is other than the annual benefit described in subsection 1., then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

A. For a benefit paid in a form to which Section 417(e)(3) of the Code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

- (1) The annual amount of the straight life annuity (if any) payable to the Member under the Plan commencing at the same annuity starting date as the form of benefit to the Member, or
- (2) The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the Member, computed using a five percent (5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code); or

B. For a benefit paid in a form to which Section 417(e)(3) of the Code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

- (1) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate

and mortality table, or tabular factor, specified in the Plan for actuarial experience;

(2) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a five and one half percent (5.5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Code); or

(3) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the Plan Year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code), divided by 1.05.

C. The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections A. and B. above.

3. *Benefits Not Taken into Account.* For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

A. Any ancillary benefit which is not directly related to retirement income benefits;

B. Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and

C. That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

4. *COLA Effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

A. A Member's applicable limit will be applied to the Member's annual benefit in the Member's first calendar limitation year of benefit payments without regard to any automatic cost of living adjustments;

- B. thereafter, in any subsequent calendar limitation year, a Member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
- C. in no event shall a Member's benefit payable under the System in any calendar limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the System, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

5. *Other Adjustments in Limitations.*

- A. In the event the Member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this Section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
- B. In the event the Member's benefit is based on at least fifteen (15) years of Credited Service as a full-time employee of the police or fire department of the City, the adjustments provided for in A. above shall not apply.
- C. The reductions provided for in A. above shall not be applicable to disability benefits pursuant to Section 8 74-158, or pre-retirement death benefits paid pursuant to Section 7 74-157.
- D. In the event the Member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection 1 herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

6. *Less than Ten (10) Years of Participation or Service.* The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of Credited Service with the City shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Section 8 74-158, or pre-retirement death benefits paid pursuant to Section 7 74-157.

7. *Participation in Other Defined Benefit Plans.* The limit of this Section with respect to any Member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the Member has been a member were payable from one plan.

8. Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service. Notwithstanding ~~the foregoing anything in this Section 74-165,~~ the retirement benefit payable with respect to a Member shall be deemed not to exceed the limit set forth in this subsection 8. of Section 74-165 if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable ~~Plan Year limitation year~~ and for any prior ~~Plan Year limitation year~~ and the City has not any time maintained a qualified defined contribution plan in which the Member participated; provided, however, that if the Member has completed less than ten (10) years of Credited Service with the City, the limit under this subsection 8. of Section 74-165 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10).
9. *Reduction of Benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.
10. *Service Credit Purchase Limits.*
- A. Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a Member makes one or more contributions to purchase permissive service credit under the System, as allowed in Section ~~27 and 28~~ 74-177 and 74-178, then the requirements of this Section will be treated as met only if:
- (1) the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
 - (2) the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).
- (3) For purposes of applying subparagraph (1), the System will not fail to meet the reduced limit under Code Section 415(b)(2)(c) solely by reason of this subparagraph (3), and for purposes of applying subparagraph (2) the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph (3).
- B. For purposes of this subsection the term "permissive service credit" means service credit—
- (1) recognized by the System for purposes of calculating a Member's benefit under the plan,
 - (2) which such Member has not received under the plan, and

- (3) which such Member may receive only by making a voluntary additional contribution, in an amount determined under the System, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the System, include service credit for periods for which there is no performance of service, and, notwithstanding clause B.(2), may include service credited in order to provide an increased benefit for service credit which a Member is receiving under the System.

11. Contributions Limits

€ A. For purposes of applying the Code Section 415(c) limits in this subsection 10. which are incorporated by reference and for purposes of this subsection 11., only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a calendar limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the System, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

- (1) However, for calendar limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For calendar limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).
- (2) For limitation years beginning on and after January 1, 2007, compensation for the calendar limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the calendar limitation year that includes the date of the employee's severance from employment if:
- (a) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or

- (b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.
 - (3) Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.
- ⊖ B. Notwithstanding any other provision of law to the contrary, the Board may modify a request by a Member to make a contribution to the System if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:
- (1) If the law requires a lump sum payment for the purchase of service credit, the Board may establish a periodic payment deduction plan for the Member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).
 - (2) If payment pursuant to subparagraph (1) will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the Board may either reduce the Member's contribution to an amount within the limits of that section or refuse the Member's contribution.
- C. If the annual additions for any Member for a limitation year exceed the limitation under Section 415(c) of the Code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).
- D. For limitation years beginning on or after January 1, 2009, a Member's compensation for purposes of this subsection 11. shall not exceed the annual limit under Section 401(a)(17) of the Code.

⚡ 12. *Additional Limitation on Pension Benefits.* Notwithstanding anything herein to the contrary:

- A. The normal retirement benefit or pension payable to a Retiree shall not exceed one hundred percent (100%) of his Average Final Compensation. However, nothing contained in this Section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
- B. No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

SECTION 4: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Park.

SECTION 5: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 7: That this Ordinance shall become effective upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the _____ day of _____, 2013.

By: _____
Mayor Kenneth W. Bradley

Attest: _____
Cynthia S. Bonham, City Clerk

August 6, 2013

Mr. Jeff Templeton
Retirement Plan Administrator
Winter Park Police Officers' Retirement System
9154 Lake Burkett Drive
Orlando, Florida 32817

Re: Proposed Ordinance No. XXX

Dear Jeff:

As requested by Scott R. Christiansen, Esq., we have performed an actuarial review of the attached proposed Ordinance under the Winter Park Police Officers' Retirement System.

Based upon our review, the proposed Ordinance:

1. Amends the definition of *Credited Service* in compliance with Internal Revenue Code (IRC) changes.
2. Amends the definition of *Salary* in compliance with Florida Statute, Chapter 2011-216 regarding accrued unused sick and annual leave and the 300 hour cap on overtime.
3. Provides for the Board to invest in group trusts in compliance with the IRC.
4. Amends language regarding maximum pension limitations in compliance with the IRC changes.
5. Provides for codification.
6. Repeals all Ordinances in conflict herewith.
7. Provides for severability.
8. Provides for an effective date.

In our opinion, based upon the actuarial assumptions and methods to be employed in the October 1, 2012 Actuarial Valuation, the proposed Ordinance is a *no cost* Ordinance under State minimum funding requirements. In fact, we would expect the proposed Ordinance to reduce future System costs.

Please forward a copy of the Ordinance upon passage at second reading to update our records.

Mr. Jeff Templeton
August 6, 2013
Page Two

We are available to respond to any questions concerning the above.

Sincerest regards,

A handwritten signature in black ink, appearing to read "L. F. Wilson". The signature is fluid and cursive, with the first name "L." and middle initial "F." being more distinct than the last name "Wilson".

Lawrence F. Wilson, A.S.A.
Senior Consultant and Actuary

Enclosure

cc: Scott R. Christiansen, Esq.
Mr. Randy Knight

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-201, DEFINITIONS; AMENDING SECTION 74-204, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-215, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS;

SECTION 1: That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 4, Police Officers, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-201, Definitions, to amend the definitions of "Credited Service" and "Salary", to read as follows:

* * * * *

Credited Service means the total number of years and fractional parts of years of service as a Police Officer with Member contributions, when required, omitting intervening years or fractional parts of years when such Member was not employed by the City as a Police Officer. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five (5) years after leaving the employ of the Police Department pending the possibility of being re-employed as a Police Officer without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Police Department, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a Police Officer with the Police Department within five (5) years, his Accumulated Contributions, if one-thousand dollars (\$1,000.00) or less, shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Police Officer shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Police Officer repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a Member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a Police Officer with the City to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- A. The Member is entitled to reemployment under the provisions of USERRA.
- B. The Member returns to his employment as a Police Officer within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.

- C. The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- D. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

* * * * *

Salary means the total compensation for services rendered to the City as a Police Officer reported on the Member's W-2 form, except compensation for special details, duty indirectly paid for by private parties, ~~and~~ tuition reimbursement, and emergency payment for unused Personal Leave, but including all tax deferred items of income deferred pursuant to Sections 457 (employee contributions only) and 414(h) of the Code and tax exempt income exempt pursuant to Section 125 of the Code, and tax sheltered items of income derived from elective employee payroll deductions or salary reductions. Notwithstanding the preceding sentence, for Credited Service on and after October 1, 2011, Salary shall exclude payments for overtime in excess of three hundred (300) hours per calendar year and payments for accrued annual leave, except that payments for accrued annual leave accrued as of October 1, 2011 may be included in Salary for pension purposes even if payment is not actually made until on or after October 1, 2011 provided, however, the amount of accrued annual leave accrued as of October 1, 2011 that may be included in Salary for pension purposes shall be reduced by the actual amount of annual leave used by the Member on or after October 1, 2011 as follows:

- A. For Members with sixteen (16) years or more Credited Service as of October 1, 2011, the amount of accrued annual leave included in Salary shall be calculated by reducing the amount of accrued annual leave as of October 1, 2011 by the actual amount of annual leave used by the Member on or after that date on a last in first out (LIFO) basis; and
- B. For Members with less than sixteen (16) years of Credited Service as of October 1, 2011, the amount of annual leave included in Salary shall be calculated by reducing the amount of accrued annual leave as of October 1, 2011 by the actual amount of annual leave used by the Member on or after that date on a first in first out (FIFO) basis.

Compensation in excess of limitations set forth in Section 401(a)(17) of the Code as of the first day of the Plan Year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any Plan Year beginning on or after January 1, 2002, may not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Code Section 401(a)(17)(B). Compensation means compensation during the fiscal year. The

cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a Member's contributions or benefits for the current Plan Year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a Member before the first Plan Year beginning after December 31, 1995.

* * * * *

SECTION 2: That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 4, Police Officers, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-204, Finances and Fund Management, subsection 6.B.(3), to read as follows:

- 6.B. (3) In addition, the Board may, upon recommendation by the Board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100 and Revenue Ruling 2011-1 or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the Code, individual retirement accounts that are exempt under section 408(e) of the Code, eligible governmental plans that meet the requirements of section 457(b) of the Code, and governmental plans under 401(a)(24) of the Code. For this purpose, a trust includes a custodial account that is treated as a trust under section 401(f) or under section 457(g)(3) of the Code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the System or plan.

* * * * *

SECTION 3: That Chapter 74, Personnel, Article V, Retirement and Pension Plans, Division 4, Police Officers, of the Code of Ordinances of the City of Winter Park, is hereby amended by amending Section 74-215, Maximum Pension, to read as follows:

Sec. 74-215. Maximum pension.

1. *Basic Limitation.* Notwithstanding any other provisions of this System to the contrary, the Member contributions paid to, and retirement benefits paid from, the System shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this Section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

2. *Adjustments to Basic Limitation for Form of Benefit.* If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit. If the benefit under the plan is other than the annual benefit described in subsection 1., then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

A. For a benefit paid in a form to which Section 417(e)(3) of the Code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

- (1) The annual amount of the straight life annuity (if any) payable to the Member under the Plan commencing at the same annuity starting date as the form of benefit to the Member, or
- (2) The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the Member, computed using a five percent (5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code); or

B. For a benefit paid in a form to which Section 417(e)(3) of the Code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

- (1) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the Plan for actuarial experience;

- (2) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a five and one half percent (5.5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Code); or
 - (3) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the Plan Year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code), divided by 1.05.
 - C. The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections A. and B. above.
3. *Benefits Not Taken into Account.* For purposes of this Section, the following benefits shall not be taken into account in applying these limits:
 - A. Any ancillary benefit which is not directly related to retirement income benefits;
 - B. Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and
 - C. That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.
4. *COLA Effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:
 - A. A Member's applicable limit will be applied to the Member's annual benefit in the Member's first ~~calendar~~ limitation year of benefit payments without regard to any automatic cost of living adjustments;

- B. thereafter, in any subsequent ~~calendar~~ limitation year, a Member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
- C. in no event shall a Member's benefit payable under the System in any ~~calendar~~ limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the System, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Code and applicable Treasury Regulations.

5. *Other Adjustments in Limitations.*

- A. In the event the Member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this Section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
- B. In the event the Member's benefit is based on at least fifteen (15) years of Credited Service as a full-time employee of the police or fire department of the City, the adjustments provided for in A. above shall not apply.
- C. The reductions provided for in A. above shall not be applicable to disability benefits pursuant to Section 8 74-208, or pre-retirement death benefits paid pursuant to Section 7 74-207.
- D. In the event the Member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection 1 herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

6. *Less than Ten (10) Years of Participation or Service.* The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of Credited Service with the City shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to Section 8 74-208, or pre-retirement death benefits paid pursuant to Section 74-207.

7. *Participation in Other Defined Benefit Plans.* The limit of this Section with respect to any Member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the Member has been a member were payable from one plan.
8. *Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.* Notwithstanding ~~the foregoing~~ anything in this Section 74-215, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limit set forth in this subsection 8. of Section 74-215 if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable ~~Plan Year~~ limitation year and for any prior ~~Plan Year~~ limitation year and the City has not any time maintained a qualified defined contribution plan in which the Member participated; provided, however, that if the Member has completed less than ten (10) years of Credited Service with the City, the limit under this subsection 8. of Section 74-215 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10).
9. *Reduction of Benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.
10. *Service Credit Purchase Limits.*
 - A. Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a Member makes one or more contributions to purchase permissive service credit under the System, as allowed in Section ~~27 and 28~~ 74-227 and 74-228, then the requirements of this Section will be treated as met only if:
 - (1) the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
 - (2) the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).
 - ~~(3)~~ For purposes of applying subparagraph (1), the System will not fail to meet the reduced limit under Code Section 415(b)(2)(c) solely by reason of this subparagraph ~~(3)~~, and for purposes of applying subparagraph (2) the

System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph (3).

- B. For purposes of this subsection the term "permissive service credit" means service credit—
- (1) recognized by the System for purposes of calculating a Member's benefit under the plan,
 - (2) which such Member has not received under the plan, and
 - (3) which such Member may receive only by making a voluntary additional contribution, in an amount determined under the System, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the System, include service credit for periods for which there is no performance of service, and, notwithstanding clause B.(2), may include service credited in order to provide an increased benefit for service credit which a Member is receiving under the System.

11. Contributions Limits

- € A. For purposes of applying the Code Section 415(c) limits ~~in this subsection~~ ~~10. which are incorporated by reference and for purposes of this subsection~~ 11., only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a ~~calendar~~ limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the System, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2).
- (1) However, for ~~calendar~~ limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For ~~calendar~~ limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).
 - (2) For limitation years beginning on and after January 1, 2007, compensation for the ~~calendar~~ limitation year will also include compensation paid by the later of 2½ months after an employee's

severance from employment or the end of the ~~calendar~~ limitation year that includes the date of the employee's severance from employment if:

- (a) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or
 - (b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.
- (3) Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

~~D~~ B. Notwithstanding any other provision of law to the contrary, the Board may modify a request by a Member to make a contribution to the System if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

- (1) If the law requires a lump sum payment for the purchase of service credit, the Board may establish a periodic payment deduction plan for the Member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).
- (2) If payment pursuant to subparagraph (1) will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the Board may either reduce the Member's contribution to an amount within the limits of that section or refuse the Member's contribution.

C. If the annual additions for any Member for a limitation year exceed the limitation under Section 415(c) of the Code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

D. For limitation years beginning on or after January 1, 2009, a Member's compensation for purposes of this subsection 11. shall not exceed the annual limit under Section 401(a)(17) of the Code.

~~11~~ 12. *Additional Limitation on Pension Benefits.* Notwithstanding anything herein to the contrary:

- A. The normal retirement benefit or pension payable to a Retiree shall not exceed one hundred percent (100%) of his Average Final Compensation. However, nothing contained in this Section shall apply to supplemental

retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

- B. No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

SECTION 2: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Park.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5: That this Ordinance shall become effective upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the _____ day of _____, 2013.

By: _____
Mayor Kenneth W. Bradley

Attest: _____
Cynthia S. Bonham, City Clerk



city commission public hearing

item type	Public Hearing	meeting date	August 26, 2013
prepared by department division	Lindsey Hayes Planning & Community Development Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Historic Preservation Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	4-0 final vote

subject

Richard and Sandra Womble, the owners of 940 Old England Avenue, are requesting the listing of their property in the Winter Park Register of Historic Places.

motion | recommendation

The Historic Preservation Board voted unanimously on August 14, 2013 to recommend listing 940 Old England Avenue in the Winter Park Register of Historic Places. The listing is finalized by resolution of the City Commission (attached).

summary

940 Old England Avenue retains its architectural integrity and is significant for its association with the development of the Susan Dyer subdivision adjacent to the Winter Park Country Club and Golf Course. It is an excellent example of the Tudor Revival style in Winter Park. (HPB staff report follows)

board comments

none

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 940 OLD ENGLAND AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

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

WHEREAS, there is the desire to foster awareness and civic pride in the accomplishments of the past for current and future generations; and

WHEREAS, the property located at 940 Old England Avenue, Winter Park, Florida is associated with the development of the Susan Dyer subdivision, represents a fine example of Tudor Revival style architecture, retains its historical integrity and meets the criterion for historic resource status,

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

The City Commission of the City of Winter Park hereby supports and endorses the designation of the property located at 940 Old England Avenue as a historic resource on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of _____ 2013.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



HDA 13-001 940 Old England Avenue



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

Staff Report
August 14, 2013

HDA 13-001 Request of Sandra and Richard Womble to designate their property at 940 Old England Avenue to the Winter Park Register of Historic Places. Zoned R-1AA. Parcel ID #06-22-30-2264-00-030.

The residential property at 940 Old England Avenue is located in the 1915 Susan Dyer resubdivision in the neighborhood north of the 1914 Winter Park Country Club and Clubhouse. The property includes the circa 1934 contributing historic English Tudor Revival style house and a non-contributing 2011 reconstructed garage with apartment. The owners, Sandra and Richard Womble are requesting designation of their property to the Winter Park Register of Historic Places.

Description. The one and one half story residential building has an irregular “U” shaped footprint. The shingled roof is steeply pitched and accommodates a half story over part of the ground floor. The main body of the house is under a side-facing gable. The walls are clad in stucco except for the entrance feature. The façade features a short front-facing gable wing with distinctive flared eaves on the north end. This wing has a centered exterior chimney. The entrance is located in a front facing gable to the right of center. The entrance is a strong Tudor character feature. The short gable extension is clad in brick. The lower walls below the original timber beam are set in a running bond; the gable is set in a herringbone pattern. The gable has half timbering and flared eaves with the original hand scraped wavy edged verge boards. A side walled dormer to the right of the gable repeats the flared eave detail. A double row of header bricks accent the centered arched doorway. The round arch topped door is heavy wood batten with iron strapping hardware. A herringbone brick walkway leads from a half circle driveway to the entrance. The windows feature the original exposed timber beam headers. There is a band of four divided light windows to the right of the entrance. To the left are three pairs of divided light casement windows. The front gable wing has single casement windows flanking the chimney.

A driveway extends past the south side elevation. The end gable repeats the flared eaves and has a pair of casement windows in the upper gable. The lower level repeats the band of four tall windows that are on the façade. The band of windows has an exposed timber beam header. A flared eave gable dormer faces east and an adjacent shed dormer faces south. An east facing gabled wing continues along the side and has a triple casement window. The northern continues the over house design. The rear of the house includes two smaller chimneys.

The house has been added to over the years with an extension on the north rear wing in the character and materials of the original house. The entrance feature was clad in brick in a style typical of period Tudor Revival style homes. The original screened sunroom incorporated under the main roof has been enclosed with bands of full length windows. The original garage and second floor apartment was demolished and replaced in 2011 with a larger garage and apartment in a style similar to the original. A swimming pool was been added to the rear yard in 2003 and the half circular drive is a 2000 addition.

While interiors are not reviewed as part of designations and certificate of review requests, it should be noted that the house retains fine original details including vaulted beamed ceilings, ironwork, staircase and fireplace surrounds.

Architecture. The Tudor Revival style in America was loosely based on a variety of Medieval English prototypes. The American expression interpretation of the style emphasized steeply pitched gable roofs with a front facing gable in the façade as a dominant element. Many buildings feature ornamental half-timbering and stucco, masonry or masonry veneered walls. Uncommon before 1915, the Tudor style became popular after World War I when masonry veneering techniques allowed modest as well as grand buildings to have the brick or stone exteriors on English style buildings. The style was almost exclusively residential ranging from large architect designed estates to modest 1920s middleclass homes.

The Tudor style in Florida followed national trends. Nearly all examples of the style were found on private residences. Most date from the 1920s proliferation of subdivisions created during the Florida Land Boom. Decorative half-timbering was the most common defining element. Other features included steeply-pitched, other side-gabled, roofs and a façade with a steeply pitched cross gable. Windows were usually tall casement type, arranged in groups. Tall and wide decorative chimneys often played a prominent role.

Background. Until the 1920s Florida Land Boom, much of the neighborhood was planted with citrus groves and the rest covered with tall pines. Once the Land Boom started properties were subdivided and rapidly changed hands. The Orange County records date the house to 1938; however it dates earlier to at least 1934. Winter Park gained a number of high style homes during the 1930s Great Depression years. It has been thought that the house may have been built on speculation by realtor Hiram Powers, but no record has surfaced regarding a builder or architect. The first owners of record of the house were Charles F. Brown and Emma K. Sherrill Brown. The land for the house was acquired in 1930 by Mrs. Brown from Rose and Hiram Powers and by 1934, the newspaper "Social Notes" referenced elegant entertaining at the house on Old England Avenue. Mrs. Brown is noted in 1930 as a generous donor of funding to build the "Colored Day Nursery" for working mothers. In 1941, she would give the initial funding for a kindergarten wing for the nursery. Charles Brown passed away at 87 in 1944, described a "dean of the molasses business". Emma Brown passed away at age 92 in 1948.

RECOMMENDATION: The house is an excellent representative of the Tudor Revival style in Winter Park. It retains its historic integrity to a significant degree. The property is in excellent condition. Staff's recommendation is for APPROVAL to designate the house at 940 Old England Avenue as a historic resource in the Winter Park Register of Historic Places.



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

City of Winter Park Historic Designation Application

1. 940 Old England Ave, WP 32789
Building address
Sandra + Richard Womble 407-645-4232
Owner's name(s) Address Telephone

2. Sandra S. Womble + Richard J. Womble as owner of the property described above, do
Applicant's name (if different from above) Address Telephone
hereby authorize the filing of this application for historic designation for that property.

[Signature] [Signature] 7-19-13
Owner's Signature Date

Historic Preservation Board Office Use

Criteria for Designation

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

Swan dyer resub F/96 Lot C+F 1938
Legal description (less 25') Year built
06-22-30-2264-00-030
Historic name of building (if any) Historic district name (if any)

Date received: 7-18-13

HPC Meeting: 8-14-13

Case File No.: HDA-13-001

Florida Master Site File No.: OR-9365

☐ Local Historic Landmark

☒ Local Historic Resource

July 2013

Historic Preservation Board, City of Winter Park FL

Dear Board Members:

We are applying for historic designation of 940 Old England Avenue. After purchasing it in 1998 we have spent countless hours renovating the main house and rebuilding the garage. Mr. Steve Feller, AIA did all of the architectural renderings for both old and new.

HOUSE

The only addition made to the house was on the backside where we took out a corner bathroom to expand a bedroom. Since we removed the bathroom, we needed to add a master bath which is now on the back, north side of the house with a master closet. Feller also designed a small porch to add character and break the line.

We added an entertainment/book shelves across the big wall in the den. As you can see in the photos we were careful to use original lighting that we found in the attic (see small foyers). And we refit the front bedroom and bath to its original design. (A homeowner along the way moved the entrance door closer to the bedroom to an awkward place outside the alcove. They had also sliced a bathroom in 2, we rebuilt it to its original size which was much more adequate.

In 2011 we razed the old garage as it was in terrible shape, termite riddled and unlivable. The garage spaces were not in keeping with today's standards. Steve Feller was careful to use the old design, but expanded the room sizes and updated the interior. For instance, the old garage had the stairway on the outside. Of course, Feller designed the stairway for the interior of the house. He designed in rough cut wooden dormers like the main house has on the front and back.

Rich Searl, the general contractor, used the heart of pine rafters from the old garage to build a tray ceiling in the game room and two bath sinks. He did a remarkable job. We also used an old cypress door and closet door from the big house. If you would like photos of the interior of that structure, I will be happy to provide them for you.

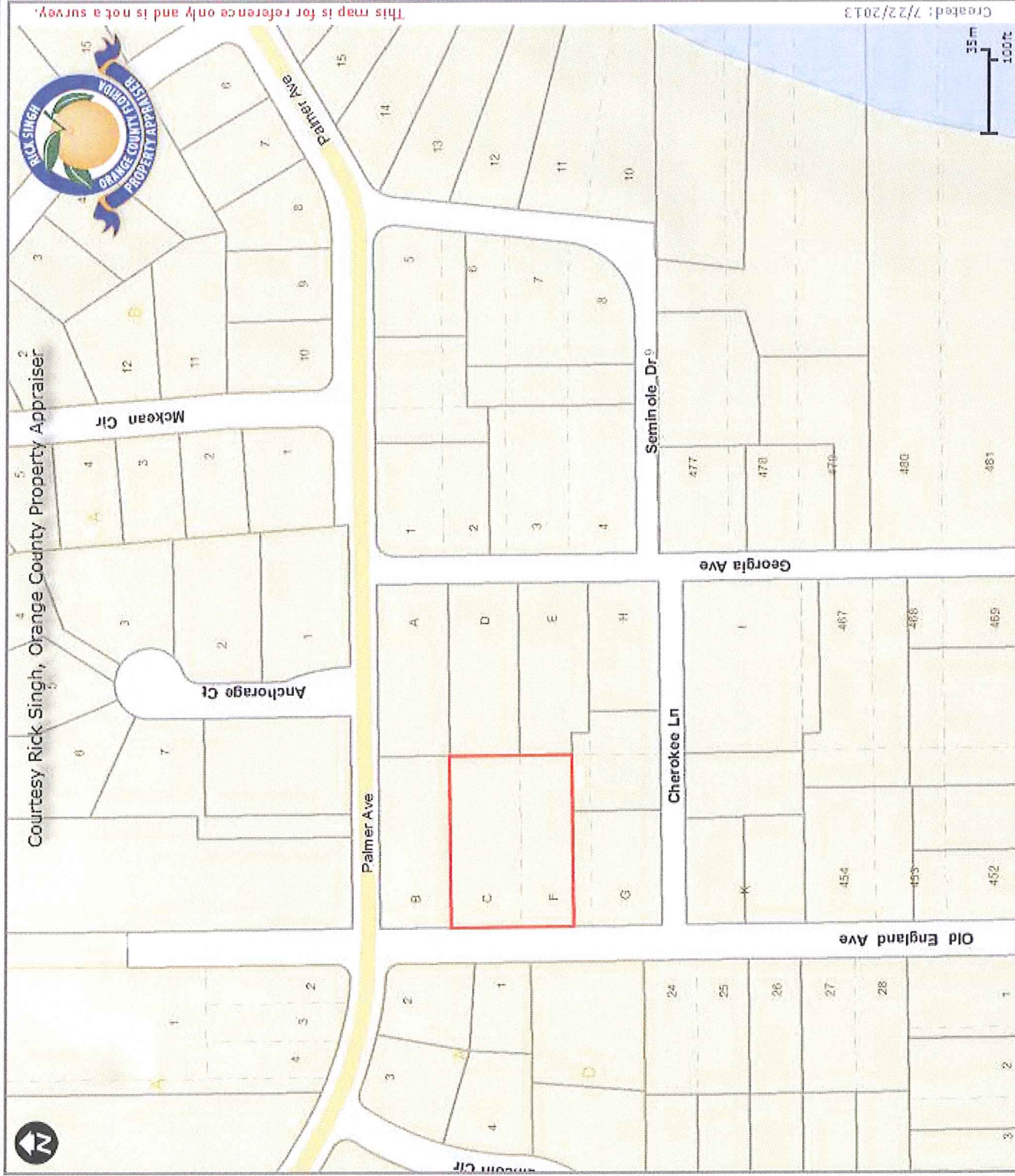
Thank you for your consideration. We have always felt it a privilege to live in such a wonderful old house with fine craftsmanship and detail that is seldom copied today.

Sincerely,


Sandy & Dick Womble

Enc. I tried to photograph and print the old tinted photos that have been passed down with the house. You'll see them in the notebook. The backside identifies the photographer's location as Chicago, Illinois. Most likely this was a spec house given there are 4 fireplaces and two coat closets in the foyer. Jack Rogers has confirmed his father was not the architect.

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building
- Power Plant



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

Created: 7/22/2013



PALMER AVENUE
485 feet

242.5 B	242.5 A
C *	D
F	E
G	H

ALLEY

242.5 K	242.5 I
------------	------------

485 feet

GEORGIA AVENUE

I hereby certify that this map or plat of property is correct and is my own individual property.
Susan E.P. Dyer.
Sworn to before this 27th day of Jan'y 1915.
C.D. Powell
Notary Public, State of Florida.
My commission expires June 10, 1919.

(Notarial Seal)

PLAT
SUGAN DYER'S RESUBDIVISION
or Lots 455 to 466 (inclusive)

I do hereby certify that this map is a true and correct representation of the revised subdivision of Lots 455 - 466 (inclusive) of Winter Park. J.O. Pries
Co. Surveyor
Sworn to before me this 19 day of Oct. 1914
Carl Janssen
Notary Public
My Com. expires April 13-1918.

(Notarial Seal)

The plat of the original Subdivision of Winter Park (including these lots) is recorded in Book 3 of Miscellaneous Records page 220.
These lots are in S.E. 1 of NE 4 Sec 6-Tp 22 So-Rge 30 E

↑ NORTH

Filed in office and recorded this 29th day of January A.D. 1915.

B. M. Robinson Clerk

By J. P. Williams D.C.

Property Record - 06-22-30-2264-00-030

Orange County Property Appraiser •
http://www.ocpafl.org

Property Summary

Property Name
940 Old England Ave
Names
Womble Richard S
Womble Sandra S
Municipality
WP - Winter Park
Property Use
0100 - Single Family

Mailing Address
940 Old England Ave
Winter Park, FL 32789-2623
Physical Address
940 Old England Ave
Winter Park, FL 32789



QR Code For Mobile Phone

Property Features

Property Description

SUSAN DYER RESUB F/96 LOT C & LOT F (LESS S 25 FT)

Total Land Area

42,437 sqft (+/-) | 0.97 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class	Unit Price	Class Value
0100 - Single Family	R-1AA	1 LOT(S)	\$706,304.48	\$706,304	\$0.00		\$706,304

Buildings

Model Code	01 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0102 - Single Fam Class II	BAS - Base Area	3071	\$317,849
Building Value	\$197,698	BAS - Base Area	128	\$13,248
Estimated New Cost	\$373,015	FEP - F/Enc Prch	260	\$18,837
Actual Year Built	1938	FOP - F/Opn Prch	448	\$11,592
Beds	3	FUS - F/Up Story	130	\$11,489
Baths	2.5			

Floors	2			
Gross Area	4037 sqft			
Living Area	3589 sqft			
Exterior Wall	Cb.Stucco			
Interior Wall	Plastered			
Model Code	01 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0102 - Single Fam Class II	BAS - Base Area	611	\$63,239
Building Value	\$105,174	BAS - Base Area	269	\$27,842
Estimated New Cost	\$181,334	FGR - Fin Garage	469	\$24,323
Actual Year Built	1938	FGR - Fin Garage	267	\$13,869
Beds	1	FOP - F/Opn Prch	88	\$2,277
Baths	1.0	FST - Fin Storge	144	\$7,452
Floors	2	FUS - F/Up Story	330	\$29,084
Gross Area	2376 sqft	FUS - F/Up Story	150	\$13,248
Living Area	1360 sqft	OPN - Open Area	48	\$0
Exterior Wall	Cb.Stucco			
Interior Wall	Plastered			

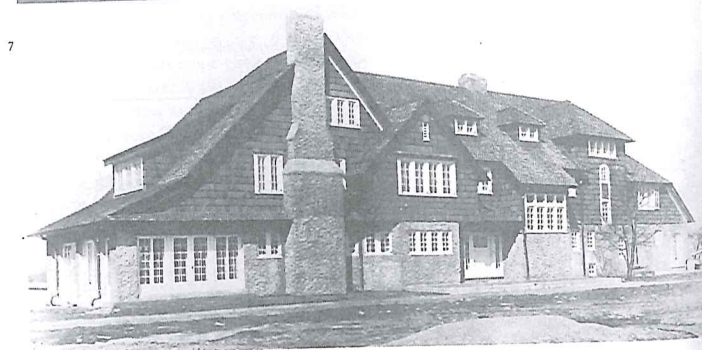
Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
FPL2 - Average Fireplace	01/01/1938	2 Unit(s)	\$2,500.00	\$5,000
FPL3 - Good Fireplace	06/01/2000	1 Unit(s)	\$6,000.00	\$6,000
PL2 - Above Average Pool	05/13/2003	1 Unit(s)	\$20,000.00	\$14,600
FPL2 - Average Fireplace	01/01/2005	1 Unit(s)	\$2,500.00	\$2,500
PT1 - Patio 1	08/01/2011	1 Unit(s)	\$1,000.00	\$1,000

Eclectic Houses: Tudor

STUCCO WALL CLADDING

1. Lexington, Kentucky; 1920s.
2. Ashtabula, Ohio; 1910s. Note the wall dormers, an unusual Tudor feature, the brick tabbed door surround, the quoins and the chimney detailing.
3. Louisville, Kentucky; 1910s. Such examples, with the dominant front gable capped by a hip, suggest Continental, rather than British, precedents. They were sometimes referred to as Germanic Cottages by eclectic builders.
4. Cleveland, Ohio; 1920s. This example retains the original roof of rough-cut slate. Note the unusually low eave line and the massive front chimneys.
5. Montgomery, Alabama; 1910s. Many early Tudor houses were symmetrical or nearly so, as in this example.
6. Americus, Georgia; 1920s.
7. Louisville, Kentucky; 1910s. Wymond House. This landmark example has wood-shingle walls above the rough-finished stucco of the first story. Note the multiple groups of casement windows and the shed dormer to the left, contrasting with the hipped dormers on the right.
8. Pittsford, New York; 1920s. Note the decorated vergeboards in the gables and the second-story overhang above the entry.

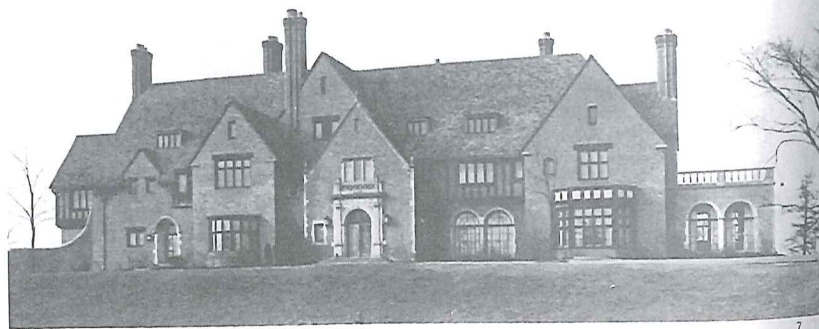
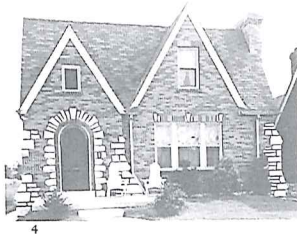
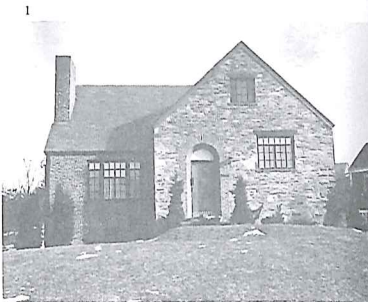


"A FIELD GUIDE TO AMERICAN HOUSES"



BRICK WALL CLADDING

1. Chevy Chase, Maryland; 1930s. The stone of the gabled wing contrasts with the brick walls of the rest of house (see Figure 5 below).
2. Durham, North Carolina; 1930s. A late example with relatively little decorative detailing.
3. Hartford, Connecticut, 1910s. A brick lower story with wood-shingled walls above. The symmetrical form seen here is common in pre-1920 examples, but rare after.
4. St. Louis, Missouri; 1920s.
5. Raleigh, North Carolina; 1920s. In placing houses into Tudor subtypes we have used the dominant first-story wall material as the principal criterion. Other materials are commonly used on upper stories (or portions thereof) and for dominant design elements, such as the entry, front gable, or chimney. This unusual example has about equal proportions of brick, stone, and wood on the front facade. Brick slightly dominates the first story as well as the side and back walls not seen in the photograph.
6. Kansas City, Missouri; 1920s. Here a brick chimney, entry area, and foundation walls are used with rough-stuccoed gables and upper story.
7. Toledo, Ohio; 1920s. A landmark example with multiple gables and chimneys and a Renaissance-inspired door surround.
8. Cleveland, Ohio; 1920s. Note the finely detailed entry gable with very tall leaded glass windows, vergeboard, and decorative paneling. The curved roof line over the bay window is a distinctive but relatively rare Tudor feature.





FACADE
C. 1930s

C. 1930s REAR



INTERIOR - 1930s





FRONT



ENTRANCE



FRONT



ENTRY
DOOR



REAR (2001)



SOUTH SIDE



REAR SHOWING NORTH WING
TO THE RIGHT (2001)



NORTH WING WINDOW DETAIL



INTERIOR SHOWING
ORIGINAL PERIOD DETAIL



ORIGINAL STAIRCASE



ORIGINAL BEAM DETAIL



FIREPLACE DETAILS



1/2 STORY INTERIOR
DETAILS



ORIGINAL GARAGE 2001
(REBUILT IN 2011)

SOCIAL NOTES

Mr. and Mrs. Hibbard Casselberry entertained about a hundred guests at a cocktail party for Mr. Casselberry's brother, Mr. William Casselberry, of Lake Forest, who is here for an indefinite stay. The party later attended the dance at the Sanlando Country Club given by Dr. and Mrs. H. M. Beardall and Mr. and Mrs. Vernon Badham, of Orlando.

Mme. Marie Sundelius was the honor guest at a dinner given at Gate o' the Isles by Mr. and Mrs. Irving Bacheller last week before her departure for the North.

Mrs. Louis W. Austin left Tuesday for Washington, D. C., after spending a part of the winter with her father, Mr. W. L. Osborne, on Georgia Avenue.

Mrs. A. T. Aldis read one of her own plays before the members of the American Association of University Women at Pugsley Hall Wednesday afternoon when the regular monthly meeting was held. Miss Nina Strandberg, of Finland, also spoke. Mrs. Willard Wattles, wife of Prof. Wattles of Rollins, and president of the State branch of the Association, presided.

Mrs. Stuart Scott and Mrs. Dana C. Munro have been visitors in St. Augustine the past week. Mrs. Munro is the widow of the late Prof. Munro of Princeton, and has been staying at Barron Hall.

Mr. and Mrs. Fred J. Howden, Miss Ethel Howden, of Muskegon, Mich., Mrs. W. D. Beath and Mrs. R. O. Reid, of Toronto, Ont., are leaving Saturday for the North after touring all Florida. While in Winter Park they occupied the home of B. A. Kent on Henkel Drive.

At this week's bridge party for guests at Virginia Inn, Mr. and Mrs. A. R. Lancaster, of London, England, were the hosts. Prizes

were awarded Mrs. Barton Chapin for high ladies' score; Miss Annie Merritt, second, and Mrs. Frank Wilcox, consolation. Mr. Joseph C. Lincoln won high score for men; A. L. Lustig, second, and C. A. Robinson, consolation. Mr. and Mrs. S. C. Bradley will entertain this week.

Mr. and Mrs. Charles F. Brown, of Old England Ave., entertained at dinner Saturday evening with Mr. and Mrs. Walter Stevens, Rev. and Mrs. Victor B. Chicoine, Rev. Dr. Richard Wright and Mrs. Wright, Mr. Ernest Clark and Mr. and Mrs. Sholz as guests. After dinner Mr. Richard Wilkinson, Mr. Robert Currie with Mrs. Hazel Lefest entertained the guests with a musical program.

Miss Mary Leonard is holding an exhibition at the Masonic Hall today of dolls or figures in costumes representing the mode of dress of the different nations. There are fifty figures in all which Miss Leonard had made in Paris by a doll maker and the interesting costumes are those she has collected for many years in the many countries she has visited from time to time.

Mr. and Mrs. Robert Van Deusen, of New York, have been guests of Mr. and Mrs. A. B. McCaughey on Via Tuscan. They have been in Daytona and stopped on their way North. A few years ago the Van Deusens occupied the Wallach house.

Mrs. William A. Howison after spending the past month or more with her friends, Mr. and Mrs. Robert Bruce Barbour, has returned to New York.

A collection of Currier and Ives prints will be on exhibition at the Rollins Art Studio beginning today and continuing until April 5th. These prints have been loaned by people of Winter Park, including Dr. and Mrs. Holt, Mr. and Mrs. Hiram Powers, and the Misses Wood, who are all lending their entire collections. Captain Hallett has contributed six of his finest ones.

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FOR CHILDREN
FOR THE HOME

are ready throughout the store as well as innumerable gift suggestions.

Daily deliveries 9 A. M. to Winter Park.

DICKSON-IVES CO.

ORANGE AVE.

ORLANDO

PHONE 4134

Mr. Robert A. Gantt, of New York, is a guest at the Virginia Inn. His daughter, Miss Nancy Gantt, is a student at Rollins. Mr. Gantt is vice-president of the Postal Telegraph.

Mr. and Mrs. Bruce Dougherty, Miss Gretchen Cox, and Prof. and Mrs. H. P. Pierce, of Rollins, gave a concert at Harden Hall in Sebring Tuesday evening.

Mrs. Joseph K. Pollock entertained Saturday evening at dinner for Mrs. Corra Harris at the Alabama, it being Mrs. Harris' birthday and also St. Patrick's Day. Those attending were: Mr. and Mrs. Irving Bacheller, Mr. and Mrs. Walter H. Tappan, Mr. and Mrs. Eugene Shippen, Mr. and Mrs. Hiram Powers, Mr. and Mrs. George F. West, Col. and Mrs. Edgar C. Leonard, Mr. A. J. Hanna and Mrs. Clinton Scollard.

Dr. and Mrs. Albert Shaw gave an informal buffet supper last Friday evening for twenty with Mr. A. J. Hanna and Mr. Roger Shaw as guests of honor.

Miss Inez Hanna, of Warren, O., is here for a month's stay with Mr. and Mrs. Walter G. McIntosh, of Wilmette, Ill., at their Palmer Avenue home.

*Miss Ryan
& Miss Hanbury
write you*

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WHISTLING OYSTER
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Private dining room for luncheons and dinners such as you would give in your own home. Prices on request.

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WINTER PARK, FLORIDA

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HAND-MADE LINGERIE

PHILIPPINE DRESSES

DIRECTORY

Winter Park Topics will appreciate the cooperation of its readers in making the Directory accurate and complete. Additions and corrections will be made in the next printing, as well as the hotel season guests.

Owing to the unexpected length of the listings of hotel residents it has been impossible to print the list of hotel season guests in this issue. They will be printed next week.

Abbe, Dr. & Mrs. A. J., 432 Henkel.
Aldis, Mrs. A. T., Camden, S. C., 605 E. Park.
Alvord, Miss Maude M., N. Falmouth, Mass., Mayview Ave. cor. Harding.
Anderson, Bishop & Mrs. Wm. F., 860 E. Park.
Anderson, Dean & Mrs. Winslow S., 1349 Essex.
Andrews, Gen. & Mrs. Avery D., Vineyard Haven, Mass., 500 Interlachen.
Arnold, Mrs. Mary Hazen, Haddam, Conn., 224 Phelps.
Bachelier, Mr. & Mrs. Irving, Hotel Barclay, New York, Gate o' the Isles, E. Park.
Baker, Mr. & Mrs. Ray Stannard, Amherst, Mass.
Baker, Mr. & Mrs. R. C., 378 Vitoria.
Banca, A. J., Stony Creek, Conn., Maitland.
Bannister, Mr. & Mrs. C. A., 266 Chase.
Barbour, Mr. & Mrs. R. B., Newton Center, Mass., 656 Interlachen.
Barnum, Mr. H. W., 416 Fairfax.

Bartlett, Mr. & Mrs. Lyman.
Bates, Rev. & Mrs. C. L., 140 Cortland.
Beach, Mrs. Harlan P., 737 Maryland.
Beard, Dr. W. S., Montville, Conn., 435 Fairfax.
Beisel, Mrs. Margaret, Hazelton, Pa., College Arms, Holt Ave.
Bell, Mrs. John J., Nyack, N. Y., 1508 Highland Ave.
Bellows, Mrs. Charles, 806 Antoinette.
Bingham, Mr. and Mrs. W. P.; Miss Doris Bingham, Heron Is., Me., 160 Glenridge Way.
Bissell, Mrs. Sanford, The Plaza, New York, 232 Knowles.
Blackman, Mrs. W. F., 642 Interlachen.
Bonties, H. P., 16 Otter Park, Dr., Greenwich, Conn., Maitland.
Bradford, Mr. & Mrs. Carter, 754 Vitoria.
Brady, Prof. & Mrs. U. T., 151 Orlando Ave.
Bragg, Mrs. J. Sumner, Manchester, N. H., 356 E. Lyman.
Brewer, Mrs. E. H., Cortland, N. Y., The Palms, Osceola Ave.
Bridge, James Howard, 1169 Lakeview Dr.
Brigham, Mrs. E. D., 242 Osceola Ct.
Brown, Mr. & Mrs. Chas. F., E. Orange, N. J., 940 Old England.
Brown, Mr. & Mrs. E. T., 1284 Penn.
Burchard, Mr. & Mrs. Lewis S., New York, Sylvan Dr.
Burks, Dr. & Mrs. B. A., 208 Brewer.
Burnet, Mrs. Alice Dana, Alexandria Bay, Thousand Is., N. Y., 1176 Via Capri.
Burnet, Dana, 1176 Via Capri.

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FOR SALE

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PRICE: \$5000

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Realtor

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\$6.50 to \$10.00

Black, Brown, White and Combinations. For dress, walking and sport wear. Men's golf shoes with spikes. Full dress or dancing types.

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THE BAYSTATER

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Greeting Cards

D. HAROLD HAIR

ARCHITECT

222 PARK AVE.
WINTER PARK, FLA.

Tel. 13

(Continued on page 5)



city commission public hearing

item type	Public Hearing	meeting date	August 26, 2013
prepared by department division	Jeff Briggs Planning Department	approved by	<input type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	4-0 final vote

Subject: Ordinance to Revise the Rules for Restaurants within the Park Avenue area.

The issue of amending the C-2 zoning rules along the Park Avenue corridor for restaurants and other food service establishments was discussed by P&Z and the City Commission several times in 2012. At issue all those times, was the lack of a consensus on how to proceed amongst the various stakeholder groups.

This current proposal differs because it has been developed as a 'bottom-up' approach by the downtown property owners and merchants in concert with the Park Avenue Merchants Association and the Winter Park Chamber of Commerce. Through this coordinated effort, there is now consensus on how to proceed.

Planning and Zoning Board Recommendation:

Motion made by Bob Hahn, seconded by Ross Johnston to approve the proposed Ordinance subject to the city attorney revision to the section regarding city review of menu changes text. Motion carried unanimously with a 4-0 vote.

Summary:

The current zoning rules for restaurants in the Park Avenue corridor are confusing, not well understood and very difficult to enforce as they have evolved over the past 25 years.

The proposed ordinance makes four changes to the C-2 zoning rules for restaurants and other food service type establishments as follows:

1. It provides a new, improved definition of "fine dining restaurant". It makes it clear to the owners and operators of existing fine dining restaurants and to any new proposed fine dining restaurateurs what they are expected to do (operationally) and will be easier for the City staff to enforce.
2. It provides a new definition of "fast food restaurants" and makes it clear that they are prohibited, non-conforming uses.
3. It provides a new definition for "coffee shops, bakeries and dessert restaurants" which provides a solution for staff addressing the menu creep that we have experienced with these establishments that are primarily coffee shops, bakeries or ice cream/dessert places but also which sell some ancillary food for breakfast/lunch.

4. It provides within the Park Avenue corridor a new definition and a new permitted use for “non-fine dining restaurants” otherwise sometimes referred to as ‘fast casual’ restaurants. These are not currently permitted unless by conditional use approval based on adequacy of parking. The proposal now is that subject to the defined limitations, new “non-fine dining restaurants” may be established as permitted uses within the Park Avenue corridor. The limitations are no more than 20% of any block storefronts and no more than 15% of total storefronts within the Park Avenue corridor may become “non-fine dining restaurants”.

Other than perhaps Panera Bread, none of the existing casual dining places along Park Avenue meet all of the criteria in this “non-fine dining” definition. The percentages might appear potentially large (20% of any block or 15% of the total businesses) but the opportunities are far less. The reality is that most (if not all) of the fast casual franchise chains like Five Guys Burgers or Tijuana Flats meet the criteria to be classified as a fast food franchise. Restaurants that meet these criteria cannot change their operations for just one location on Park Avenue (such as using real dinnerware, busing their tables, etc.) in order to qualify within this “non-fine dining restaurant” definition. So the numbers may look large based on the percentages, but the real opportunities are far less. What this definition does accomplish is to encourage the entrepreneurial start-ups (versus chains) which is what is desired along the Avenue.

The Winter Park Chamber of Commerce provided staff with an analysis of the existing restaurants along Park Avenue as well as a composite of retail and restaurant uses. Staff has verified this data and will use this information as the threshold for the Ordinance percentages going forward.

STAFF RECOMMENDATION - APPROVAL:

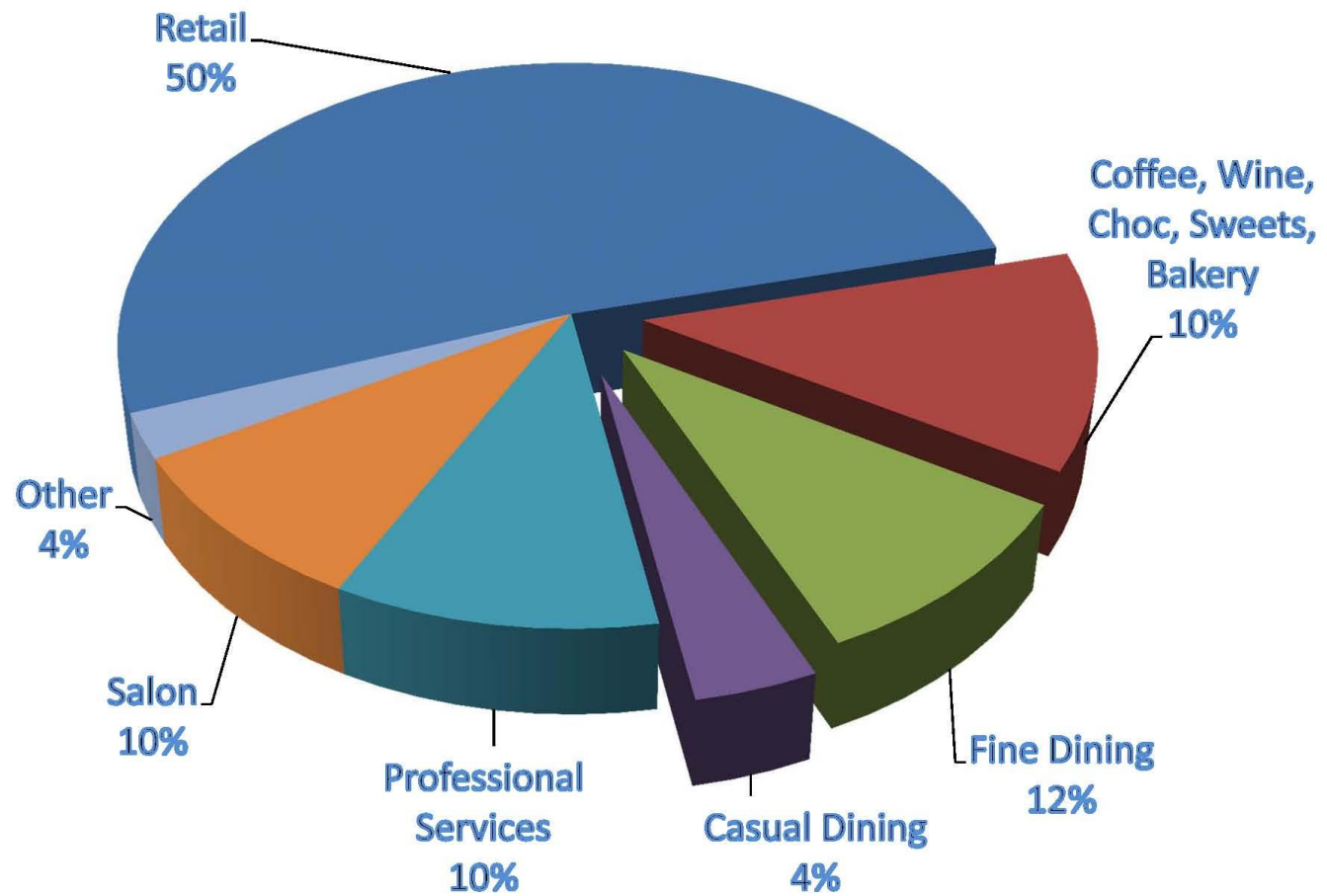
Providing the new and improved definitions for “fine dining restaurants” and for the “coffee shop, bakery, and dessert restaurants” will be extremely helpful in enforcing the Code. Even more so, the new definition on “fast food restaurants” is very important to help preserve the character of the Park Avenue corridor that seems to be universally desired. These first three things that the Ordinance accomplishes are very important and much needed.

The only new thing this Ordinance proposes is the new permitted use for “non-fine dining restaurants”. There are many fast casual restaurant chains such as Five Guys, Moe’s, Tijuana Flats, Chipotle, Italio Cuisine, etc. However, they would meet the definition of fast food franchise and not be eligible. Instead it would encourage independent start-ups versus these chains which the Park Avenue Association and the staff believes are compatible with the character of Park Avenue and the type of new restaurant to be encouraged.

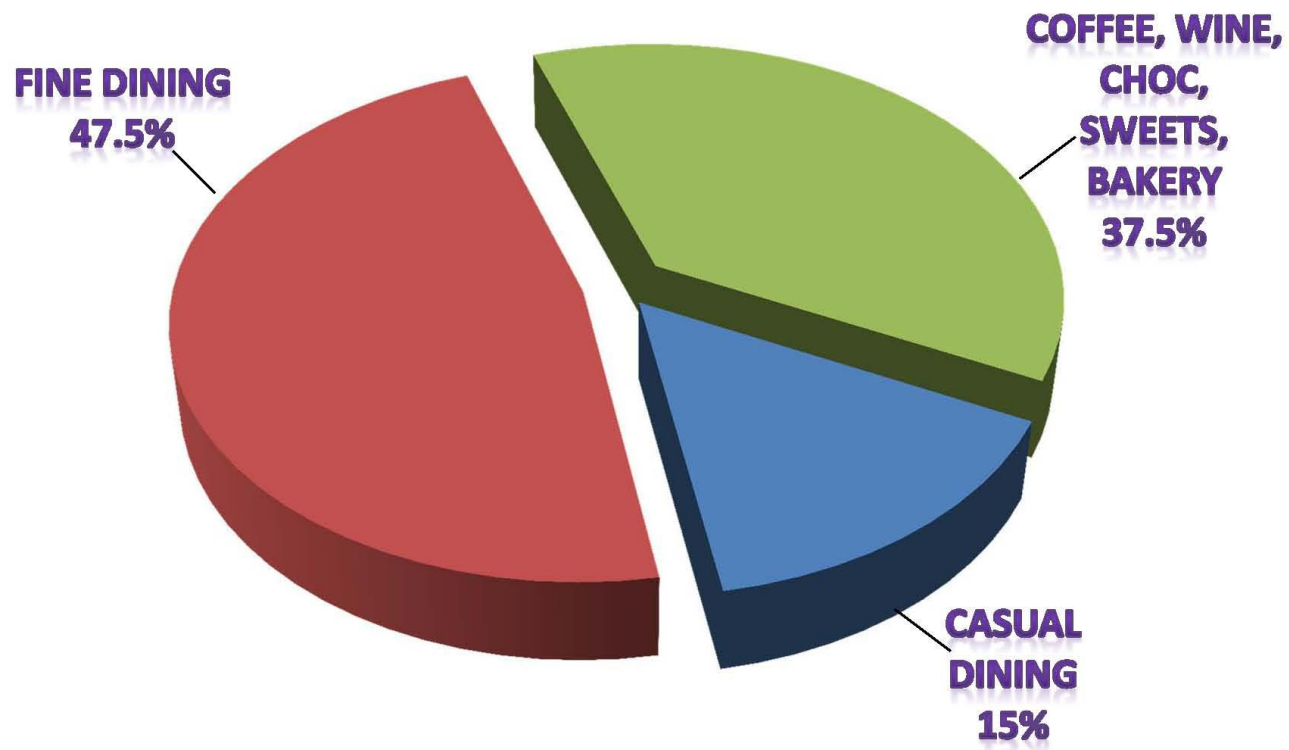
The staff is very grateful to the Park Avenue Merchants Association for working on this proposal. This was a very difficult task to put into words the operational characteristics of the places that are “good” for the ‘Avenue’ and also to try to do the same for those that are not compatible.

	Park Avenue Frontage		
Fine Dining	Coffee, Wine, Choc, Sweets, Bakery	Casual Dining	
Café de France	Smart Coffee HD	BurgerFi ⁽¹⁾	
Avenue Thai and Sushi	Tutti Fruitti Frozen Yogurt	Panera ⁽²⁾	
Blu on the Avenue	Starbucks Coffee	Tiffany's Deli ⁽³⁾	
310 Park South	Peterbrooke Chocolatier		
Park Plaza Gardens Restaurant	Wine Room		
Luma on Park	Eola Wine Company		
Pannullo's Italian Restaurant	Kilwin		
Bosphorus Turkish Cuisine	Le Macaroon		
Prato	Sweet Traditions Bakery and Café		
Paris Bistro	Barnie's		
Briarpatch Restaurant	Palmano's		
Bistro On Park			
Matilda's			
Orchid Thai Cuisine			
Firehouse ⁽⁴⁾			
	NON -Park Avenue Frontage		
Nelore of Winter Park	Haagen-Dazs	Park Avenue Pizza ⁽²⁾	
Cocina 214	Penguin Frozen Yogurt	Powerhouse Café ⁽³⁾	
Diva Off The Park	Tropical Smoothie Café	Dogmatic ⁽²⁾	
Café 118	Croissant Gourmet		
19	15	6	
	Total Park Avenue Dining	40	%
	Casual Dining	6	15%
	Coffee, Wine, Choc, Sweets, Bakery	15	37.5%
	Fine Dining	19	47.5%
Notes: 1. Approved by staff as a "fine dining" restaurant			
2. Approved via conditional use by City Commission			
3. Grandfathered-in. Predates the zoning rules			
4. Per the April 16, 2013 letter for the operation on Park Avenue			

156 Businesses in Park Ave Area



40 DINING EXPERIENCES IN PARK AVE AREA



ORDINANCE NO. 2013-__

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE”, ARTICLE III “ZONING”, SECTION 58-95 “DEFINITIONS” OF THE CITY CODE TO REVISE THE DEFINITION OF FINE DINING RESTAURANT AND TO CREATE A DEFINITION OF FAST FOOD RESTAURANT; TO AMEND SECTION 58-75 “COMMERCIAL (C-2) DISTRICT” TO ALLOW CERTAIN CATEGORIES OF RESTAURANTS AS PERMITTED USES IN THE PARK AVENUE CORRIDOR; TO AMEND SECTION 58-75 “COMMERCIAL (C-2) DISTRICT” TO PROVIDE THAT CERTAIN CATEGORIES OF RESTAURANTS ARE PROHIBITED NON-CONFORMING USES IN THE COMMERCIAL (C-2) DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission recognizes that the Park Avenue Corridor possesses a particular character due to the large number of locally owned or operated small businesses of high quality; and

WHEREAS, the City Commission recognizes that the Park Avenue Corridor is a valuable asset of the City of Winter Park, which provides significant and substantial economic benefit to the City; and

WHEREAS, the City Commission desires to maintain the charm, appeal and unique characteristics of the Park Avenue Corridor and the surrounding Commercial (C-2) District as a primarily fine dining destination and to promote locally owned or operated small business restaurants, while at the same time providing a number of options for dining in the Park Avenue Corridor and the Commercial (C-2) District; and

WHEREAS, the City Commission recognizes that Policy 1-2.3.3 of the Future Land Use Element of the City of Winter Park’s Comprehensive Plan, provides that the Commercial (C-2) District differs from the other commercial, office or planned development designations in terms of the land use policies for this area which strive to maintain and enhance pedestrian orientation, preserve the scale of the historic premiere retail areas, enhance the eclectic mix of architectural styles, preserve and maintain the mix of retail, office and residential uses, preserve the open space vistas and non-commercialization of historic Central Park and the predominance of small distinctive specialty shops; and

WHEREAS, the City Commission recognizes that the Park Avenue Corridor is currently fully leased and that the present distribution of uses is approximately fifty percent retail and twenty-six percent dining, based upon a survey conducted by the Winter Park Chamber of Commerce; and

WHEREAS, the City Commission recognizes that distribution of dining uses within the Park Avenue Corridor is approximately forty-eight percent fine dining, fifteen percent casual dining, and thirty-seven percent coffee, dessert or bakery, based upon a survey conducted by the Winter Park Chamber of

Commerce and contributions of the City of Winter Park Planning Department, the results of which are attached hereto as Exhibit “A”; and

WHEREAS, the City Commission recognizes that business in the Park Avenue Corridor may occasionally convert from restaurant to retail use, but that such conversions occur less frequently than conversions from retail to restaurant use, due to the expense of construction involved in converting to a restaurant use, as well as the impact fee requirements for restaurants; and

WHEREAS, the City Commission seeks to allow a some non-fine dining restaurants, but limit the number of such establishments in the Park Avenue Corridor, so as not to diminish the reputation and unique character of the Park Avenue Corridor as a fine dining destination; and

WHEREAS, the City Commission finds that the quick service style of fast food restaurants produces increased traffic and other negative effects on the surrounding neighborhood; and

WHEREAS, the City Commission finds that, due to the increased traffic and other negative effects, fast food restaurants are not compatible with the character of the Commercial (C-2) District, including, but not limited to the characteristics articulated in Policy 1-2.3.3 of the Future Land Use Element of the City of Winter Park Comprehensive Plan; and

WHEREAS, the City Commission finds that prohibiting fast food restaurants will serve the public purpose of maintaining the character of the Commercial (C-2) District; and

WHEREAS, the City Commission finds that it is in the best interest of the citizens of Winter Park to regulate the types of restaurants that are permitted to operate in the Park Avenue Corridor and the Commercial (C-2) District to maintain the particular character of the Park Avenue Corridor and the Commercial (C-2) District, thereby continuing their economic benefit to the City; and

WHEREAS, the City Commission seeks to amend the definition of “Fine Dining Restaurant” to provide more objective criteria for this type of restaurant that is a permitted use in the Park Avenue Corridor and the Commercial (C-2) District; and

WHEREAS, the City Commission seeks to create a definition of “Non-Fine Dining Restaurant” to provide more objective criteria for this type of restaurant and to establish that a “Non-Fine Dining Restaurant” meeting certain criteria is a permitted use in the Park Avenue Corridor, provided that the number of such restaurants does not exceed a certain percentage of businesses within the Park Avenue Corridor; and

WHEREAS, the City Commission desires to create a definition of “Fast Food Restaurant” and to specify that this type of restaurant constitutes a prohibited use in the Commercial (C-2) District; and

WHEREAS, the City Commission has determined that certain restaurants existing in the Park Avenue Corridor that have not been found in violation of the City of Winter Park Code of Ordinances by the Code Enforcement Board, and are identified in Exhibit “A”, will be non-conforming uses after the enactment of this ordinance, and such restaurants may continue to operate under their current business model and subject to Section 58-64(d) of this Code; and

WHEREAS, the City Commission desires that, where a new restaurant takes the place of a restaurant that existed in the Park Avenue Corridor prior to the enactment of this ordinance, such new restaurant

will be required to meet the criteria of fine dining, non-fine dining, or coffee shop, bakery and dessert restaurant, as hereafter defined; and

WHEREAS, the City Commission desires that, where a new restaurant takes the place of a restaurant that existed in the Park Avenue Corridor prior to the enactment of this ordinance, and the restaurant use was not discontinued for a period greater than three months, as provided in Section 58-64(d)(6) of this Code, such new restaurant will not be excluded on the basis of the percentage limitations set forth in Section 58-75(b)(6)(b); and

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

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

SECTION 1: **Recitals Adopted.** The forgoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2: **Amendment of Section 58-95.** Chapter 58, Article III, Section 58-95 “Definitions” is hereby amended as follows:

Sec. 58-95. Definitions.

Fine dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages ~~where food service is provided by waiters/waitresses and where the menu shall consist of fine dining cuisine with a range of appetizers, entrees and desserts. Fine dining restaurants shall not include establishments where ordering or payment is done at a counter/cashier and shall not include sandwich shops, sub shops or any type of fast food business.~~ Additionally, fine dining restaurants shall meet all of the following criteria:

1. A host or hostess must be regularly present to greet and arrange for seating of patrons;
2. Food and beverage service (other than bar service) is provided via table service by servers;
3. Dinnerware (utensils, plates, etc.) shall be non-disposable;
4. Ordering, food service and payment is done at the table; and
5. The menu shall consist of fine dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of wines or alcoholic beverages or both.

Establishments which include a drive-thru or where ordering or payment is done at a counter/cashier and then the food and/or beverage is brought to the table or customer by restaurant staff shall not be considered fine dining restaurants. Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders. Take-out orders shall not exceed 10% of the gross revenue.

Fast Food Restaurant means any restaurant whose normal business model includes two or more of the following criteria or characteristics:

1. A predominance of locations offer drive-thru service;
2. The menu consists of predominantly fast food or take-out food typically: consumed on site, or off the site as to-go food; pre-made and wrapped before customers place orders; served with disposable tableware or typically served in paper or plastic containers;
3. Food is typically ordered from a wall menu at a service counter;
4. Food consumed on the premises is typically ordered while customers are standing;
5. Payment must typically be made by customers before food is consumed;
6. Customers typically bus their own tables;
7. The service counter is closer to an entry/exit than is the seating/dining area; or
8. The business interior is brightly illuminated (greater than eight candle foot power as measured in a horizontal plane three feet above the floor).

Any restaurant meeting the above-definition shall be considered a fast food restaurant under this Code, even if it also meets the criteria for a non-fine dining restaurant under Section 58-75(b)(6).

SECTION 3: **Amendment of Section 58-75.** Chapter 58, Article III, Section 58-75
 “Commercial (C-2) District” is hereby amended as follows:

Sec. 58-75. Commercial (C-2) District.

(b) *Permitted Uses.* All permitted uses shall be conducted so as to emphasize the pedestrian orientation of the district. Thus, drive-in-type businesses or uses which have a drive-in component as part of their operation shall not be permitted except to a limited degree in the area on Morse Boulevard, west of Virginia Avenue and confined to nonretail use. All uses permitted shall be conducted exclusively within a building except those uses permitted which are customarily conducted in the open such as off-street parking and outdoor patio seating for dining. Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building. Bars, taverns, ~~and~~ cocktail lounges, and fast food restaurants are prohibited in this zoning district.

(6) Fine dining restaurants, as well as ice cream, tea, coffee, cheese, pastry and bakery stores with retail sales and consumption of food and beverage products on premises, except that only those restaurants satisfying the criteria set forth below shall be permitted uses in the Park Avenue Corridor.

(a) *Fine Dining Restaurants.* To qualify for a permitted use, a fine dining restaurant must provide, and continually adhere to, a detailed written description of the business operations and plan layout of dining and food service areas to show the restaurant satisfies the criteria of section 58-95, Fine dining restaurant.

(b) *Non-Fine Dining Restaurants.* Certain other restaurants (other than fast food restaurants, which are a prohibited use) shall qualify for a permitted use in the Park Avenue Corridor, provided that they satisfy the following criteria and do not exceed the percentages set forth in this section:

- i. Upon a patron's request, on-site food and beverage service shall be provided via table service by servers;
- ii. Appropriate visible signage is provided to notify patrons of the availability of table service;
- iii. The menu consists of a variety of food options including pre-entrée items (soups, salads, appetizers, etc.) entrees, sides and desserts;
- iv. Non-disposable dinnerware (utensils, plates, etc.) shall be provided;
- v. Food items are predominately freshly prepared on site rather than just the warming, microwaving or final preparation of pre-packaged items; and
- vi. All tables are bussed by restaurant staff.

The number of non-fine dining restaurants shall not exceed 20% of the available first floor storefronts of either side of any city block in the Park Avenue Corridor, nor 15% of the total number of businesses in the Park Avenue Corridor. If a restaurant currently operating within the Park Avenue Corridor as of the enactment of this ordinance ceases business operations, any applicant proposing a restaurant use in that location must satisfy the criteria for a permitted use restaurant (fine dining; non-fine dining, meeting the criteria of Section 58-75(b)(6)(b)(i)-(vi); or coffee shop, bakery and dessert restaurant). Provided that the restaurant use has not been discontinued for a period greater than three months, as provided in Section 58-64(d)(6) of this Code, a non-fine dining restaurant will be permitted in the location of an existing restaurant, regardless of the percentage limitations on non-fine-dining restaurants.

(c) *Coffee Shops, Bakery and Dessert Restaurants.* Certain restaurants that do not provide full service of food and beverages, but limit their offerings to particular food and beverages reflecting the core business of the restaurant and a limited number of ancillary non-core items, are permitted uses. These restaurants include, but are not limited to ice cream, frozen yogurt, Italian ice, smoothie, cookie, tea, coffee, wine, cheese, pastry and bakery stores. The restaurants of this category must also provide retail sales and consumption of the named core food or beverage products on premises. Such restaurants shall include, as part of their application for the business tax receipt, a menu identifying the core offerings of the business and a limited number of ancillary non-core items. The restaurants of this category shall not change their core offerings, nor significantly expand their ancillary, non-core offerings, without submitting an application to the City for another business tax receipt.

- (c) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning commission and approval by the city commission in accordance with the provisions of this C-2 district section only. See section 58-90, conditional uses.

(1) Restaurants, outside of the Park Avenue Corridor, with the exception of fine dining restaurants, ice cream, tea, coffee, cheese, pastry and bakery shops, with retail sales and consumption on premises;

(h) *Restaurants.* The following standards and criteria shall apply:

(1) The city has established that outside of the Park Avenue Corridor all existing and proposed restaurants ~~are conditional uses in this zoning district~~, except fine dining restaurants, and ice cream, tea, coffee, cheese, pastry and bakery stores, with retail sales and consumption on premises, ~~are conditional uses in this zoning district~~. For those restaurants that are conditional uses, renovations, changes in decor, floor plan, menu or operating hours up to midnight are not deemed to be significant changes which require amendment of the conditional use permit. Changes which result in the addition of building area, seating or operating hours beyond midnight are deemed to be significant changes which require amendment/approval of a conditional use.

(2) In order for these restaurant ~~conditional use restrictions~~ C-2 zoning regulations to be effectively applied, this article contains strict definitions of fine dining restaurants, non-fine dining restaurants, and coffee shops, bakery and dessert restaurants, which are either permitted uses or require conditional use approval, ~~restaurants requiring conditional use approval~~, and cocktail lounges, taverns, and bars, as well as fast food restaurants, which are prohibited uses. Generally, if there is consumption of either food or alcoholic beverages on the premises, then the conditional use requirement applies with the exceptions of the permitted uses shown in subsection (b)(6). If the business is solely for food or alcoholic beverage sale for consumption off the premises, then conditional use approval is not required. With food stores or convenience stores where the primary business is the retail sale of food and beverages for consumption off premises, or when prepared sandwiches or other food is clearly incidental to the principal retail activity, then limited consumption on premises (up to ~~10~~¹² seats) inside the premises is permitted without conditional use approval. Otherwise, if a restaurant does not fit under one of the permitted uses in subsection (b)(6), then conditional use approval is required.

(3) Among the issues reviewed for conditional uses in this district, the adequacy of parking is often the most contentious. A frequent proposition is that the type of business, its menu, its hours or its size will cater exclusively to pedestrian traffic from employees and visitors already in the downtown. In light of the ability for the nature of the business to change, this proposition is not agreed to be an acceptable argument for the inadequacy of private parking.

~~(4) In the review of these conditional uses, there are determined to be certain types of businesses where conditional use approval is not required. One type is the ice cream, frozen yogurt, Italian ice, cookie or other business selling solely dessert items and accompanying beverages. These businesses have been determined not to be destination oriented such that they generate parking demand in the downtown during the peak lunch period.~~

(45) The hours and types of amplified musical entertainment permitted within any type of restaurants shall be governed by the noise regulations within chapter 10 of the Code of Ordinances.

SECTION 4: **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5: **Codification.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Winter Park, that the sections of this Ordinance may be renumbered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

SECTION 6: **Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 7: **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

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 _____, 2013.

Mayor Kenneth W. Bradley

ATTEST:

Cindy Bonham, City Clerk

Exhibit A

	Park Avenue Frontage		
Fine Dining	Coffee, Wine, Choc, Sweets, Bakery	Casual Dining	
Café de France	Smart Coffee HD	BurgerFi ⁽¹⁾	
Avenue Thai and Sushi	Tutti Fruitti Frozen Yogurt	Panera ⁽²⁾	
Blu on the Avenue	Starbucks Coffee	Tiffany's Deli ⁽³⁾	
310 Park South	Peterbrooke Chocolatier		
Park Plaza Gardens Restaurant	Wine Room		
Luma on Park	Eola Wine Company		
Pannullo's Italian Restaurant	Kilwin		
Bosphorus Turkish Cuisine	Le Macaroon		
Prato	Sweet Traditions Bakery and Café		
Paris Bistro	Barnie's		
Briarpatch Restaurant	Palmano's		
Bistro On Park			
Matilda's			
Orchid Thai Cuisine			
Firehouse ⁽⁴⁾			
	NON -Park Avenue Frontage		
Nelore of Winter Park	Haagen-Dazs	Park Avenue Pizza ⁽²⁾	
Cocina 214	Penguin Frozen Yogurt	Powerhouse Café ⁽³⁾	
Diva Off The Park	Tropical Smoothie Café	Dogmatic ⁽²⁾	
Café 118	Croissant Gourmet		
19	15	6	
	Total Park Avenue Dining	40	%
	Casual Dining	6	15%
	Coffee, Wine, Choc, Sweets, Bakery	15	37.5%
	Fine Dining	19	47.5%
Notes: 1. Approved by staff as a "fine dining" restaurant			
2. Approved via conditional use by City Commission			
3. Grandfathered-in. Predates the zoning rules			
4. Per the April 16, 2013 letter for the operation on Park Avenue			



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
City Hall, Commission Chambers

August 6, 2013
7:00 p.m.

MINUTES

Chairman Johnston called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall. Present: James Johnston, Chairman, Robert Hahn, Shelia De Cicco, James Johnston. Absent: Randall Slocum, Peter Weldon, Tom Sacha, Peter Gottfried. City Attorney Robin McKinney. Staff: Planning Director Jeffrey Briggs and Recording Secretary Lisa Smith.

Approval of minutes – July 2, 2013

Motion made by Mr. Hahn and seconded by Mrs. De Cicco to approve the July 2, 2013, meeting minutes. Motion carried unanimously with a 4-0 vote.

PUBLIC HEARINGS

REQUEST OF THE CITY OF WINTER PARK, FLORIDA, FOR AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE 10 "ZONING REGULATIONS" SECTION 58-75 "COMMERCIAL (C-2) DISTRICT," REVISOR THE PERMITTED AND CONDITIONAL USES REGULATIONS FOR RESTAURANTS AND OTHER FOOD SERVICE ESTABLISHMENTS; AMENDING SECTION 58-95 "DEFINITIONS" TO PROVIDE DEFINITIONS FOR FINE DINING AND OTHER RESTAURANTS; PROVIDING FOR CONFLICT, SEVERITY AND EFFECTIVE DATE.

Planning Director Jeffrey Briggs presented the staff report and discussed the history of the proposed amendment and the current status. He said that previous attempts to revise these regulations were challenging because of a lack of a consensus on how to proceed amongst the various stakeholder groups. He said that the current proposal has been developed as a 'bottom-up' approach by the downtown property owners and merchants in concert with the Park Avenue Area Association of the Winter Park Chamber. Mr. Briggs thanked Patrick Chapin, Lambrine Macejewski, Daniel Butts and Frank Hamner for all their work and help in developing the proposal and especially in achieving the much needed consensus on how to proceed with the merchants and property owners. He provided an overview of the current proposal which makes several changes to the C-2 zoning rules, for restaurants and other food service type establishments as follows:

1. It provides a new much improved definition of what a "fine dining restaurant" is supposed to be. This makes it clear to the existing fine dining restaurants and to any new proposed fine dining restaurant what they are expected to do (operationally) and thus will also then be easier for the City to enforce.
2. It provides a new definition of "fast food restaurants" and makes it clear that they are prohibited, non-conforming uses.
3. It provides a new definition for "coffee shops, bakeries and dessert restaurants" which provides for staff a solution for the menu creep that we have experienced with these establishments that are primarily coffee shops, bakeries or ice cream/dessert places but also which sell some ancillary food or lunch/breakfast items.

4. It also provides within the Park Avenue corridor a new definition for; and a new permitted use for "non-fine dining restaurants" otherwise sometimes referred to as 'fast casual' restaurants. These are not currently permitted unless by conditional use approval based on adequacy of parking. The proposal now is that subject to the defined limitations, new "non-fine dining restaurants" could be established within the Park Avenue corridor. The limitations are no more than 20% of any block storefronts and no more than 15% of total storefronts within the Park Avenue corridor may become "non-fine dining restaurants".

Mr. Briggs summarized by stating that there seems to be no debate that the current zoning rules for restaurants in the Park Avenue corridor are confusing, not well understood, and very difficult to enforce as they have evolved over the past 25 years. To the planning staff, providing the new and improved definitions for "fine dining restaurants" and for the "coffee shop, bakery, dessert restaurants" will be extremely helpful in enforcing the Code. Even more so, the new definition on "fast food restaurants" is very important to help preserve the character of the Park Avenue corridor that seems to be universally desired. The only new thing this Ordinance proposes is the new permitted use for "non-fine dining restaurants". There are many fast casual restaurant chains such as Five Guys, Moe's, Tijuana Flats, Chipotle, Italio Cuisine, etc. However, they would meet the definition of fast food franchise and not be eligible. Instead it would encourage independent start-ups versus these chains which the Park Avenue Association and the staff believes are compatible with the character of Park Avenue and the type of new restaurant to be encouraged. Staff recommended approval.

Mr. Briggs introduced City Attorney Robin McKinney. She updated the Board on the minor changes that were made to the proposed ordinance after the P&Z work shop.

Patrick Chapin, President – Chamber of Commerce, introduced the members of the team that worked on the re-write of the ordinance (Daniel Butts, Frank Hamner and Lambrine Macejewski). He provided a brief overview of the process that was undertaken in this effort. He thanked City staff for cooperation and patience in this process.

Attorney Frank Hamner, used a Power Point presentation to provide the Board with a more in-depth look into the re-writing of the Park Avenue corridor code revisions. He stated that the effort was not a City directed effort and that it was not a task force or a Mayor appointed Board. He said that it has been a collaborative effort of the Chamber, the Park Avenue Area Association, and Park Avenue property owners. He discussed their goals, and provided an overview of the new definitions, and the revised business application. Mr. Hamner responded to Board member questions and concerns.

Donna Colado, 327 Beloit Avenue, spoke concerning request. She applauded the efforts of those working on the proposed amendment, especially the curb on fast food restaurants. Mrs. Colado expressed concern with how the proposed policy ties into the current comprehensive plan policies as relates to maintaining the predominately retail nature of Park Avenue when it could allow an unlimited number of restaurants. She suggested a maximum percentage of restaurants that could be allowed of any type in order to maintain the predominately retail character of Park Avenue.

No one else wished to speak concerning this issue. Public Hearing closed.

The Board members discussed their viewpoints on the issue. All of the Board members indicated their general support for the Ordinance and appreciation for all the work that had gone into the process. Mr. Hahn indicated that while this was an improved "regulatory" tool it was lacking in that it did not foster improved entrepreneurial opportunities. Chairman Johnston pointed out that 'zoning' is in fact a regulatory tool and that economic development and incentive programs on what the Avenue could be in the future are more in the domain of Economic Development Advisory Board. The members expressed support for Mr. Hahn ideas in the global sense in addition to the context of this request.

Mr. R. Johnston expressed his support for the work and effort that had been undertaken. He felt that the goals that were set for preserving the character of Park Avenue were being achieved with this proposal.

Mrs. De Ciccio stated her support but indicated that there was one section involving the approval of menu changes that seemed too regulatory and restrictive. Discussion ensued on this topic with others. It was then indicated that the city attorney would revise that section to accomplish the general intent of City review of significant changes to restaurant operations but not minor menu changes.

Chairman Johnston indicated that the Planning Board has spent much time at work sessions and public hearings in 2012 on this issue and it was good to see that both a solution and consensus was at hand.

Motion made by Bob Hahn, seconded by Ross Johnston to approve the proposed Ordinance subject to the city attorney revision to the section regarding city review of menu changes text. Motion carried unanimously with a 4-0 vote.

NEW BUSINESS:

Dori Stone reminded the Board members of the upcoming joint meeting with the Economic Development Advisory Board on August 15th at 5:30 in the Commission Chambers.

The Board discussed the meeting times for the regular monthly meetings and decided that they desired to start an hour earlier. **Motion made by Mrs. De Ciccio, seconded by Bob Hahn changing the regular meeting time to 6:00 p.m. versus 7:00 p.m.**

Date of Next Work Session: Wednesday, August 28, 2013 at 12:00 Noon.

Date of Next Meeting: Tuesday, September 3, 2013 at 6:00 p.m.

There was no further business. Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Lisa M. Smith
Recording Secretary

*Power Point Presentation to P&Z
from Park Avenue Area Assoc.*

PARK AVENUE CORRIDOR CODE REVISIONS

Planning and Zoning
August 6, 2013

GOALS FOR THE REVISIONS

1. Maintain the character and experience of the Park Avenue Corridor by reinforcing the rules and definitions that encourage fine dining and other acceptable restaurants.
2. Keep the charm, appeal and unique characteristics of the Park Avenue Corridor as a primarily fine dining destination and promote locally owned or operated small business restaurants, while at the same time providing a number of options for dining in the Corridor.
3. Clearly define permitted use fine-dining restaurants; non-fine dining restaurants; coffee shops, bakery and dessert restaurants; as well as prohibited use restaurants.

GOALS FOR THE REVISIONS

4. Limiting the non-fine dining restaurants in the Park Ave corridor to ensure that its charm, appeal and unique characteristics are maintained.

5. Clarifying the rules and definitions for allowable restaurant types and defining a scope of permitted and conditional uses.

6. Clarifying the rules and definitions for coffee shops and bakeries, et al., where food service or meals are not the primary business function and to provide for appropriate boundaries of “scope creep” or change in their offerings.

GOALS FOR THE REVISIONS

7. Providing for clarification and certainty in the definitions associated with these rules to provide for not only easier enforcement of these rules and definitions by the City, but also a clearer understanding of allowable or conditional uses for property owners and prospective merchants.

8. Providing that existing restaurants are governed by the rules and definitions, or accepted methods of operation, in effect prior to the enactment of the new ordinance.

9. Revise and update the Business Application to reflect the various categories of restaurants and require applications for changes of use among the categories of permitted restaurants.

OVERVIEW

- While definitions are applicable throughout C-2, certain items are initially applicable only in the Park Avenue Corridor.
 - For purposes of this section, the **Park Avenue Corridor** is that area which encompasses those properties having frontage on Park Avenue or having frontage on the intersecting streets within 140 feet of Park Avenue.

Sec. 58-75 (a)(3)
 - **Why?**
 - Point of most emphasis
 - Gives some flexibility outside the PAC

OVERVIEW

➤ **New Definitions**

- Fast Food (prohibited use)
- Fine Dining (objective criteria added)
- Non – Fine Dining (permitted use with % limitations)
- Coffee, Tea, *et al.* (close “scope creep” gap)

➤ **New Business Application**

- Must clarify initial use per category
- Must submit menu and business/ops plan
- Must reapply to change format

CURRENT GUIDANCE

Sec. 58-95. Definitions

Fine dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages where food service is provided by waiters/waitresses and where the menu shall consist of fine dining cuisine with a range of appetizers, entrees and desserts. Fine dining restaurants shall not include establishments where ordering or payment is done at a counter/cashier and shall not include sandwich shops, sub shops or any type of fast food business.

CURRENT GUIDANCE

Sec. 58-75. Commercial (C-2) District

(b) Permitted uses. All permitted uses shall be conducted so as to emphasize the pedestrian orientation of the district. Thus, drive-in-type businesses or uses which have a drive-in component as part of their operation shall not be permitted except to a limited degree in the area on Morse Boulevard, west of Virginia Avenue and confined to nonretail use. All uses permitted shall be conducted exclusively within a building except those uses permitted which are customarily conducted in the open such as off-street parking and outdoor patio seating for dining. Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building. Bars, taverns and cocktail lounges are prohibited in this zoning district.

(6) Fine dining restaurants as well as ice cream, tea, coffee, cheese, pastry and bakery stores with retail sales and consumption of food and beverage products on premises.

NEW DEFINITIONS

Fine dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcohol. Additionally, fine dining restaurants shall meet all of the following criteria:

1. A host or hostess must be regularly present to greet and arrange for seating of patrons;
2. Food and beverage service (other than bar service) is provided via table service by servers;
3. Dinnerware (utensils, plates, etc.) shall be non-disposable;
4. Ordering, food service and payment is done at the table; and
5. The menu shall consist of fine dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of wines or alcoholic beverages or both.

Establishments which include a drive-thru or where ordering or payment is done at a counter/cashier and then the food and/or beverage is brought to the table or customer by restaurant staff shall not be considered fine dining restaurants. Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders. Take-out orders shall not exceed 10% of the gross revenue.

NEW DEFINITIONS

Fast Food Restaurant means any restaurant whose normal business model includes two or more of the following criteria or characteristics:

1. A predominance of locations offer drive-thru service;
2. The menu consists of predominantly fast food or take-out food typically: consumed on site, or off the site as to-go food; pre-made and wrapped before customers place orders; served with disposable tableware and/or typically served in paper or plastic containers;
3. Food is typically ordered from a wall menu at a service counter;
4. Food consumed on the premises is typically ordered while customers are standing;
5. Payment must typically be made by customers before food is consumed;
6. Customers typically bus their own tables;
7. The service counter is closer to an entry/exit than is the seating/dining area; or
8. The business interior is brightly illuminated (greater than eight candle foot power as measured in a horizontal plane three feet above the floor).

Any restaurant meeting the above-definition shall be considered a fast food restaurant under this Code, even if it also meets the criteria for a non-fine dining restaurant under Section 58-75(b)(6).

Bars, taverns, and cocktail lounges, and fast food restaurants are prohibited in this zoning district.

- **DEVELOPED FROM CARMEL, CA CODE**
- **PRIORITIZES PROHIBITION FOR FAST FOOD**

NEW DEFINITIONS

Non-Fine Dining Restaurants. Certain other restaurants (other than fast food restaurants, which are a prohibited use) shall qualify for a permitted use in the Park Avenue Corridor, provided that they satisfy the following criteria and do not exceed the percentages set forth in this section:

- i. Upon a patron's request, on-site food and beverage service shall be provided via table service by servers;
- ii. Appropriate visible signage is provided to notify patrons of the availability of table service;
- iii. The menu consists of a variety of food options including pre-entrée items (soups, salads, appetizers, etc.) entrees, sides and desserts;
- iv. Non-disposable dinnerware (utensils, plates, etc.) shall be provided;
- v. Food items are predominately freshly prepared on site rather than just the warming, microwaving or final preparation of pre-packaged items; and
- vi. All tables are bussed by restaurant staff.

(CONTINUED NEXT SLIDE)

NEW DEFINITIONS

Non-Fine Dining Restaurants. (cont.)

The number of non-fine dining restaurants shall not exceed 20% of the available first floor storefronts of either side of any city block in the Park Avenue Corridor, nor 15% of the total number of businesses in the Park Avenue Corridor. Should any restaurant currently operating within the Park Avenue Corridor as of the enactment of this ordinance cease business operations, another permitted use restaurant (fine dining; non-fine dining, as allowed under this section; or coffee shop, bakery and dessert restaurant) shall be allowed at that location, regardless of the percentage limitation; provided that the restaurant use is not discontinued for a period greater than three months, as provided in Sec. 58-65 (d) of this Code,.

- ALLOWS FOR PRESERVATION OF IMPACT FEE CREDITS
- RETAIL BECOMES RESTAURANT BUT NOT VICE VERSA
- LIMITS TOTAL OF NFD RESTAURANTS IN THE PAC
- REFLECTIVE OF CURRENT PERCENTAGES IN EXISTENCE
- CHAIN Restaurant Question

NEW DEFINITIONS

Coffee Shops, Bakery and Dessert Restaurants.

Certain restaurants that do not provide full service of food, beverages, etc. such as coffee and tea shops, wine shops, dessert shops and bakeries are permitted uses so long as their offerings are limited to food and beverages reflecting the core business of the restaurant and a limited number of ancillary non-core items. Ice cream, frozen yogurt, Italian ice, smoothie, cookie, tea, coffee, wine, cheese, pastry and bakery stores with retail sales and consumption of the named core food or beverage products on premises shall be allowed as a permitted use. Such restaurants shall, at the time of application for the business tax receipt, submit a menu of items to be offered to demonstrate the limitations of the menu to the stated food and beverage items, and shall execute an affidavit stating that the restaurant shall not change its offerings to provide a different category of items, nor expand their offerings, without making application to the City for such changes.

- MORE FOCUSED TO LIMIT SCOPE CREEP

REVISED BUSINESS APPLICATION

Change of Business Activity

- Add restaurant as business activity
- More description of type of restaurant

Change of Use

- Designation of change of use

Affidavit now required

REVISED BUSINESS APPLICATION

Attachment "A"

For all restaurant operations in the Park Avenue Corridor, please provide the following information:

Type of Restaurant:

- ☐ Fine Dining per §§ 58-75 () and 58-95 (), Code of Ordinances, City of Winter Park, Florida
- ☐ Non - Fine Dining per §§ 58-75 () and 58-95 (), Code of Ordinances, City of Winter Park, Florida
- ☐ Coffee Shop, Bakery or Dessert Restaurant per §§ 58-75 () and 58-95 (), Code of Ordinances, City of Winter Park, Florida:
- | | | |
|--|--|------------------------------------|
| <input type="checkbox"/> Coffee | <input type="checkbox"/> Tea | <input type="checkbox"/> Ice Cream |
| <input type="checkbox"/> Frozen Yogurt | <input type="checkbox"/> Italian Ice | <input type="checkbox"/> Cookies |
| <input type="checkbox"/> Cheese | <input type="checkbox"/> Bakery | <input type="checkbox"/> Smoothie |
| <input type="checkbox"/> Wine | <input type="checkbox"/> Other (Describe Below): | |
-

Attach a copy of:

the proposed menu;
building plan; and,
operational plan

(CONTINUED NEXT SLIDE)

REVISED BUSINESS APPLICATION

Confirm the following by initialing in the appropriate box and signing below:

☐ I have read and understood the criteria for a Fine Dining restaurant per §§ 58-75 () and 58-95 (), Code of Ordinances, City of Winter Park, Florida and hereby confirm that I shall at all times operate and maintain the proposed restaurant to satisfy those criteria. Any change in my business operations that would vary those criteria must be approved by the City prior to implementation.

☐ I have read and understood the criteria for a Non - Fine Dining restaurant per §§ 58-75 () and 58-95 (), Code of Ordinances, City of Winter Park, Florida and hereby confirm that I shall at all times operate and maintain the proposed restaurant to satisfy those criteria. Any change in my business operations that would vary those criteria must be approved by the City prior to implementation.

☐ I have read and understood the criteria for a Coffee, Tea and Dessert restaurant per §§ 58-75 () and 58-95 (), Code of Ordinances, City of Winter Park, Florida and hereby confirm that I shall at all times operate and maintain the proposed restaurant to satisfy those criteria. Any change in my business operations that would vary those criteria must be approved by the City prior to implementation.