



city commission agenda

Regular Meeting

May 9, 2016
3:30 p.m.
Commission Chambers

commissioners				mayor	commissioners			
seat 1	Gregory Seidel	seat 2	Sarah Sprinkel	Steve Leary	seat 3	Carolyn Cooper	seat 4	Pete Weldon

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 website at 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.

Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. 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.

agenda

1 Meeting Called to Order

2 Invocation Reverend Doctor Rob Lord, All Saints Episcopal Church Pledge of Allegiance

3 Approval of Agenda

4 Mayor's Report

***Projected Time**
***Subject to change**

- Legislative Update – Senator Geraldine F. Thompson
- Proclamation - Emergency Medical Services Week
- Proclamation - Building Safety Month
- 2016 Board appointments
- Representative to serve on the Orange County Community Action Board
- Award Presentation: American Water Works Association Florida Section Outstanding Class C Water Treatment Plant

60 minutes

5	City Manager's Report	*Projected Time *Subject to change 5 minutes
6	City Attorney's Report	*Projected Time *Subject to change 5 minutes
7	Non-Action Items	*Projected Time *Subject to change 10 minutes
	a. Financial Report – March 2016	
8	Citizen Comments 5 p.m. or soon thereafter (if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
9	Consent Agenda	*Projected Time *Subject to change 5 minutes
	a. Approve the minutes of April 25, 2016.	
	b. Approve the following purchase, contracts and formal solicitation:	
	1. Purchase of golf course maintenance equipment with Wesco Turf, approve the budget adjustment and authorize the Mayor to execute the piggyback contract; \$85,287.	
	2. Amendment No. 1 to High Performance Sports Management, Inc. (RFP-7-2013) and authorize the Mayor to execute the renewal.	
	3. School Board of Orange County School Resource Officer Program and authorize the Mayor to execute the agreement.	
	4. Award to Waste Pro of Florida (RFP-7-2016), Solid Waste & Recyclables Collection Services and authorize staff to enter into negotiations.	
	c. Approve the relocation reimbursement agreement with Duke Energy regarding the Fairbanks Avenue undergrounding project.	
10	Action Items Requiring Discussion	*Projected Time *Subject to change 15 minutes
	a. Relocation of the Winter Park Golf Course Croquet Court to Martin Luther King, Jr. Park Lake Island Hall and the introduction of an area containing a 9 hole putting course	
	b. Consider the offer to purchase 2600 Lee Road	10 minutes
	c. Rollins College Showalter Field agreement	10 minutes
11	Public Hearings	*Projected Time *Subject to change 20 minutes
	a. Appeal filed by Dr. and Mrs. Gordon, for property located at 550 Holt Avenue regarding a denial of a variance request by the Historic Preservation Board for railings and a gate (COR-16-001)	

b. Ordinance – Vacating utility easements for Lots 5, 6, 7, 10, 11, 14, 15 and 16 of Block 41, Town of Winter Park subdivision bounded by New England Avenue, Virginia Avenue, Welbourne Avenue and Hannibal Square East (2)	5 minutes
c. Ordinance – Amending Ordinance Nos. 2843-11 and 2880-12, Article III, Chapter 2, City Code regarding City boards and commissions; and amending Chapter 22, Article II, Section 22-28 “Amendments to Florida Building Code”, Subsection 113 concerning the Construction Board of Appeals (2)	10 minutes
d. Ordinance – Amending Chapter 50, “Fire Prevention and Protection” (1)	15 minutes
e. Resolution – Disclaiming any and all interest the City may have regarding private alleyway	5 minutes

12 City Commission Reports	*Projected Time *Subject to change
<ul style="list-style-type: none"> a. Commissioner Seidel b. Commissioner Sprinkel c. Commissioner Cooper d. Commissioner Weldon e. Mayor Leary 	10 minutes total

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.”

2016 Board Nominees Master File

Existing Board of Adjustments			#'s	Proposed Board of Adjustments		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>		<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Ann Higbie	2014-2017 (2)	F	1	Ann Higbie	2014-2017 (2)	F
Patrice Wenz	2014-2017 (1)	F	2	Patrice Wenz	2014-2017 (1)	F
John Simpson	2014-2017 (2)	F	3	John Simpson	2014-2017 (2)	F
Cynthia Strollo	2014-2017 (1)	F	4	Cynthia Strollo	2014-2017 (1)	F
Brian Mills	2015-2018 (1)	F	5	Brian Mills	2015-2018 (1)	F
Laura Turner	MOVED TO CEB	Alt	6	Jeffrey Jontz	2016-2019 (2)	F
Jeffrey Jontz	2013-2016 (1)	F	7	Robert Trompke	2016-2019 (3)	F
Robert Trompke	2013-2016 (2)	F	8			A

Existing Civil Service Board (No Changes)				Proposed Civil Service Board (No Changes)		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>		<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Gary Brewer	E	F	1	Gary Brewer	E	F
Johnny Jallad	E	F	2	Johnny Jallad	E	F
Tod Meadors (WPPD)	E	F	3	Tod Meadors (WPPD)	E	F
Kip Marchman	E	F	4	Kip Marchman	E	F
Ed Santos (WPPD)	E	F	5	Ed Santos (WPPD)	E	F
Paula Satcher (CE)	E	F	6	Paula Satcher (CE)	E	F
William Swartz	E	F	7	William Swartz	E	F

Existing Code Enforcement Board				Proposed Code Enforcement Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>		<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Clay Roesch	2014-2017 (1)	F	1	Clay Roesch	2014-2017 (1)	F
Jennifer Frank	2014-2017 (1)	F	2	Jennifer Frank	2014-2017 (1)	F
Brian Kracht	2014-2017 (2)	F	3	Brian Kracht	2014-2017 (2)	F
Keith Manzi	2015-2018 (2)	F	4	Keith Manzi	2015-2018 (2)	F
Daniel McIntosh	2015-2018 (1)	F	5	Daniel McIntosh	2015-2018 (2)	F
Kyle Sanders	2015-2018 (1)	F	6	Kyle Sanders	2015-2018 (1)	F
Burley Adkins	2013-2016 (1)	F	7	Laura Turner	2016-2019 (1)	F
		A	8	Todd Boyer		A

Existing CRA Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Daniel Butts	2014-2017 (2)	F
Woody Woodall	2014-2017 (1)	F
Lance Decuir	2015-2018 (2)	F
Jeffrey Stephens	2015-2018 (1)	F
Alex Tragger		Alt
John Dowd	2013-2016 (2)	F
Hal George	2013-2016 (3)	F
Joe Terranova	2013-2016 (2)	F

Proposed CRA Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Daniel Butts	2014-2017 (2)	F
2 Woody Woodall	2014-2017 (1)	F
3 Lance Decuir	2015-2018 (2)	F
4 Jeffrey Stephens	2015-2018 (1)	F
5 Alex Tragger	2016-2019 (1)	ALT to F
6 David Morehead	2016-2019 (1)	F
7 Javier Omana	2016-2019 (1)	F
8		A

Existing Construction Board of Adjustment and Appeals Board (No Change)		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Eddie Cox	E	F
Joe Fisher	E	F
Robert Harris	E	F
Raymond Holloway	E	F
Rodney Kincaid	E	F
Mark Sylvain	E	F
Mark Kirby	E	F
William Maroon	E	A

Proposed Construction Board of Adjustment and Appeals Board (No Change)		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Eddie Cox	E	F
2 Joe Fisher	E	F
3 Robert Harris	E	F
4 Rodney Kincaid	E	F
5 Mark Sylvain	E	F
6 William Maroon	E	ALT to F
7		A
8		

Existing Economic Development Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Owen Beitsch	2014-2017 (2)	F
John Gill	2014-2017 (2)	F
Patrick Chapin	2015-2018 (3)	F
Stephen Flanagan	2015-2018 (2)	F
Kelly Olinger	2015-2018 (2)	F
Maura Weiner		Alt
John Caron	2013-2016 (1)	F
Marc Reicher	2013-2016 (2)	F

Proposed Economic Development Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Owen Beitsch	2014-2017 (2)	F
2 John Gill	2014-2017 (2)	F
3 Patrick Chapin	2015-2018 (3)	F
4 Stephen Flanagan	2015-2018 (2)	F
5 Kelly Olinger	2015-2018 (2)	F
6 Maura Weiner	2016-2019 (1)	ALT to F
7 John Caron	2016-2019 (2)	F
8 Matt Umbers		A

Existing Ethics Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Stephanie Leonard	2014-2017 (1)	F
Gene Randall	2014-2017 (2)	F
Laura Cuty-Ruiz	2014-2017 (1)	Alt
Simon Snyder	2013-2016 (2)	F

Proposed Ethics Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Stephanie Leonard	E	F
2 Gene Randall	E	F
3 Laura Cuty-Ruiz	E	Alt
4		

Existing Historic Preservation Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Genean McKinnon	2014-2017 (2)	F
Bill Segal	2015-2018 (1)	F
Laura Armstrong	2015-2018 (1)	F
Phil Wood	2013-2016 (1)	F
Louise Sprimont	2014-2016 (1)	F
Rebecca Talbert	2013-2016 (2)	F
Candace Chemtob	2013-2016 (2)	F
Phil Kean		A

Proposed Historic Preservation Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Genean McKinnon	2014-2017 (2)	F
2 Bill Segal	2015-2018 (1)	F
3 Laura Armstrong	2015-2018 (1)	F
4 Phil Wood	2016-2019 (2)	F
5 Phil Kean	2016-2018 (1)	ALT to F
6 Chuck Bell	2016-2019 (1)	F
7 Robert Schwetje	2016-2019 (1)	F
8 Ed Sabori		A

Existing Housing Authority Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Dorothy Felton	2015-2018 (5)	F
Kenneth Goodwin	2015-2018 (4)	F
Judith Kovisars	2015-2018 (8)	F
Shanna Windle	2015-2018 (A)	A
Hal George	2013-2016 (3)	F
Kevin O'Rawe	2013-2016 (1)	F
Joseph Regner	2013-2016 (2)	F

Proposed Housing Authority Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Dorothy Felton	2015-2018 (5)	F
2 Kenneth Goodwin	2015-2018 (4)	F
3 Judith Kovisars	2015-2018 (8)	F
4 Shanna Windle	2015-2018 (A)	A
5 Hal George	2013-2016 (3)	F
6 Kevin O'Rawe	2013-2016 (1)	F
7 Joseph Regner	2013-2016 (2)	F

Existing		
Keep Winter Park Beautiful & Sustainability Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Mary Dipboye	2014-2017 (1)	F
Stephen Pategas	2014-2017 (1)	F
Bruce Thomas	2014-2017 (1)	F
Erin Fleck	2015-2018 (1)	F
Sally Miller	2015-2018 (1)	F
Ben Ellis	2015-2018 (1)	F
Lambrine Macejewski	2015-2018 (1)	F
Bill Heagy		Alt
Fred Koslewski	2014-2017 (1)	F
Michael Poole	2013-2016 (1)	F
Raymond Randall	2013-2016 (1)	F
Mark Roush	2013-2016 (1)	F
Julia Tensfeldt	2013-2016 (1)	F
Michelle Hipp	2013-2016 (1)	F
Baxter Murrell	2015-2018 (1)	F
Cathy Blanton	2015-2018 (2)	F

Proposed		
Keep Winter Park Beautiful & Sustainability Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Mary Dipboye	2014-2017 (1)	F
2 Stephen Pategas	2014-2017 (1)	F
3 Bruce Thomas	2014-2017 (1)	F
4 Erin Fleck	2015-2018 (1)	F
5 Sally Miller	2015-2018 (1)	F
6 Ben Ellis	2015-2018 (1)	F
7 Lambrine Macejewski	2015-2018 (1)	F
8 Bill Heagy		Alt
9		
10		
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16		

Existing		
Lakes and Waterways Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
James Barnes	2014-2017 (2)	F
Geoff Bedine	2014-2017 (1)	F
Nora Miller	2014-2017 (2)	F
Amy Byrd	2015-2018 (1)	F
Thomas Smith	2013-2016 (1)	F
David Moorhead	2013-2016 (2)	F
Todd Weaver	2013-2016 (2)	F
Steve DiClemente	2013-2016 (P)	F
Doug Marks		ALT

Proposed		
Lakes and Waterways Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 James Barnes	2014-2017 (2)	F
2 Geoff Bedine	2014-2017 (1)	F
3 Nora Miller	2014-2017 (2)	F
4 Amy Byrd	2015-2018 (1)	F
5 Steve DiClemente	2016-2019 (1)	F
6 Doug Marks	2016-2019 (1)	ALT to F
7 John Minton	2016-2019 (1)	F
8 Jack Goggin		A

Existing		
Parks and Recreation Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Janet Atkins	2014-2017 (2)	F
Carl Creasman	2014-2017 (1)	F
Julio DeArcos	2014-2017 (1)	F
Marni Spence	2014-2017 (2)	F
Gary Diehl	2015-2018 (1)	F
Joel Roberts	2013-2016 (2)	F
Taylor Sacha	2013-2016 (1)	F
Mark Calvert		Alt

Proposed		
Parks and Recreation Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Janet Atkins	2014-2017 (2)	F
2 Carl Creasman	2014-2017 (1)	F
3 Julio DeArcos	2014-2017 (1)	F
4 Marni Spence	2014-2017 (2)	F
5 Gary Diehl	2015-2018 (1)	F
6 Taylor Sacha	2016-2019 (2)	F
7 Trish Teaque	2016-2019 (1)	F
8		A

Existing Pedestrian & Bicycle Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Jill Hamilton Buss	2014-2017 (1)	F
David Erne	2014-2017 (1)	F
Duane Skage	2015-2018 (1)	F
Tery Bangs	2015-2018 (2)	F
Karen McGuire	2015-2018 (1)	F
Tom Hiles	2013-2016 (2)	F
Scott Redmon	2013-2016 (2)	F
Jim McFarland	BUMPED UP	F
Tonya Mellen		ALT

Proposed Transportation Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Jill Hamilton Buss	2014-2017 (1)	F
2 David Erne	2014-2017 (1)	F
3 Duane Skage	2015-2018 (1)	F
4 Jim McFarland	2015-2018 (1)	F
5 Tonya Mellen	2015-2018 (1)	F
6 Marc Reicher	2016-2019 (1)	F
7 Harry Barley	2016-2019 (1)	
8		ALT
9		

Existing Planning & Zoning Advisory Board (No Change)		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Tom Sacha	2014-2017 (2)	F
Randall Slocum	2014-2017 (2)	F
James Johnston	2014-2017 (2)	F
Peter Gottfried	2014-2017 (2)	F
Sheila DeCiccio	2013-2016 (1)	F
Bob Hahn	2013-2016 (1)	F
Peter Weldon	2013-2016 (1)	F
Ross Johnston		A

Proposed Planning & Zoning Advisory Board (No Change)		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Tom Sacha	2014-2017 (2)	F
2 Randall Slocum	2014-2017 (2)	F
3 James Johnston	2014-2017 (2)	F
4 Peter Gottfried	2014-2017 (2)	F
5 Sheila DeCiccio	2016-2019 (2)	F
6 Bob Hahn	2016-2019 (2)	F
7 Ross Johnston	2016-2019 (1)	ALT to F
8 Ray Waugh		A

Existing Public Arts Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Katy Bakker	2015-2018 (2)	F
Susan Battaglia	2015-2018 (1)	F
Sarah Davey	2015-2018 (2)	F
Jessica DeArcos	2015-2018 (1)	F
Caryn Israel	2015-2018 (1)	F
Francine Newberg	2013-2016 (1)	F
Jan Clanton	2013-2016 (1)	F
Leonard Feinberg	2013-2016 (1)	F
Robert Lemon	2013-2016 (2)	F
Joan Pohl	2013-2016 (2)	F
Joseph Roviato	2013-2016 (2)	F
Lauren Brandei	A	A

Proposed Public Arts Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Katy Bakker	2015-2018 (2)	F
2 Susan Battaglia	2015-2018 (1)	F
3 Sarah Davey	2015-2018 (2)	F
4 Jessica DeArcos	2015-2018 (1)	F
5 Caryn Israel	2015-2018 (1)	F
6 Francine Newberg	2016-2019 (2)	F
7 Jan Clanton	2016-2019 (2)	F
8 Lauren Brandei		A
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12		

Existing Tree Preservation Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Janet Atkins	2014-2017 (1)	F
Jeffrey Berger	2014-2017 (1)	F
Tony Gray	2014-2017 (2)	F
Jeffrey Jontz	2014-2017 (1)	F
I. Paul Mandelkern	2015-2018 (1)	F
Christine Menkin	2013-2016 (1)	F
Peter Weldon	2013-2016 (1)	F
Catherine Knudsen		A

Proposed Tree Preservation Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Janet Atkins	2014-2017 (1)	F
2 Jeffrey Berger	2014-2017 (1)	F
3 Tony Gray	2014-2017 (2)	F
4 Jeffrey Jontz	2014-2017 (1)	F
5 I. Paul Mandelkern	2015-2018 (1)	F
6 Catherine Knudsen	2016-2019 (1)	ALT to F
7		F
8		A

Existing Utilities Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Richard James	2014-2017 (1)	F
Jennifer Lyons	2014-2017 (1)	F
Rick Baldocchi	2015-2018 (1)	F
Lawrie Platt Hall	2015-2018 (1)	F
Cheryl Forney	2014-2016 (1)	F
Hugh James	2013-2016 (1)	F
Katherine Johnson	2013-2016 (2)	F
Dan Swanson	2013-2016 (2)	F
Barbara Devane	2015-2018 (1)	F
Tara Tedrow		A

Proposed Utilities Advisory Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Richard James	2014-2017 (1)	F
2 Jennifer Lyons	2014-2017 (1)	F
3 Rick Baldocchi	2015-2018 (1)	F
4 Lawrie Platt Hall	2015-2018 (1)	F
5 Cheryl Forney	2016-2019 (2)	F
6 Hugh James	2016-2019 (2)	F
7 Tara Tedrow	2016-2019 (1)	ALT to F
8 David Gevorgyan	2016-2018 (1)	F
9		
10		

Existing Fire Pension Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Trey Merrick	2015-2017 (6)	F
Mike Hlavic	2015-2017 (1)	F
Tony Gray	2014-2016 (6)	F
Garry Mitchell	2014-2016 (3)	F
Mike Clifford	2014-2016 (9)	F

Proposed Fire Pension Board		
<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1 Trey Merrick	2015-2017 (6)	F
2 Mike Hlavic	2015-2017 (1)	F
3 Tony Gray	2016-2018 (7)	F
4 Garry Mitchell	2016-2018 (4)	F
5 Mike Clifford	2016-2018 (10)	F

Police Pension Board

<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
Bill Manuel	2015-2017 (2)	F
Kevin Roesner (WPPD appt)	2015-2017(4)	F
Sandy Modell (Board appt)	2015-2017(3)	F
Timothy Williams (WPPD appt)	2014-2016 (1)	F
Mike Broschart	2014-2016 (2)	F

Police Pension Board

	<u>Name</u>	<u>Term (1, 2 or Exp)</u>	<u>Full/Alt</u>
1	Bill Manuel	2015-2017 (2)	F
2	Kevin Roesner (WPPD appt)	2015-2017(4)	F
3	Sandy Modell (Board appt)	2015-2017(3)	F
4	Timothy Williams (WPPD appt)	2016-2018 (2)	F
5	Mike Broschart	2016-2018 (3)	F



AGENDA DEVELOPMENT OFFICE

201 South Rosalind Avenue • Reply To: Post Office Box 1393 • Orlando, Florida 32802-1393
407-836-5426 • Fax: 407-836-2899 • www.orangecountyfl.net

March 22, 2016

The Honorable Steve Leary
Mayor, City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789

Subject: City of Winter Park Representative on the Community Action Board

Dear Mayor Leary:

The enabling legislation for the Orange County Community Action Board (CAB) designates three seats on the board for currently serving elected officials from three different municipalities within Orange County on a rotating basis. The CAB is charged with the advisory oversight for development, planning, implementation, and evaluation of programs to serve Orange County's low income communities. The CAB meets the second Wednesday of each month at 4:00 p.m. at the County Administration Center.

The term of the current City of Winter Park representative, Commissioner Thomas J. McMacken, Jr, does not expire until December 31, 2017. However, since he is no longer a City of Winter Park elected official he cannot continue to serve. Therefore, the seat is vacant.

I would greatly appreciate your assistance in nominating a candidate to fill this vacancy. A completed advisory board application is required of the nominee. I have enclosed a blank application for this purpose or the nominee may apply online at <https://www.onetgov.net/secure/mmrb/boardapplicationpartone.asp>.

Please advise me of your decision at your earliest convenience.

Respectfully yours,

A handwritten signature in cursive script that reads "Cheryl J. Gillespie".

Cheryl J. Gillespie
Supervisor

Enclosure

cc: ✓ Cindy Bonham, City Clerk, City of Winter Park
Sheri Priester Paramore, Manager, Community Action Division (w/o enclosure)



Advisory Board Application for Appointment

The information from this application will be used by the Orange County Board of County Commissioners when considering appointments to advisory boards, authorities, and commissions. Please complete the application in type or print clearly (**black ink only**). **Note:** A resume or separate sheet with additional information may be included, but **will not be accepted** as a substitute for the completed application. Return the completed application to:

Agenda Development Office

P.O. Box 1393

Orlando, Florida 32802-1393

(407) 836-5426

Date (Month, Day, Year) _____ , _____

Name: (Last, First, and Middle) _____

Address: (H) _____ Zip _____

(W) _____ Zip _____

Phone: (H) (____) _____ (W) (____) _____

Place of Employment: _____

Job Title: _____ Length of Employment: _____

1. Education

Name of School

Degree(s) Earned

2. List of Advisory Boards (for which you are applying)

3. Professional License, Occupational License, Registration or Certification

License/Registration/Certificate

Issue Date

Issuing Authority

Disciplinary Action/Date

4. State your experience, interests, or elements of your personal history that qualify you for appointment to the advisory board(s) you have chosen.

5. Have you, members of your immediate family, or businesses of which you or members of your immediate family have been an owner, officer, or employee, had any contractual or other dealing during the last three years with any Orange County Government agency, including the board to which you seek appointment?

YES ☐ NO ☐ If "YES", please explain: _____

6. List three persons who have known you well within the past five years. Include a current daytime telephone number and the capacity in which you have known them e.g., personal, business, supervisor. Do not list the person's job title as the capacity.

Name	Phone Number	Capacity
_____	() _____	_____
_____	() _____	_____
_____	() _____	_____

7. List any business, professional, civic, or fraternal organizations of which you are a CURRENT member.

8. Are you a resident of Orange County? YES ☐ NO ☐

9. Are you a registered voter in Orange County? YES ☐ NO ☐

10. County Commission District in which you reside: _____
(This information can be found on your voter's registration card.)

11. Are you currently serving on an Orange County board? YES ☐ NO ☐
If "YES," please state the name of the board(s). _____

12. Have you ever served on an Orange County board? YES ☐ NO ☐
If "YES," please state the name of the board(s) and dates served. _____

Note: You are not required to answer the following questions. However, they are asked in order that boards, commissions, and authorities to which the Board of County Commissioners makes appointments may reflect the demographics of Orange County.

13. Race: African-American ☐ American Indian or ☐ Asian or ☐
(not of Hispanic Origin) Alaskan Native Pacific Islander
Caucasian ☐ Hispanic ☐ Other ☐
(not of Hispanic Origin) (explain) _____

14. Sex: Male ☐ Female ☐

15. Date of Birth: _____

16. Disabled: YES ☐ NO ☐ If "YES," explain. _____

I understand the responsibilities associated with being a board member, and I have adequate time to serve on the above board(s).

Signature: _____ Date: _____

FOR AGENDA DEVELOPMENT OFFICE USE ONLY

Received: _____ Data Base: _____ Acknowledged: _____

Liaison _____

11/26/02



city commission **city manager's report**

item type

City Manager's Report

meeting date May 9, 2016

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
Railroad crossing update	Four of Winter Park's street crossings are included in FDOT's CIP for installing concrete panels.	FDOT is expected to begin the work in July 2016. All crossing improvements are to be completed by August 2017.
Visioning Steering Committee	Inviting community to participate at www.visionwinterpark.org .	The Steering Committee meetings are on May 4 th and May 5 th at 5:30 each day at the Community Center to finalize the themes and vision statements. Staff is scheduling a series of visual preference work sessions with the consultant for later in May.
New Hope Baptist Church Project	The Pastor had agreed to obtain assistance of a designer to improve the architectural appearance of the buildings to include the area at the base of the structures.	We are now waiting to hear from a new church representative on what course of action they want to pursue because of the passing of the Pastor.
Ward Park restrooms	Design is complete on two new restrooms by the new soccer fields and adjacent to the existing restrooms at the Little League fields.	Construction should start by the end of May 2016.
Denning Drive	Denning Drive public meetings	Scheduled for May 12 and June 7 at the Rachel D. Murrah Civic Center. 5:30-7:30 p.m. There will be a walk on Denning at the May 12 meeting.
Comprehensive Plan Update	Staff is updating the data, inventory and analysis for each element. The city has issued an RFQ for transportation consulting services for the transportation element.	The update is due to the Department of Economic Opportunity by February 1, 2017.

Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.

Financial Report

For the Month of March (50% of fiscal year lapsed) Fiscal Year 2016

General Fund

Halfway into the fiscal year General Fund revenues appear to be on track with annual budget projections. A few items of note include:

1. The largest portion of property tax revenues are received in the December – February timeframe. Additional revenue over the next few months are expected to equal or exceed the budget projection.
2. The communications services tax continues to decline. Even though we budgeted \$132,000 less than the prior year, it is looking like we will be short of our FY 2016 projection by about that amount.
3. Business taxes are renewed each October 1. Some additional revenue will be realized over the remainder of the fiscal year but the largest amount has already been received.
4. Building permit revenues are looking good in comparison to the current year budget and will likely exceed it by at least \$100,000.
5. After a decrease in the prior year, red light traffic camera revenue is on track to be back at the fiscal 2014 level and will likely exceed the budget projection by \$250,000.
6. Miscellaneous revenue is largely made up of investment earnings which reflect market value swings in the City's investment portfolio. These values tend to bounce around quite a bit but were looking favorable overall for the first six months. The City follows a buy and hold investment strategy in which the swings neither benefit nor harm the City as the Treasury and Agency securities invested in are paid off at par when the investment matures.
7. There are several large uses of reserves planned for FY 2016. Budgeted uses are as follows:

Purchase of bowling alley property	\$1,900,000
Golf course renovation	\$1,200,000
Showalter Field improvements	\$180,000
Application of building permit reserves to purchase of new computer system	\$133,284
FY 2015 purchase orders re-appropriated to FY 2016	\$384,243
Total planned uses of reserves	\$3,797,527

Departmental expenditures for the first quarter are in line with budgetary expectations. Operating transfers out include the City's transfer to the CRA for tax increment revenue. This payment is required to be made by December 31. Transfers out will be exactly equal to the budget at the end of the fiscal year. Also, the full \$1,900,000 for the purchase of the bowling alley property has already been transferred to the Capital Projects Fund.

Community Redevelopment Agency Fund

The CRA was credited with the annual tax increment revenue from both the City and County in December. The County portion is on the Intergovernmental revenue line item and the City portion is reflected in the Operating Transfers In.

Charges for services revenue is primarily associated with the ice rink.

Miscellaneous revenue includes the first of fourteen annual \$30,000 payments related to the Heritage Park property (formerly State Office Building).

Transfers out includes \$1,000,000 from CRA reserves for the purchase of the bowling alley property.

Water and Sewer Fund

The bottom line reflects a positive \$613,900 and debt service coverage is projected to be a strong 1.78 for the fiscal year.

Electric Services Fund

Electric kWh sales for the first quarter of the fiscal year are ahead of forecast.

We over recovered on fuel costs by about \$530,000 for the first half of the fiscal year. Fuel cost recovery rates were reduced November 1 and again on February 1 in an effort to return some of that to the customers. We expect to be at break even on fuel for the fiscal year and will adjust rates as necessary to aim at that target.

Crews working on undergrounding were scaled back in the last few months of FY 2015 as we had been getting ahead of budget. Spending on undergrounding is now ramping back up.

The bottom line for the half is \$553,611. About \$530,000 of this is over recovery in fuel costs which is expected to go away over the next six months.

Debt service coverage is forecast at 2.49.

Investment Report

This two page report summarizes the City's cash and investment holdings as of March 31, 2016. The overall portfolio has a blended rate of return of 1.35% and the average maturity of the long-term investment securities held was 4.57 years. All investment holdings were within the parameters of the City's current Investment Policy as of March 31, 2016 with the exception of the total amount invested in federal instrumentalities. The

investment policy allows a total of 80% of the portfolio and 81.68% was invested in federal instrumentalities at that date. Over the next couple of months, the portfolio will be rebalanced to meet this requirement.

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
General Fund
Fiscal YTD March 31, 2016 and 2015
50% of the Fiscal Year Lapsed

	Fiscal YTD March 31, 2016						Fiscal YTD March 31, 2015				
	Actual		Budget				Actual	Budget			
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual	
Revenues:											
Property Tax	\$ 15,829,165	177%	\$ 17,927,507	\$ 17,927,507	\$ 8,963,754	\$ 6,865,411	\$ 15,102,978	\$ 16,489,478	\$ 8,244,739	\$ 6,858,239	
Franchise Fees	564,390	96%	1,181,603	1,181,603	590,802	(26,412)	544,997	1,122,850	561,425	(16,428)	
Utility Taxes	3,177,096	95%	6,680,726	6,680,726	3,340,363	(163,267)	3,086,732	6,728,400	3,364,200	(277,468)	
Business Taxes	467,734	189%	494,975	494,975	247,488	220,246	475,295	481,500	240,750	234,545	
Building Permits	1,045,949	109%	1,918,000	1,918,000	959,000	86,949	926,206	1,988,000	994,000	(67,794)	
Other Licenses & Permits	23,475	188%	25,000	25,000	12,500	10,975	12,456	24,000	12,000	456	
Intergovernmental	3,563,086	100%	7,145,937	7,145,937	3,572,969	(9,883)	3,297,478	6,758,307	3,379,154	(81,676)	
Charges for Services	2,800,664	100%	5,604,608	5,604,608	2,802,304	(1,640)	2,742,021	5,396,450	2,698,225	43,796	
Fines and Forfeitures	670,216	143%	937,797	937,797	468,899	201,317	441,052	1,300,100	650,050	(208,998)	
Miscellaneous	409,887	115%	710,700	710,700	355,350	54,537	570,676	621,700	310,850	259,826	
Fund Balance	-	-	1,513,284	3,797,527	1,898,764	(1,898,764)	-	2,173,350	1,086,675	(1,086,675)	
Total Revenues	28,551,662	123%	44,140,137	46,424,380	23,212,193	5,339,469	27,199,891	43,084,135	21,542,068	5,657,823	
Expenditures:											
City Commission	14,246	108%	26,432	26,432	13,216	(1,030)	10,600	22,927	11,464	864	
Legal Services - City Attorney	96,601	64%	301,000	301,000	150,500	53,899	142,109	435,297	217,649	75,540	
Legal Services - Other	10,882	36%	60,000	60,000	30,000	19,118	58,998	10,042	5,021	(53,977)	
Lobbyists	36,000	61%	118,000	118,000	59,000	23,000	30,000	13,661	6,831	(23,169)	
City Management	267,962	92%	585,051	585,051	292,526	24,564	237,102	531,030	265,515	28,413	
Budget and Performance Measurement	77,002	0%	160,998	160,998	80,499	3,497	63,140	141,514	70,757	7,617	
City Clerk	62,031	68%	182,470	182,470	91,235	29,204	110,378	245,632	122,816	12,438	
Communications Dept.	237,114	85%	551,944	558,409	279,205	42,091	205,514	538,183	269,092	63,578	
Information Technology Services	664,110	95%	1,405,288	1,405,288	702,644	38,534	578,014	1,234,967	617,484	39,470	
Finance	415,299	94%	886,496	886,496	443,248	27,949	399,691	865,294	432,647	32,956	
Human Resources	167,419	101%	332,059	332,059	166,030	(1,389)	127,342	341,130	170,565	43,223	
Purchasing	109,776	79%	279,527	279,527	139,764	29,988	91,197	269,479	134,740	43,543	
Planning & Community Development	402,466	88%	769,373	911,522	455,761	53,295	223,227	847,209	423,605	200,378	
Building	582,242	96%	1,212,538	1,212,538	606,269	24,027	486,777	1,115,832	557,916	71,139	
Economic Development	-	-	-	-	-	-	4,678	-	-	(4,678)	
Public Works	3,442,741	95%	7,042,811	7,262,207	3,631,104	188,363	3,121,722	6,875,529	3,437,765	316,043	
Police	6,052,947	90%	13,385,918	13,388,511	6,694,256	641,309	5,678,844	13,421,633	6,710,817	1,031,973	
Fire	5,902,637	100%	11,814,541	11,828,181	5,914,091	11,454	4,943,743	11,310,044	5,655,022	711,279	
Parks & Recreation	3,203,150	88%	7,315,293	7,315,293	3,657,647	454,497	3,212,834	6,932,857	3,466,429	253,595	
Organizational Support	1,066,854	150%	1,422,472	1,422,472	711,236	(355,618)	1,158,420	1,394,580	697,290	(461,130)	
Non-Departmental	-	-	255,000	255,000	127,500	127,500	-	175,000	87,500	87,500	
Total Expenditures	22,811,479	94%	48,107,211	48,491,454	24,245,731	1,434,252	20,884,329	46,721,840	23,360,925	2,476,596	
Revenues Over/(Under) Expenditures	5,740,183	-555%	(3,967,074)	(2,067,074)	(1,033,538)	6,773,721	6,315,562	(3,637,705)	(1,818,857)	8,134,419	
Operating transfers in	4,314,056	97%	8,871,531	8,871,531	4,435,766	(121,710)	4,145,818	8,532,487	4,266,244	(120,426)	
Operating transfers out	(5,092,320)	150%	(4,904,457)	(6,804,457)	(3,402,228)	(1,690,092)	(1,909,911)	(4,894,782)	(2,447,391)	537,480	
Other Financing Sources/(Uses)	(778,264)	-75%	3,967,074	2,067,074	1,033,538	(1,811,802)	2,235,907	3,637,705	1,818,853	417,054	
Total Revenues Over Expenditures	\$ 4,961,919		\$ -	\$ -	\$ -	\$ 4,961,919	\$ 8,551,469	\$ -	\$ (4)	\$ 8,551,473	

* As adjusted through March 31, 2016

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Community Redevelopment Fund
Fiscal YTD March 31, 2016 and 2015
50% of the Fiscal Year Lapsed

	Fiscal YTD March 31, 2016						Fiscal YTD March 31, 2015			
	Actual		Budget				Actual	Budget		
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual
Revenues:										
Intergovernmental	\$ 1,550,967	206%	\$ 1,506,764	\$ 1,506,764	\$ 753,382	\$ 797,585	\$ 1,243,644	1,257,232	\$ 628,616	\$ 615,028
Charges for services	160,274	142%	225,000	225,000	112,500	47,774	182,599	225,000	112,500	70,099
Miscellaneous	60,493	202%	60,000	60,000	30,000	30,493	81,660	50,000	25,000	56,660
Fund Balance	-	0%	806,257	1,956,568	978,284	(978,284)	-	-	-	-
Total Revenues	1,771,734	95%	2,598,021	3,748,332	1,874,166	(102,432)	1,507,903	1,532,232	766,116	741,787
Expenditures:										
Planning and Development	538,857	136%	1,630,823	794,897	397,449	(141,409)	632,635	645,250	322,625	(310,010)
Capital Projects	50,000	0%	806,257	1,792,494	896,247	846,247	-	238,200	119,100	119,100
Debt service	1,156,789	155%	1,494,053	1,494,053	747,027	(409,763)	1,285,137	1,498,378	749,189	(535,948)
Total Expenditures	1,745,646	86%	3,931,133	4,081,444	2,040,722	295,076	1,917,772	2,381,828	1,190,914	(726,858)
Revenues Over/(Under)										
Expenditures	26,088	-16%	(1,333,112)	(333,112)	(166,556)	192,644	(409,869)	(849,596)	(424,798)	14,929
Operating transfers in	1,435,305	206%	1,390,428	1,390,428	695,214	(740,091)	1,147,624	1,160,162	580,081	(567,543)
Operating transfers out	(1,028,658)	195%	(57,316)	(1,057,316)	(528,658)	500,000	(24,949)	(49,898)	(24,949)	-
Other Financing Sources/(Uses)	406,647	0%	1,333,112	333,112	166,556	240,091	1,122,675	1,110,264	555,132	567,543
Total Revenues Over/(Under)										
Expenditures	\$ 432,735		\$ -	\$ -	\$ -	\$ 432,735	\$ 712,806	260,668	\$ 130,334	\$ 582,472

* As adjusted through March 31, 2016

WINTER PARK WATER AND WASTEWATER METRICS
March 31, 2016

	FY 2016 YTD				FY 2015	
	FY 2016 YTD	FY 2016 Annualized	FY 2016 Budget	Projected Variance from Budget	FY 2015 YTD	FY 2015 in Total
Operating Performance:						
Water and Irrigation Sales (in thousands of gallons)						
Sewer - inside city limits	493,766	990,119	975,866	14,253	472,103	968,105
Sewer - outside city limits	426,005	849,235	866,331	(17,096)	425,947	859,202
Water - inside city limits	714,352	1,442,811	1,423,463	19,348	688,744	1,420,561
Irrigation - Inside City	265,705	547,573	550,217	(2,644)	249,031	553,164
Water - outside city limits	579,344	1,150,871	1,216,104	(65,233)	590,201	1,214,394
Irrigation - Outside City	52,851	107,767	108,773	(1,006)	50,718	111,009
Total	2,532,023	5,088,376	5,140,754	(52,378)	2,476,744	5,126,433
<hr/>						
Operating revenues:						
Sewer - inside city limits	\$ 3,151,218	\$ 6,302,436	\$ 6,061,843	\$ 240,593	2,931,777	5,937,909
Sewer - outside city limits	3,324,368	6,648,736	6,658,009	(9,273)	3,193,985	6,452,195
Water - inside city limits	4,099,274	8,198,548	8,471,951	(273,403)	3,965,179	8,533,847
Water - outside city limits	2,714,028	5,428,056	5,743,337	(315,281)	2,797,502	5,808,230
Other operating revenues	652,776	1,305,552	1,295,668	9,884	686,479	1,413,555
Total operating revenues	13,941,664	27,883,328	28,230,808	(347,480)	13,574,922	28,145,736
Operating expenses:						
General and administration	803,763	1,607,526	2,049,203	441,677	718,315	1,686,928
Operations	5,349,601	11,671,857	12,364,681	692,824	5,182,906	11,442,338
Labor costs capitalized	187,065	374,130	374,130	-	199,398	492,904
Wastewater treatment by other agencies	2,055,651	4,111,302	3,958,280	(153,022)	1,820,298	3,751,047
Total operating expenses	8,396,080	17,764,815	18,746,294	981,479	7,920,917	17,373,217
Operating income (loss)	5,545,584	10,118,513	9,484,514	633,999	5,654,005	10,772,519
Other sources (uses):						
Investment earnings	36,778	73,555	198,700	(125,145)	6,903	418,425
Miscellaneous revenue	7,460	7,460	5,000	2,460	2,893	73,022
Transfer to Renewal and Replacement Fund	(836,351)	(1,672,702)	(1,672,701)	(1)	(823,968)	(1,647,935)
Transfer to General Fund	(1,096,519)	(2,193,038)	(2,193,038)	-	(1,043,450)	(2,086,900)
Transfer for Organizational Support	(33,453)	(66,906)	(66,905)	(1)	(30,423)	(60,846)
Transfer to Capital Projects Fund	(47,500)	(95,000)	(95,000)	-	(281,476)	(562,953)
Debt service sinking fund deposits	(2,962,098)	(5,924,930)	(5,827,930)	(97,000)	(2,960,815)	(5,922,530)
Total other sources (uses)	(4,931,684)	(9,871,561)	(9,651,874)	(219,687)	(5,130,336)	(9,789,717)
Net increase (decrease) in funds	\$ 613,900	\$ 246,952	\$ (167,360)	\$ 414,312	523,669	982,802
Debt service coverage		1.78				2.02

WINTER PARK ELECTRIC UTILITY METRICS

March 31, 2016

	<u>FY'16 YTD</u>	<u>FY'16 Annualized</u>	<u>FY'16 Budget</u>	<u>Variance from Budget</u>	<u>FY'15</u>	<u>FY'14</u>
<u>Technical Performance</u>						
Net Sales (kWh)	202,843,340	438,201,211	426,504,060	11,697,151	428,482,496	425,342,682
Average Revenue/kWh	0.1069	0.1057			0.1093	0.1135
Wholesale Power Purchased (kWh)	200,838,241	453,769,184	448,951,642	4,817,542	447,757,800	445,526,000
Wholesale Power Cost/kWh	0.0517	0.0517			0.0522	0.0572
Gross margin	0.0551	0.0540			0.0571	0.0563
SAIDI (rolling 12 month sum)					62.01	62.01
MAIFI (rolling 12 month sum)					-	-
Sold vs. Purchased kWh Ratio	101.00%	96.57%	95.00%		95.70%	95.47%
<u>Income Statement</u>						
Electric Sales:						
Fuel	6,961,861	14,529,083	15,197,553	(668,470)	16,112,377	17,715,492
Non-Fuel	14,716,613	31,792,208	31,105,642	686,566	30,719,848	30,554,862
Other Operating Revenues	174,037	348,074	357,000	(8,926)	466,831	248,010
Total Operating Revenues	21,852,511	46,669,365	46,660,195	9,170	47,299,056	48,518,364
Operating Expenses:						
General and Administrative	550,599	1,101,198	1,176,351	75,153	1,217,200	1,135,782
Operating Expenses	3,525,698	6,651,396	6,876,749	225,353	6,740,317	7,216,805
Purchased Power						
Fuel	6,430,572	14,529,083	15,197,553	668,470	15,003,619	17,753,988
Non-Fuel	3,961,166	8,949,765	8,348,952	(600,813)	8,381,995	7,745,014
Transmission Power Cost	1,607,492	3,214,984	3,345,582	130,598	3,254,741	2,724,792
Total Operating Expenses	16,075,527	34,446,426	34,945,187	498,761	34,597,872	36,576,381
Operating Income (Loss)	5,776,984	12,222,939	11,715,008	507,931	12,701,184	11,941,983
Nonoperating Revenues (Expenses):						
State Funding for Fairbanks Distribution Lines		3,077,000	3,077,000	-	-	-
Undergrounding Fairbanks Distribution Lines		(3,077,000)	(3,077,000)	-	-	-
Investment Earnings (net of interest paid on interfund borrowings)	14,171	28,342	41,950	(13,608)	53,483	58,589
Principal on Debt	(1,035,000)	(2,070,000)	(2,070,000)	-	(1,735,000)	(1,765,000)
Interest on Debt	(1,641,812)	(2,858,204)	(2,858,204)	-	(3,317,845)	(2,767,440)
Miscellaneous Revenue	16,393	16,393	-	16,393	220,733	684,689
Proceeds from Sale of Assets	26,437	52,874	-	52,874	55,717	25,817
Routine Capital	(924,403)	(1,848,806)	(864,188)	(984,618)	(2,017,352)	(3,057,038)
Undergrounding of Power Lines	(995,815)	(3,500,000)	(3,500,000)	-	(4,473,252)	(3,656,667)
Contributions in Aid of Construction	562,384	1,124,768	-	1,124,768	579,798	901,067
Residential Underground Conversions	400	800	16,000	(15,200)	17,200	73,050
Capital Contributions for Plug-In Program	97,446	194,892	-	194,892	35,131	63,960
Total Nonoperating Revenues (Expenses)	(3,879,799)	(8,858,941)	(9,234,442)	375,501	(10,581,387)	(9,438,973)

WINTER PARK ELECTRIC UTILITY METRICS

March 31, 2016

	<u>FY'16</u> <u>YTD</u>	<u>FY'16</u> <u>Annualized</u>	<u>FY'16</u> <u>Budget</u>	<u>Variance</u> <u>from</u> <u>Budget</u>	<u>FY'15</u>	<u>FY'14</u>
Income (Loss) Before Operating Transfers	1,897,185	3,363,998	2,480,566	883,432	2,119,797	2,503,010
Operating Transfers In						
Transfers to General Fund	(1,197,790)	(2,587,578)	(2,639,000)	51,422	(2,582,126)	(2,652,117)
Transfers for organizational support	(58,398)	(116,796)	(116,795)	(1)	(109,604)	-
Transfers to capital projects (primarily electric warehouse construction)	(87,386)	(174,772)	(174,771)	(1)	(1,187,271)	(37,500)
Total Operating Transfers	(1,343,574)	(2,879,146)	(2,930,566)	51,420	(3,879,001)	(2,689,617)
Net Change in Working Capital	553,611	484,852	(450,000)	934,852	(1,759,204)	(186,607)

Other Financial Parameters

Debt Service Coverage	2.16	2.49			2.87	2.85
Fixed Rate Bonds Outstanding	67,010,000				69,065,000	64,750,000
Auction Rate Bonds Outstanding	1,205,000				1,220,000	7,445,000
Total Bonds Outstanding	68,215,000				70,285,000	72,195,000
Principal Retired	2,070,000		2,070,000		1,735,000	1,765,000
Balance Owed on Advance from General Fund	-				-	-
Cash Balance	515,528				(916,075)	3,530,562

Notes

Fiscal Years run from October to September; FY'15 is 10/1/14 to 9/30/15

SAIDI is System Average Interruption Duration Index (12-month rolling sum)

MAIFI is Momentary Average Interruption Frequency Index (12-month rolling sum)

Cash and Investment Portfolio (excluding pension funds and bond proceeds)
31-Mar-16

Issuer	CUSIP	Purchase Date	Quantity	Estimated Price	Coupon Rate	Cost	Market Value	Maturity Date	Moody's Rating	S & P Rating	Percentage of Total Cash and Investments	Percentage of Long-Term Investments
Short-term funds:												
Bank of America					0.25%	\$ 2,775,310	\$ 2,775,310					
SeacoastBank					0.25%	\$ 1,160,410	\$ 1,160,410					
Money Market Fund					0.00%	\$ 194,369	\$ 194,369					
Certificate of Deposit					0.45%	\$ 100,000	\$ 100,230	12/29/16				
State Board of Administration (SBA)					57.00%	\$ 19,076	\$ 19,076					
Total short-term funds						\$ 4,249,165	\$ 4,249,395				7.03%	
Long-term investments:												
US Treasury Note Investments (backed by full faith and credit of the United States Government):												
US TREASURY NOTES	912828RJ1	02/21/14	\$ 2,000,000	100.277	1.00%	\$ 2,018,270	\$ 2,005,540	09/30/16	AAA			
US TREASURY NOTES	912828K66	09/09/15	\$ 1,000,000	99.848	0.50%	\$ 998,750	\$ 998,480	04/30/17	AAA			
US TREASURY NOTES	912828UA6	02/07/13	\$ 1,000,000	99.844	0.63%	\$ 992,580	\$ 998,440	11/30/17	AAA			
US TREASURY NOTES	912828TR1	02/23/16	\$ 1,000,000	100.102	1.00%	\$ 992,500	\$ 1,001,020	09/30/19	AAA			
US TREASURY NOTES	912828L32	09/09/15	\$ 1,000,000	100.977	1.38%	\$ 992,500	\$ 1,009,770	08/31/20	AAA			
US TREASURY NOTES	912828G53	09/09/15	\$ 1,000,000	102.742	1.88%	\$ 1,002,188	\$ 1,027,420	11/30/21	AAA			
Total US Treasury Note Investments						\$ 7,000,000	\$ 6,996,788	\$ 7,040,670			11.65%	12.54%
Government National Mortgage Investments (backed by full faith and credit of the United States Government):												
GNMA II ARM PASS THRU POOL 8258	36202KE76	05/04/99	\$ 490,000	101.586	1.75%	\$ 1,899	\$ 1,929	08/20/23				
GNMA PASS THRU POOL 372024	36204KG98	05/21/98	\$ 1,730,000	114.478	6.50%	\$ 39,725	\$ 45,476	01/15/24				
GNMA PASS THRU POOL AD1605	36180CYA1	02/01/13	\$ 1,000,000	101.347	2.00%	\$ 727,802	\$ 737,606	01/15/28				
GNMA II PASS THRU POOL 2562	36202CZ30	02/08/01	\$ 2,500,000	112.706	6.00%	\$ 34,604	\$ 39,001	03/20/28				
GNMA PASS THRU POOL 497581	36210NXJ3	02/11/99	\$ 500,000	114.056	6.00%	\$ 14,396	\$ 16,419	01/15/29				
GNMA II PASS THRU POOL 2795	36202DC82	02/08/01	\$ 2,000,000	114.040	6.50%	\$ 20,198	\$ 23,034	08/20/29				
GNMA II PASS THRU POOL 2997	36202DKJ9	01/31/01	\$ 1,717,305	115.002	6.50%	\$ 7,420	\$ 8,533	11/20/30				
GNMA PASS THRU POOL 574674	36200WMX6	03/27/08	\$ 1,700,000	111.322	5.00%	\$ 102,771	\$ 114,407	04/15/34				
GNMA II PASS THRU POOL 3839	36202EHQ5	01/30/08	\$ 1,000,000	107.763	4.50%	\$ 152,183	\$ 163,997	04/20/36				
GNMA II PASS THRU POOL 4071	36202EQY8	01/18/08	\$ 1,000,000	109.170	5.00%	\$ 87,344	\$ 95,354	01/20/38				
GNMA 09-9 TA REMIC MULTICLASS CMO	38374TDH4	03/17/09	\$ 1,000,000	104.163	4.50%	\$ 97,522	\$ 101,582	08/20/38				
GNMA 10-31 AP REMIC MULTICLASS CMO	38376XL50	04/12/10	\$ 1,000,000	104.286	4.00%	\$ 272,193	\$ 283,860	08/20/38				
GNMA PASS THRU POOL 702875	36296V2G2	05/10/10	\$ 1,015,000	107.119	4.00%	\$ 528,427	\$ 566,046	07/15/39				
GNMA 13-28 DE REMIC MULTICLASS CMO	38378FWG1	02/08/13	\$ 1,000,000	97.539	1.75%	\$ 719,022	\$ 701,327	12/20/42				
GNMA 13-42 DE REMIC MULTICLASS CMO	38378JFT4	03/13/13	\$ 1,000,000	99.637	1.75%	\$ 352,831	\$ 351,550	01/20/43				
Total Government National Mortgage Investments						\$ 18,652,305	\$ 3,158,337	\$ 3,250,121			5.38%	5.79%
Agencies which are non-full faith and credit):												
Federal Farm Credit Investments:												
FEDERAL FARM CREDIT	3133EA329	10/16/12	\$ 1,000,000	99.990	1.42%	\$ 999,250	\$ 999,900	07/10/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EC7L2	12/13/13	\$ 2,000,000	99.950	1.29%	\$ 1,931,749	\$ 1,999,000	06/14/19	AAA	AA+		
FEDERAL FARM CREDIT	3133ECMJ0	04/22/13	\$ 1,000,000	99.950	0.74%	\$ 1,000,000	\$ 999,500	07/25/17	AAA	AA+		
FEDERAL FARM CREDIT	3133ECNY6	05/03/13	\$ 1,000,000	99.860	0.95%	\$ 1,000,000	\$ 998,600	05/08/18	AAA	AA+		
FEDERAL FARM CREDIT	3133EA6F0	10/19/12	\$ 1,000,000	100.000	1.24%	\$ 1,000,000	\$ 1,000,000	10/25/18	AAA	AA+		
FEDERAL FARM CREDIT	3133EFWX1	01/22/16	\$ 2,000,000	100.030	1.27%	\$ 2,000,000	\$ 2,000,600	08/28/19	AAA	AA+		
FEDERAL FARM CREDIT	31331KAU4	01/21/11	\$ 1,000,000	106.690	3.33%	\$ 1,000,000	\$ 1,066,900	01/28/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EAD70	07/31/12	\$ 800,000	100.000	1.40%	\$ 798,600	\$ 800,000	08/01/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EEF28	02/23/16	\$ 1,600,000	100.140	1.65%	\$ 1,600,000	\$ 1,602,240	03/01/21	AAA	AA+		

Cash and Investment Portfolio (excluding pension funds and bond proceeds)
31-Mar-16

Issuer	CUSIP	Purchase Date	Quantity	Estimated Price	Coupon Rate	Cost	Market Value	Maturity Date	Moody's Rating	S & P Rating	Percentage of Total Cash and Investments	Percentage of Long-Term Investments
Total Federal Farm Credit Investments			\$ 11,400,000			\$ 11,329,599	\$ 11,466,740				18.98%	20.42%
Federal Home Loan Banks Investments:												
FEDERAL HOME LOAN BANK	313380BQ9	07/31/12	\$ 3,750,000	100.010	1.55%	\$ 3,750,000	\$ 3,750,375	08/15/19	AAA	AA+		
FEDERAL HOME LOAN BANK	313380Z83	10/10/12	\$ 1,000,000	100.010	1.49%	\$ 1,000,000	\$ 1,000,100	11/01/19	AAA	AA+		
FEDERAL HOME LOAN BANK	313380C54	07/31/12	\$ 3,000,000	100.000	1.25%	\$ 3,000,000	\$ 3,000,000	08/14/20	AAA	AA+		
FEDERAL HOME LOAN BANK	3130A6UY1	12/03/15	\$ 2,500,000	100.260	2.00%	\$ 3,000,000	\$ 2,506,500	12/30/21	AAA	AA+		
Total Federal Home Loan Banks Investments			\$ 10,250,000			\$ 10,750,000	\$ 10,256,975				16.98%	18.26%
Federal Home Loan Mortgage Investments:												
FEDERAL HOME LN MTG CORP	3134G34QO	03/05/13	\$ 1,000,000	99.940	1.10%	\$ 1,000,000	\$ 999,400	07/30/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G8Z21	12/29/15	\$ 2,000,000	100.040	0.50%	\$ 1,000,000	\$ 2,000,800	08/24/18		AA+		
FEDERAL HOME LN MTG CORP	3134G42X5	04/11/13	\$ 2,000,000	100.330	1.05%	\$ 2,000,000	\$ 2,006,600	10/30/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G8JC4	01/25/16	\$ 1,100,000	99.990	1.51%	\$ 1,100,000	\$ 1,099,890	01/29/20	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G3K58	09/13/12	\$ 1,000,000	101.160	1.50%	\$ 998,000	\$ 1,011,600	03/19/20	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G7J28	09/24/15	\$ 2,000,000	99.940	1.25%	\$ 2,000,000	\$ 1,998,800	09/30/20	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G7ZS3	09/25/15	\$ 1,000,000	100.020	1.25%	\$ 1,000,000	\$ 1,000,200	10/15/20	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G8FL8	12/22/15	\$ 2,000,000	100.300	1.25%	\$ 1,000,000	\$ 2,006,000	12/30/20	AAA	AA+		
FHLMC GOLD PASS THRU POOL J01091	3134G8JF7	02/02/16	\$ 1,000,000	100.080	1.25%	\$ 1,000,000	\$ 1,000,800	01/29/21	AAA	AA+		
FHLMC GOLD PASS THRU POOL J01091	3128PCF80	01/17/06	\$ 1,000,000	105.022	5.00%	\$ 64,093	\$ 67,312	02/01/21				
FHLMC GOLD PASS THRU POOL C91020	3128P7DZ3	03/21/07	\$ 1,000,000	111.430	5.50%	\$ 51,846	\$ 57,772	03/01/27				
Total Federal Home Loan Mortgage Investments			\$ 15,100,000			\$ 11,213,939	\$ 13,249,174				21.93%	23.59%
Federal National Mortgage Association Investments:												
FEDERAL NATL MTG ASSN	3136G16F1	12/11/12	\$ 1,000,000	99.770	1.00%	\$ 1,000,000	\$ 997,700	06/27/18	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G13U1	11/27/12	\$ 1,000,000	100.530	1.10%	\$ 1,000,000	\$ 1,005,300	12/18/18	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G2VX1	01/25/16	\$ 2,250,000	100.140	1.25%	\$ 2,250,000	\$ 2,253,150	02/22/19	AAA	AA+		
FEDERAL NATL MTG ASSN	3135G0NK5	08/13/12	\$ 2,000,000	100.030	1.63%	\$ 2,000,000	\$ 2,000,600	08/28/19	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G02B6	10/16/12	\$ 1,000,000	99.970	1.60%	\$ 1,000,000	\$ 999,700	10/30/20	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G0Y28	08/15/12	\$ 2,500,000	100.010	2.00%	\$ 2,497,500	\$ 2,500,250	12/14/20	AAA			
FEDERAL NATL MTG ASSN	3136G2CS4	01/12/15	\$ 1,000,000	100.600	2.00%	\$ 1,000,000	\$ 1,006,000	01/27/22	AAA	AA+		
FNMA PASS THRU POOL 255994	31371MKF3	03/12/07	\$ 1,605,000	112.183	5.50%	\$ 125,150	\$ 140,397	11/01/25				
Total Federal National Mortgage Association Investments:			\$ 12,355,000			\$ 10,872,650	\$ 10,903,097				18.05%	19.41%
Total Federal Instrumentalities (United States Government Agencies which are non-full faith and credit):												
			\$ 49,105,000			\$ 44,166,188	\$ 45,875,986				75.93%	81.68%
Total Long-Term Investments			\$ 74,757,305			\$ 54,321,313	\$ 56,166,777					
Total Short-Term Funds and Long-Term Investments						\$ 58,570,478	\$ 60,416,172					
Blended Portfolio Rate of Return							1.41%					
Average Maturity (in years)							4.57					

REGULAR MEETING OF THE CITY COMMISSION
April 25, 2016

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Pastor Jeff Arp, Calvary Assembly of God, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also present:

Assistant City Manager Michelle Neuner
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Approval of the agenda

Motion made by Commissioner Sprinkel to approve the agenda with the deletion of Consent Agenda item 'c' and Public Hearing 'd'; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

Mayor's Report

a. Proclamation – Support Our Scholars Graduation Month

Susan Johnson and Lauren Allen, Support Our Scholars, accepted a proclamation proclaiming May 2016 as Support our Scholars Graduation Month that honored their work for "Support Our Scholars" and to recognize their accomplishments. Ms. Johnson displayed the yard signs for sale that helps support the local young women from low income families to graduate from college and to support them throughout their four years of school.

b. Proclamation – North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day

Mayor Leary provided a proclamation to Matt Smith, Regional Safety Director, Brasfield & Gorrie in honor of North American Occupational Safety and Health Week (NOASH) of May 1-7 and Occupational Safety and Health Professionals Day of May 4. Mr. Smith thanked the Commission for the proclamation and support.

c. Proclamation – Falun Dafa Day

Mayor Leary recognized May 7 as Falun Dafa Day. Roslynn Malonson and her colleagues were present to accept the proclamation and thanked the Commission for their recognition.

d. Proclamation – Deputy Police Chief Vernon Taylor Retirement

Mayor Leary presented Deputy Police Chief Vernon Taylor with a proclamation proclaiming April 29, 2016 as “Vernon Taylor Day” in recognition of his retirement after 27 years.

e. Award presentation – Tree City USA, Tree City Growth & Tree Line USA

Dana Sussman, Florida Forest Service, presented the awards. She stated this is the 36th year the City has received the Tree City USA award, the 24th time for the Tree City Growth award, and the 2nd time that Utilities has received the Tree Line USA award. Dru Dennison, Winter Park Urban Forestry Manager, was also present to help accept the awards.

City Manager’s Report

Assistant City Manager Michelle Neuner reported on the trees removed from the golf course during renovations and a plan being developed to replace those trees; provided an update on the golf course renovations; provided an update on the railroad grade crossing and quiet zones; and addressed the board recognition survey whereby most members preferred a cocktail party/Happy Hour on a Thursday evening. She also reported we will be using Survey Monkey for the board evaluation process next year.

Commissioner Cooper asked about a list of activities and research by the City concerning the planning activities of the library/civic center; asked for an update on the visioning sessions from this past weekend; and expressed her preference to present the Denning Drive information to the public one time first before the open house.

Commissioner Sprinkel asked that a resolution come forward regarding the New Hope Baptist Church and the portables.

City Attorney’s Report

Attorney Ardaman provided information on the Orange County Public Schools agreement for Showalter Field on this evening’s agenda.

He addressed ongoing litigation between two parties BFC New England, LLC and E. Allen and Deborah Deaver regarding a private alleyway east of Park Avenue between New England Avenue and stops before E. Lyman Avenue. He stated there is a potential the City could become a party to the litigation because the City is the beneficiary under the alleyway agreement between the adjacent property owners. He stated the agreement said if the alleyway was ever extended down to E. Lyman that the property owners would be required to convey their interest in the alleyway to the City. He stated if the Commission wants to give up their potential future rights to that area that would avoid the City being a party to the litigation. Upon

discussion, a Resolution will be brought forward for the next meeting vacating/abandoning the alleyway.

Non-Action Item

a. Backyard chickens pilot program

Sustainability Manager Kris Stenger addressed the history of Commission discussions regarding allowing chickens in the City, the cities that allow chickens and the advisory board recommendation. He asked the Commission if they wished to move forward with a pilot program. Commissioner Sprinkel stressed the importance that the City needs to communicate this to everyone if it comes back. Discussion ensued regarding the City of Orlando program. Commissioner Cooper asked that the residents be surveyed as to their preference regarding chickens being allowed in the City so we understand the demand before moving forward and that the community be given the opportunity to understand the issue. Commissioner Weldon spoke that he did not believe this is a good idea for the City.

Mayor Leary commented that he wanted staff to develop a recommendation for a chicken program in Winter Park and bring it back for discussion and determine how it will impact the City. Commissioner Seidel was also supportive, though upon discussion, there was not a third vote to move forward.

Consent Agenda

- a. Approve the minutes of April 11, 2016. (Minutes were modified to add additional comments by Commissioner Cooper under her report).
- b. Approve the following contracts:
 - 1. Amendment 1 to Integrated Systems of Florida, Inc., IFB-19-2013, Security Access and Monitoring at Public Safety Complex; and authorize the Mayor to execute the amendment; \$75,000.
 - 2. Amendment 1 to Bryant, Miller, Olive, P.A., RFP-5-2011, Bond Counsel Services; and authorize the Mayor to execute the amendment.
- c. Approve the relocation reimbursement agreement with Duke Energy regarding the Fairbanks Avenue undergrounding project. Pulled from Agenda until May 9.

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

Action Items Requiring Discussion

a. Showalter Field use agreement

City Attorney Ardaman explained the agreement with Orange County Public Schools regarding Showalter Field and Showalter East Field 2 which is being constructed. He stated that OCPS staff is in favor of the agreement but suggested if the Commission moves forward to approve it that it be contingent upon entering into

an acceptable agreement with Rollins College because of the financing of Rollins paying the City monies each year for the use for a 10 year period with a \$500,000 upfront cost to help defray the cost for installing the new turf.

The background of this issue and the original agreement was summarized as well as the commitment of Rollins College for a usage fee of \$120,000 yearly as well as a \$500,000 loan to the City that will be used against the usage fee to help the city re-turf Showalter East and for the stadium itself. Mayor Leary spoke about the City wanting more control over the stadium and that it needs to be improved. Commissioner Sprinkel addressed the requirements that OCPS must follow for their capital outlay. Upon questioning, Attorney Ardaman clarified the terms of the agreement and recommended that this agreement be approved contingent upon reaching an acceptable agreement with Rollins College that will also come back to the Commission for approval. Concerns were expressed with signing the OCPS agreement before the Rollins agreement because of the Rollins funding.

Scott Howell, Orange County Schools, explained their upcoming meetings scheduled to approve this agreement, asked that this not be postponed too long, and that they can work around the concerns of the City with the Rollins agreement not being executed. Mayor Leary expressed concerns with the City promising a turf field and at this time we do not have Rollins participation that puts the City on the hook for a \$500,000 capital investment that we do not currently have in our plan.

Commissioner Sprinkel spoke about the OCPS agreement that specifies Rollins providing those funds. Attorney Ardaman explained the agreement does not require Rollins to participate but references Rollins because that is what the City expects to do a separate deal with. Mr. Howell stated they have understood all along that Rollins is a partner with the City on this project.

Commissioner Weldon stated that he is excited about the agreement for everyone concerned but would like to see the deal come together in full because of the concerns of the Rollins funding. Attorney Ardaman confirmed that if our deal with Rollins does not proceed, the City would not be in default of contract with OCPS if the City does not turf the field. He stated we have a right to construct the turf field but there is no obligation and can approve this without that caveat.

Motion made by Mayor Leary to approve the agreement with no caveat relevant to Rollins timing although I am hopeful given discussions that we are close on; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weldon voted no. The motion carried with a 4-1 vote.

Public Hearings:

- a. Request of Z Properties: Subdivision or lot split approval to divide the property at 360 Beloit Avenue, zoned R-1A, into two single family building lots

This item was tabled at the April 11, 2016 meeting. Planning Manager Jeff Briggs explained this is coming before the Commission with a Planning and Zoning Board condition that this is a plan specific approval and if this is approved this evening the applicant cannot build anything different.

Motion made by Commissioner Sprinkel to approve the request including all the conditions of P&Z, seconded by Commissioner Seidel.

Mayor Leary expressed concerns with it changing the makeup of the north side of the street facing the Beloit homes on the north side. Commissioner Cooper expressed concerns with not maintaining the integrity of the two cul-de-sacs and creating non-conforming lots. Commissioner Seidel spoke that this has been coordinated with the neighbors to address as many concerns as possible and to fit the structure in.

Commissioner Weldon proposed conditions that he wanted met in order for him to approve this request: 1) that the FAR be reduced to 38% or lower; 2) that the homes be oriented to face Beloit; 3) that the elevations and floor plans that result be required to be reviewed and approved by the P&Z Board; and 4) that the applicant distribute the revised elevations and floor plans to the owners of record on Beloit and Waterfall Lane at least 7 days prior to the P&Z Board consideration of the revised floor plans and elevations.

Applicant Zane Williams addressed the floor plans and that they believed they were charged with providing updated elevations to confirm that the doors will be in the front which they submitted on Friday. He stated since then they submitted updated floor plans on how the doors actually open into the homes that was provided in today's packet which he believed to be a misunderstanding. Mr. Williams agreed with Commissioner Weldon's conditions except for number 1. Upon discussion regarding the FAR, Mr. Williams explained that the elevation does not change and is only taking away livable square footage and won't change the massing.

Wayne Jones, 455 Beloit Avenue, agreed with the new elevation.

Carolyn Bird, 361 Beloit Avenue, opposed but if passes, to impose the conditions that the wall between the two front doors is as high as zoning requires but not above zoning; would like to see a hedge put in; and that the front entrances face Beloit and the garage entrances be on the side.

Richard Gregor, 380 Waterfall Lane, opposed because of being out of character with the neighborhood.

After discussion, Commissioner Weldon agreed with Mr. Williams that there is no visible difference between 43% and 38% and that he is now okay with the 43%.

Motion amended by Commissioner Weldon to add three conditions: that the homes are oriented to face Beloit (already contemplated by developer)

that includes the interior design; that the elevations and floor plans require approval by the Planning and Zoning Board of the final construction plans; that the applicant is to distribute the revised elevations and floor plans to the owners of record on both Beloit and Waterfall Lane at least 7 days prior to the P&Z meeting during which the revised plans will be reconsidered; seconded by Commissioner Seidel.

Motion amended by Commissioner Seidel that a screening of 8' be added near the wall. Motion failed for lack of a second.

Ira Kitograd, Mr. Williams' business partner, asked for clarification that the meeting with P&Z is only to review and approve the final plans.

Upon a roll call on the amendment (including three conditions), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The amendment carried unanimously with a 5-0 vote.

Upon a roll call on the main motion, Commissioners Seidel, Sprinkel and Weldon voted yes. Mayor Leary and Commissioner Cooper voted no. The main motion carried with a 3-2 vote.

Public Comments (items not on the agenda)

David Utrich, 1368 Hibiscus Avenue, spoke in opposition to the proposed development at 1385 Hibiscus Avenue.

The following spoke in favor of allowing chickens in Winter Park:

Kimberly Murphy, 1835 Bryan Avenue/1770 Goodrich Avenue

Megan Mascenik, 1930 Summerfield Road

Shelby Caslow, 1420 Border Drive

Jackson Goukas, 1835 Bryan Avenue/1770 Goodrich Avenue

Sally Flynn, 1400 Highland Avenue (asked to reconsider approval)

Recess

A recess was taken from 5:30-5:45 p.m.

PUBLIC HEARINGS (Continued)

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING UTILITY EASEMENTS FOR LOTS 5, 6, 7, 10 11, 14, 15 and 16 OF BLOCK 41, TOWN OF WINTER PARK SUBDIVISION, BOUNDED BY NEW ENGLAND AVENUE, VIRGINIA AVENUE, WELBOURNE AVE AND HANNIBAL SQUARE EAST First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Troy Attaway explained the request.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Cooper. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AND COMMISSIONS AS ADOPTED BY ORDINANCE NO. 2843-11 AND AS FURTHER AMENDED BY ORDINANCE NO. 2880-12; AMENDING CHAPTER 22, ARTICLE II, SECTION 22-28 "AMENDMENTS TO THE FLORIDA BUILDING CODE," SUBSECTION 113 CONCERNING THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR BOARD MEMBERSHIP, RENAMING OF CERTAIN BOARDS AND THE CONSOLIDATION DUTIES OF CERTAIN BOARDS; PROVIDING FOR CITY COMMISSION APPROVAL OF THE CONTINUED EXISTENCE OF CERTAIN BOARDS TO AVOID SUNSETTING; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Assistant City Manager Neuner explained staff's recommendations for sunseting certain boards as well as changes to the number of members and renaming certain boards.

Renaming the Pedestrian and Bicycle Board to the Transportation Advisory Board was discussed. Butch Margraf, Public Works, explained how this board would be managed and the proposed membership.

Ms. Neuner addressed the administrative changes concerning new membership requirements of the Construction Board of Appeals, updating the duties of the Historic Preservation Board to be consistent with adopted ordinances, and to clarify the duties of the Lakes and Waterways Board established for appeals.

Ms. Neuner addressed the Ethics Board that has not met since 2011 and recommended to sunset the board. Commissioner Cooper expressed her preference that the Ethics Board remain because of her belief that the residents want a focus on ethics. Commissioner Sprinkel disagreed that the City needs an Ethics Board because times have changed since this was implemented, she did not believe that the residents any longer prefer to have one, and did not believe that anything healthy would come from this board. Commissioner Weldon believed that we could also form a task force where appropriate if one is needed in the future and that State laws apply to the Commission and employees. Commissioner Seidel did not see a demand for an Ethics Board because of the State Ethics laws.

After discussion that the Commission could always institute a task force if needed and that the State Ethics Commission has very strong laws in place that you must follow, there was a consensus to sunset the Ethics Board.

Ms. Neuner addressed the Independent Personnel Board which needs to be clarified that it is currently being served by the Civil Service Board. Ms. Neuner also

addressed the Code Enforcement Board being retitled to Code Compliance Board that would also sit as the Tree Preservation Board to serve the role of disputed tree permits (staff's recommendation). Commissioner Cooper asked why certain activities do not go through the Tree Preservation Board and believed this board has a purpose and needs to review the current ordinance. Ms. Neuner explained that the Commission adopted the Urban Forestry Management Plan and the Board has only heard one case in five years.

Mayor Leary agreed that the adopted ordinance needs to be reviewed but that everything needs to go to Code Compliance. Commissioner Sprinkel commented that the Board name should be something else because it has a connotation that she wants to see go away. Mayor Leary stated if the code compliance issues for breaking the tree ordinance go to the Code Compliance Board then anything forward looking can possibly be handled by the KWPB&S Board. He suggested that Code Compliance address the effectiveness of the tree ordinance.

Ms. Neuner spoke about the recommendation to reduce the number of members on the Keep Winter Park Beautiful and Sustainable Board and the Utilities Advisory Board to seven members plus an alternate.

Motion made by Mayor Leary to accept the ordinance on first reading with the entire recommendation by staff; seconded by Commissioner Weldon.
No public comments were made.

Motion amended by Commissioner Seidel to amend Section 2-65(1), Membership of Transportation Advisory Board to read: "The Transportation Advisory Board shall be established pursuant to the provisions in divisions 1 and 2 of this article. Notwithstanding general requirements stated in divisions 1 and 2 of this article of the membership of the Transportation Advisory Board shall include a transportation professional with a preference with experience in developing construction plans; seconded by Commissioner Cooper.

Motion amended by Commissioner Seidel to include a professional planner with a preference with experience in projects involving transportation; seconded by Commissioner Weldon.

Motion amended by Commissioner Seidel to include a person with government policy experience. Amendment failed for lack of a second.

Motion amended by Commissioner Sprinkel to remove all language in regards to specific board functions of raising money and move this to general conditions: "Each board shall have the role and function with respect to fundraising to explore opportunities and to give advice and make recommendations to the city commission, and in all instances the city commission shall be the responsible entity to enter specific fundraising programs on behalf of the City of Winter Park." The motion was seconded by Commissioner Weldon.

Motion amended by Commissioner Cooper to have the two sunseting boards (Tree Preservation Board and Ethics Board) reviewed separately. Motion failed for lack of a second.

Upon a roll call vote on the first amendment to include a transportation professional with a preference with experience in developing construction plans, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the second amendment include a professional planner with a preference with experience in projects involving transportation, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the third amendment concerning board fundraising, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion to accept the ordinance on first reading with staff's recommendations and including the amendments, Mayor Leary and Commissioners Seidel, Sprinkel, and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- d. AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT WITHIN THE HIGHWAY 17-92 AND WEST FAIRBANKS CORRIDOR STUDY AREAS "J" AND "L" SO AS TO REVISE POLICIES CONCERNING FAST FOOD AND DRIVE-THROUGH BUSINESSES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO CHANGE WITHIN SECTION 58-76 COMMERCIAL (C-3) DISTRICT, THE CONDITIONAL USES FOR FAST FOOD AND DRIVE-THROUGH BUSINESSES ALONG THE WEST FAIRBANKS CORRIDOR, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, AN SEVERABILITY AND AN EFFECTIVE DATE. First Reading

This item was removed from the agenda.

City Commission Reports:

- a. Commissioner Seidel

Commissioner Seidel asked if the Commission was going to reconsider the chicken issue because of the people that did not speak during the non-action item. Mayor Leary responded we normally do not have public comment for something under non-action, he did not realize they were here for that and was glad they stayed to speak because he was supportive of taking the next step. He asked for support to put it on the next agenda. There was no consensus to add this to the next agenda.

Commissioner Seidel reported about attending the high school show "Night on Broadway" and the monies raised to help with the Tyler Rush Foundation scholarship fund (young Winter Park student tragically killed in a car accident 17 years ago) to help the kids in the choir and music at the school.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about the Taste of Winter Park, planted trees for Earth Day for three schools, and attended the Winter Park High School valedictorian event.

c. Commissioner Cooper

Commissioner Cooper asked that we make sure to advertise and have a schedule beforehand for approaching changes to the comprehensive plan. She asked that the same level of community involvement and discussion take place as with historic preservation.

d. Commissioner Weldon

Commissioner Weldon spoke about reviewing the architectural firm proposals for the library and the initial ranking meeting coming forward.

He reported that he has continued to look at the Blake Yard and that he plans to bring this back before the Commission in terms of his ideas.

Commissioner Weldon asked if the City can provide a date where a conceptual plan will be put together for the potential long term expansion considerations for MLK Park so we have something in the near term to consider when we close on the bowling alley property. There was a consensus. Assistant City Manager Neuner explained the status, there are master planning funds available, and staff is working on this.

Commissioner Weldon stated he wanted to speak with Commissioner Seidel (with an invitation to other Commissioners who may want to attend) regarding moving forward with our library project (this will be scheduled).

Commissioner Weldon also stated that he spoke with the City Attorney regarding how we can designate properties that are in a historic district or on the historic register so that people coming into Winter Park know they are designated historic. He stated they agreed they could add the letter "H" onto the zoning classification which is on the property appraiser's website. He asked if the City Attorney could continue to pursue this. Attorney Ardaman spoke about indicating this on our zoning map. Commissioner Seidel suggested using an 'H' for Historic Designation and 'HD' for Historic District.

e. Mayor Leary

Mayor Leary reported on attending the State of the County, spoke at the Library Valedictorian event, has attended a lot of fundraisers recently which he said is amazing what the City can do when they come together, reported on a family that just moved into Winter Park whose son was diagnosed with leukemia where the community came out and supported the family with a silent auction and raised about \$20,000 to help with the son's treatment; and spoke at the FSU/Kislak Real Estate Market Strategies Forum. He stated it is an honor to represent the City at all the great events. He thanked staff for bringing together everyone to work on the Showalter Field agreement and that the facility will be an asset to the City and up to Winter Park standards.

The meeting adjourned at 6:55 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC



city commission agenda item

item type	Consent Agenda	meeting date	May 9, 2016
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 \$75,000

	vendor	item background	fiscal impact	motion recommendation
1.	Wesco Turf	Golf Course Maintenance Equipment	Total expenditure Amount: \$85,387 using operating funds from the FY16 budget. (See attached adjustment.)	Commission approve purchase of Golf Course Maintenance Equipment, budget adjustment & authorize the Mayor to execute piggyback contract.

This purchase will be made utilizing Florida State Contract No. 21100000-15-1 – Lawn Equipment
 Approval of contract shall constitute approval for all subsequent purchase orders made against contract

Contracts

	vendor	item background	fiscal impact	motion recommendation
2.	High Performance Sports Management, Inc.	RFP-7-2013 – Tennis Management Services Amendment No. 1	The profit share generated from this contract in FY15: \$72,361	Commission approve Amendment No. 1 to High Performance Sports Management, Inc. and authorize Mayor to execute renewal.

A formal solicitation was issued to award this contract.

3.	The School Board of Orange County, Florida	The School Resource Officer Program	City will receive reimbursement based on attached schedule.	Commission approve Agreement with The School Board of Orange County, Florida and authorize the Mayor to execute Agreement.
----	--	-------------------------------------	---	--

This agreement assigns School Resource Officers to the following schools: Brookshire Elementary, Lakemont Elementary, Winter Park High School and Winter Park 9th Grade Center. This agreement will expire June 30, 2017.

Approval of contract shall constitute approval for all subsequent purchase orders made against contract

Formal Solicitations

	vendor	item background	fiscal impact	motion recommendation
4.	Waste Pro of Florida	RFP-7-2016 – Solid Waste & Recyclables Collection Services	Total expenditure included in approved budget.	Commission approve award to Waste Pro of Florida and authorize staff to enter into negotiations.

A formal solicitation was issued on February 24, 2016. Five responses were received, and three companies were shortlisted (Advanced Disposal, FCC & Waste Pro). The committee's final ranking identified Waste Pro as the recommended vendor to award.

Approval of contract shall constitute approval for all subsequent purchase orders made against contract

Budget Amendments Requiring Commission Approval

Fiscal Year 2015 - 2016

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Golf Course Maintenance Equipment	\$ 85,387	Various, see attachment	Various, see attachment	502-3210-593.64-20	Capital Equipment Purchases	Purchaes of Golf Course maintenance equipment.	Pending

Exhibit "A"

**The City of Winter Park
2016-2017 School Year
Reimbursement for School Resources Officers**

	School	School #	Level	# of Officers	Amount
1.	Brookshire Elem.	0751	E	.25	9,150.63
2.	Lakemont Elem.	0561	E	.25	9,150.63
3.	Winter Park H.S.	1411	H	2.0	73,205.00
4.	Winter Park 9 th Gr Ctr	0302	9 th Gr Ctr	1.0	36,602.50
	Total			3.5	128,108.76



city commission agenda item

item type	Consent Agenda	meeting date	May 9, 2016
prepared by department division	Electric Division	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Investment in Public Assets & Infrastructure <input type="checkbox"/> Fiscal Stewardship <input type="checkbox"/> Public Health & Safety		

subject

Relocation Reimbursement Agreement for DUKE

motion | recommendation

Motion to sign the 30 year Relocation Reimbursement Agreement for DUKE Energy in regards to the Fairbanks Undergrounding Project.

background

This is a standard agreement from DUKE energy when they are undergrounding lines in a cities right-of-way. DUKE has asked the city to sign this agreement regarding the Fairbanks Avenue undergrounding project where we are undergrounding the distribution lines. Because there are multiple parcels on Fairbanks Avenue that do not have much property or none at all behind the sidewalk and a few owners who will not sign the distribution easement, this agreement will cover DUKE for relocation expenses for those facilities installed in road R/W where easements could not be acquired. If any facilities have to relocated, we feel that there is not much room to relocate them due to many buildings that are right behind the sidewalk.

alternatives | other considerations

fiscal impact

This is a 30 year agreement. If any future relocation work must be done by DUKE, DUKE will need to send the city a written notice 30 days in advance.

UTILITY RELOCATION REIMBURSEMENT AGREEMENT
City of Winter Park

THIS UTILITY RELOCATION REIMBURSEMENT AGREEMENT (this "Agreement"), made and effective this _____, 2016, is by and between **Duke Energy Florida, LLC**, a Florida limited liability company (hereinafter referred to as "DEF"), and **City of Winter Park**, a Florida municipal corporation (hereinafter referred to as "Local Government").

WITNESSETH:

WHEREAS, as a Florida public utility, DEF has the right under Florida law to construct, operate and maintain its utility facilities upon Florida public road right of way including but not limited to, *Fairbanks Avenue* in **Orange County, City of Winter Park**, Florida; and

WHEREAS, DEF has constructed and now operates and maintains certain electric line facilities near, upon, along, within and/or adjoining *Fairbanks Ave west of US 17/92 and east of I-4*, all of which are more particularly depicted or described on the attached Exhibit "A" (hereinafter referred to as "the Utility Facilities"); and

WHEREAS, the Local Government is requesting permission to convert the DEF overhead facilities to underground ("UGC Work"); and

WHEREAS, prior to the execution of this Reimbursement Agreement, DEF and Local Government have entered into that certain Underground Conversion Agreement ("UGC Agreement") to perform such underground UGC Work, attached hereto as Exhibit "B"; and

WHEREAS, the UGC Agreement requires, among other things, that Local Government secure certain property rights for the UGC Work; and

WHEREAS, the UGC Work will require the placement of a portion of DEF's underground electric distribution line facilities within the Fairbanks Avenue public right-of-way west of US 17/92 and east of I-4 ("Underground Right-of-Way Utilities"); and

WHEREAS, as consideration for DEF relocating the Utility Facilities in accordance with the UGC Agreement, Local Government hereby agrees to pay costs in the event of a need for a future relocation of Underground Right-of-Way Utilities in accordance with this Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises from, to and between DEF and the Local Government, hereinafter contained, DEF and the Local Government do hereby agree to and with each other, as follows:

Recitals. The Parties agree that the above recitals are true and correct and are incorporated into this Agreement.

Future Relocation Work. Upon completion of the UGC Work in accordance with the UGC Agreement, Local Government agrees to pay for any and all future relocation costs and expenses incurred by DEF to the extent the Underground Right-of-Way Utilities are required to be relocated due to any local, state, or federal road or highway improvement project or for any other work or project of the Local Government or other governmental agency with jurisdiction over

the right-of-way which the Underground Right-of-Way Utilities interfere ("Future Relocation Work"). Provided, however, Local Government shall not be required to reimburse DEF for Future Relocation Work to the extent DEF is to receive reimbursement for the same from the State of Florida Department of Transportation or other third party pursuant to general law, contract or otherwise. Thus, in no event shall DEF be entitled to a double recovery for reimbursement of Future Relocation Work costs. This Agreement does not apply to or concern any DEF electric transmission lines and facilities that may be located within the Fairbanks Avenue right-of-way. DEF shall give the Local Government through its City Manager at least thirty (30) days written notice prior to commencing any Future Relocation Work that DEF intends to seek reimbursement from Local Government under this Agreement along with a description of the work required and engineer's estimate for such work.

The Local Government shall reimburse DEF for the actual costs incurred by DEF to perform any Future Relocation Work within sixty (60) days of receipt of an invoice from DEF for such Future Relocation Work along with supporting documentation to substantiate the invoice. DEF shall have the right to submit such statements for progress payments as the Future Relocation Work proceeds and such statements shall be paid within thirty (30) days of receipt.

DEF shall not commence any of the Future Relocation Work for which DEF intends to seek reimbursement from Local Government under this Agreement, until all conditions precedent set forth in the UGC Agreement and below have been satisfied, including the following: (a) written notice has been given to DEF by the Local Government that (i) the Future Relocation Work has been authorized and funds are available for Local Government to reimburse DEF, and (ii) all necessary public road right of way and easement areas have been acquired for the Future Relocation Work and all obstructions or obstacles have been removed (clean, cleared and ready to go) and all utility locates have been performed, (b) the governmental entity with jurisdiction and control over the applicable right-of-way has denoted the public road right-of-way line in the area of the Future Relocation Work, by staked survey at not more than 100 foot intervals with station markings, (c) the governmental entity with jurisdiction and control of the applicable right-of-way has trimmed/removed all vegetation away from the public road right-of-way in the area of the Future Relocation Work, as reasonably determined by DEF.

Effective Date. The Effective Date of this Agreement shall be the date when the last of the parties hereto executes this Agreement. The term of this Agreement shall commence on the Effective Date and terminate on the thirtieth (30th) annual anniversary thereof. Upon the end of the initial thirty (30) year term, this Agreement shall automatically renew in five (5) year increments. Further, this Agreement may be terminated at any time upon the mutual written agreement of both the parties.

No Third Party Beneficiaries. Only the parties to this Agreement shall have any rights arising out of or standing to enforce any provision hereof, and there are no third party beneficiaries intended or otherwise created or established by this Agreement.

Applicable Law. The laws of the State of Florida govern the validity, enforcement and interpretation of this Agreement. A state court of competent jurisdiction in Orange County, Florida, is the sole and exclusive venue for any legal action in connection with this Agreement. The parties agree that this Agreement does not constitute a general indebtedness of the Local Government within the meaning of any constitutional, statutory, or charter provision of limitation and it is expressly agreed by the parties that DEF shall not have the right to require or

compel the exercise of ad valorem taxing power of Local Government, or taxation of any real or personal property therein for payment of any monetary obligations due under the terms of this Agreement. It is further agreed that this Agreement and any funds called for to be expended hereunder shall not constitute a lien upon any real or personal property of Local Government, any part thereof. Nothing contained in this Agreement shall be considered or deemed a waiver of the Local Government's police power, budgetary authority or sovereign immunity protections, or of any other immunity, defense or privilege afforded to the Local Government or its officials, officers, employees and agents under law. DEF acknowledges and agrees the Local Government is subject to the Florida Public Records Act and as such, records generated or received in connection with this Agreement may be public records pursuant to and governed by the provisions of Chapter 119, Florida Statutes.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by through their duly authorized representatives, effective the date first above written.

DUKE ENERGY FLORIDA, LLC


Signature

Kris Tietig
Name, Print or Typed

Manager, Land Services
Position

Date: 3/7/16



CITY OF WINTER PARK, a Florida
municipal corporation

By: _____
Signature

Print Name: _____

Title: _____

Date: _____



city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	May 9, 2016			
prepared by	John Holland, Director	approved by	<input checked="" type="checkbox"/>	City Manager		
department	Parks and Recreation		<input type="checkbox"/>	City Attorney		
division	Administration		<input type="checkbox"/>	N/A		
board approval	Parks and Recreation Advisory Board	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N/A	final vote Consensus	
strategic objective	<input checked="" type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship				
	<input type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety				
	<input type="checkbox"/> Investment in Public Assets & Infrastructure					

subject

The relocation of the Winter Park Golf Course Croquet Court to Martin Luther King, Jr. Park Lake Island Hall and the introduction of an area containing a 9 hole putting course.

motion | recommendation

Requesting City Commission support for the relocation of the City's croquet court from the Golf Course to the Lake Island Hall courtyard lawn allowing for the development of a contoured 9 hole putting course to be constructed as part of the current course renovation.

background

The current renovation of the golf course has initiated development of potential ideas to increase the number of players and guests on the course.

The croquet court has been located on the course property for many years and was very active up until several years ago. The Croquet Club and members have fallen in numbers over the past years and with the smaller number of players their ability to assist with maintenance costs of the court and amenities has disappeared. Because of the unique and historical recreational qualities of the game we would like to continue to provide the opportunity for the game in Winter Park.

The relocation of the croquet court to the Lake Island Hall courtyard lawn in MLK Park will provide the opportunity for continuing the presence of croquet and will allow for the creation of a 9 hole putting course for golfers and residents to enjoy on the current croquet site.

alternatives | other considerations

Currently the croquet court is located between the 9th tee box and Casa Feliz. While the opportunity for renting the court for special events at the Casa Feliz has not been offered in the past we would be open to exploring the possibilities of allowing guests of Casa Feliz events to utilize the putting course as part of their event package.

fiscal impact

Fiscal impact would be minimal. The golf course will still maintain the putting course as it does for the current croquet court. The area of the relocated croquet court is currently maintained by the MLK Park crew. The use of the Lake Island Hall facilities by the Croquet Club would be little if any impact on the facility rentals.





city commission agenda item

item type	Action Item Requiring Discussion	meeting date	May 9, 2016
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	N/A	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

Subject: Offer to Purchase 2600 Lee Road.

The City has received an offer to purchase the City's property at 2600 Lee Road, for the appraised price of \$830,000. There would be a 3% broker commission paid by the City and typical closing costs. The prospective use would be for a medical office. Per the City's Charter, an Ordinance is required in order to sell city property. The staff is seeking City Commission direction whether to advertise and agenda that Ordinance. If the City Commission desires to make a counter-offer, then that is perfectly acceptable as well.

Background:

In January, 2015 the City purchased the property at 2600 Lee Road for \$990,000. As you recall, the City was facing litigation regarding whether the previous adult entertainment establishment had "gone dark" and was out of business for the 90 days that would have resulted in their inability to continue to operate. The appraisal from that time indicated a value of \$830,000 but the City staff recommended the purchase with the understanding that the litigation costs could have easily been larger than the difference.

The property has had a "for sale" sign for the past 16 months and the staff has fielded hundreds of 'curiosity' phone calls. There have been only two verbal offers in the \$725,000 to \$750,000 range but the staff was not inclined to bring forward an offer that did not at least match the appraised value.

Staff believes that the appraisal is still an accurate valuation for the vacant land. The three copmparables for that appraisal were the Whole Foods acquisitions on Orlando Ave. and the purchases on Fairbanks Ave. for the new Lombardi's and the Kid's Urgent Care near I-4.

Alternatives | Other Considerations:

The City can reject the offer and wait for a better offer and make it one of the assignments for the RFP now in process for a real estate broker. The real estate broker commission however would likely be 6% if you have a commission for the seller and one for the buyer.

There are a limited number of users that can fit their building on this 23,650 square foot property. That factor, more than the price has limited the offers.

Vacant Land Contract



1. **Sale and Purchase:** City Of Winter Park ("Seller")
 and Nagi Youssef ("Buyer")
 (the "parties") agree to sell and buy on the terms and conditions specified below the property ("Property")
 described as:
 Address: 2600 Lee Rd Winter Park FL 32789-1744
 Legal Description: KILLARNEY ACRES 0/49 LOTS 1 THRU 4 (LESSST RD R/W ON N) BLK B

 SEC /TWP /RNG of Orange County, Florida. Real Property ID No.: 29-22-02-4164-02-010
 including all improvements existing on the Property and the following additional property: _____

2. **Purchase Price:** (U.S. currency).....\$ 830,000.00
 All deposits will be made payable to "Escrow Agent" named below and held in escrow by:
 Escrow Agent's Name: Remax 200 Realty
 Escrow Agent's Contact Person: Barbara Tanturri
 Escrow Agent's Address: 954 S. Orlando Ave Winter Park FL 32789
 Escrow Agent's Phone: 407-629-6330
 Escrow Agent's Email: barbarat@rmxmail.com
- (a) Initial deposit (\$0 if left blank) (Check if applicable)
☐ accompanies offer
☒ will be delivered to Escrow Agent within 3 days (3 days if left blank)
 after Effective Date\$ 5,000.00
- (b) Additional deposit will be delivered to Escrow Agent (Check if applicable)
☐ within _____ days (10 days if left blank) after Effective Date
☐ within _____ days (3 days if left blank) after expiration of Feasibility Study Period\$ _____
- (c) Total Financing (see Paragraph 5) (express as a dollar amount or percentage).....\$ _____
- (d) Other:\$ _____
- (e) Balance to close (not including Buyer's closing costs, prepaid items, and prorations)
 to be paid at closing by wire transfer or other Collected funds\$ 825,000.00
- (f) ☐ (Complete only if purchase price will be determined based on a per unit cost instead of a fixed price.) The
 unit used to determine the purchase price is ☐ lot ☐ acre ☐ square foot ☐ other (specify): _____
 prorating areas of less than a full unit. The purchase price will be \$_____ per unit based on a
 calculation of total area of the Property as certified to Seller and Buyer by a Florida licensed surveyor in
 accordance with Paragraph 7(c). The following rights of way and other areas will be excluded from the
 calculation: _____
3. **Time for Acceptance; Effective Date:** Unless this offer is signed by Seller and Buyer and an executed copy
 delivered to all parties on or before 05/10/16, this offer will be withdrawn and Buyer's deposit, if
 any, will be returned. The time for acceptance of any counter offer will be 3 days after the date the counter offer is
 delivered. The "Effective Date" of this contract is the date on which the last one of the Seller and Buyer
 has signed or initialed and delivered this offer or the final counter offer.
4. **Closing Date:** This transaction will close on On/before 07/29/16 ("Closing Date"), unless specifically
 extended by other provisions of this contract. The Closing Date will prevail over all other time periods including,
 but not limited to, Financing and Feasibility Study periods. However, if the Closing Date occurs on a Saturday,
 Sunday, or national legal holiday, it will extend to 5:00 p.m. (where the Property is located) of the next business
 day. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property
 insurance, Buyer may postpone closing for up to 5 days after the insurance underwriting suspension is lifted. If
 this transaction does not close for any reason, Buyer will immediately return all Seller provided documents and
 other items.

Buyer (NY) () and Seller () () acknowledge receipt of a copy of this page, which is 1 of 7 pages.

VAC-10 Rev 8/14

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Clayton, Roper & Marshall, Inc., a Florida Corporation
CRAIG H. CLAYTON, MAI
State-Certified General Appraiser RZ 118



PAUL M. ROPER, MAI, SRA
State-Certified General Appraiser RZ 141

STEVEN L. MARSHALL, MAI, SRA
State-Certified General Appraiser RZ 155

November 4, 2014

Mr. George Wiggins
City of Winter Park
401 Park Avenue
Winter Park, FL 32789

Re: Club Rio, Adult Entertainment Facility located at 2600 Lee Road, Winter Park, FL.

Dear Mr. Wiggins:

As requested, we have made the inspections, investigations, and analyses necessary to appraise the above referenced property. The subject property has been improved with an irregular shaped building that was built in 1974 on a 23,689± square foot site. The building consists of about 1,545 square feet of leasable area under air. The subject property is more particularly described by both legal and narrative descriptions within the text of this appraisal report.

The purpose of this appraisal was to estimate the "As Is" market value of the fee simple interest in the subject property. The estimate of value is made under market conditions prevailing as of October 27, 2014, the date of our most recent inspection. Market value, fee simple interest and other appraisal terms are defined within the text of the referenced appraisal report.

This *Appraisal Report* is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice. As such, it presents summary discussions of the data, reasoning and analyses that were used in the appraisal process to develop the appraisers' opinion of value. The depth of the discussion contained in this report is specific to the needs of the client and for the intended use of this appraisal report. The appraisers are not responsible for unauthorized use of this report.

Based upon our investigation into those matters which affect market value, and by virtue of our experience and training, our opinion of the "As Is" market value of the fee simple interest in the subject property, effective October 27, 2014, was:

EIGHT HUNDRED THIRTY THOUSAND DOLLARS
(\$830,000).

OCA Web Map

Florida turnpike	Major Roads	Proposed Road	Residential	Commercial/Industrial Vacant Land	Parks	6	Lot Number
Interstate 4	Public Roads	Brick Road	Agriculture	Agricultural Curtilage	Lakes and Rivers	06060	Parcel Number
Toll Road	Gated Roads	Block Line	Commercial/Institutional	Hydro	Building	3106	Parcel Address
Road Under Construction	Lot Line	Governmental/Institutional/Misc	Waste Land	Block Number	E	111.9	Parcel Dimension



Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 5/3/2016

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

OCPA Web Map

	Major Roads		Proposed Road		Residential		Commercial/Industrial Vacant Land		Parks		Lot Number
	Public Roads		Brick Road		Agriculture		Agricultural Curtilage		Lakes and Rivers		Parcel Number
	Gated Roads		Block Line		Commercial/Institutional		Hydro		Building		Parcel Address
	Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land		Block Number		Parcel Dimensions





city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	May 9, 2016		
prepared by	John Holland, Director	approved by	<input checked="" type="checkbox"/> City Manager		
department	Parks and Recreation Department		<input checked="" type="checkbox"/> City Attorney		
division	Administration		<input type="checkbox"/> N/A		
board approval	Parks and Recreation Advisory Board (conceptual agreement)	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N/A	final vote 5 - 0
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship <input type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety <input checked="" type="checkbox"/> Investment in Public Assets & Infrastructure				

subject

The City and Rollins College are negotiating a Use Agreement for scheduled field use at the Showalter Field facility.

At the time this agenda packet went out the proposed agreement had not been finalized. Because of time sensitivity related to the field turf this item was placed on the agenda as a placeholder. The backup will be forwarded to the Commission as soon as it is finalized.

motion | recommendation

Approve the new Use Agreement between the City and Rollins College for use of Showalter Stadium and Showalter East Field for Soccer and Lacrosse practices in exchange for partial funding of the synthetic turf installation and annual use payments.

background

At the last Commission meetings the City and the Orange County Public School Board (OCPS) entered into a Use Agreement for Showalter Stadium and Showalter East Field 1 which transfers the maintenance responsibility to the City in exchange for annual use payments.

As explained when that agreement was approved the use payments made by OCPS are not enough to cover the annual maintenance cost of the facility so the City needs to rent the stadium and fields out to other users to help cover the rest of the maintenance cost.

Rollins has a need for practice facilities, primarily for Soccer and Lacrosse. This agreement helps both parties meet their needs.

alternatives | other considerations

The City could cancel the synthetic turf project and seek other users to rent the field to help cover the maintenance cost of the facility.

fiscal impact

This agreement helps the city cover its maintenance cost of the Showalter facility and the cost of the synthetic turf.

SHOWALTER FIELD FACILITY USE AGREEMENT

THIS SHOWALTER FIELD FACILITY USE AGREEMENT (“Agreement”) is made and entered into as of the Effective Date (hereinafter defined) by and between the **CITY OF WINTER PARK**, a municipal corporation existing under the laws of the State of Florida (“City”) and **ROLLINS COLLEGE**, a Florida not for profit corporation (“Rollins”).

RECITALS

WHEREAS, the City and Rollins desire to enter into this Agreement to allow Rollins to utilize those portions of the property commonly referred to as “Showalter Field” and “Showalter East Field 2” subject to the terms, conditions and provisions of this Agreement; and

WHEREAS, this Agreement sets forth all of the parties rights and obligations in any way relating to the Property which consists of both Showalter Field and Showalter East Field 2 (as those terms are defined below) after the Commencement Date (as that term is defined below); and

WHEREAS, pursuant to a separate agreement between the City and the School Board of Orange County, Florida (“OCPS”), OCPS has the right to use Showalter Field and Showalter East Field 2 on dates specified by OCPS to the City for OCPS sanctioned activities; and

WHEREAS, Showalter Field and Showalter East Field 2 are available for use by others, including Rollins, at times that the Property is not made available to OCPS; and

WHEREAS, every year on or before July 15 (for OCPS fall term) and on or before December 31 (for OCPS spring term), OCPS is required to notify the City of the dates for all OCPS sanctioned activities to be held on Showalter Field and Showalter East Field 2, respectively, for the OCPS fall term which runs through December 31 and for the OCPS spring term which runs from January 1 through the last day of OCPS’ spring term. It is understood that the OCPS contract established a base number of days for the OCPS sanctioned activities, and under the terms of the contract with the City, the OCPS can never in any given year increase the number of dates by more than ten (10%) percent over and above the base number of dates; and

WHEREAS, Rollins is acting in reliance upon the existing agreement between the City and OCPS with respect to the limitation of the increase of Use Dates by OCPS.

NOW THEREFORE, for and in consideration of the foregoing recitals, the mutual covenants and agreement herein set forth, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby expressly acknowledged and agreed by the parties hereto, the parties do hereby covenant and agree as follows:

1. **Recitals**. The foregoing recitals are true and correct, in all material respects, and incorporated herein by reference.
2. **Showalter Field**. The City hereby agrees to make available to Rollins for Rollins’ use as allowed by this Agreement on the dates and under the terms, conditions and

provisions herein provided (“Showalter Field Use Privileges”), the athletic field, bleachers, track, and restrooms located in Showalter Stadium, more particularly described within the bounded areas graphically depicted as “Showalter Field” in **Exhibit “A”** attached hereto and incorporated herein by reference (collectively “**Showalter Field**”). Showalter Field Use Privileges shall be made available to Rollins on those dates set forth on the schedules as established pursuant to Section 6 for each fall and spring school semester and as may otherwise be agreed upon the parties.

3. **Showalter East Field 2.** The City hereby agrees to make available to Rollins for Rollins’ use as allowed by this Agreement on the dates and under the terms, conditions and provisions herein provided (“Showalter East Field 2 Use Privileges”), the athletic field known as Showalter East Field 2, more particularly described within the bounded areas graphically depicted as “Showalter East Field 2” in **Exhibit “B”** attached hereto and incorporated herein by reference (collectively “**Showalter East Field 2**”). Showalter East Field 2 Use Privileges shall be made available to Rollins on those dates set forth on the schedules as established pursuant to Sections 7 and 8 for each fall and spring school semester and as may otherwise be agreed upon the parties.

4. **Term.** The term of this Agreement shall begin on June 1, 2016 (“**Commencement Date**”) and continue thereafter for a term of twenty (20) years, unless sooner terminated as provided herein (“**Term**”).

5. **Use Fee and Advance Payment.** Rollins shall pay the City Ninety Thousand and No/100 Dollars (\$90,000.00) per year for the first year of the Term with increases thereafter as provided herein (“Use Fee”) as use fees for the Property, payable annually in advance beginning on the Commencement Date and annually thereafter on the anniversary of the Commencement Date. The Use Fee provided for herein shall be increased on each one (1) year anniversary of the Commencement Date by the annual percentage change in the consumer price index as reported by the U.S. Bureau of Labor Statistics in April (“**CPI**”) of the prior year’s Use Fee. In April of each year the City shall send written notice (“**Use Fee Adjustment Notice**”) to Rollins, stating the CPI for April, calculating and stating the new Use Fee to be paid for the next year. The Use Fee shall be due and paid by Rollins to the City each year of the Term regardless of whether the Property or any portion of the Property is used by Rollins. On the Commencement Date, in addition to the Use Fee, Rollins shall pay the City \$500,000.00 for the City to install an artificial turf field on Showalter Field as provided in Section 12. Rollins shall be entitled to an annual credit of \$50,000.00 for the first ten (10) years of the Term for such \$500,000.00 payment. Should the artificial turf not be installed within six (6) months of the Commencement Date, the \$500,000.00 payment shall be reimbursed to Rollins, and if such reimbursement is made, Rollins would not be entitled to the \$50,000.00 annual credit against the Use Fee. On the tenth anniversary of this Agreement, Rollins shall pay the City an additional \$500,000.00 for the City to replace the artificial turf on Showalter Field. Rollins shall be entitled to an annual credit of \$50,000.00 for the remaining ten (10) years of the Term for such \$500,000.00 payment. The Parties understand that the timing of the replacement of the turf may not coincide with the ten year anniversary of this Agreement and the replacement could occur earlier or later depending on turf condition. Said \$500,000.00 payment at the ten (10) year

anniversary can only be used to replace the turf or to reimburse the City if the turf has already been replaced at that point and cannot be used for any other purpose. If the City chooses not to replace the turf and instead reinstalls natural grass, the \$500,000.00 payment will either not be required or be reimbursed to Rollins if it has already been paid. Should the City not install and replace the turf within (6) months of the date of \$500,000.00 payment is made, the \$500,000.00 shall be reimbursed to Rollins. In such a circumstance Rollins would not be entitled to the \$50,000.00 annual credit against the Use Fee.

6. **Use of Showalter Field.** Showalter Field Use Privileges and all other Rollins' uses of Showalter Field are limited to practice and training uses and activities for any of Rollins' sports programs (these uses and activities combined with the Showalter East Field 2 uses and activities described in Section 7 collectively constitute the "**Rollins Sanctioned Activities**", or for individual events "**Rollins' Sanctioned Activity**") during the Term; provided that Rollins shall not have the right to use Showalter Field or any portion thereof during the times OCPS has the right to use Showalter Field. During Rollins' Sanctioned Activities, Rollins shall provide qualified staffing necessary to manage and oversee its Rollins' Sanctioned Activities including all required public safety personnel. The City reserves the right, but has no obligation, to postpone or cancel any Rollins' Sanctioned Activities due to inclement weather or circumstances that may result in damage to Showalter Field or result in endangering the public. If an event is cancelled, the City will work with Rollins to provide a date for rescheduling the event.

7. **Use of Showalter East Field 2.** Showalter East Field 2 Use Privileges and all other Rollins uses of Showalter East Field 2 are limited to practice and training uses and activities for any of Rollins' sports program except Lacrosse during the Term; provided that Rollins shall not have the right to use Showalter East Field 2 during the times OCPS has the right to use Showalter East Field 2. During Rollins' Sanctioned Activities, Rollins shall provide qualified staffing necessary to manage and oversee its Rollins' Sanctioned Activities including all required public safety personnel. The City reserves the right, but has no obligation, to postpone or cancel any Rollins' Sanctioned Activities due to inclement weather or circumstances that may result in damage to Showalter East Field 2 or result in endangering the public. If an event is cancelled, the City will work with Rollins to provide a date for rescheduling the event.

8. **Scheduled Use of the Property.** Rollins shall notify the City of Rollins's scheduled use of the Property in accordance with the following terms:

- A. **Fall Schedule** - On or before five (5) days after the City's receipt of OCPS' fall schedule of each year, the City will provide Rollins with OCPS' fall schedule for use of the Property. Then, on or before ten (10) days after Rollins' receipt of OCPS' fall schedule of each year from the City, Rollins shall notify the City of the dates and times of all Rollins' Sanctioned Activities to be held on Showalter Field and Showalter East Field 2 through December 31st ("Rollins' Fall Schedule") provided the dates and times set forth on the Rollins' Fall Schedule must not be in conflict with OCPS' fall schedule

and the number of days on Rollins' Fall Schedule after the initial year schedule shall not exceed 10% of the days on the initial year schedule without the City's written consent, in the City's sole discretion. Rollins and the City will work together in good faith to agree on the initial year fall schedule.

- B. Spring Schedule - On or before five (5) days after City's receipt of OCPS' spring schedule of each year, the City will provide Rollins with OCPS' spring schedule for use of the Property. Then, on or before ten (10) days after Rollins' receipt of OCPS' spring schedule from the City, Rollins shall notify the City of the dates and times of all Rollins' Sanctioned Activities to be held on Showalter Field and Showalter East Field 2 through May 31st ("Rollins' Spring Schedule") provided the dates and times set forth on the Rollins' Spring Schedule must not be in conflict with OCPS' spring schedule after the initial year schedule and the number of days on Rollins' Spring Schedule shall not exceed 10% of the days on the initial year schedule without the City's written consent, in the City's sole discretion. Rollins and the City will work together in good faith to agree on the initial year spring schedule.
- C. Rescheduling Activities – In the event a Rollins' Sanctioned Activity to be held on the Property is cancelled and needs to be rescheduled, Rollins shall notify the City within twenty four (24) hours of the cancellation and Rollins and City shall work together in good faith to reschedule such Rollins' Sanctioned Activity. There shall be no reduction or setoff of the Use Fee for any cancellation, even if not rescheduled.
- D. Conflict in Scheduling. In the event that a conflict in the dates for use of the Property or any portion thereof occurs, the City shall advise Rollins of such and provide Rollins with an alternative date or dates for use of Showalter Field or Showalter East Field 2 or alternative practice field for the date or dates of the conflict.
- E. Days. Use of all or any portion of the Property for all or any portion of a day constitutes a full day of use of the Property for purposes of determining days of use.

9. **Existing Facility Use Agreements.** Rollins acknowledges and agrees that in addition to the agreement between the City and OCPS for the Property, there are existing facility use agreements between the City and third parties that provide for use of Showalter Field and Showalter East Field 2 after the Commencement Date. These facility use agreements preempt Rollins's right to use those fields for certain dates. This provision applies to agreements in place on the Commencement Date.

10. **City Use Policy of Showalter Field and Showalter East Field 2.** During all periods of time not scheduled for either OCPS use, or Rollins' Sanctioned Activities as shown on Rollins' Fall Schedule and Rollins' Spring Schedule, Showalter Field and Showalter East Field 2 shall be available for use by the City for programming, City-approved third party users/rentals and for use of the general public, all in the City's discretion. The City may, and intends to, or has already, entered into third party use agreements and other agreements, including without limitation, use of Showalter Field and Showalter East Field 2 by OCPS, and Rollins hereby acknowledges and

consents to such. All fees related to use of Showalter Field and Showalter East Field 2 are to be paid to the City.

11. **Improvements to the Property.** Any and all repair, maintenance and improvements desired by the Rollins to the Property must be requested in writing to the City for City consideration for approval prior to any work being performed. The City agrees to review the request in a timely manner and schedule all reviews of the Parks and Recreation Advisory Board and/or City Commission at the next available scheduled session, if appropriate, in the City Manager's discretion. Notwithstanding the foregoing, the City has no obligation to approve, perform or pay for any repair, maintenance or improvements requested by Rollins.

- A. The City and Rollins agree and acknowledge that Rollins shall not be permitted to erect or permit to be erected upon the Property signage unless such is first submitted to and approved by the City, in the City's sole discretion.
- B. All improvements installed or constructed on the Property, if installed or constructed pursuant to this Agreement or as otherwise expressly authorized by the City, shall become part of the Property and owned by the City.

12. **Installation of Artificial Turf.** The City intends to install artificial turf on Showalter Field at a cost estimated at over \$500,000.00.

13. **Maintenance.** Rollins shall keep the Property in a neat and clean condition during and immediately after use by Rollins for each Rollins' Sanctioned Activity. Other than the foregoing and damages caused by Rollins or occurring during Rollins' Sanctioned Activities, the City shall, at its sole cost and expense, be responsible for any and all grounds keeping, maintenance, and repairs to Showalter Field and Showalter East Field 2 and the improvements, buildings and facilities located thereon. Rollins shall promptly provide written notice to the City ("**Maintenance Request**") outlining any defective or damaged condition, area in disrepair or in need of maintenance in or about Showalter Field and Showalter East Field 2. Within ten (10) days the City shall inspect the reported condition and either correct or stabilize the condition at that time or provide a written response to Rollins stating the City's plan and timetable to take action or explaining that such is Rollins's responsibility. Notwithstanding the foregoing, in the event any such condition constitutes an emergency condition or impedes Rollins's ability to effectively utilize the Property, or any portion thereof, for any Rollins' Sanctioned Activities, Rollins, acting in good faith, shall have the right to cure such condition upon such advance notice to the City as is reasonably possible under the circumstances, or if necessary, without advance notice, so long as notice is given as soon as possible thereafter. In such event, the City shall reimburse Rollins for its reasonable costs of curing the condition ("**Maintenance Cure Costs**") within thirty (30) calendar days following delivery to the City of a demand for such reimbursement, which demand shall include reasonable documentation of such Maintenance Cure Costs; provided, however, the City has no obligation to reimburse Rollins for such if the condition was caused by Rollins or occurred during Rollins' Sanctioned Activities.

14. **Utilities.** The City shall be responsible for ensuring that utility service, including, without limitation, water, sewer, reuse water, fire suppression, irrigation, electricity, stormwater, garbage collection and disposal (collectively, "**Utilities**"), is available to the Property.

15. **Indemnification and Insurance.** The Rollins' exercise of its rights, privileges, obligations and duties hereunder are at the Rollins' own risk and expense.

- A. To the extent permitted by law, Rollins hereby indemnifies and holds harmless the City, its commissioners, agents and employees, against and from any and all liability, claims, demands, disputes, lawsuits, judgments, damages, costs, interest, attorney's fees and expenses, (including prior to trial, during trial, and through appeal) for any and all injuries and damages related to Rollins's performance of or failure to perform Rollins's duties under this Agreement. B. Rollins acknowledges City has a self-insured program to protect City, its elected officials and employees from any claim for bodily injury or property damage to a third party. Without waiving its rights to sovereign immunity as provided in Section 768.28, Florida Statutes, under no circumstances shall City be liable to Rollins, or any person or entity claiming under or through Rollins, for any amounts in excess of those limits set forth by Florida law for tort liability.
- C. Rollins and City agree to maintain commercial insurance or a self-insured program for Workers' Compensation and Employers Liability in accordance with Florida Statute 440. Each party agrees to extend Workers' Compensation to its respective employees and shall waive subrogation and right to recovery from the other party.
- D. Rollins agrees and City acknowledges that any Rollins vendor, contactor or subcontractor that provides work, services or products involved with Showalter Field and Showalter East Field 2 made by or for Rollins to the Property shall maintain insurance for Commercial General Liability in the amount of \$1,000,000.00, Auto Liability, and Workers Compensation and shall endeavor to require that the City be listed as an additional insured on such insurance.

16. **Notices.** Any notices which may be permitted or required hereunder shall be in writing and shall be deemed to have been duly given as of the date and time the same are personally delivered, transmitted electronically or within three (3) days after depositing with the United States Postal Service, postage prepaid by registered or certified mail, return receipt requested and a copy in the United States First Class Mail, or within one (1) day after depositing with Federal Express or other overnight delivery service from which a receipt may be obtained, and addressed as follows:

Rollins: Rollins College
 1000 Holt Avenue #2717
 Winter Park, Florida 32789
 Telephone: (407) 646-2117
 Telecopy: (407) 646-2114
 Email: _____

With a required

copy to: Ralph V. Hadley, III, Esquire
Swann Hadley Stump Dietrich & Spears, P.A..
1031 West Morse Boulevard, Suite 350
Winter Park, Florida 32789
Telephone: (407) 647-2777 Telefax: (407)
647-2157
Email: rhadley@swannhadley.com

City: City of Winter Park
Attn: Randy Knight, City Manager
401 South Park Avenue
Winter Park, Florida 32789

With a required
copy to: City of Winter Park
Attention: City Attorney, A. Kurt Ardaman
1947 Lee Road
Winter Park, Florida 32789
Telephone: (407) 262-8400
Telecopy: (407) 425-2863

17. **Amendments.** This Agreement may be amended upon the mutual written consent of the parties hereto.
18. **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party to the extent incorporated into this Agreement.
19. **Title and Quiet Enjoyment.** The City covenants, warrants and represents that it is lawfully seized of Showalter Field and Showalter East Field 2 in fee simple and has full right and authority to enter into this Agreement and agrees, if Rollins performs all of Rollins's duties herein specified, Rollins shall, subject to the terms and conditions of the Agreement have quiet and peaceable use of the Property during the times/days provided for in this Agreement throughout the Term hereof.
20. **Defaults and Remedies.**
 - A. **Default by the City.** In the event the City breaches any provision contained herein or fails to comply with or perform any of the conditions to be complied with or any of the covenants, agreements or obligations to be performed by the City under the terms and provisions of this Agreement, Rollins, in Rollins's sole discretion, shall be entitled to (i) exercise any and all rights and remedies available to Rollins at law and in equity, including without limitation the right of specific performance; or (ii) terminate this Agreement with only thirty (30) days prior written notice and the City shall reimburse Rollins for that portion of the Use Fee

that has been received by the City attributable to the remainder of the year in which the termination occurs. Upon any such termination, this Agreement and all rights and obligations created hereunder shall be deemed null and void and of no further force or effect except that Rollins's indemnification and hold harmless obligations and provisions that expressly survive, shall survive termination.

- B. Default by the Rollins. In the event Rollins breaches any provision contained herein or fails to comply with or perform any of the conditions to be complied with or any of the covenants, agreements or obligations to be performed by Rollins under the terms and provisions of this Agreement, the City, in the City's sole discretion, shall be entitled to (i) exercise any and all rights and remedies available to the City at law and in equity; or (ii) terminate this Agreement with only thirty (30) days prior written notice. Upon any such termination, this Agreement and all rights and obligations created hereunder shall be deemed null and void and of no further force or effect except that Rollins's indemnification and hold harmless obligations and provisions that expressly survive, shall survive termination.
- C. Grace Period. In the event either party breaches any warranty or representation of such party contained in this Agreement, or fails to comply with or perform any of the conditions or provisions to be complied with or any of the covenants, agreements or obligations to be performed by such party under the terms and provisions of this Agreement, prior to the exercise of the rights provided herein to the non-breaching party, the breaching party shall be entitled to written notice of the specific default, breach, or other problem and to ten (10) days after the receipt of that written notice in which to cure said default, breach, or other problem. However, if such breach is of a nature that it cannot reasonably be cured within ten (10) days, then the breaching party shall have ten (10) days from the receipt of written notice from the non-breaching party to commence said required cure, and the amount of time reasonably necessary to complete said required cure, which reasonable time shall in no event exceed ninety (90) days from the receipt of written notice from the non-breaching party, unless otherwise extended by the non-breaching party in writing. If such default, breach, or other problem is not corrected within the applicable period, then an event of default shall have occurred and the parties shall be entitled to the rights and remedies herein set forth.

21. Condemnation. In the event the Property or any portion thereof is taken or condemned or becomes the subject of a bona fide threat of condemnation by any governmental authority or entity or is conveyed by City in lieu of condemnation (collectively referred to as "Condemnation"), Rollins and City each shall have, separately, the right to terminate this Agreement by giving written notice thereof to the other, whereupon this Agreement and all rights and obligations created hereunder shall be null and void and of no further force or effect except to the extent provisions expressly or impliedly continue. The City has all rights to and shall

receive any and all awards, damages and proceeds from or in any way relating to any Condemnation, and Rollins shall have no right to any of the foregoing except to the extent any such Condemnation occurs during the initial ten (10) year term in which case Rollins shall have the right to recover that pro-rata portion of Rollins' advance payment to the City based on the remaining period of the initial ten (10) year term. Further, the City has the exclusive right to negotiate, hire, and direct its attorneys and experts in advance of and during all litigation and appeals relating to any Condemnation, including the exclusive right to accept or reject any offers and to make all decisions relating to any Condemnation.

22. **Waiver.** The failure of either party to exercise any power given hereunder or to insist upon strict compliance with any obligation specified herein shall not constitute a waiver of either party's right to demand exact compliance with the terms hereof.

23. **Successors/Assignment/Subletting.** The provisions of this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, personal representatives, and successors; provided, however, Rollins has no right to assign this Agreement or any of Rollins's rights under this Agreement, and Rollins has no right to sublease or allow third parties to use Showalter Field or Showalter East Field 2, without the prior written consent of the City, in the City's sole discretion.

24. **Time.** Time is of the essence of this Agreement.

25. **Legal Construction.** Wherever, under the terms and provisions of this Agreement, the time for performance falls upon a Saturday, Sunday, or legal holiday, such time for performance shall be extended to the next business day. The headings inserted at the beginning of each paragraph are for convenience only, and do not add to or subtract from the meaning of the contents of each paragraph, and neither party shall be treated as the drafter of all or any portion of this Agreement for purposes of interpreting such.

26. **Governing Law and Venue.** This Agreement shall be interpreted under the laws of the State of Florida, with venue for any proceeding in Orange County, Florida.

27. **Severability.** This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforced to the greatest extent permitted by law.

28. **Attorneys' Fees.** In the event of any dispute hereunder or of any lawsuit or administrative action to interpret or enforce this Agreement, any provision hereof or any matter arising herefrom, the prevailing party shall be entitled to recover its reasonable costs, fees and expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney, paralegal and legal assistant fees, costs and expenses and other professional fees, costs and expenses whether suit be brought or not, and whether in settlement, in any declaratory action, in mediation, arbitration, bankruptcy or administrative proceeding, or at trial or on appeal. Notwithstanding the foregoing, nothing contained herein shall be construed or interpreted (a) to alter, amend or waive the City's sovereign immunity, or any defenses thereto, of the State of Florida, or its agencies, beyond the waiver provided in Section 768.28, Florida Statutes; or (b) as the consent of the Rollins or City to be sued.

29. **Counterparts and Facsimile Signatures.** This Agreement may be executed in two or more counterpart copies, including facsimile and electronic mail signatures, each of which shall be deemed to constitute one original document. The parties may execute different counterparts of this Agreement, and, if they do so, the signatures pages from the different counterparts may be combined to provide one integrated document and taken together shall constitute one and the same instrument.

30. **Effective Date.** This effective date of this Agreement shall be the date upon which of the last of the parties hereto signs this Agreement ("**Effective Date**"). Notwithstanding the foregoing, the effectiveness of this Agreement is contingent upon the approval of the governing board of the City.

31. **No Third Party Beneficiaries.** This Agreement is solely for the benefit of the parties executing the Agreement, and no rights are intended, nor shall any rights accrue, to any third party unless expressly provided in this Agreement. There are no third party beneficiaries to this Agreement, and only the parties hereto and their legal successors shall have any rights hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

WITNESSES:

ROLLINS COLLEGE, a Florida not for profit corporation

Print Name: _____

By: _____
Name: _____
Title: _____

Print Name: _____

Dated: _____

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, _____ of Rollins College, a Florida not for profit corporation, on behalf of Rollins. He is personally known to me or had produced _____ (type of identification) as identification.

(NOTARY SEAL)

Notary Public
Print Name: _____
Serial Number: _____
My Commission Expires: _____

WITNESSES:

CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of Florida

Print Name: _____

Print Name: _____

By: _____

Name: _____

Title: _____

Dated: _____

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____ as _____ of CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of Florida, on behalf of corporation. He/She is personally known to me or has produced _____ (type of identification) as identification.

(NOTARY SEAL)

Notary Public
Print Name: _____
Serial Number: _____
My Commission Expires: _____



EXHIBIT A - Showalter Field



EXHIBIT B- Showalter East Field 2



city commission public hearing

Item type	Public Hearing	meeting date	May 9, 2016
prepared by	Dori Stone	approved by	<input checked="" type="checkbox"/> City Manager
department			<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> N/A
strategic objective	<input checked="" type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship	
	<input type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

subject

Appeal filed by Dr. and Mrs. Gordon for property located at 550 Holt Avenue regarding a denial of the variance request by the Historic Preservation Board for railings and a gate (COR 16-001).

motion | recommendation

Staff recommends supporting the HPB denial of this request.

background

Dr. and Mrs. Gordon purchased a house built in 2005 in the College Quarter Historic District. The house is considered a non-contributing property within the District but is still subject to the design guidelines approved at the time of the District resolution.

The Gordons originally submitted a building application for three decks, a wrought aluminum fence around the property and a matching wrought aluminum gate and railing around the front porch and the front deck. Staff administratively approved decks on the east and south elevations and granted a variance for the east deck to encroach into the side setback. The rest of the request was not permitted in the College Quarter design guidelines and required variances to the city's Land Development Code. The Gordons were informed about the design guidelines and the necessary review by the HPB under Section 58-469 (2) and (4) and Section 58-477. Section 58-469 of the Historic Preservation Ordinance establishes the guidelines for the certificate of review and variance criteria. Section 58-477 establishes the conditions of review by the HPB. This item was scheduled for the January 13, 2016 meeting.

At the meeting, the Board had questions about the layout of the front deck, the fencing and the look of the gate and the railing around the porch. There was some

discussion about landscaping around the front deck and the HPB requested additional information and continued the item to the February meeting.

At the February 10, 2016 meeting, Mrs. Gordon presented more details about the landscaping around the deck and explained the desire to make a more inviting front exterior to her home with the deck, railings and gate. Metal gates and fencing are not permitted under the College Quarter design guidelines. The staff report recommended considering another type of railing option such as wood that would be permitted within the design guidelines.

Excerpt from the 02/10/16 staff report

The applicants are requesting to add 3 foot high black aluminum railings similar to the fence material to the existing porches facing Holt and Pennsylvania Avenues. As constructed, the porch height above grade does not require railings for safety. The College Quarter Design Guidelines Section VI, New Construction /Additions F. state, "Posts, balconies, porches and bay windows as well as columns, piers and arches, should use materials consistent with the style of the structure. 550 Holt is a newer, clearly non-historic home in the Craftsman style. All the trim and the porch columns above the brick piers on the porch are wood. Appropriate porch railings would be simple open wood or fiber cement/composite material railings and balusters to coordinate with the existing columns.

The applicant chose to continue to desire the black aluminum railing and gate option. After discussion, the HPB voted to approve two of the three requests, granting a variance for the front deck to encroach into the front setback and allowing a 4' wrought aluminum fence rather than the 3' required by the design guidelines and the city's Land Development Code. The HPB denied the Gordon's request for a railing along the decks and the front gate between the front columns of the house. Several members discussed the fact that all these requests were outside the College Quarter Design Guidelines and that they were not comfortable granting any variances and could not support any of these requests. Several members recognized the unique location of this house and felt that the deck and fence would make it more livable but could not support the railing and interior gate.

Mrs. Gordon filed an appeal subject to Section 58-477 requesting a public hearing with the City Commission regarding the proposed wrought aluminum railings along the decks and the gate between the columns in the front of the house.

The staff report and minutes from both meetings are attached for review. The appeal letter from the Gordons with additional information regarding their request is also included in this item.



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

Staff Report
January 13, 2016

COR 16-001 Request by Daniel A. and Mary Grace Gordon for a Certificate of Review for: 1) a four foot black aluminum fence along the front property line, 2) a curved deck connecting the two existing front porches, and 3) a three foot black aluminum railing enclosing the existing front porches and the proposed new deck with a gate at the front porch steps at their property located at 550 Holt Avenue. Non-contributing resource in the College Quarter Historic District. Zoned R-2. Parcel ID #05-22-30-9400-96-060.

Description. The property at 550 Holt Avenue was built in 2005 as part of the redevelopment of 3 lots zoned R-2 in the College Quarter Historic District. The redevelopment was approved by the Historic Preservation Board at that time. The redevelopment involved the demolition of a non-contributing duplex and the relocation of a historic bungalow from Holt Avenue around the corner to Pennsylvania Avenue. Two duplexes and this single family home were built and the relocated bungalow rehabilitated. The new duplexes and this single family house at 550 Holt Avenue were designed in contemporary interpretations of the Craftsman style. 550 Holt is on an irregularly shaped lot at the "swing lane" from Pennsylvania to Holt. It is a two story frame residence with horizontal siding and brick half columns on the porches; the entry porch oriented to face Holt and there is a side porch nearer Pennsylvania Avenue. The building steps back from the lot lines to take full advantage of the small lot.

Certificate of Review Request. 1) Owners Daniel A. and Mary Grace Gordon are requesting approval to add a four foot high open pattern black aluminum fence along the street frontages of the property, connecting the existing brick columns. The fence would extend down the east lot line, becoming 6 feet tall where the fence is located behind the required front setback. There would be a walk gate at the sidewalk transition to the entry walkway. Staff administratively reviews backyard fences that meet code; however front yard fences in the historic district go before the HPB for review.

Front yard fences by code are limited to three feet in height at property frontages, and five feet at the side of corner lots if the fence is set back ten feet. A four foot high open pattern ironwork or aluminum fence may be approved by the building official or town architect on a case by case basis. The College Quarter Historic District Design Guidelines recommend vertical wood pickets for Craftsmen style homes' fences. Newer composite type picket fences have become less artificial looking then when the Guidelines were written but may not be as sturdy as metal. While there seems to be less vandalism of late, the wood picket fences along Holt

have experienced vandalism in the past. The subject property is at an edge of the historic district across from the railroad crossing and commercial buildings, and there is a good deal of foot traffic on the sidewalk. Given the property's non-contributing status, the transition to commercial zoning across the street and the amount of foot traffic at the intersection, staff has no objection to the four foot high black open pattern aluminum fence.

2) The owners are asking to add a deck to connect the existing front porch and side porches on the north and west elevations. The deck would be surfaced with Trex decking and be curved to follow the curve of the northwest corner of the property. Under Section V, Rehabilitation and Maintenance H, the College Quarter Design Guidelines state, "No decks should be added to the front of existing homes. Decks are not consistent with the predominant site design and building styles present in the district." Under Section VI, New Construction/Additions I, the Guidelines state that, "No decks should be allowed within the front yard." Given the Guidelines and the very limited front green space on this property, staff does not recommend approval of this deck.

The applicants have received administrative approval for decks on the south and east elevations. The east side elevation deck received administrative approval to encroach into the required side setback.

3) The applicants are requesting to add 3 foot high black aluminum porch railings similar to the fence material on the existing porches facing Holt and Pennsylvania Avenues. As constructed, the porch height above grade does not require railings. The College Quarter Design Guidelines Section VI, New Construction /Additions F. state, "Posts, balconies, porches and bay windows as well as columns, piers and arches, should use materials consistent with the style of the structure. 550 Holt is a newer, clearly non-historic home in the Craftsman style. Appropriate porch railings would be simple open wood or fiber cement/composite material railings and balusters. The porches should not have gates as shown on an attachment.

RECOMMENDATION:

- Staff recommends approval of the four foot black aluminum fence along Holt and Pennsylvania Avenues.
- Staff recommends denial of the proposed Holt-Pennsylvania side deck.
- Staff recommends approval of porch railings between the existing columns on the two existing porches with the condition that they be of wood, fiber cement, or composite materials in keeping with the style of the house.



City of Winter Park
Planning & Community
Development Department
Historic Preservation Commission
401 Park Avenue, South
Winter Park, Florida 32789
407-599-3498

Certificate of Review Application

1. 550 Holt Avenue, Winter Park, FL 32789
Building address
- | | | |
|---|---------------------------------|--------------------------|
| <u>Dr. Daniel A. Gordon & Mary Grace Gordon</u> | <u>address above</u> | <u>863-646-6618</u> |
| Owner's name(s) | Address | Telephone |
| | <u>gordonmg@tampabay.rr.com</u> | <u>863-583-2434 cell</u> |
| Applicant's name (if different from above) Address | | Telephone |
2. Please indicate the work you propose to undertake:
Minor alteration ☒ New construction ☐ Addition ☐ Demolition ☐ Rehabilitation
Variance request (additional information required) ☐ Other: Connect existing front Covered
Wood Deck to the side Covered
Wood Deck with TREX decking.
3. Proposed project narrative: *(attach additional page if necessary)*
Please see Attachment 1 for project narrative & Attachment 2 for survey.
4. The following supplementary information shall be provided as applicable to describe the proposal:
Site plan ☐ Floor plan(s) ☐ Elevations(s) ☒ Photo(s) ☒ Survey
Material sample/product information ☐ Setback and coverage calculation worksheet
Other: _____
5. I, Daniel A. Gordon & Mary Grace Gordon, as owner of the property described above, do hereby authorize the filing of this application on my behalf.
Daniel A. Gordon *Mary Grace Gordon* November 23, 2015
Owner's Signature Date

Historic Preservation Commission Office Use		
Date received: <u>11-23-15</u>	HPC Meeting: <u>1-13-16</u>	Case File No <u>2014-001</u>
Historic name of building (if any)		Historic district name (if any)
<u>05-22-30-9400-96-060</u>		<u>COLLEGE QUARTER</u>
Parcel Identification Number	Year built	
	<u>2005</u>	
<input type="checkbox"/> historic landmark <input type="checkbox"/> historic building/structure		
<input type="checkbox"/> district contributing element <input checked="" type="checkbox"/> district non-contributing element		

COLLEGE QUARTER Bungalow: 550 Holt Avenue, Winter Park, FL 32789

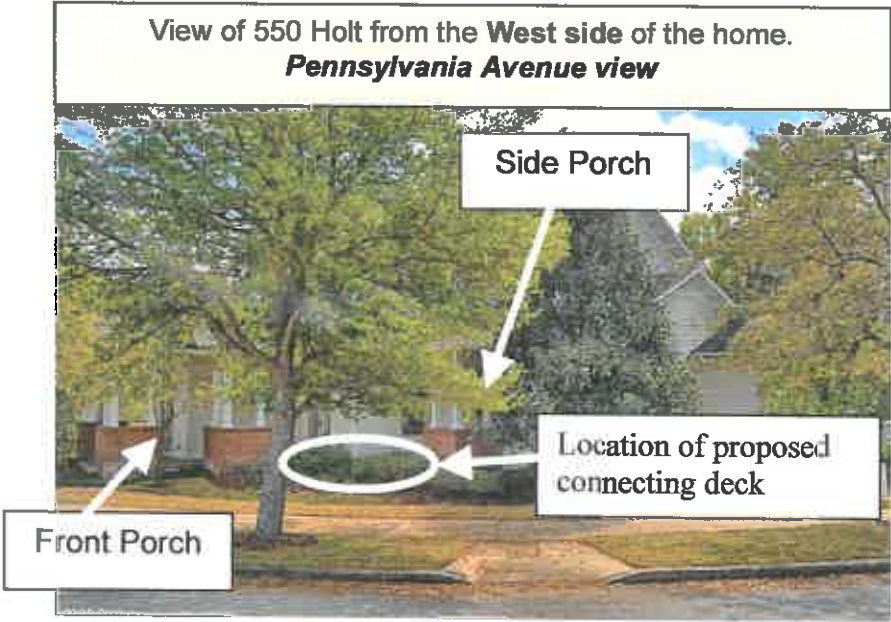
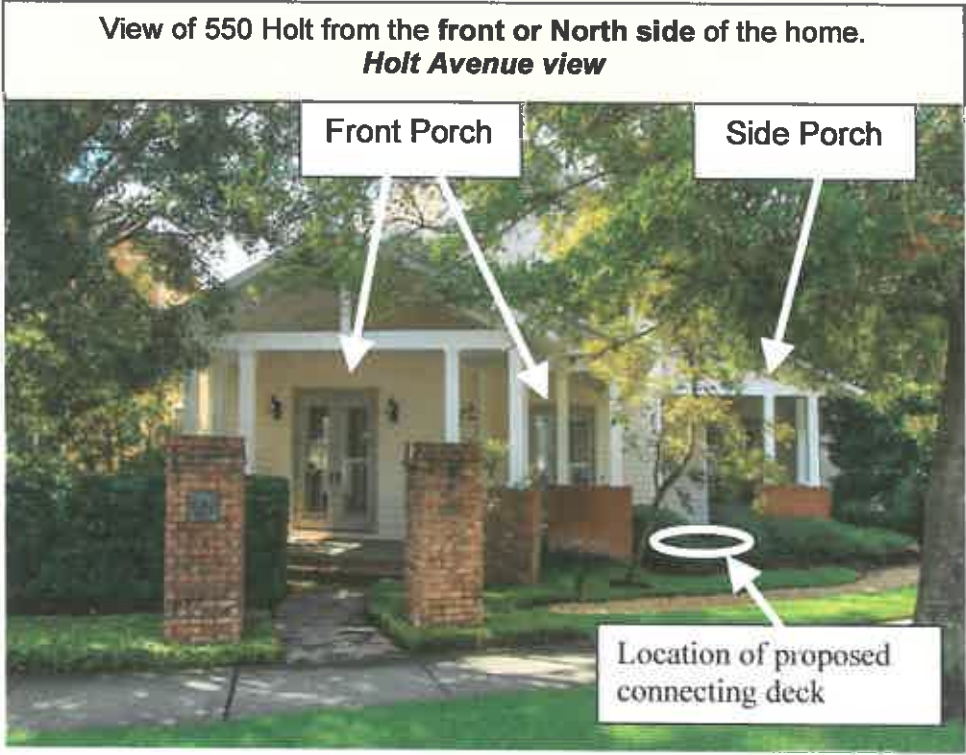
OWNERS: Dr. Daniel A. Gordon and Mary Grace Gordon

PARCEL: 05-22-30-9400-96-060. LEGAL DESCRIPTION: TOWN OF WINTER PARK A/67 & B/86 & MISC BOOK 3/220 LOT 6 BLK 96, 550 HOLT AVE, 32789

DISTRICT NON-CONTRIBUTING ELEMENT

YEAR BUILT: 2005

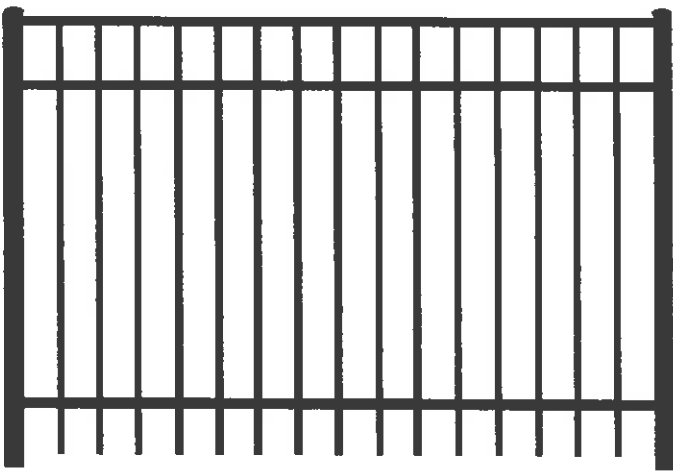
Although our home is a non-contributing element to the historic district of Winter Park's College Quarter, 550 Holt was designed similar to a 1920's Bungalow style, with two Covered Wood Decks (per survey) on the North and West sides of the home, including deep eaves with exposed rafters. We propose to connect the existing front porch (*front Covered Wood Deck*) to the existing side porch (*side Covered Wood Deck*), in order to provide for an efficient contemporary use of the porches while still preserving and retaining the Winter Park bungalow character of this home. The connecting deck would enhance the use of the two existing porches by providing a continuous outdoor space, accessible from the entire first floor.



The Holt Avenue front porch faces North - the French doors of the living room and the French doors of the dining room open onto this front porch. The Master Bedroom French doors open onto a second smaller porch on the West side of the house or Pennsylvania Avenue side of the house. Our request is to connect the two porches with Trex decking that would closely match the gray stain on the wood floors of both porches. The proposed deck would curve to mirror the curve of this corner property from Holt Ave to Pennsylvania Ave. It is our goal is that the connecting deck

would be compatible with the massing, size, scale, and architectural features of the existing porches in order to protect the historic character of our home and our neighborhood. Specifically, the curved deck area would connect the West side of the Holt Avenue front porch to the Master Bedroom porch on Pennsylvania.

Both covered porches have brick columns that support the roof and have quite a drop from the porch floor/deck to the surrounding landscaping. For safety and security, we are proposing a three (3') foot high black aluminum railing between the brick columns that would also provide continuity to the connected porches. The black aluminum railing would continue from the front porch along the connecting deck to the side porch and would be similar to our proposed fence in a separate building permit request.



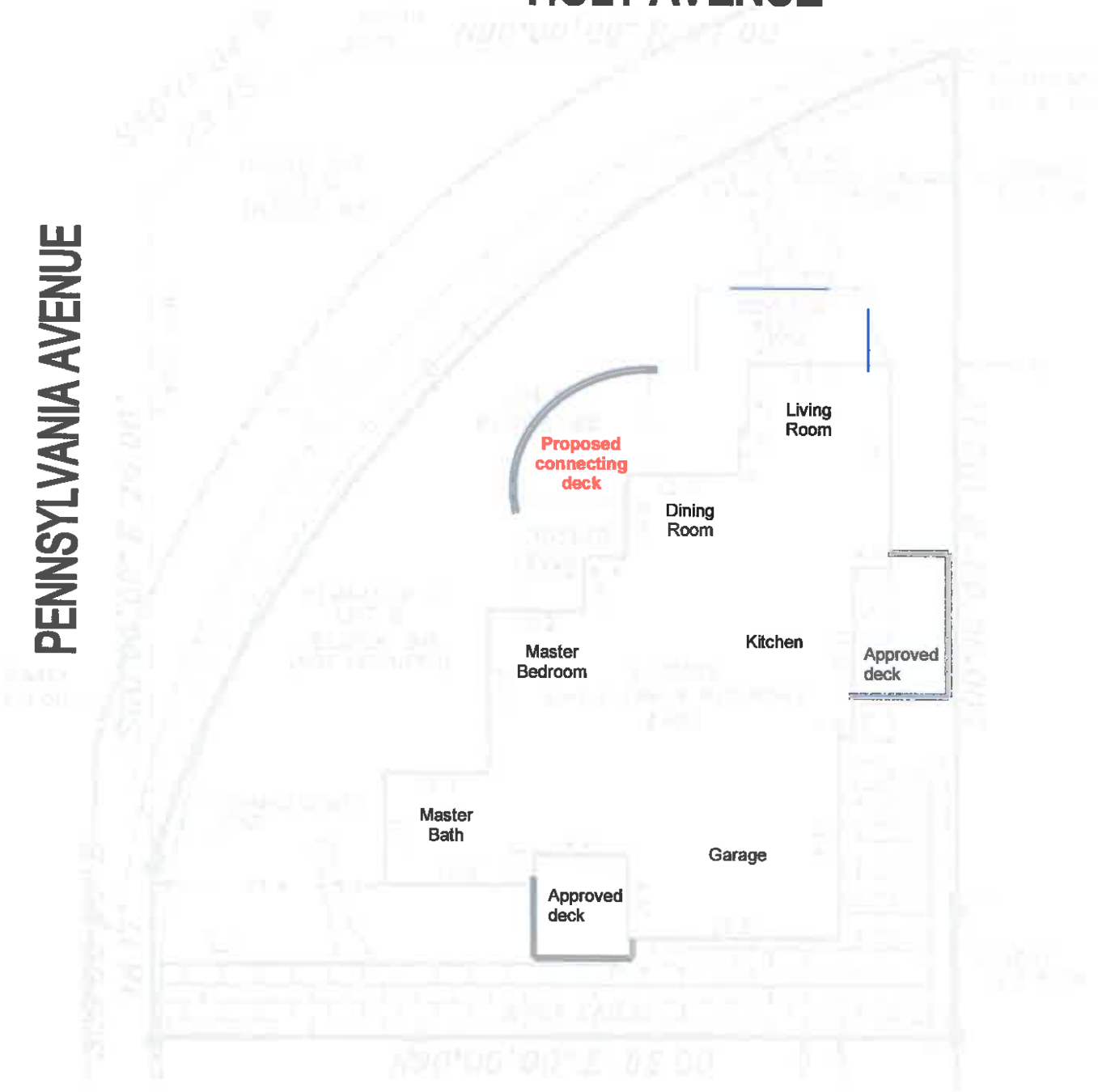
We plan to retire in Winter Park and live in our 550 Holt Ave home for many years to come. However, if in the future for some reason the connecting deck should be removed, the essential form and integrity of 550 Holt and its environment would be unimpaired.

Built in 2005, our home would never qualify as a Historic Winter Park home. However, we truly would like to contribute to the beauty of the College Quarter entrance on the corner of Holt and Pennsylvania. We respectfully request that the Historic Preservation Board reconsider our proposal.

Gray Composite TREX Decking to match front and side COVERED WOOD DECK floors
550 Holt Ave, Winter Park, FL 32789

HOLT AVENUE

PENNSYLVANIA AVENUE



HILL / GRAY SEVEN, LLC

LOT 6, BLOCK 96, REVISED MAP OF THE TOWN OF WINTER PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK A, PAGES 67 THROUGH 72, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE NORTH ½ OF THE VACATED ALLEY LYING SOUTH THEROF, ADJACENT THERETO AND CONTIGUOUS THEREWITH; LESS THE SOUTH 56.83 FEET THEROF. AND ALSO LESS: BEGIN AT A POINT ON THE WEST LINE OF LOT 6, BLOCK 96, AS SHOWN ON A PLAT THEROF OF THE REVISED MAP OF THE TOWN OF WINTER PARK, RECORDED IN PLAT BOOK A, PAGES 67 THROUGH 72, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT BEING 75 FEET NORTH OF THE SW CORNER OF LOT 6; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 131.25 FEET, 124.85 FEET TO THE NE CORNER OF LOT 6; THENCE WEST ALONG THE NORTH LINE OF LOT 6, 67.00 FEET TO A POINT; THENCE SOUTH 50°11'04" WEST, 23.43 FEET TO A POINT ON THE WEST LINE OF SAID LOT 6; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 6, 70.00 FEET TO THE POINT OF BEGINNING.



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEGINNING	CHORD
C - 1	124.85'	131.25'	54°30'32"	545°00'22"W	120.22'

THIS SURVEY CERTIFIED TO:
DIVINE & ESTES, P.A.
FIRST AMERICAN TITLE INSURANCE COMPANY
HILL / GRAY SEVEN, LLC

SURVEYOR NOTES:
1) THIS SURVEY IS BASED ON
EXISTING MONUMENTATION AS
SHOWN. OTHER MATTERS NOT
KNOWN TO THIS SURVEYOR AT THE
TIME OF THIS SURVEY MAY AFFECT
THE BOUNDARY LINES SHOWN
HEREON

2)HOUSE AND FENCE TIES SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.

3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF TITLE COMMITMENT. PROPERTY SHOWN WAS NOT ABSTRACTED FOR EASEMENTS AND / OR RIGHTS OF WAY OF PUBLIC RECORD.

BEARINGS ARE BASED ON THE
CENTERLINE OF PENNSYLVANIA AVENUE
AS BEING 900°00'00", ASSUMED
LEGAL DESCRIPTION FURNISHED BY
CLIENT (UNLESS OTHERWISE NOTED)
THIS IS TO CERTIFY THAT I HAVE
REVIEWED THE FLOOD INSURANCE RATING
MAP (FIRM) PANEL #120188 0255 E
DATED 12/6/00 AND DETERMINED THAT
THE LANDS SHOWN HEREON LIE IN ZONE "X".

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

MICHAEL W. SOLITRO, PSM #4458
FOR THE FIRM OF ALTAMONTE SURVEYING
AND PLATTING, INC. #LB 8300

SCALE: 1"=30'

REVIEWED BY: MWS

DRAIN BY: DR

DATE: 8/26/05

JOB No.: 2462

REVISED:

LEGEND

- RECOVERED 4"x4" CONCRETE MONUMENT NO#
- SET NAIL & DISK #LB 6300
- RECOVERED X CUT IN CONCRETE
- RECOVERED 1/2" IRON ROD #
- RECOVERED 1/2" IRON ROD NO #
- RECOVERED 1" IRON PIPE NO #
- SET 1/2" IRON ROD #LB 6300
- POWER POLE AS SHOWN
- WOOD FENCE AS SHOWN
- CHAIN LINK FENCE AS SHOWN
- CONCRETE SLAB AS SHOWN

D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS,
R/W = RIGHT OF WAY, A/C = AIR CONDITIONER,
(R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT,
(M) = MEASURED, (C) CALCULATED, (D) = DEED,
POB = POINT OF BEGINNING, CONC. = CONCRETE,
POC = POINT OF COMMENCEMENT, POL = POINT ON
LINE

THIS SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OR WAYS AND/OR EASEMENTS OF PUBLIC RECORD.

**ALTAMONTE SURVEYING
AND PLATTING, INC.**

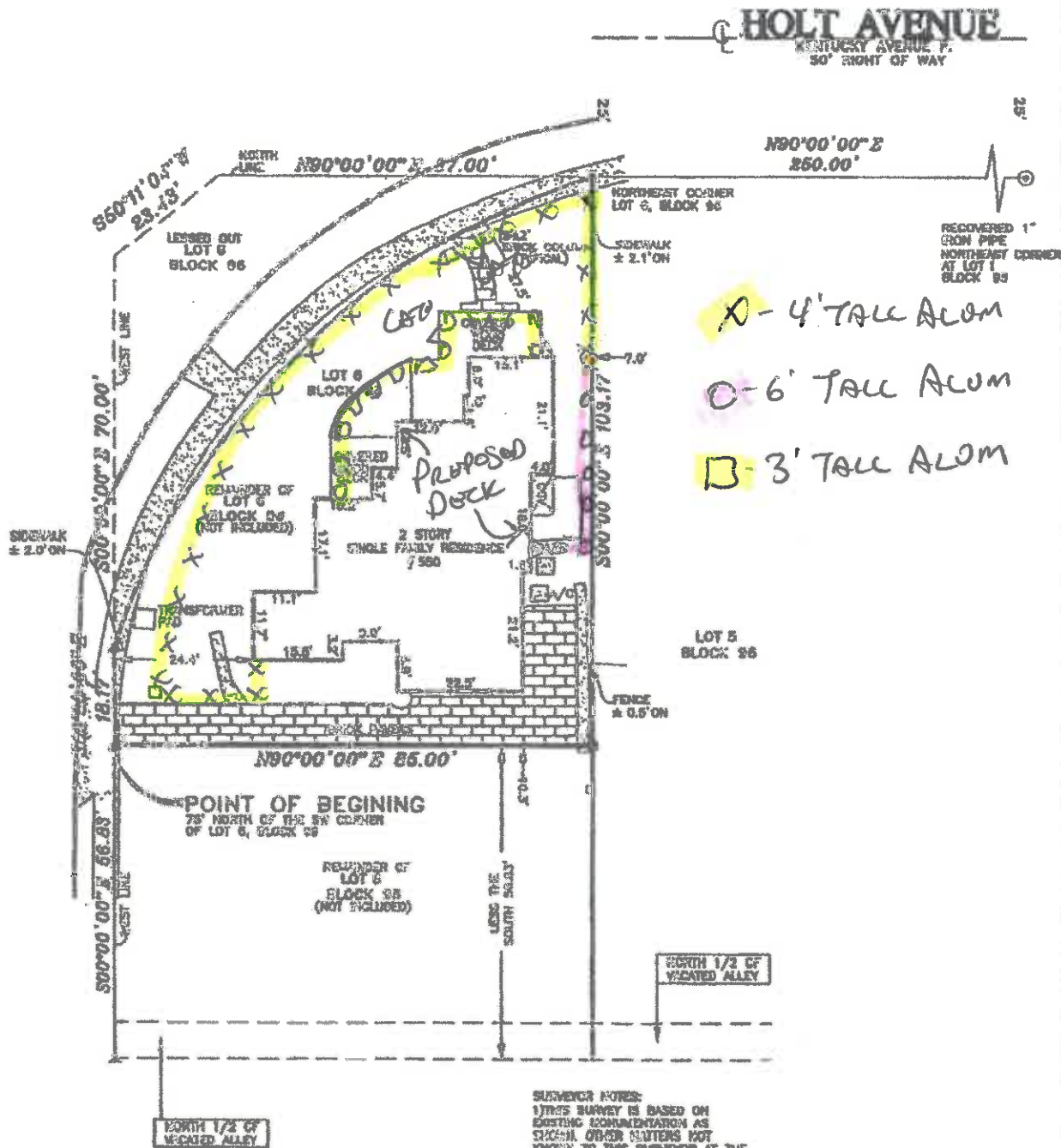
\\GARRELL LAND PROJECTS\23790.DWG

BOUNDARY SURVEY FOR

HILL / GRAY SEVEN, LLC

LOT 6, BLOCK 96, REVISED MAP OF THE TOWN OF WINTER PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK A, PAGES 67 THROUGH 72, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE NORTH 1/2 OF THE VACATED ALLEY LYING SOUTH THEROF, ADJACENT THERETO AND CONTIGUOUS THEREWITH; LESS THE SOUTH 56.83 FEET THEROF. AND ALSO LESS: BEGIN AT A POINT ON THE WEST LINE OF LOT 6, BLOCK 96, AS SHOWN ON A PLAT THEROF OF THE REVISED MAP OF THE TOWN OF WINTER PARK, RECORDED IN PLAT BOOK A, PAGES 67 THROUGH 72, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT BEING 75 FEET NORTH OF THE SW CORNER OF LOT 6; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 131.25 FEET, 124.85 FEET TO THE NE CORNER OF LOT 6; THENCE WEST ALONG THE NORTH LINE OF LOT 6, 67.00 FEET TO A POINT; THENCE SOUTH 50°11'04" WEST, 23.43 FEET TO A POINT ON THE WEST LINE OF SAID LOT 6; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 6, 70.00 FEET TO THE POINT OF BEGINNING.

PENNSYLVANIA AVENUE



CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C-1	124.85	131.25	84°30'36"	S64°02'22"W	120.7X

THIS SURVEY CERTIFIED TO:
DINE & ESTES, P.A.
FIRST AMERICAN TITLE INSURANCE COMPANY
HILL / GRAY SEVEN, LLC

SURVEYOR NOTES:
1) THIS SURVEY IS BASED ON EXISTING COMMUNICATION AS SHOWN. OTHER UTILITIES NOT KNOWN TO THIS SURVEYOR AT THE TIME OF THIS SURVEY MAY AFFECT THE BOUNDARY LINES SHOWN HEREON.

2) HOUSE AND FENCE TIES SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.

3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF TITLE CURATIVE DATA. PROPERTY SHOWN WAS NOT ABSTRACTED FOR EASEMENTS AND / OR RIGHTS OF WAY OF PUBLIC RECORD.

DEVIATIONS ARE BASED ON THE CENTERLINE OF PENNSYLVANIA AVENUE AS BEING 90°00'00"E. ASSUMED LEGAL DESCRIPTION FURNISHED BY CLIENT (UNLESS OTHERWISE NOTED). THIS IS TO CERTIFY THAT I HAVE REVIEWED THE FLOOD INSURANCE DATUM MAP (FIRM) PANEL #120180 0288 E DATED 12/6/00 AND DETERMINED THAT THE LANDS SHOWN HEREON LIE IN ZONE "X".

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

MICHAEL W. SOUTHO, P.S. 14458
FOR THE FIRM OF ALTAMONTE SURVEYING AND PLATTING, INC. #LB 6300

SCALE: 1"=30'

REVIEWED BY: MWS

DRAWN BY: DLEE

DATE: 6/26/05

JOB No.: 24523

REVISED:

LEGEND

- RECOVERED 4"x4" CONCRETE MONUMENT NO. 2
- SET NAIL & DISK #LB 6300
- RECOVERED X CUT IN CONCRETE
- RECOVERED 1/2" IRON ROD NO. 2
- RECOVERED 1" IRON ROD NO. 2
- RECOVERED 1" IRON PIPE NO. 2
- SET 1/2" IRON ROD #LB 6300
- POWER POLE AS SHOWN
- CHAIN LINK FENCE AS SHOWN
- CONCRETE SLAB AS SHOWN

D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS, R/R = RIGHT OF WAY, A/C = AIR CONDITIONER, (R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT, (M) = MEASURED, (C) = CALCULATED, (D) = DEED, POS = POINT OF BEGINNING, CONC = CONCRETE, POC = POINT OF COMMENCEMENT, POL = POINT ON LINE

THIS SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL. HOWEVER, UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF PUBLIC RECORD.

ALTAMONTE SURVEYING AND PLATTING, INC.

405 DOUGLAS AVE SUITE 200
ALTAMONTE SPRING, FL 32714
PHONE: (407) 862-7505
FAX: (407) 862-8225

DAVID L. LINDSEY, P.S. 23720.016



City of Winter Park
Building and Code Enforcement Department

401 S. Park Ave., Winter Park FL 32789 www.cityofwinterpark.org
Phone: 407-599-3237 Fax: 407-599-3499 Email: Permits@cityofwinterpark.org

BUILDING PERMIT APPLICATION

FBC EDITION _____

DATE REC'D: 12/1/15

PERMIT # 15-4217 ☒ New Construction ☐ Addition/Alteration ☐ Site Work ☐ Interior Demolition

PLEASE PRINT APPLICATION INFORMATION:

CONSTRUCTION VALUATION \$ 7400.00

PROJECT NAME GORDON FENCE

PROJECT ADDRESS 550 HOLT AVE

SUITE/UNIT # _____

TAX / PARCEL I.D. NUMBER 05-22-30-9400-96-060

CITY LOCATION ID # T159

OCCUPANT NAME _____

PROPERTY OWNER MARY GRACE GORDON

PHONE 863-646-6618

PROPERTY OWNER'S ADDRESS 550 HOLT AVE, WINTER PARK, FL 32789

CONTRACTOR NAME GIFFORD FENCE COMPANY, LLC

PHONE 407-375-1739

CONTRACTOR'S ADDRESS 522 HUNT CLUB BLVD, APOPKA FL 32703

CONTRACTOR ST.REG./CERT.# 0027545

EXPIRATION DATE 9/30/16

CONTACT PERSON JERRY GIFFORD

PHONE/FAX 407-375-1739

EMAIL FLACUSTOMFENCE@GMAIL.COM

BONDING COMPANY NAME & ADDRESS _____

ARCHITECT/ENGINEER'S NAME _____

LICENSE # _____

PHONE _____

ARCHITECT/ENGINEER'S ADDRESS _____

MORTGAGE LENDER'S NAME _____

MORTGAGE LENDER'S ADDRESS _____

DESCRIPTION OF PROPOSED IMPROVEMENTS INSTALL 182' OF 4' TALL ALUMINUM FENCE WITH WALK GATE

AND 48' OF 6' TALL ALUMINUM FENCE, INSTALL 50' OF 3' TALL ALUMINUM FENCE W/ 2 GATES ON EXISTING?

BUSINESS TYPE _____

DEMOLITION PERMIT # _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL, PLUMBING, MECHANICAL AND GAS WORK.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOU PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Signature [Signature]
Owner or Agent (including contractor)

The foregoing instrument was acknowledged before me the
11/2/2015 by MARY GRACE GORDON who is personally known
to me and who produced FLORIDA DRIVER
LICENSE as identification and who did not
take an oath.

Notary as to Owner [Signature]

Commission No. #FF421140

State of FL. County of POLK

My Commission expires: August 1, 2017

(SEAL)

Jessica Macy
State of Florida
MY COMMISSION # FF 42114
Expires: August 1, 2017

Signature [Signature]
Contractor

The foregoing instrument was acknowledged before me the
1/1 by _____ who is personally known
to me and who produced _____
as identification and who did not
take an oath.

Notary as to Contractor [Signature]

Commission No. _____

State of FL. County of [Signature]

My Commission expires: _____

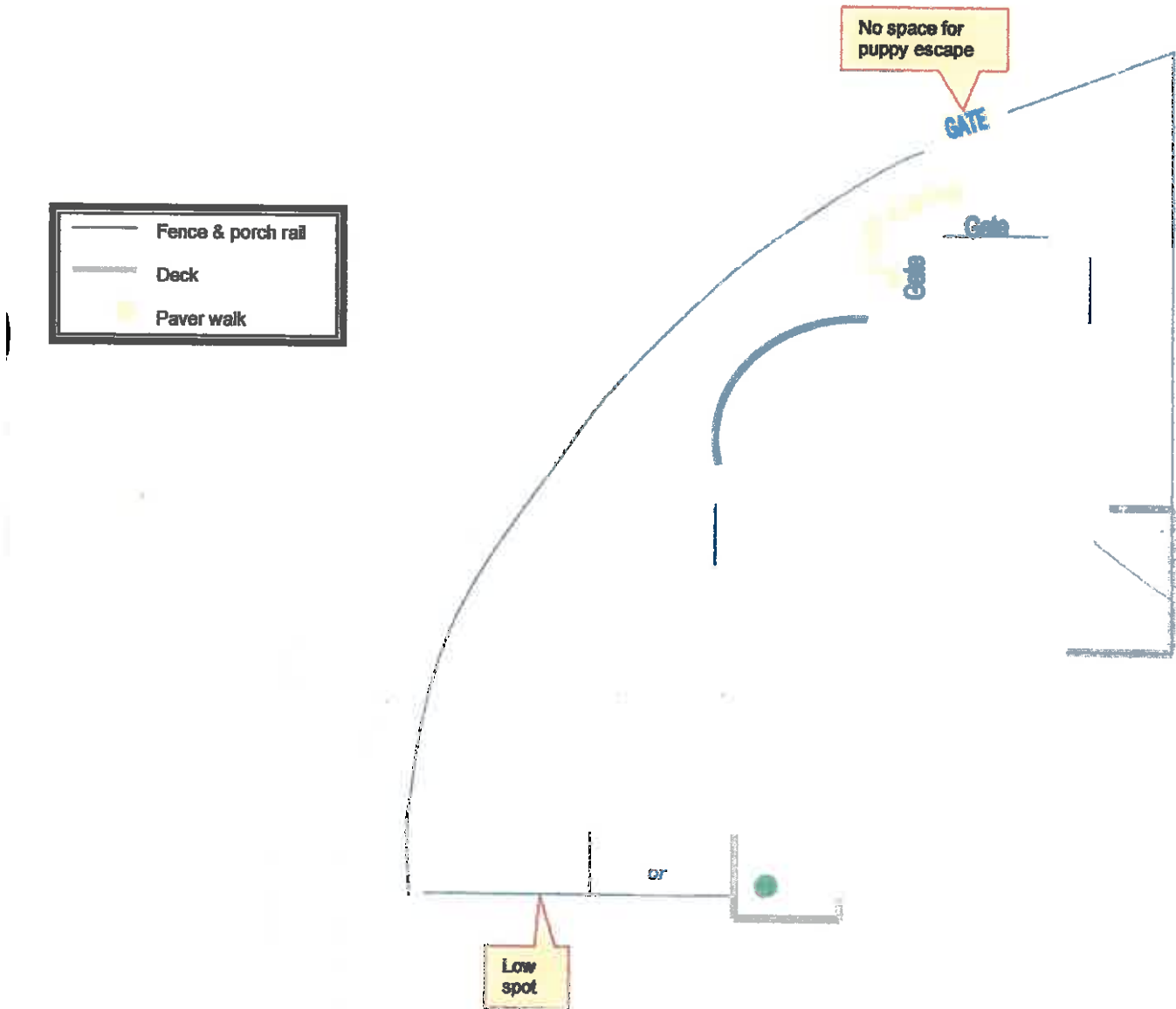
(SEAL)

LORI A HUNT
Notary Public - State of Florida
My Comm. Expires Feb 7, 2017
Commission # EE 862643
Bonded Through National Notary Assn.

FL DL

Irene Deane *Beth Beauchamp* *Chayotte A. Sams*
 Approved 11/1/15 Approved 10/31/15 Approved 10/31/15

Proposed Black Aluminum Puppy Picket Fence 4 ft high along sidewalk
 &
 Gray Composite Deck to match porch floor
 550 Holt Ave, Winter Park, FL 32789



Lindsey Hayes

From: gordonmg@tampabay.rr.com
Sent: Thursday, December 03, 2015 10:22 AM
To: Lindsey Hayes
Subject: GORDON 550 Holt Ave - Certificate of Review for the WP Historic Preservation Board
Attachments: GORDON neighbors approval.jpg

Importance: High

Dear Ms. Hayes,
Thank you for scheduling our review for Jan. 13, 2016.

Attached are signatures of three of our neighbors - Carlotta Evans of 736 S Pennsylvania, Beth Beauchamp of 548 Holt Ave and Irene DeVane of 532 Holt Ave - on the drawing of the decks. They are excited about our plans. 546 Holt has renters and 530 is for sale.

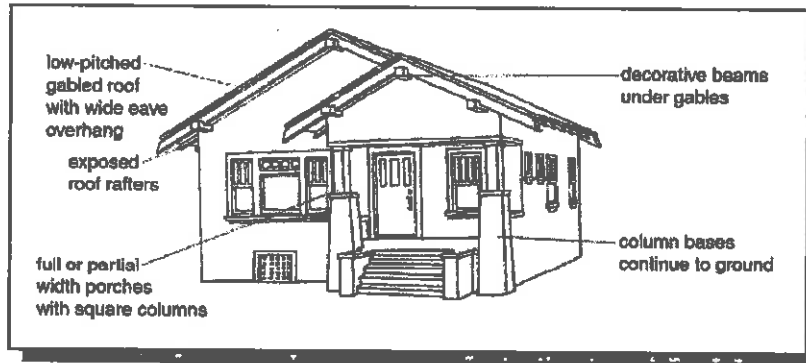
I'd like to extend an invitation to the HP Board to take a look at the existing front and side decks and how we propose to connect them in order to create a wrap around continuous outdoor area. Please feel welcome to come over anytime.

Sincerely,
Mary Grace Gordon
550 Holt Ave
Winter Park, FL 32789
(863) 583-2434 CELL
(863) 646-6618 Lakeland landline



IV. ARCHITECTURAL STYLES (CONT.)

1. Craftsman Bungalow



a. Background

One of the most prevalent styles in Winter Park in the early nineteen hundreds was the Bungalow style. The Bungalow style was an outgrowth of the Craftsman Style, which was originated in California but quickly spread throughout the Country by pattern books and popular magazines. The style, a one-story vernacular variation of the Craftsman style, faded from favor after the mid-1920s, and few were built in the 1930s. The Craftsman Bungalow Style was the popular style for smaller houses being built throughout the Country during from 1905 to 1920. Bungalow Style houses were mass-produced and rarely designed by architects. Therefore, they were popular for middle- and working-class residences. The style faded from favor after the mid-1920s, and few Craftsman houses were built in the 1930s.

b. Plan

Usually rectangular, with the narrow side oriented toward the street.

c. Foundation

Masonry piers occasionally flared at the bottom, or continuous brick or concrete block. Lattice or louvered panels are normally used to cover the porch crawlspace.

d. Porches and Facades

Craftsman Bungalows are normally one or one-and-a-half stories, and elevated 2'-6" to 3'-4" above grade.

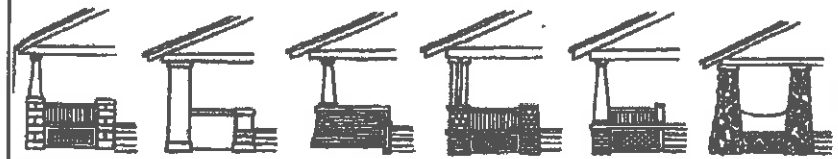
The front porch is an essential element of all Craftsman Style houses; they are often the most prominent architectural feature of the house and are wide and deep enough to feel like an outside room.

Porch wide beams help define the horizontal proportions of the style.

Porches are either full or partial width (usually a minimum of $\frac{3}{4}$ of the front facade), or in some cases wrapped around the side of the house. Partial porches are placed at the center of the main body or fully to one side.

Porch roofs are normally supported by tapered square columns, made of wood, concrete, or masonry. They frequently extend to ground level (without a break at the level of porch floor). Mouldings are normally found at top and bottom of column.

Craftsman Bungalow Porches



IV. ARCHITECTURAL STYLES (CONT.)

Solid knee walls, matching column bases, are used between the column bases. Railings and balusters which are occasionally used consist of open, heavy wood railings with regular or irregular pattern.

e. Roof

There are four types of roofs typically associated with Craftsman Bungalows:

- Hip roof over one-and-a-half story, with a shed dormer on the main façade;
- One or more front gable roofs, with one being the most dominant, usually above the porch;
- Side gable roof parallel to the street with cross gable intersecting; cross gable typically covers the front porch and entrance to the building;
- Side gable roof parallel to the street and incorporating a dormer.

Craftsman roofs are low- to moderately-pitched roofs, emphasizing the horizontal massing of the style. Integral porch roof may match main pitch, or break at front wall to a 3:12 or 4:12 pitch.

Rafter ends normally extend beyond the face of the wall, and often display a decorative cut.

Decorative (false) beams or braces are commonly found under the gables.

Roof coverings are normally wood, composition, or metal shingles, or crimped metal panels. Shingles are often patterned.

Chimneys are typically brick and tapered to match the column base, with simple decorative caps. Normally located on the

outside of gable wall.

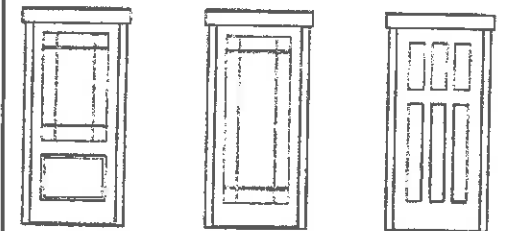
f. Exterior

- Wood siding, shingle and clapboard are the most common exterior wall surface materials. Corner trim used with siding.
- Stucco and brick less frequently used.
- Different siding on the first and second floors – wooden clapboards on the first floor and wooden shingles on the second- although only one material is also common.

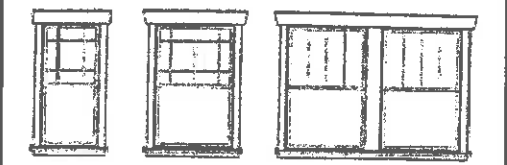
g. Windows and Doors

- Simple doors, often with panes of glass. No transom or sidelights used.
- Windows are large and wide proportioned.
- Wood windows, either single or double-hung, or casement sash.
- Windows often grouped in clusters of two or three windows.
- Windows can be single-pane, 2- or 4-pane; the upper sashes may be multiple-pane (vertical) with the lower sashes single pane.

Craftsman Bungalow Doors



Craftsman Bungalow Windows



IV. ARCHITECTURAL STYLES (CONT.)

Dormer windows do not cover the full width of the dormer.

- Shutters not used.
- Window trim is thick to project out from the wall.

h. Exterior Decoration

- Great degree of ornamentation, but the ornament was used to emphasize the structure and construction of the building rather than to adorn for the sake of adornment.
- Carved rafter ends.
- Decorative gable end trim; knee braces; battered porch piers.
- Window surrounds.
- Column base and capitals.
- Lattice attic vents in the gable ends.

i. Additions

- Should be smaller than the main body.
- Gable roofs of equal or lower pitch than the main roof.

j. Local Examples



781 Antonette



734 Maryland



391 Vitoria



404 Holt

V. REHABILITATION AND MAINTENANCE (CONT.)

H. Porches

Most houses in the College Quarter district have front porches. Originally, porches were intended for protection from the elements, as a focal point for the entrance to the home, and also as a cool, ventilated and visually open space. Over the years, these porches have been modified to add to the living space, or simply to add screens. Porches are a key feature, not only architecturally but also for neighborhood safety. Therefore, porches should be preserved, restored, and they should be encouraged in new construction.

Porches and porch features that are in good condition or repairable and are in character with the style and period of the building should be retained. The repairs should match the existing porch in materials, size and configuration.

Replacement of existing porches or porch elements, such as balusters and columns, should be compatible with the style and period of the building.



Porch supports not consistent with style

Porches visible from the right-of-way should not be enclosed with solid materials such as glass, wood, aluminum, vinyl, fiberglass or masonry. Porches not visible from the right-of-way may be screened. The screening materials should be installed so as not to conceal or damage historical architectural elements. The framing members for screening should have a design and scale that is in character with the style and period of the building.

No decks should be added to the front of existing homes. Decks are not consistent with the predominant site design and building styles present in the district.



Porches should not be enclosed

I. Porte-cocheres/Detached Garages

Porte-cocheres are the visual reminders of the impact of the carriage and the automobile on the design of the home. They are an important historic feature that should be preserved. They should not be converted into garages or enclosed for any other use.

Detached garages, often with a garage apartment, are very common in the College Quarter Historic District. The structures are

VI. NEW CONSTRUCTION/ADDITIONS (CONT.)

surrounding neighborhood.

- The design of an **existing non-contributing** structure may be modernized or contain historical references, but should not be redesigned to create a false historical appearance.

I. Entrances and Porch Projections

Most residential buildings in the district have, or had at one time, a front porch. New buildings should incorporate porches in their designs. The size, shape, and proportion of the entrances and porches should respect the existing pattern in the district.

- The addition of front porches and balconies to new residential structures is encouraged as they contribute to healthy streets and safe neighborhoods.
- Porch additions should have a roof type that is either similar to the existing roof or is in character with the style and period of the building.
- No porch additions will be allowed in front of volumes originally designed as porches. If a porch is desired, the original porch should be restored.
- No decks should be allowed within the front yard.

J. Windows and Doors

Windows on additions should have the same orientation and be of a similar size to the existing or original windows of the principal façade except if the addition is on the same plane as the existing principal façade, then the windows of the addition should match the original windows in orientation, size,

materials and configuration.



Appropriate
Window Type



Inappropriate
Window Type

- All **new windows** in building additions should have mullion profiles consistent with the style of the original structure. If single hung or double hung windows are placed in groupings, a four to six inch trim piece should separate the windows.



VII. LANDSCAPE AND SITE ELEMENTS

The urban pattern is shaped not only by the built environment but also by ancillary features or site elements, such as landscaping, driveways, lighting, and fences. It is important to maintain existing significant trees and landscaping in the district, and to make sure that the ancillary features do not have a negative effect on the existing historic fabric.

A. Pavement, Driveways and Curbs

Concrete is the predominant material used for sidewalks, driveways and walkways in the College Quarter Historic District. Any redevelopment activity should continue this trend..

- The area in front of the house should not be paved to eliminate lawn maintenance. This includes using materials such as turf-blocks, gravel and mulch when the intent is a total substitute for lawns.
- In order to minimize the amount of concrete used in the district, ribbon driveways and interlocking pavers are encouraged.
- No circular driveways should be allowed in the district.



B. Parking

Parking requirements for properties within the district are set forth in the City's Land Development Code. In addition to the City-wide parking requirements, the following should be observed within the

College Quarter Historic district.

- Because of the negative visual impact that vehicles may have on the historic fabric, every attempt should be made to hide parking from the view of pedestrians.
- Landscaping and fencing, in addition to building location/orientation, can assist on screening parking from public view.
- Parking should be limited in front of buildings.
- The pavement area within the front yards should not be increased to accommodate parking.



C. Fences and Garden Walls

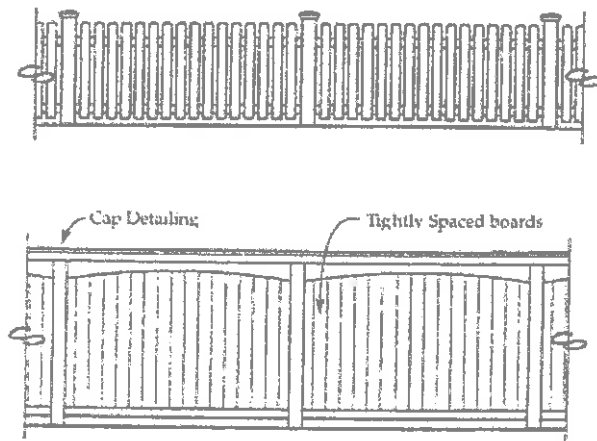
Fences and garden walls in historic districts generally vary depending on the architectural style of the main building. Most fences in the College Quarter historic district are of the painted wood variety. It is important to select appropriate fencing styles and materials to maintain the architectural integrity of the district. The following guidelines should apply to all development/redevelopment within the district.

- The overall design of walls and fences should present a quality image consistent with the historic characteristics of the structure or the surrounding area.
- Vinyl fences should be avoided within the historic district, as

VII. LANDSCAPE AND SITE ELEMENTS (CONT.)

they are not consistent with any of the architectural styles present in the districts.

- Where new fences are introduced, the materials should be compatible with the style, texture, or exterior materials of the buildings on the site. No unpainted or unstained fences are allowed.
- Fences should consist of vertical pickets in simple designs, especially on lots with Bungalows and Frame Vernacular buildings. Cast iron fencing is allowed but should be limited to high styled buildings such as Colonial Revival, Mission, and Mediterranean Revival.



- Garden walls may be of brick or stucco only if they match the materials present on the principal building. Brick or stucco garden walls should be no less than eight (8) inches wide and capped by a flat, round or pitched top, overlapping the wall below by no less than one fourth of an



Mission



Colonial Revival



Vernacular

VII. LANDSCAPE AND SITE ELEMENTS (CONT.)

inch (1/4").

- Fences should be made with no more than three (3) inch gaps between pickets.
- All walls and fences should have their finished side facing outward toward the public row.

D. Exterior Lights

Exterior wall-bracketed or soffit-mounted lights provide light and decoration, and can be used to focus attention on particular details or to accent planting areas. Original decorative fixtures should be maintained and restored whenever possible.



Appropriate

Floodlights, high intensity lights or lights that intrude upon adjacent properties should not be used. Lighting the exterior of buildings within the district must be accomplished without distracting from the harmony and unity of the street. Light sources should be concealed.

Light fixtures that are indicative of the period and style of architecture for each building are encouraged. Contemporary light fixtures may be used; however, they should be in an appropriate scale for the building and should not detract from

historic detail.



Not recommended

Acceptable

E. Landscaping

Most commonly, plants are utilized for their aesthetic qualities, but they also serve useful purposes such as shading and climate control, privacy, erosion control and wind resistance. Landscaping and site details within the historic district must conform to the requirements of the City ordinances governing trees, tree removal, site clearing, and landscaping. These ordinances also provide lists of appropriate trees and landscaping for various uses.

Planting varies within the district; however plant materials should be chosen to be similar to those used along the streetscape, and within the district. Landscape elements are important to the overall character of the historic district and should be considered as a part of any site rehabilitation or new construction.

Oak trees are the predominant type of tree in the district, and



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

PLANNING DEPARTMENT

P 407.599.3290

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www.cityofwinterpark.org

April 6, 2016

Mr. and Mrs. Daniel A. and Mary Grace Gordon
550 Holt Avenue
Winter Park, Florida 32789

Regarding COR 16-001 Request by Daniel A. and Mary Grace Gordon for a Certificate of Review for: 1) An exception to allow a four foot black aluminum fence directly on the front and west side property lines in lieu of the allowed three foot height, 2) Appeal of administrative denial of a front deck with a variance requested to allow the deck to encroach more than fifty percent into the required setback, and 3) Three foot black aluminum railings to enclose the existing front porches and proposed deck; gating the steps. Non-contributing resource in the College Quarter Historic District. Zoned R-2. Parcel ID #05-22-30-9400-96-060. (Tabled at the January 11, 2016 HPB meeting.)

Dear Mr. and Mrs. Gordon:

The Certificate of Review request as described above was reviewed at the February 10, 2016 Historic Preservation Board (HPB) meeting. The following highlights the actions taken at the meeting.

1. The HPB APPROVED an exception to allow a four foot high fence and gate as presented in lieu of the three foot height allowed by code (HPB vote 6-1).
2. The HPB APPROVED the front deck; allowing it to encroach more than fifty percent into the required setback with the condition that there is a 2-3 foot landscape buffer (HPB vote 4-3).
3. The HPB DENIED the three foot metal railings and gate to enclose the existing porches and proposed deck (HPB vote 2-5).

The denial by the HPB for the metal railings and gate are based on the design requirements set out in *The College Quarter Historic District Design Guidelines*. The referenced sections include Section V. Rehabilitation and Maintenance, H. Porches, Section IV. Architectural Styles, 1. Craftsman Bungalow, d. Porches and Facades and Section VI. New Construction, I. Entrances and Porch Projections. More specific materials regarding these sections are found in the staff report dated February 10, 2016.

It is staff's understanding that you have a copy of the College Quarter Historic District Design Guidelines and the staff report issued for the February 10, 2016 meeting. I also understand that you received a draft copy of the minutes from the meeting on April 4, 2016. If you need any of these materials, please contact me as soon as possible.

You have the right to appeal the decision of the HPB to the City Commission. The appeals process is highlighted in Section 58-477 of the city's Land Development Code. The timeframe for an appeal begins at the date of this letter. If you have any questions or wish to file an appeal, please contact either Dori Stone, the city's Planning & Community Development Director or myself within the 15 day period.

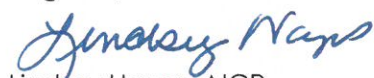
Section 58-477. Appeals.

(a) Any substantially affected party may appeal any decision of the HPB to the city commission by filing within 15 days after the date of the decision a written notice of appeal and an appeal fee as established by the city's schedule of fees. The notice shall set forth concisely the decision appealed from and the reasons or grounds for the appeal.

(b) The appeal shall be heard by the city commission, which shall hear and consider all facts material to the appeal and render a decision promptly. The appeal shall be a de novo appeal. The city commission may affirm, modify or reverse the HPB's decision based on the standards in section 58-469 and guidelines in section 58-479. The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to the courts having jurisdiction over the matter. as provided by the Florida Rules of Appellate Procedure.

Again, I'm available to answer any questions you may have regarding this matter. Please contact me at 407-599-3498 or email at lhayes@cityofwinterpark.org

Regards,

A handwritten signature in blue ink that reads "Lindsey Hayes".

Lindsey Hayes, AICP
Senior Planner

Cc: Dori Stone, AICP, Planning & Community Development Director



**CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD**

9:00 a.m.
February 10, 2016
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. The meeting was called to order at 9:05 a.m.

Present: Present: Chairman Bill Segal, Vice-Chair Phil Wood, Rebecca Talbert, Genean McKinnon, Candace Chemtob, Laura Armstrong and Phil Kean. Absent: Louise Sprimont. Staff: Senior Planner Lindsey Hayes and Recording Secretary Lisa Smith.

2. Approval of Minutes: January 13, 2016

Approval of the January meeting minutes was tabled until the March 9th meeting.

Public Comments on any item not appearing under action:

No one wished to speak. Public comment was closed.

3. Action Items.

HDA 16-003 Request by Constance C. Canright to designate her property at 1574 Sunset Drive, Winter Park, Florida as a historic resource on the Winter Park Register of Historic Places. Zoned R-1A. Parcel ID #32-21-30-4536-02-242.

Senior Planner Lindsey Hayes presented the staff report. She used a PowerPoint presentation to discuss the history and architectural details of the subject property. Ms. Hayes noted that 1574 Sunset Drive has been the home of Ms. Constance Canright since 1951. Staff recommendation was to list the property as a historic landmark on the Winter Park Register of Historic Places. Staff also recommends that the house be recorded as the Constance Canright House in recognition of the owner of 65 years. Ms. Hayes noted that she received an email in support of the request from Dr. Marjeet Verde. Ms. Hayes responded to Board member questions and concerns.

Catherine Canright, 1106 Oaks Boulevard, represented the applicant, who was present for the public hearing. She explained that her aunt is 100 years old, and has owned the home for 65 years. She provided a brief history of the home, and responded to Board members questions and concerns. No one wished to speak in support or opposition to the request. Public Hearing closed.

Motion made by Rebecca Talbert, seconded by Phil Wood to list the Constance Canright House located at 1574 Sunset Drive to the Winter Park Register of Historic Places. Motion carried unanimously.

COR 16-001 Request by Daniel A. and Mary Grace Gordon for a Certificate of Review for: 1) An exception to allow a four foot black aluminum fence directly on the front and west side property lines in lieu of the allowed three foot height, 2) Appeal of administrative denial of a front deck with a variance requested to allow the deck to encroach more than fifty percent into the required setback, and 3) Three foot black aluminum railings to enclose the existing front porches and proposed deck; gating the steps. Non-contributing resource in the College Quarter Historic District. Zoned R-2. Parcel ID #05-22-30-9400-96-060. *(Tabled at the January 11, 2016 HPB meeting.)*

Senior Planner Lindsey Hayes presented the staff report. She noted that the request was tabled at the January meeting and the applicants have returned with the additional materials needed to illustrate their request. She re-reviewed the details of the subject property. She explained that the subject property is a non-contributing resource in the College Quarter Historic District. The property at 550 Holt Avenue was built in 2005 as part of the redevelopment of 3 lots zoned R-2 in the College Quarter Historic District. The redevelopment was approved by the Historic Preservation Board at that time. She reviewed the certificate of review requests: 1) An exception to allow a four foot black aluminum fence directly on the front and west side property lines in lieu of the allowed three foot height, 2) Appeal of administrative denial of a front deck with a variance requested to allow the deck to encroach more than fifty percent into the required setback, and 3) Three foot black aluminum railings to enclose the existing front porches and proposed deck; gating the steps. Ms. Hayes reviewed the provisions of the Land Development Code and the College Quarter Design Guidelines with regard to the specifics of this request. She noted that the applicants were granted administrative approval for decks on the south and east elevations. The east side elevation deck received administrative approval to encroach into the required side setback. Staff recommendation was as follows:

- Staff recommends approval of the four foot black aluminum fence along Holt and Pennsylvania Avenues with a one foot setback from the sidewalk.
- Staff recommends denial of the proposed Holt-Pennsylvania side deck.
- Staff recommends approval of porch railings between the existing columns on the two existing porches with the condition that they be of wood, fiber cement, or composite materials in keeping with the existing columns and style of the house.

Ms. Hayes responded to Board member questions and concerns.

Mary Grace Gordon, the applicant, 550 Holt Avenue, restated her requests. She stated that she has talked to her immediate neighbors and they are in support of her request. They are requesting a side porch deck that connects the existing covered decks for the appearance of a wraparound porch. She reviewed setbacks for hers and neighboring properties. She reviewed the provisions of the Land Development Code that she felt supported her request. She explained her rationale for requesting the black railings. She provided examples of how the black railings have been incorporated into other bungalow designs. Mrs. Gordon stated that she desires to coordinate the railings with her existing black fixtures, and the aluminum is sturdier and stronger and is guaranteed by her builder for 25 years. She stated that she has given much thought to the Board suggestion of doing periodic brick columns along the fence. She said that she cannot afford to do brick columns, but committed to doing podocarpus hedges periodically along the fence. She responded to Board member questions and concerns.

Margie Bridges, 767 Antonette Avenue, explained that she is the current vice-president of College Quarter Neighborhood Association. She gave insight into her involvement with the redevelopment of subject

property. She said that the College Quarter Neighborhood will revisit the design guidelines since they were written 10 years ago. She supported the applicant's request. She said that the proposed alterations will enhance the corner. No one else wished to speak concerning the request. Public Hearing closed.

Mrs. McKinnon stated that she is a strong advocate for the four-foot fence on the perimeter of the property. She noted that the subject property is in a tight, high-traffic area and that she feels that the fence is appropriate and within the guidelines. She said that she feels that the Board is bound by the current design guidelines. She did not support the deck or the secondary fence based on the provisions of design guidelines that are in place.

Mrs. Chemtob said that a lot of the items that the applicant is requesting are outside of the design guidelines (i.e. style of the porches, the requested fence style does not match the style of the home, the requested fence height exceeds the guideline requirements, and the setbacks do not meet the necessary requirements). She agreed with the comments made by Mrs. McKinnon with regard to the established design guidelines. Ms. Hayes noted that staff did support the aluminum fence versus wood due to the location of the lot.

Mr. Kean said that he feels that this particular lot does have a hardship with it being a corner lot on a busy street with unusual setbacks. His position was that that the 4-foot fence is appropriate. In addition, he noted that the deck does encourage the lifestyle of living in a historic home because this particular property does not have any outside living area. He supported the picket fence on the second level, the 4-foot fence, the connecting deck provided that it is hidden with landscaping. He did not support the interior fence.

Mr. Segal said that he is torn on this issue. He agreed with the comments concerning the design guidelines, and wanted to know if there was any flexibility in enforcing the requirements of the College Quarter Guidelines. He also agreed with Mr. Kean that the subject property is in an unusual situation.

Ms. Hayes responded to the question concerning flexibility in the College Quarter Design Guidelines. She explained that the Guidelines for decision making, whereas the Land Development Code provisions are the enforced and followed. She noted that she conferred with the Building Department concerning the setbacks and the language stated in the public notice should be incorporated into any motion the Board makes for approval so that it is clear that variances were granted.

Motion made by Phil Kean, seconded by Genean McKinnon to grant an exception to allow a 4-foot black aluminum fence directly on the front and west side property lines in lieu of the allowed 3-foot height. Motion carried with a 6-1 vote. Candace Chemtob voted against the motion.

Motion made by Phil Kean, seconded by Bill Segal to approve the black aluminum porch railing and interior fence as requested by the applicant. The motion failed because it did not receive the required number of votes. (Phil Kean and Bill Segal voted in favor of the motion. Genean McKinnon, Rebecca Talbert, Candace Chemtob, Phil Wood, and Laura Armstrong voted against the motion.)

Motion made by Phil Kean, seconded by Laura Armstrong to approve the connecting deck with a landscape buffer up to two-three feet taller than the deck elevation. Motion carried with a 4-3 vote. (Phil Kean, Bill Segal, Phil Wood, Laura Armstrong voted in favor of the motion. Genean McKinnon, Rebecca Talbert, and Candace Chemtob voted against the motion). Mrs. McKinnon, Mrs. Chemtob and Ms. Talbert did not support the request based on the provisions of the College Quarter Design Guidelines not allowing decks.

10:09 a.m. - Ms. Talbert left the meeting. A quorum was still present.

Chairman Segal noted that Ms. Talbert expressed support for both of the applicant's requests.

HDA 16-002 Request by Skolfield Properties to designate their building at 118 West Comstock Avenue, Winter Park, Florida as a historic resource on the Winter Park Register of Historic Places. Zoned O-2. Parcel ID. #05-22-30-9400-76-030.

Senior Planner Lindsey Hayes presented the staff report. She used a PowerPoint presentation to discuss the history and architectural details of the subject property. Ms. Hayes explained that the Skolfield Homes Frame Vernacular building at 118 West Comstock Avenue is a contributing historic building in the Downtown Winter Park National Register Historic District. It is currently in use as the offices of Skolfield Homes on the second floor and as residential on the first floor. This designation requested is paired with a Certificate of Review request. Staff recommended approval for listing as a historic resource on the Winter Park Register of Historic Places. Ms. Hayes responded to Board member questions and concerns.

John Schofield, the applicant, was present to address any Board member questions and concerns. No one wished to speak concerning this issue. Public hearing closed.

Motion made by Phil Kean, seconded Genean McKinnon to designate 118 West Comstock Avenue as a historic resource on the Winter Park Register of Historic Places. Motion carried unanimously with a 6-0 vote.

Chairman Segal recessed the meeting at 10:17 a.m. and reconvened the meeting at 10:23 a.m.

COR 16-002 Request by Skolfield Properties for a Certificate of Review for a storage building at their property at 118 West Comstock Avenue with a variance request for a side setback of 4 feet in lieu of the required 5 feet and a rear setback of 8 feet in lieu of the required 30 feet. Zoned O-2. Parcel ID. #05-22-30-9400-76-030.

Senior Planner Lindsey Hayes presented the staff report. She provided background information on the subject property. She explained that the applicant is proposing to replace the fenced storage area with an accessory storage building designed in the style of the existing historic building. The existing building is in office and residential use and has office O-1 zoning. Office zoning does not allow storage such as warehouses as a permitted use; however this storage of small amounts of construction materials would be ancillary to the Skolfield Homes business which is design and construction. The one-story accessory building will have a low pitched front gable roof, horizontal siding, and entry door and sash windows similar to the primary building. Variances are needed to allow a side setback for 4 feet in lieu of the required five feet and a rear setback in lieu of the required 30 feet for office zoned properties. Staff recommended approval of an accessory building as shown for ancillary storage for Skolfield Homes. Ms. Hayes responded to Board member questions and concerns.

John Schofield, the applicant, was present to address any Board member questions and concerns. No one wished to speak concerning this issue. Public hearing closed.

Motion made by Phil Wood, seconded by Laura Armstrong to approve the certificate of review for a storage building at 118 West Comstock Avenue include a variance request for a side setback of 4-feet in lieu of the required 5-feet and a rear setback of 8-feet in lieu of the required 30-feet. Motion carried unanimously with a 6-0 vote.

Non-action Items

1) Staff updates.

Ms. Hayes stated that the resolution approving the designation of the Polasek Museum Capen-Showalter House was approved by the Commission at their last meeting. She noted that there is an open house for the Kummer Kilbourne House on Saturday, February 20th.

Director Stone discussed priorities for the HPB in 2016. She listed them as:

1. Come up with a list for the annual awards
2. Work with the Casa Feliz to host a public ceremony for the award recipients
3. Finish up the incentives package
4. Establish a Standard operating procedure for the ordinance
5. Positive marketing for historic preservation.
6. Hire a Consultant to update the 16 year old Florida master site file

Mrs. McKinnon suggested that an open house be held in one of the City's Historic venues for all of the property owners that have voluntarily come forward to designate their home. Director Stone was agreeable to that.

4. New Business.

5. Adjournment. There was no further business. The meeting adjourned at 11:30 a.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary

April 8, 2016

TO: Winter Park Mayor and Winter Park City Commissioners

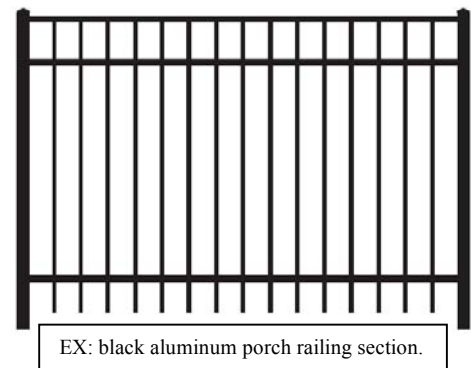
Dear City Commission:

As a result of the Feb. 10 Historic Preservation Board's decision to deny our black aluminum porch railing, we respectfully request an appeal. Please reconsider our proposal.

Although built in the Bungalow Style of the early 20th century, our home was built in 2005 and is a **non-contributing** property of the College Quarter Historic District. Some of the comparisons between a historic Bungalow and this home could include:

- Historic Bungalows are single story or 1½ stories – our home is two stories.
- Historic Bungalows are constructed with wood clapboard siding – our home has fiber-cement or “Hardie” board siding.
- Historic Bungalows have porches with tongue & groove floors – our home's covered decks have pervious flooring that is constructed of deck boards with spacing between the planks.
- Historic Bungalows are low to moderately pitched roofs – our home has sharply pitched rooflines.
- Historic Bungalows have simple single partially paneled doors sometimes with glass panels in the upper third of the door – our home has three double French doors that are 7.5 ft tall.

We are requesting to install black aluminum railings (*see example railing to right*) between the brick piers on the covered wooden decks and the along the new connecting deck, in order to create a feeling of a **wrap-around porch area** (*see attachment A*). We would like to have a consistent look to coordinate with our black metal door handles, and black metal porch lights. In addition, we prefer that the railing coordinate with our new black aluminum fence. We have proposed a podocarpus hedge in front of the new deck to conceal the deck and railings (*see attachment B*). There is at least 10 to 14 ft between the fence and deck railing (*see attachment C*). At some places along the edge of the covered and connecting decks there is a 10-12 inch drop to the surrounding area. At the new deck, there is a drop of approximately **27 inches**. We are proposing a black aluminum railing in order to avoid any accidents. The black aluminum railings are very strong and will be guaranteed for 25 years.



In addition, we are trying to resolve the “front door” issue. The home has a series of three double French doors. Our actual front door is the middle French door set. The front walk leads guests to the wrong door. We are proposing placing a black aluminum railing across the porch area at the steps in order to redirect guests to the middle French doors, where our doorbell is located. The gate at the front steps would be an invisible gate that blends into the railing. Our hope is to redirect guests to a porch entrance closer to the actual front door.

We have great support from our neighbors for our project. Please see *attachment D*.

Attachment E shows several examples of metal porch railings in bungalow homes across the United States. *Attachment F* is our landscape plan. *Attachment G* is *draft* verbiage to be suggested for the “College Quarter Design Guidelines” review scheduled for this coming year.

During the first HPB meeting on Jan. 13th, the staff objected to the aluminum railing, stating:

“Staff recommends approval of porch railings between the existing columns on the two existing porches with the condition that they be of wood, fiber cement, or composite materials in keeping

with the style of the house. I also think the aluminum fence so close to aluminum railings might create an odd cattle chute/dog run appearance since the open space is so narrow.”

During the second HPB meeting on Feb. 10, the staff objected to the aluminum railing, stating:

“The porch floor height does not require a railing for safety or it would have been required at construction. Craftsman style houses should have wood railings – or in the case of infill development, wood look railings. The railings also visually compete with the . . . fence because of the close proximity. Screened porches have doors but open porches such as these should not block off the stair access with railings; even gated railings.”

“College Quarter Design Guidelines”:

IV. Architectural Styles 1. Craftsman Bungalow d. Porches and Facades

Railings and balusters that are occasionally used consist of open, heavy wood railings with regular or irregular pattern.

VI. H. Façade

The design of an existing **non-contributing** structure may be modernized or contain historical references, but should not be redesigned to create a **false historical appearance**.

We are proposing aluminum railings which are not consistent with the College Quarter Design Guidelines. We are **not** trying to create a false historical appearance. The historic district design guidelines apply to all work to the exterior of all properties in the local historic district; however, non-contributing homes do not receive the same incentives, benefits or protections as do the historic properties. “**Changes to a non-contributing property should be generally approved if ‘compatible’ with the character of the historic district.**” - *National Trust for Historic Preservation*

To summarize, we deferentially request that the City Commission approve the black aluminum railings along our covered decks and new connecting deck area, for the following reasons:

- The railing will provide a consistent look, which coordinates with our fixtures and new black aluminum fence. In addition, the railing will help us to redirect guests to the actual front door.
- A podocarpus hedge will conceal the deck and railings, in order **not** to “visually compete” with the black aluminum fence.
- For safety, the railing will protect guests from the 10 to 27 inch drop around the covered decks and new connecting deck.
- We wish to create a compatible appearance of a non-contributing property in a historic district - **not** a false historical exterior.
- We have the support of our neighbors and friends in the College Quarter Historic District.

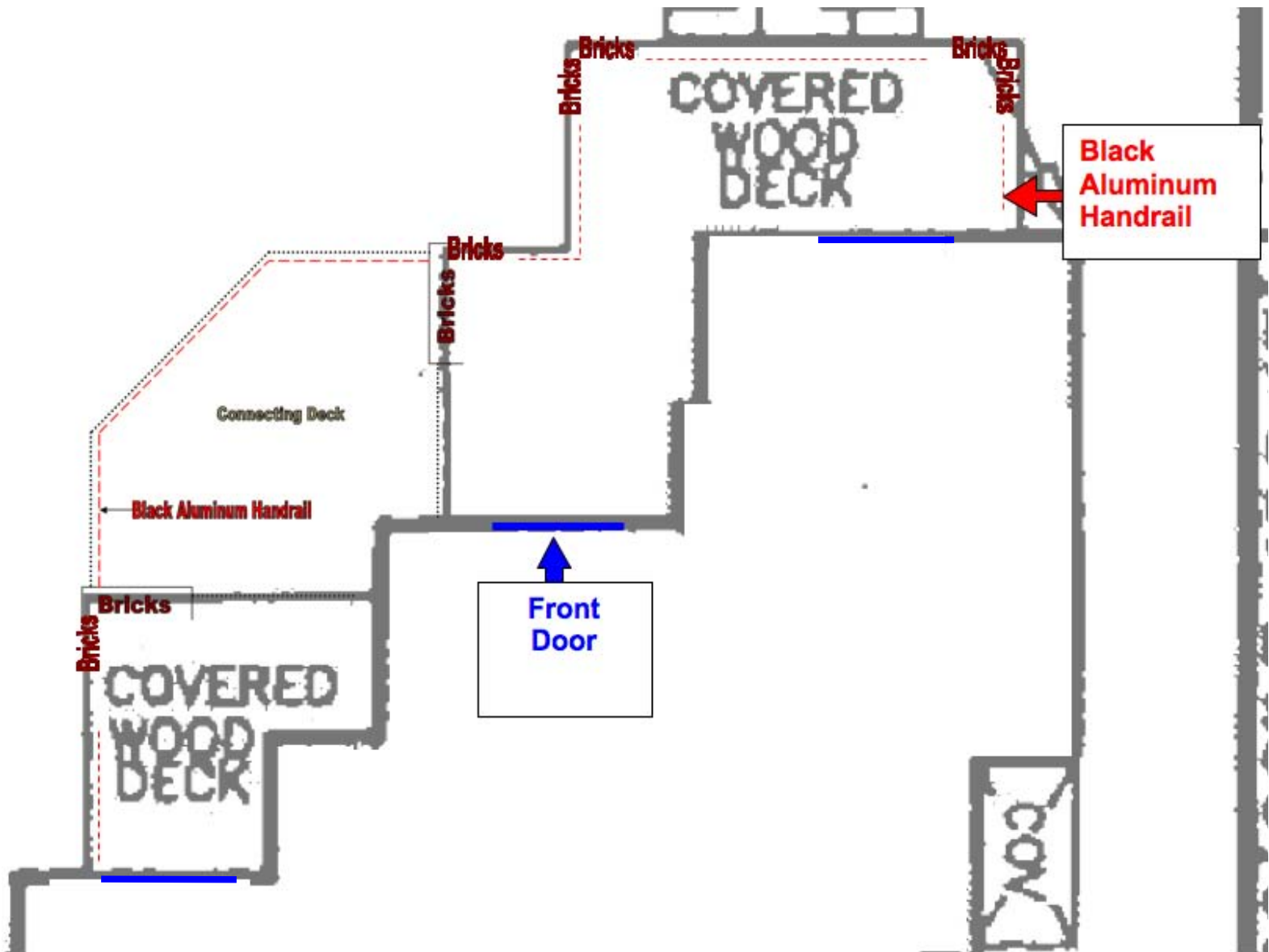
Thank you for your consideration.

Sincerely,



Dr. Daniel A. and Mary Grace Gordon
550 Holt Avenue
Winter Park, FL 32789

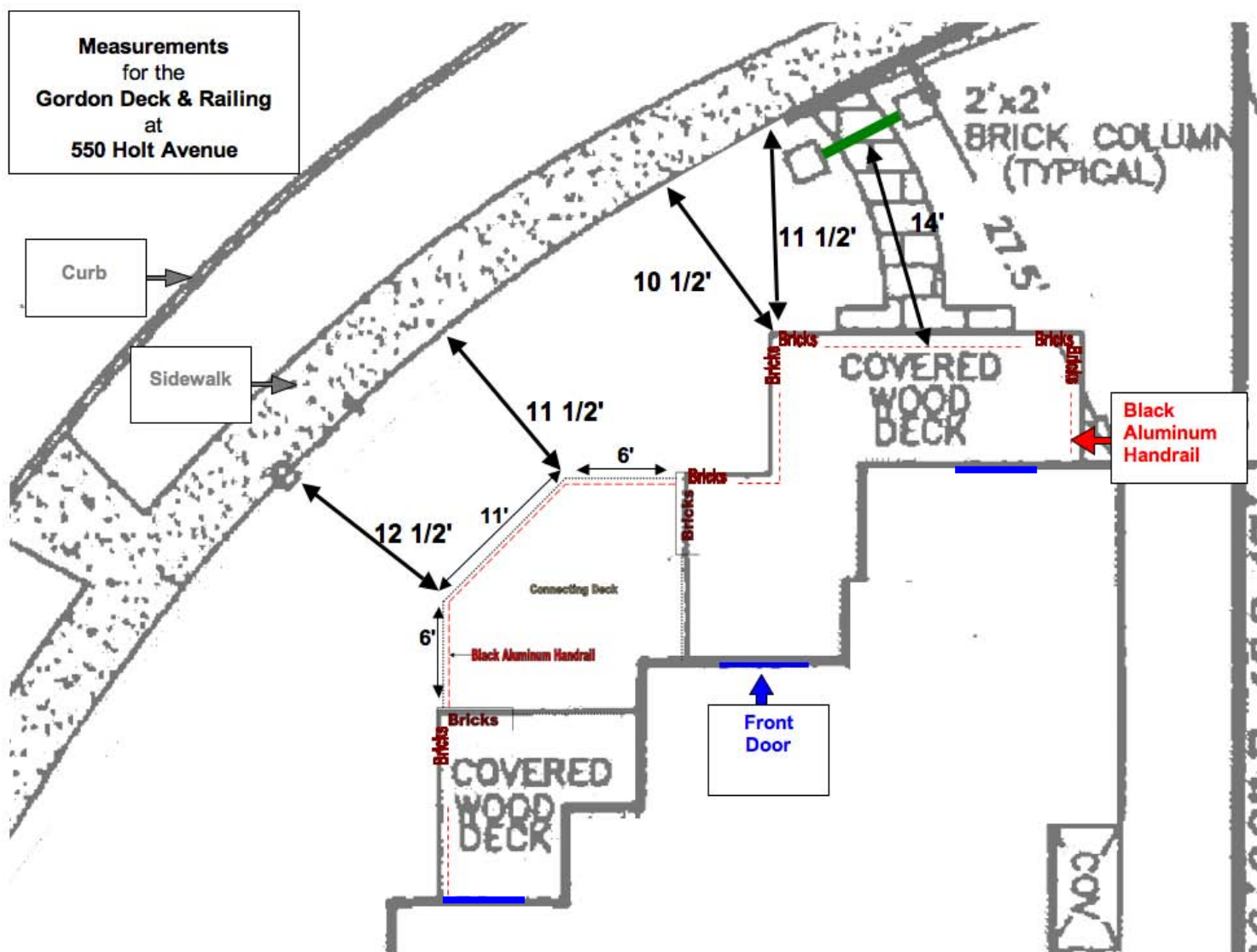
Attachment A:



Attachment B:



Attachment C:



Attachment D:

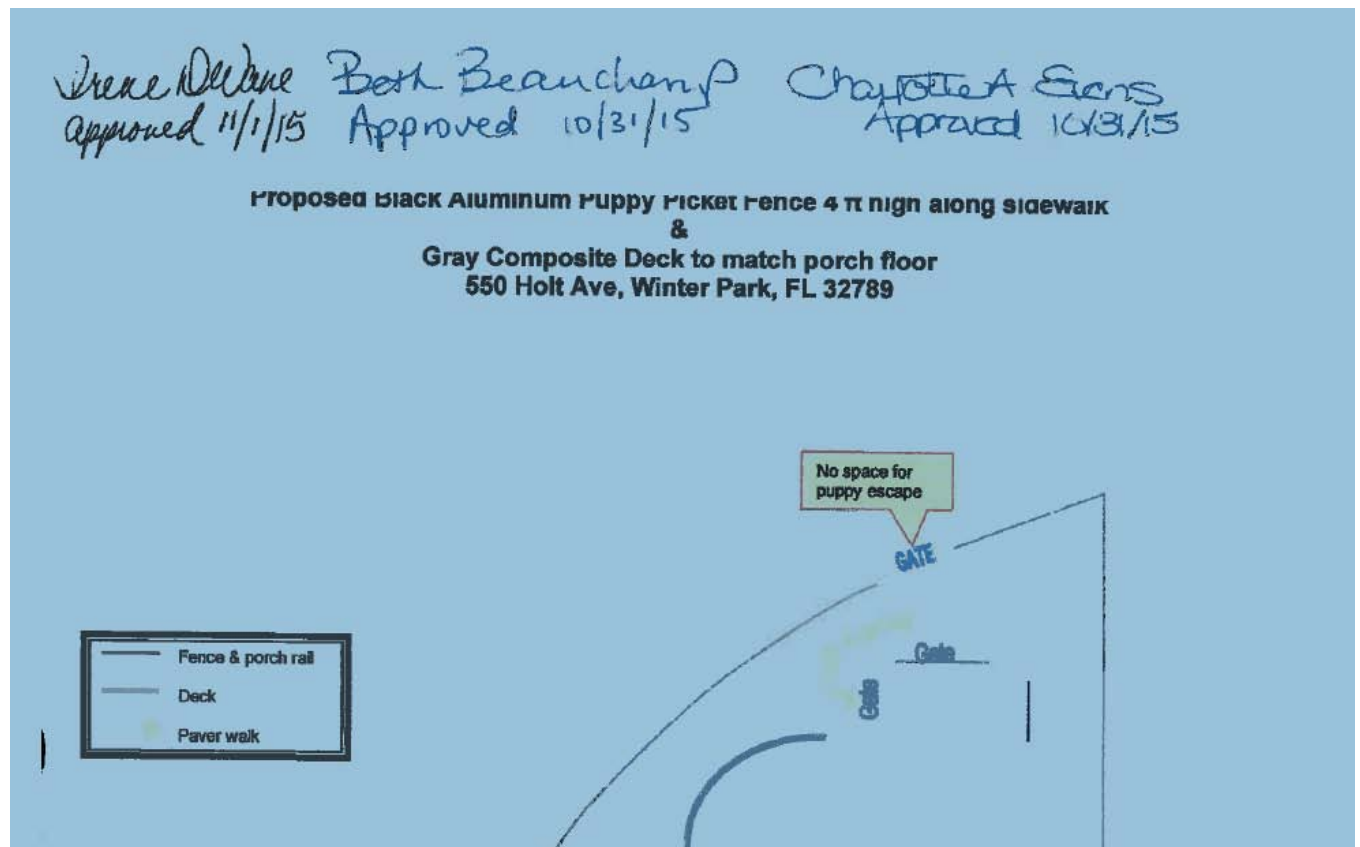
From: gordonmg@tampabay.rr.com
Sent: Thursday, December 03, 2015 10:22 AM
To: Lindsey Hayes
Subject: GORDON 550 Holt Ave - Certificate of Review for the WP Historic Preservation Board
Attachments: GORDON neighbors approval.jpg
Importance: High

Dear Ms. Hayes,
Thank you for scheduling our review for Jan. 13, 2016.

Attached are signatures of three of our neighbors - Carlotta Evans of 736 S Pennsylvania, Beth Beauchamp of 548 Holt Ave and Irene DeVane of 532 Holt Ave - on the drawing of the decks. They are excited about our plans. 546 Holt has renters and 530 is for sale.

I'd like to extend an invitation to the HP Board to take a look at the existing front and side decks and how we propose to connect them in order to create a wrap around continuous outdoor area. Please feel welcome to come over anytime.

Sincerely,
Mary Grace Gordon
550 Holt Ave
Winter Park, FL 32789
(863) 583-2434 CELL
(863) 646-6618 Lakeland landline



Attachment D continued:

From: Carlota Evans <cevens@ocpafi.org>
Sent: Wednesday, January 13, 2016 9:06 AM
To: Lindsey Hayes
Subject: FW: HPB request for 550 Holt Ave.

Since completion, numerous neighbors and friends of the College Quarter have stopped by our home to compliment the new deck and fence. I have asked each neighbor how they would feel about black aluminum railings on the new connecting deck and covered deck areas. Without exception, each person has agreed that railings would enhance our work and would look wonderful. Some have stated that they could not see any reason to object.

Dear Historic Preservation Board members:

I had hoped to attend the meeting this morning; however, I must be at work. I'm sending this message in support of the Gordon's request to build a connecting deck between their two existing covered decks, to add a black aluminum railing across the existing decks and the new connecting deck, and to build a black aluminum fence around their property.

Mary Grace Gordon came to me and other immediate neighbors to review her plans before she started anything, in order to seek our approval and suggestions. We were all so pleased with all of her plans and excited to see the improvement that the Gordon's want to make to their property. We all think that what the Gordon's want to do will enhance our little corner so much!!

I have gone over all of their plans in detail. The drop from the covered decks to the ground is definitely a hazardous height. I couldn't find their front door until Mary Grace showed her doorbell to me. In addition, I told Mary Grace not to put her porch furniture out because the furniture would be stolen. All of her plans will provide safety and security, as well as beauty.

Our new neighbors, the Gordon's, have been wonderful to get to know since they moved to 550 Holt on Oct. 31 – just a few months ago. They are great neighbors.

Please consider their requests. We all want to see their exciting changes come to our neighborhood.

Sincerely,
Carlota Evans

Carlota Evans | Sr. Payroll Coordinator

Representing Rick Singh, CFA | Orange County Property Appraiser

200 S. Orange Ave | Suite 1700 | Orlando, FL 32801

407.836.5039 work | 407.836.5029 fax

cevens@ocpafi.org | www.ocpafi.org

At Jan. 13 HPB meeting

Pamela Smith spoke in support of the request. She said that neighbors have seen the plans and support having the two decks connected to give the appearance of a wraparound porch. She said that she feels that it will improve the appearance and will allow the Gordons to enjoy an outside entertainment area. She explained that the College Quarter Design Guidelines were never "set in stone" and were written many years ago. She stated that the Association is willing to make adjustments in the as needed; and further the fence will offer them protection since their home is on the edge of the College Quarter Neighborhood. *From HPB Jan. 13 minutes.*

From: Margie Bridges <margie32789@aol.com>

Date: January 11, 2016 at 6:37:12 PM EST

To: "historicpreservationboard@cityofwinterpark.org" <historicpreservationboard@cityofwinterpark.org>

Subject: Upcoming request

Dear Historic Preservation board members:

Please consider approving the request of our neighbor, Mary Grace Gordon.

The requests seem reasonable to many of her neighbors, as they correct safety and security issues very simply. We feel that there is nothing being requested that diminishes any of the "historic" appearance of their property or the neighborhood in general, but would actually enhance their front door appearance, for one.

Please vote to approve her requests as submitted.

Thank you,

Margie Bridges

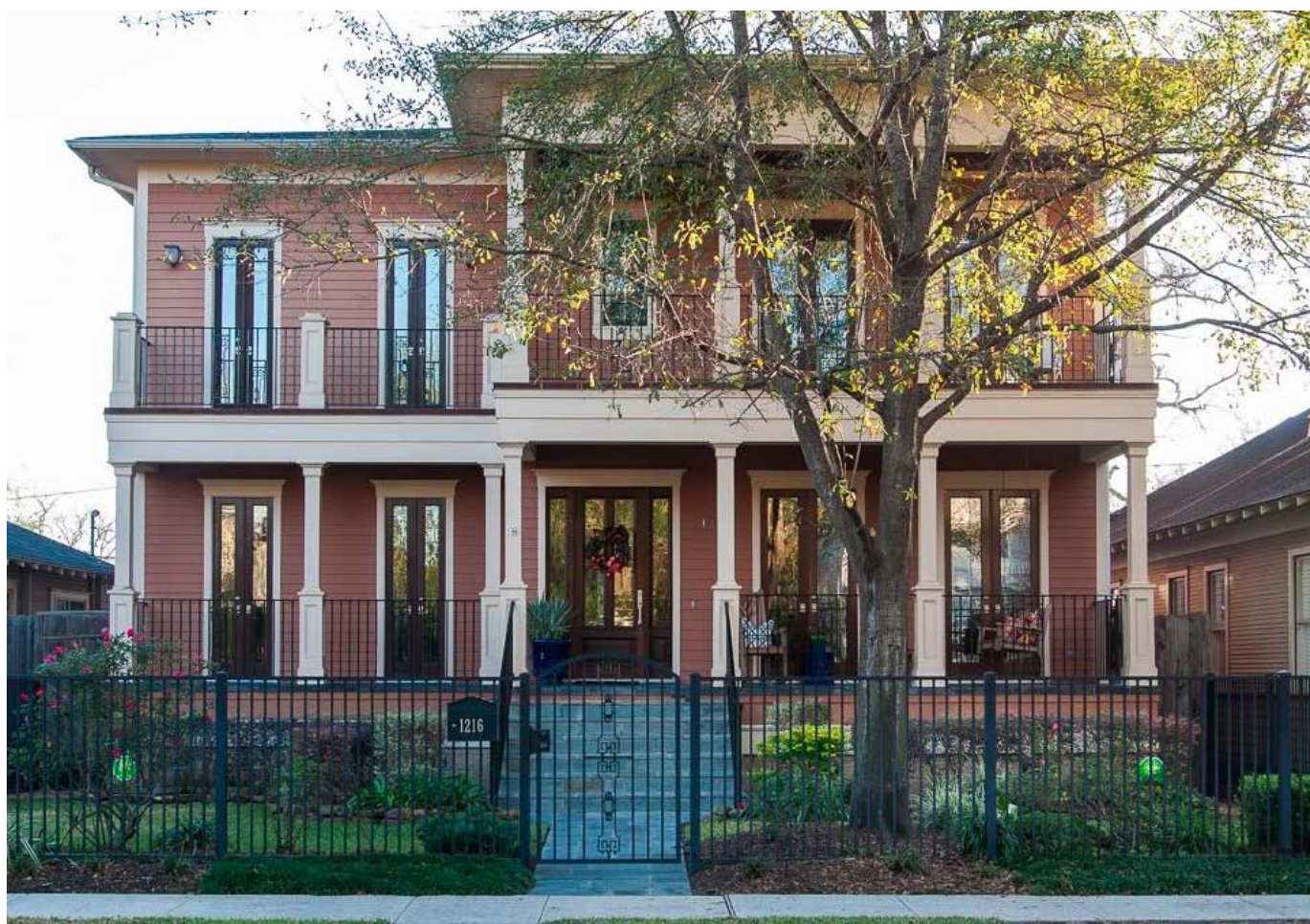
College Quarter resident and neighbor.

Margie Bridges, 767 Antonette Avenue, explained that she is the current vice-president of College Quarter Neighborhood Association. She gave insight into her involvement with the redevelopment of subject property. She said that the College Quarter Neighborhood will revisit the design guidelines since they were written 10 years ago. She supported the applicant's request. She said that the proposed alterations will enhance the corner. *From HPB Feb. 10 minutes.*

Attachment E:



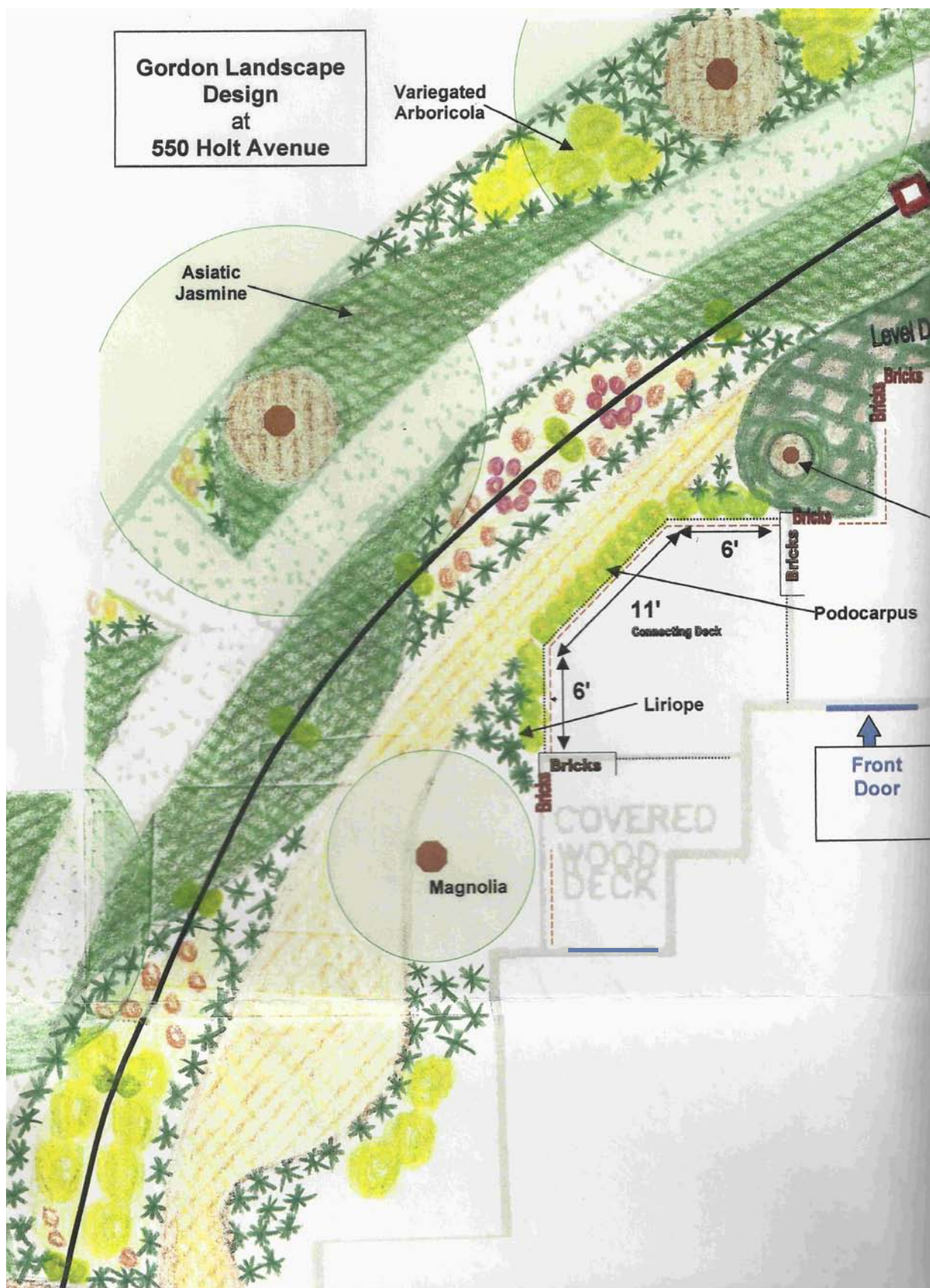
Attachment E continued:



Attachment E continued:



Attachment F:



Attachment G:

“College Quarter Design Guidelines”
Review 2016

DRAFT

Do you need to obtain approval for work on “non-contributing” properties in the College Quarter historic district? Yes. Although a non-contributing building is one that is less than 50 years old or a building that is over 50 years old that has lost its historic value (integrity) because historic material has been lost or otherwise modified, demolished, expanded or renovated and may affect the overall character of the district. Non-contributing elements will be evaluated for the magnitude of impact by considering their size, scale, design, location and/or information potential.

The guidelines do not dictate/mandate styles, specific design motifs nor specific architectural styles, nor do they encourage direct imitation of the past. Instead, they suggest a choice of approaches for achieving design compatibility. The goal is to strike a balance that best serves both the resource and the owner. **There may be other design solutions not shown in the guidelines that will also result in a successful project, especially for non-contributing properties that do not contribute to the historic significance of the district.**

The work on non-contributing structures is still reviewed for compatibility with the adjacent historic resources and the district overall. The historic district design guidelines apply to all work to the exterior of all properties in the local historic district; however, non-contributing homes do not receive the same incentives or benefits of historic properties. Therefore, non-contributing properties are not under the same design burdens as the contributing or historic homes. If a property is a non-contributing property because age, it cannot be made contributing by modification. Greater flexibility is available for modifications to non-contributing structures in the historic district. **“Changes to a non-contributing property should be generally approved if ‘compatible’ with the character of the historic district.” - *National Trust for Historic Preservation*”**



city commission **public hearing**

item type	Public Hearing	meeting date	May 9, 2016
prepared by	Troy Attaway	approved by	<input type="checkbox"/> City Manager
department	Public Works		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship		
	<input checked="" type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

Subject **SECOND READING OF ORDINANCE**

Vacation of a portion of the utility easement located in Block 41, Town of Winter Park subdivision, the block bounded by New England Avenue, Virginia avenue, Welbourne Avenue and Hannibal Square East. The City retained a utility easement over the vacated alley.

motion | recommendation

Approve vacation

background

In 1983, the City of Winter Park vacated the platted alley (Ordinance #1469) within block 41 of the Town of Winter Park plat, the block bounded by New England Avenue, Virginia avenue, Welbourne Avenue and Hannibal Square East. The City retained a utility easement over the vacated alley. The property owner at 226 Hannibal Square has requested the City to vacate a portion of the utility easement created in Ordinance 1469 for the purpose of constructing a building. The City has received "no objection" statements from the appropriate utilities to vacate the portion of easement on Lots 5, 6, 7, 10 11, 14, 15 and 16, as there are no utilities in the easement and the utilities did not foresee a future need for an easement in this area.

alternatives | other considerations

Do not vacate easement

fiscal impact

None

After Recording Return To:
City of Winter Park, City Clerk's Office
401 Park Avenue South
Winter Park, Florida 32789

ORDINANCE NO. _____-16

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING UTILITY EASEMENTS FOR LOTS 5, 6, 7, 10 11, 14, 15 and 16 OF BLOCK 41, TOWN OF WINTER PARK SUBDIVISION, BOUNDED BY NEW ENGLAND AVENUE, VIRGINIA AVENUE, WELBOURNE AVE AND HANNIBAL SQUARE EAST

WHEREAS, the City of Winter Park by custom will abandon utility easements no longer needed for municipal purposes; and

WHEREAS, the City has determined that the utility easements are no longer needed by the City of Winter Park.

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

Section 1. The City Commission of the City of Winter Park, Florida, hereby vacates and abandons those certain utility easements which fall within a parcel of land described as follows:

LOTS 5, 6, 7, 10 11, 14, 15 and 16 OF BLOCK 41, TOWN OF WINTER PARK SUBDIVISION, BOUNDED BY NEW ENGLAND AVENUE, VIRGINIA AVENUE, WELBOURNE AVE AND HANNIBALS SQUARE EAST (Plat Book "A", Pages 67-72)

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

Section 3. The parties intend that any error in legal description or in depiction of the portion of the easement vacated and abandoned may be corrected by subsequent curative document if the parties agree that there was an error in the survey or description.

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the _____ day of _____, 2016.

Mayor Steven Leary

ATTEST:

City Clerk Cynthia S. Bonham

2067952 ORANGE
JAN 26 9 11 AM '84
O.R. 3466 PG 554

ORDINANCE NO. 1469

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE ALLEY IN BLOCK 41 TOWN OF WINTER PARK SUBDIVISION WHICH RUNS FROM VIRGINIA TO HANNIBAL SQUARE, EAST TO THE REAR OF PROPERTIES FRONTING ON WELBOURNE AND NEW ENGLAND AVENUES, BUT RETAINING AND RESERVING TO THE CITY A UTILITY EASEMENT OVER THE ENTIRE AREA THEREOF.
(MISC 7:83)

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

SECTION 1. That the alley running between Lots 1-10 and Lots 11-20, Block 41, Town of Winter Park Subdivision as recorded in Plat Book "A", Pages 67-72, Public Records of Orange County, Florida be hereby abandoned and vacated as a public street and thoroughfare of the City of Winter Park, Florida, but reserving and retaining to the City a utility easement over the entire area thereof, for the purpose of constructing and/or maintenance either over or under the surface poles, wires, pipes, sewers, drains or other facilities used for various public utilities whether owned by the City or private corporations.

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

SECTION 3. This Ordinance shall take effect immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 10th day of May A.D. 1983.

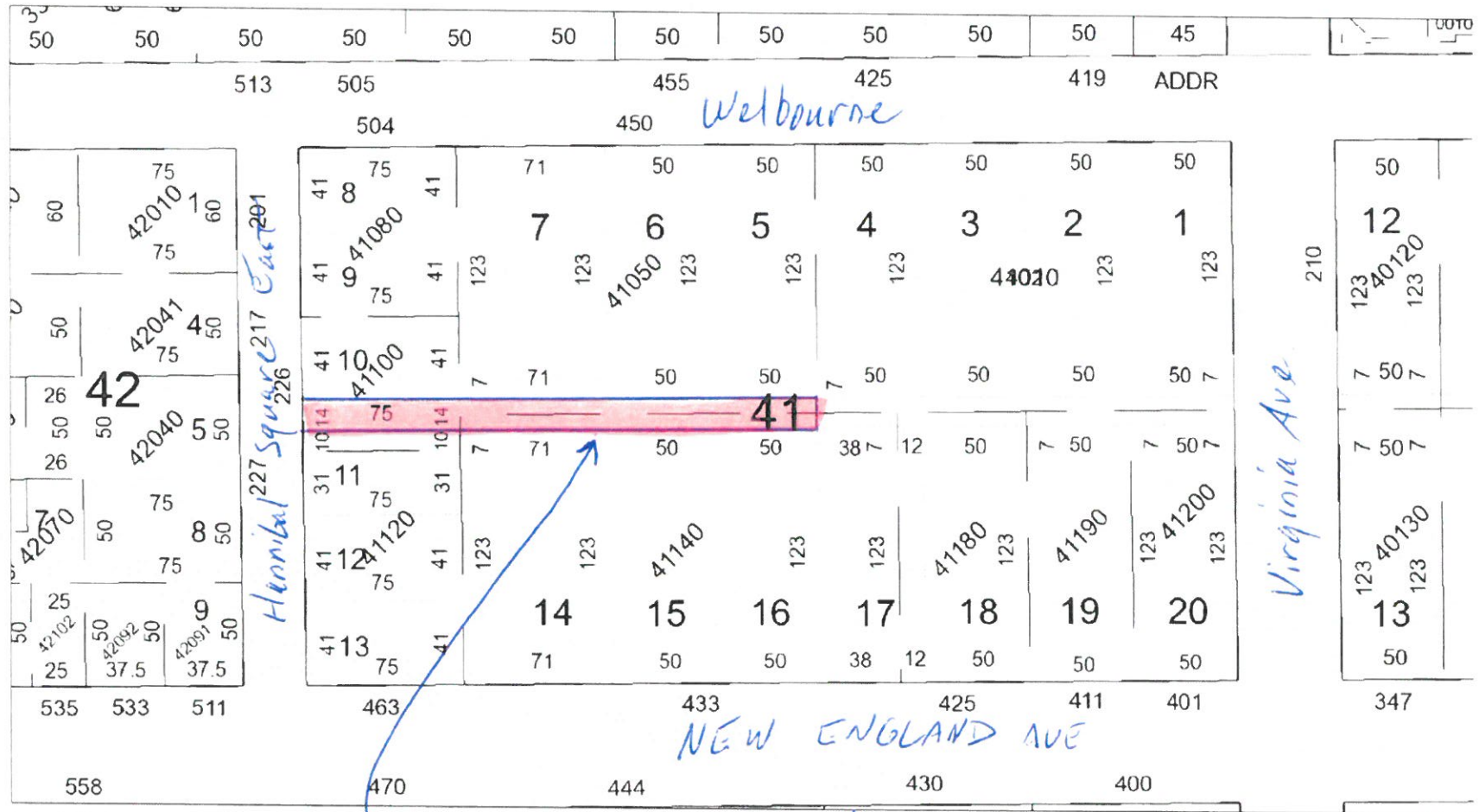
Hope Strong Jr
Mayor - Commissioner

ATTEST:

Margaret O. Rogers
City Clerk

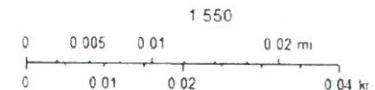
RECORDED & RECORD VERIFIED

Thomas R. Lohman
County Comptroller, Orange Co., Fla.



April 14, 2016
 Rollins College Locations
 Rollins College Site Plan
 — Call other values
 — BUILDINGS
 CONCRETE EDGE OF PAVEMENT

Easement to be vacated
 (highlighted in pink)



Date: APRIL 15 2016

CITY OF WINTER PARK - ELECTRIC UTILITY
% TERRY HOTARD
401 PARK AVE. SOUTH
WINTER PARK FL 32789

Dear TERRY :

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 226 HANNIBAL, 450 W. WELBOURNE, 433 W. NEW ENG. in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at MORNEY PARTNERSHIP LTD.. If you have any questions, please contact DAN BELLOWES.

Sincerely

Name: DANIEL B. BELLOWES
Address: P.O. BOX 350
City, State, Zip Code: WINTER PARK FL 32790

 The subject parcel is not within our service area.

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

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

Additional comments: AREA OF EASEMENT TO BE VACATED ARE:
LOTS: 5, 6, 7, 10, 11, 14, 15 AND 16 BLK 41 TOWN OF
WINTER PARK - SEE ATTACHED

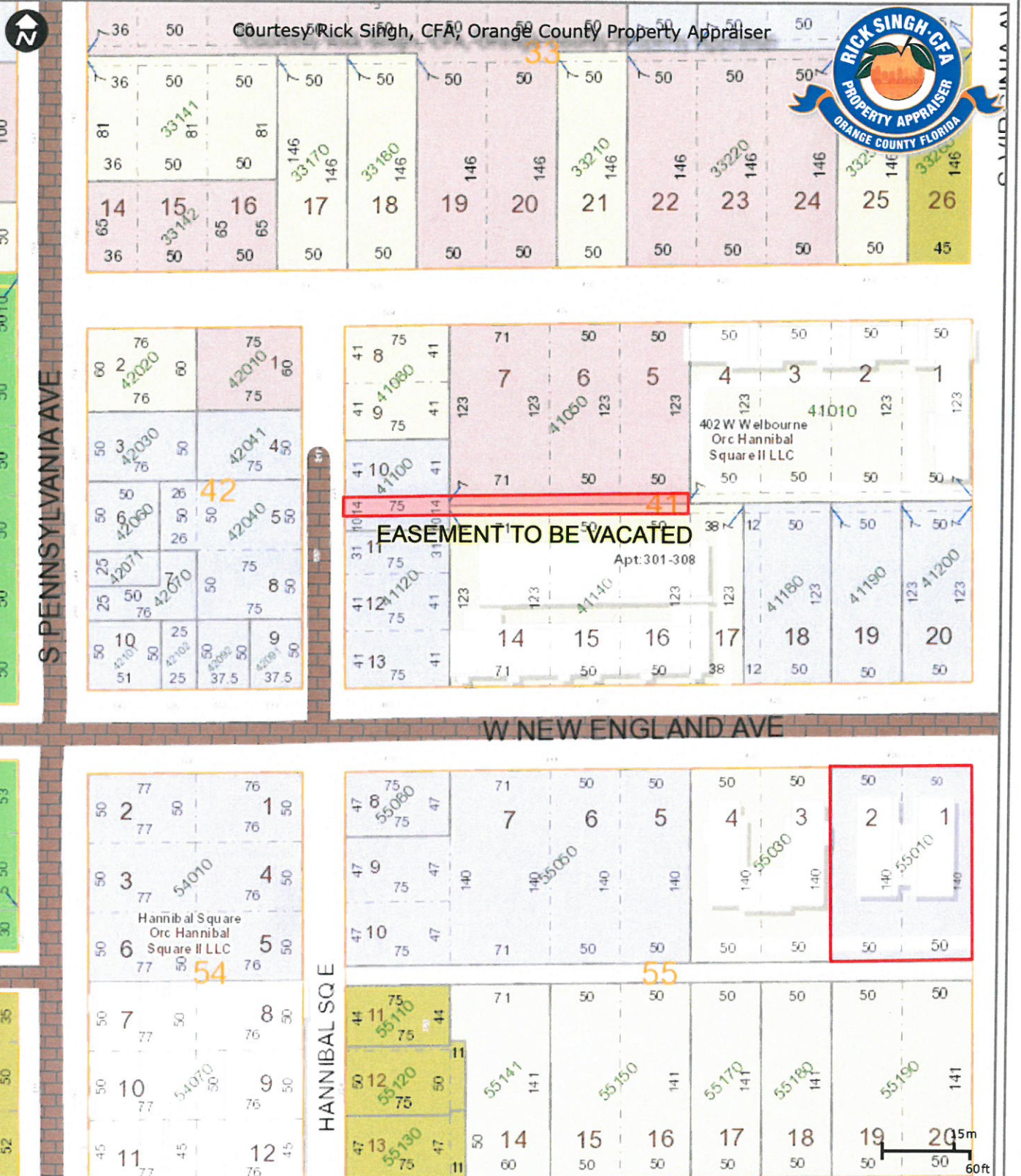
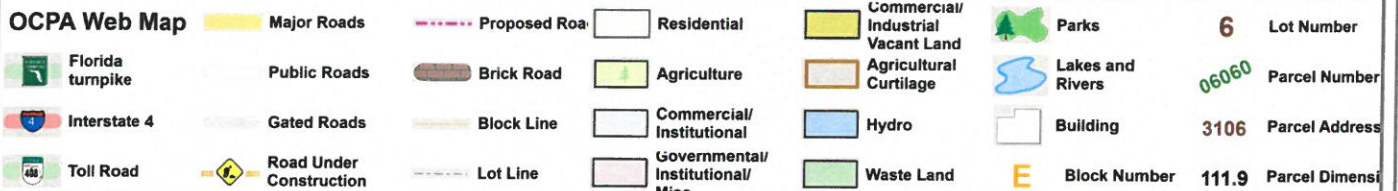
Signature: 

Print Name: TERRY HOTARD

Title: ASSISTANT DIRECTOR: CITY OF WP ELECTRIC UTILITY

Date: APRIL 15 2016

OCPA Web Map



Date: April 15, 2016

City of Winter Park
Water & Wastewater Utility Department
401 South Park Avenue
Winter Park, FL 32789
Attn: Mr. David L. Zusi, Director

Dear Mr. Zusi:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 226 Hannibal Square East, Lot 10, Block 41 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at Morney Partnership, Ltd., P.O. Box 350, Winter Park, FL 32790. If you have any questions, please contact Dan Bellows.

Sincerely

Name: Daniel B. Bellows
Address: P.O. Box 350
City, State, Zip Code: Winter Park, FL 32790

_____ The subject parcel is not within our service area.

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

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

Additional comments: The City agrees to vacate the easement across Lots 5,6,7,10,11,14,15, and 16 in Block 41.

Signature: _____

Print Name: E. Phillip Daniels

Title: Assistant Utility Director

Dept: Water & Wastewater Utility Department

Date: April 15, 2016

Date: 4/1/16

Bruce A. Stout
TECO/People GAS
PO Box 2433
Orlando, FLA 32802-2433
Dear Bruce:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) BLK 41 TOWN of Winter Park in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at SYDAN CORP PO BOX 350 Winter Park. If you have any questions, please contact DAN BelloWS FLA 32790

Sincerely

Name: DANIEL B. BelloWS
Address: PO BOX 350
City, State, Zip Code: Winter Park, FLA 32790-0350

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

Additional comments: _____

Signature: Bruce A. Stout
Print Name: Bruce Stout
Title: Gas Design Project Manager
Date: 4/12/16

Date: 4/1/16

MARVIN USRY
Bright House Networks, Inc
3767 All American Blvd
Orlando, FL 32810

Dear MARVIN:

I am in the process of requesting the City of Winter Park vacate an easement/right of way as shown on the copy of the enclosed tax map. The site is located at (address) 226 HANNIBAL ST EAST Bldg 41 TOWN OF W in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at SYDOR CORP PO Box 350 Winter Park, FL. If you have any questions, please contact DAN BELLONS 32790

Sincerely

Name: DANIEL B. BELLONS
Address: PO Box 350
City, State, Zip Code: Winter Park, FL 32790

The subject parcel is not within our service area.

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

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

Additional comments: BRIGHT HOUSE HAS NO OBJECTION TO THE TERMINATION OF THE UTILITY EASEMENT IN BLOCK 41, TOWN OF WINTER PARK, ONLY ABUTTING LOTS 5, 6, 7, 10, 11, 14, 15 AND 16.

Signature: Marvin L. Usry, Jr.

Print Name: MARVIN L. USRY, JR.

Title: CONST. SUPV.

Date: 4/1/16



city commission public hearing

Item type	Public Hearing	meeting date	May 9, 2016
prepared by	Michelle Neuner	approved by	<input checked="" type="checkbox"/> City Manager
department	City Management		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship	
	<input type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

subject

Advisory Board Review and Modification SECOND READING OF ORDINANCE

motion | recommendation

After receiving public input, adopt on second reading recommended ordinance.

background

In 2011, the City adopted Ordinance 2843-11 consolidating city boards, standardizing board procedures and defining the duties of each board into a single ordinance and repealing all previous ordinances and resolutions related board creation and procedures. Included in the general rules applicable to subsidiary boards, is a provision to sunset and terminate boards not required by statute or charter every five years following May 1, 2011, unless the board is renewed by majority vote of the Commission.

Staff has reviewed the existing board structure and instead of simply providing a list of boards to be continued, has prepared the attached ordinance with additional recommendations as summarized below.

- **General provision** – provides a statement allowing all boards to consider fundraising opportunities and recommend alternatives where appropriate to the City Commission.
- **Code Enforcement Board** – Retitle to Code Compliance Board.

- **Construction Board of Appeals** – Has a new requirement (HB535) that at least one member is a: fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional.
- **Ethics Board** – Sunset this board. Their last meeting was 11/2011 and there have been members appointed to the board that never attended a meeting. The board was designed to meet on an as needed basis and have not been assigned topics by the Commission since 2010/2011. This Board could be replaced by a task force if something should arise in the future.
- **Historic Preservation Board** – Duties were updated to be consistent with adopted ordinance.
- **Independent Personnel Board** – Clarify that the Civil Service Board (minus the employee members) serves this role.
- **Keep Winter Park Beautiful and Sustainable** – At the recommendation of the Board Liaison, reduce to 7 members through attrition. Based on current membership, this board would drop to 10 members in the coming year.
- **Lakes and Waterways Board** – Duties were updated to be consistent with adopted ordinance and a clear process is established for appeals of decisions.
- **Pedestrian and Bicycle Advisory Board/ Transportation Advisory Board** – Retitle to Transportation Advisory Board and increase responsibilities to include all transportation related issues. Designates preference for a Transportation Engineer and Transportation Planner to be included in the board membership.
- **Tree Preservation Board** – Allow the Code Compliance Board to serve this role. The last two cases heard were 12/2012 & 1/2015.
- **Utilities Advisory Board** – Reduce to 7 members through attrition. Based on current membership, this board would be reduced to 7 members in coming year.

alternatives | other considerations

Any combination of the above may be accepted or rejected at the discretion of the Commission with the exception of the state required position on the Construction Board of Appeals.

fiscal impact

N/A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AND COMMISSIONS AS ADOPTED BY ORDINANCE NO. 2843-11 AND AS FURTHER AMENDED BY ORDINANCE NO. 2880-12; AMENDING CHAPTER 22, ARTICLE II, SECTION 22-28 "AMENDMENTS TO THE FLORIDA BUILDING CODE," SUBSECTION 113 CONCERNING THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR BOARD MEMBERSHIP, RENAMING OF CERTAIN BOARDS AND THE CONSOLIDATION DUTIES OF CERTAIN BOARDS; PROVIDING FOR CITY COMMISSION APPROVAL OF THE CONTINUED EXISTENCE OF CERTAIN BOARDS TO AVOID SUNSETTING; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the City Commission has determined that it is in the interest of the residents of Winter Park and other persons doing business with the City to provide for a uniform and comprehensive division within the City Code, to the extent allowed by law, concerning all subsidiary boards and commissions of the City, and to provide for a consolidation of the duties and rules pertaining to certain boards; and

WHEREAS, on June 13, 2011, the City Commission adopted Ordinance No. 2843-11 codifying amendments to Article III of Chapter 2 of the City of Winter Park Code of Ordinances; and

WHEREAS, on August 13, 2012, the City Commission adopted Ordinance No. 2880-12 further amending Article III of Chapter 2 of the City of Winter Park Code of Ordinances; and

WHEREAS, the City Commission desires to further amend Article III of Chapter 2 of the City of Winter Park Code of Ordinances as set forth in this Ordinance; and

WHEREAS, the City Commission desires to amend Chapter 22, Art. II, Section 22-28 in order to address the membership and authority of the Construction Board of Adjustment and Appeals; and

WHEREAS, the City Commission desires to prohibit the sunseting of certain city boards.

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

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

Section 2. Amendment/Adoption. Article III of Chapter 2 of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; language not included is not being amended):

ARTICLE III. - SUBSIDIARY BOARDS OF THE CITY OF WINTER PARK DIVISION 1. -
ESTABLISHMENT OF CITY BOARDS

Sec. 2-46. - Establishment of city boards.

There shall be established in this division all boards of the City of Winter Park. If a board is required to be in existence by Florida Statute or City Charter, the section providing for the board shall so provide, as well as any special requirements. If, by Florida Statute or Charter there is a requirement with respect to the board that is different than the general rules in this chapter and article, then the requirements of state statute and the Charter shall control.

Sec. 2-47. - List and size of boards established.

The following boards and number of members are established. The general requirements are specified in division 2 herein and the board specific requirements are specified in division 3. Unless the City Charter or state law requires a different number of members, each board shall have seven members and one alternate member, although boards that had more than seven members prior to May 9, 2011, shall continue to have the greater number of members plus one alternate, and other boards by ordinance of the city commission may have a greater number of members, as shown hereinafter:

- (1) Board of adjustments;
- (2) Civil service board (also sits as the independent personnel review board);
- (3) Code ~~enforcement~~ compliance board (which also sits as the nuisance abatement board and tree preservation board and performs the functions of a code enforcement board pursuant to F.S. ch. 162);
- (4) Community redevelopment agency;
- (5) Community redevelopment advisory board;
- (6) Construction board of adjustments and appeals;
- (7) Economic development advisory board;
- ~~(8) Ethics advisory board;~~
- ~~(9)~~ (8) Historic preservation board;
- ~~(10)~~ (9) Housing authority board;
- ~~(11) Independent personnel review board;~~
- ~~(12)~~ (10) Keep Winter Park beautiful and sustainable advisory board ~~—15 members, one alternate;~~
- ~~(13)~~ (11) Lakes and waterways advisory board;

- (124) Parks and recreation advisory board;
- (135) ~~Pedestrian and bicycle~~ Transportation advisory board;
- (146) Planning and zoning board;
- (157) Public art advisory board - 11 members, one alternate;
- (18) ~~Tree preservation board~~;
- (169) Utilities advisory board ~~—nine members, one alternate~~;
- (2017) Winter Park Firefighters' pension board;
- (1824) Winter Park Police Officers' pension board.

DIVISION 2. - GENERALLY

Sec. 2-48. - General rules applicable to subsidiary boards of the City of Winter Park.

(a) Date of appointment of members. With the exception of the civil service board, the members of all boards of the city shall be appointed by the mayor, subject to the approval of the city commission, at the first commission meeting in May of each year or as soon thereafter as possible and such members shall be seated at the first meeting following May 31. The members of the civil service board shall be appointed in December and be seated effective the third Tuesday in January.

(b) Removal of members. Members of city boards shall serve at the will of the city commission and shall be subject to removal at any time, with or without cause, by a majority vote of the city commission. This provision is intended to be supplemental to, and not in conflict with, the provisions of F.S. § 112.501 which concerns the procedure for removal or suspension of a member of a municipal board for cause. In instances when a member is removed for cause, the procedures in F.S. § 112.501 shall apply.

(c) Resignations. Members of all boards shall be entitled to resign at any time by delivery of written notice thereof to the city commission.

(d) Quorum. A quorum shall be a majority of the total board membership physically in attendance at a meeting.

(e) Applicability of rules of ethics. No member shall take any action or vote if such vote or action is prohibited by a standard of conduct or voting conflict of interest as defined or prohibited in the code of ethics for public officers and employees stated in F.S. ch. 112 or if such action or vote is in violation of the Code of the City of Winter Park.

(f) Vacancies. The mayor, subject to approval of the city commission, shall promptly fill all vacancies, including alternate members, occurring on city boards. A vacancy shall be filled for the unexpired term of the member whose term becomes vacant.

(g) Alternate members. An alternate member may always participate in board discussions subject to the rules adopted by each board for the conduct of meetings and member discussion at meetings. Unless a member of the board is absent, an alternate member may not make motions or cast a vote at a meeting. However, if a member of the board is absent, then at such meeting where the member is absent, an alternate may make motions and cast a vote in the stead of the absent member. In the event a regular member of a board is removed from office or vacates his or her office prior to the end of the appointed term, the alternate of said board, will automatically advance to the vacated position for the remainder of the regular term without additional action of the city commission. If there is no alternate, the mayor shall appoint subject to commission approval.

(h) Exception to automatic advancement. If a vacancy occurs in a board position within 60 days before the end of the term of the member, the position shall remain vacant until filled as part of the regular appointment process by which the mayor shall appoint the member, subject to the approval of the city commission, at the first commission meeting in May of each year.

(i) Representation by member of third parties. No member of a board shall represent a third party in any proceeding before such board to which the member belongs.

(j) Role and responsibility of members of subsidiary boards of the City of Winter Park. Members of subsidiary municipal boards shall have such authority as provided by law, including ordinances of the City of Winter Park and the City Charter. No member of a board shall exceed his or her delegated authority, and except to the extent Florida law or an ordinance or Charter provision expressly requires the board to perform an adjudicatory function as a quasi-judicial board, the function and duty of each subsidiary board and the members of those boards is limited to acting in an advisory capacity only, by which the members of the various city boards are authorized to receive and gather information, attend board meetings, and apply their best efforts to render advice and recommendations to the Commission of the City of Winter Park in the interest of the city and its residents. Although city boards may make recommendations concerning provisions of the City Code, no member of a city board shall, by virtue of such office, have the authority to represent the City of Winter Park in any action to enforce the City Code or any provision thereof.

(k) Term in office and reappointment. Unless otherwise required by Florida Statutes or City Charter, each member of the city's boards shall have an initial term of three years in office and may be reappointed to one additional consecutive three-year term. Following a break in service of at least one year, a former member may be appointed again to the same board subject to the limitation expressed herein, that the term shall be for three years with an opportunity to be reappointed for one three-year term immediately following the expiration of the initial three-year term. For good cause shown, the mayor may waive this term limitation, subject to approval by majority vote of the commission. The serving of a partial term of office on a city board shall not count towards the term limits set forth in this subsection.

(l) Attendance, participation by telephone, and procedures if there is lack of a quorum. Each member of a city board shall be automatically terminated from the board if the member misses three consecutive meetings, or if the member is absent from more than 50 percent of the scheduled meetings of the board in any 12-month period. Each member of a city board may participate in a meeting by telephone if he or she gives good cause for the need to appear by telephone, and in such instances the appearance by telephone shall be counted as the member being present at the meeting. However, a member participating by telephone may only vote if a physical quorum is present at the meeting, and votes and other action may not be taken at a

meeting unless a quorum of members is physically present at the meeting. Notwithstanding, if a quorum is not physically present, the members who are in attendance may vote to adjourn the meeting for lack of a quorum. And, so long as a meeting is properly noticed and is in compliance with the requirements of the Sunshine Law, less than a quorum of a board may meet for purposes of discussion so long as there is no action or vote taken at such meeting.

(m) Evaluation process. Each city board shall make provision for an annual self-evaluation process by which it and the individual board members are evaluated, and the activity and accomplishments of each board shall thus be annually evaluated and reported to the commission. The city manager shall work with the presiding officer or designee of each city board to insure that the report concerning the evaluation of each board member and each board is presented to the city commissioner prior to the first day of April each year to insure that the information is available before the annual appointment of members at the first meeting in May of each year. The city manager shall develop a standard city form and format for evaluations that will be used for each subsidiary board of the city. The city manager shall recommend the evaluation instrument and format and the city commission shall approve the same with such revisions as the commission determines may be appropriate.

(n) Task forces. The city commission may, from time to time, establish a task force for the study of a particular issue. A task force established by the city commission will have a limited scope of responsibility and will address only the issue or issues designated, and following the study of such matters shall report the findings of the task force to the commission with recommendations. Unless otherwise established by the city commission or extended by action of the commission, no task force shall continue in existence beyond 180 consecutive calendar days following the effective date of the decision, resolution or ordinance providing for the establishment of the task force.

(o) Sunset of boards unless a board is required by statute or Charter. Except for those boards that are required to be in existence pursuant to Florida Statute or City Charter, each city board shall sunset and terminate every five years following May 1, 2011, unless the board is renewed by a majority vote of the commission. This will allow the commission to evaluate the effectiveness and need for the particular board on a regular basis. Notwithstanding this provision, any advisory board may be terminated at any time by a majority vote of the city commission, unless such board is required by Florida Statute or Charter. The following quasi-judicial boards will not sunset: board of adjustments; planning and zoning; construction board of adjustments and appeals; code enforcement compliance; civil service; lakes and waterways advisory board (to the extent it hears stormwater fees appeals); historic preservation board (to the extent it acts in a quasi-judicial capacity with respect to recommendations for or against rezonings, demolitions, developments, lot splits, lot consolidations or conditional uses that could impact historic resources identified in the Florida Master Site File Survey of the City of Winter Park, reviews applications for certificates of review for designated landmarks, resources and property within designated districts, or approves variances appropriate for the preservation of historic resources in conjunction with applications for certificates of review); and the tree preservation board (to the extent it sits as a quasi-judicial board with respect to the consideration of applications for tree removal permits and appeals to the tree preservation board from any denial of an application or any of the conditions attached to the approval of a tree removal permit, or to the extent it sits as a quasi-judicial board with respect to the recommendation of modification of building plans or variances regarding the preservation of protected trees, or the waiver of up to a maximum of five parking spaces for the purposes of preserving existing protected trees). Additionally, without first complying or satisfying legally imposed conditions, the community redevelopment agency and the housing authority may not be abolished.

(p) Expenses and reimbursement. No member of any board shall receive a salary or fee for service as a member. However, the city manager may authorize reimbursement of necessary expenses for travel, per diem or other expenses if the same are documented in advance and approved by the city manager in writing in advance of the member incurring such expense while on official business for the city, it being a requirement that no expense will be reimbursable unless it is reasonably related to city business performed by a member of a subsidiary board of the City of Winter Park.

(q) Internal rules of conduct. Each board shall adopt such rules as are necessary to the conduct of its business. Each board shall elect a chair and vice-chair from its membership on an annual basis. All meetings of the board shall be in accordance with the Sunshine Law, F.S. § 286.011, and the records thereof shall be public records as required by F.S. ch. 119 unless the record is specifically subject to a statutory exemption. The city manager, city attorney and/or a designated city staff member shall be reasonably available upon request to provide technical support and advice to assure each board that it is operating in conformance with the requirements of law. Each board shall be responsible to keep minutes of its proceedings as required by law, showing at a minimum the date, time and place of the meeting, members physically in attendance, appearing by telephone, and absent, and also showing each matter discussed, moved, and voted upon. The records of each matter voted upon shall show the vote of each member on each question, and those members absent or abstaining or otherwise failing to vote. All of such records shall be kept, and the minutes and records of official actions shall be public records and retained in the office of the city clerk.

(r) Residency requirement. Unless nonresidency in the City of Winter Park is a requirement of the City Charter, Florida Statutes or division 3 hereof, the mayor shall show preference to residents of the City of Winter Park for appointments to city boards.

(s) Provision of legal and staff services. To the extent not specifically mentioned in division 3 of this chapter and article, a subsidiary board of the City of Winter Park may request from the city manager that the city manager direct staff or the city attorney to provide technical and legal support to the board with respect to such matter or matters that may be identified by the board.

(t) Frequency of meetings. Unless otherwise provided with respect to a specific board of the City of Winter Park, each board shall provide in its internal rules of procedure the frequency and schedule for its meetings. The board shall notify the city clerk and city manager in writing with respect to the schedule of meetings established by such board. Unless a board determines otherwise for good cause, it shall meet monthly. However, if it is not necessary to hold monthly meetings to conduct the business of the board, the board shall provide for an alternative schedule of meetings.

(u) All subsidiary boards shall allow for public comment in the manner required by Chapter 2013-227, Laws of Florida."

(v) Fundraising. Each board shall have the role and function with respect to fundraising to explore opportunities and to give advice and make recommendations to the city commission, and in all instances the city commission shall be the responsible entity to enter specific fundraising programs in behalf of the City of Winter Park.

Sec. 2-49. - Divisions 1 and 2 apply to all city boards.

Except as otherwise expressly provided in division 3, with respect to a specific board, the Charter, or Florida Statutes, the requirements governing city boards stated in divisions 1 and 2 of this article shall apply to each city board.

DIVISION 3. - DESCRIPTION, DUTIES AND PROCEDURES OF EACH CITY BOARD

Sec. 2-50. - Board of adjustments.

There is established within the City of Winter Park, pursuant to the provisions hereof, a board of adjustments, subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 hereof.

(2) Quasi-judicial proceedings. The board of adjustments shall conduct its quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the board of adjustments is in accordance with the requirements of Florida law.

(3) Authority. The board of adjustments shall have the jurisdiction to hear appeals in specific cases where an owner or authorized owner's representative requests a variance from sections of the land development code. A request for variance shall be subject to the requirements of the public interest and the land development code, and may be appropriate where, because of special conditions, an interpretation of the provisions of the code relating to zoning or signs will result in an unnecessary hardship.

(4) Incorporation into land development code. Subject to the provisions of this article, the requirements and procedures in chapter 58 of the City Code, including article III thereof for zoning, shall apply to the conduct of the business of the board of adjustments. The board of adjustments shall comply with the city's land development code, including the provisions concerning notice and procedures at sections 58-91 and 58-92. By this reference this section is incorporated into the city's land development code.

Sec. 2-51. - Civil service board.

There is established pursuant to the authority in Article 3, Section XIV of the Florida Constitution, and section 4.07 of the City Charter, a civil service board, subject to the following provisions:

(1) Membership. Membership of the civil service board shall be as provided in section 74-52 of the City Code. The provisions of divisions 1 and 2 hereof shall apply to the extent those general provisions are not in conflict with section 74-52 of the City Code. In the event of any conflict between division 1 and section 74-52, the provisions of section 74-52 of the City Code shall control. The civil service board shall have seven members. Five members shall be appointed by the city commission in the manner provided in divisions 1 and 2 of this article, and such

appointees shall be persons of different vocations residing in the city who are not employed by the city. The remaining two members shall be chosen, one by the members of the police department and one by the members of the fire department, according to election procedures set out in chapter 74, article III, section 74-51 et seq., of the City Code. The chief of police and chief of the fire department shall be ex officio members of the civil service board and shall be permitted to address matters in any proceeding, but shall have no vote. The terms of all civilian members of the board will be three years and each term shall commence on the third Tuesday in January. The terms of the police and fire department members shall be for one year. The remaining details concerning membership are set out in section 74-52 of the City Code.

(2) Quasi-judicial proceedings. The civil service board shall conduct its quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the civil service board is in accordance with the requirements of Florida law.

(3) Authority. The civil service board shall have such authority and responsibility as set out in chapter 74, article III, section 74-51 et seq., of the City Code, which concerns the civil service board, and shall abide by the procedural and substantive requirements set out in said sections in chapter 74 relating to the board. To the extent the general provisions in divisions 1 and 2 hereof are not in conflict with chapter 74, then the provisions in divisions 1 and 2 shall control. The civil service board (less the two employee members) shall also serve as the independent personnel review board as provided in section 2-61 of the City Code.

Sec. 2-52. - Code ~~enforcement~~ compliance board.

There is established within the City of Winter Park pursuant to F.S. § 162.05, and by the authority of the city commission, a code ~~enforcement~~ compliance board, subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 hereof. Members shall be residents of the city. In accordance with F.S. § 162.05(2), the membership of the code ~~enforcement~~ compliance board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.

(2) Quasi-judicial proceedings. The code ~~enforcement~~ compliance board shall conduct its quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the code ~~enforcement~~ compliance board is in accordance with the requirements of Florida law.

(3) Authority. The code ~~enforcement~~ compliance board shall have ~~such~~ the authority, responsibility and jurisdiction ~~of a code enforcement board to respond to such matters as are set out in pursuant to F.S. ch. 162 and any other matters provision set forth~~ of a code enforcement board to respond to such matters as are set out in pursuant to F.S. ch. 162 and any other matters provision set forth in the City Code conferring authority or quasi-judicial responsibility on the code ~~enforcement~~ compliance board, including without limitation false fire alarm appeals, pursuant to subsection 46-29(d) and those matters provided for in sections 2-104 through 2-110 of the City Code. The code ~~enforcement~~ compliance board shall also serve as the nuisance abatement board as provided in section 2-81 of

the City Code and the tree preservation board as provided in section 2-68 of the City Code. In performing its function, the code ~~enforcement~~ compliance board shall be governed by the procedures set out in Florida law and section 2-101 et seq., of the City Code.

The provisions in divisions 1 and 2 of this article shall apply to the conduct of the code ~~enforcement~~ compliance board except for any provision thereof that conflicts with a provision in sections 2-104 through 2-110 of the City Code, in which case the conflicting provision in sections 2-104 through 2-110 shall control.

Sec. 2-53. - Community redevelopment agency.

There is established within the City of Winter Park pursuant to the provisions hereof, a community redevelopment agency, subject to the following provisions:

(1) Membership. Pursuant to F.S. § 163.356, the term of office of the members of the community redevelopment agency shall be for four years, and the members are referred to as commissioners in said statute. The city commission shall serve as five commissioners on the community redevelopment agency, and the county shall have the right to appoint the sixth commissioner to the agency. The city commission may remove a commissioner of the community redevelopment agency for inefficiency, neglect of duty, or misconduct in office only after a hearing, and only if he or she has been given a copy of the charges at least ten days prior to such hearing and has had an opportunity to be heard in person or by counsel, as provided in F.S. § 163.356(4). Otherwise, the provisions in divisions 1 and 2 of this article shall govern the community redevelopment agency.

(2) Scope of authority. The community redevelopment agency shall constitute a separate and distinct entity to the extent provided under Florida law, and shall have such powers as are provided to community redevelopment agencies as set out in F.S. ch. 163, pt. III, § 163.330 et seq., relating to community redevelopment.

Sec. 2-54. - Community redevelopment advisory board.

There is established within the City of Winter Park, pursuant to the provisions hereof, a community redevelopment advisory board, subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 of this article. Notwithstanding the general requirements stated in divisions 1 and 2 of this article, the membership of the community redevelopment advisory board shall include a minimum of 50 percent residents and business owners within the community redevelopment area subject to the jurisdiction of this board.

(2) Advisory board. The community redevelopment advisory board is an advisory body and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission concerning matters related to community redevelopment. The community redevelopment advisory board shall have no adjudicatory or enforcement authority.

(3) Procedures. The procedures and rules for operation of the community redevelopment advisory board shall be in accordance with the general requirements stated in division 2 hereof.

Sec. 2-55. - Construction board of adjustments and appeals.

(a) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 hereof. The construction board of adjustments and appeals is a "local construction regulation board" as defined in F.S. § 489.101(12), which means a board composed of not fewer than three residents of the city, appointed to maintain the proper standard of construction within the City of Winter Park. To the extent reasonably possible, the construction board of adjustments and appeals shall include as members a practicing architect, a structural engineer, two licensed construction contractors, a master electrician, a master plumber or, and a mechanical contractor or mechanical engineer. By state statute, this board is required to have at least one fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional. The alternate member of this board shall also be licensed and employed or practicing in one of these trades. A member of the board may be a nonresident when no qualified resident applies for the membership on the board.

(b) Quasi-judicial proceedings. The construction board of adjustments and appeals shall comply with the requirements of Florida law in the conduct of quasi-judicial proceedings in all matters deemed quasi-judicial, including appeals from the enforcement of any provision of an applicable building code, and a request for a modification of an order of the building official. Upon request, the city attorney or city manager will provide technical support and advice to the construction board of adjustments and appeals for purposes of conducting quasi-judicial proceedings in accordance with the requirements of Florida law.

(c) Authority. The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official of the Florida Building Code as modified by the City of Winter Park and interpretations of the Fire Code Official (Fire Marshal) of the Florida Fire Prevention Code, and shall also have the authority to suspend or revoke the certificate of competency or certification to provide services within the City of Winter Park of any contractor, including any specialty contractor doing work in the city who is found by the construction board of adjustments and appeals to be guilty of one or more of the following acts or omissions:

(1) Fraud or deceit in obtaining a certificate of competency.

(2) Negligence, incompetence, or misconduct in the practice of contracting within the meaning of the City's Code, including its land development code.

(3) Willful and deliberate disregard of, or violation of the City's Code, including its building code, or of any state statute concerning contractor licenses.

(d) Incorporation into building code. The requirements and procedures set out in the city's building code (chapter 22 of the City Code) shall apply to the conduct of the business of the construction board of adjustments and appeals. All activity of this board shall be as set out in the

city's building code, subject to the requirements of this article. By this reference this section is incorporated into the city's building code.

(e) Building official and procedures for appealing decisions of the building official. The position of the building official of the City of Winter Park, the scope of his authority on behalf of the city, and the procedures for filing an appeal from a decision of the building official are established in the city's building code, chapter 22 of the City Code.

Sec. 2-56. - Economic development advisory board.

Pursuant to the authority of the city commission, there is established within the City of Winter Park, an economic development advisory board, subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 of this article. The Winter Park Chamber of Commerce President shall be requested to serve as a member of the economic development advisory board.

(2) Advisory board. The economic development advisory board is an advisory board and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission concerning economic development. The economic development advisory board shall have the authority to establish other areas of interest that it deems relevant in the interest of the City of Winter Park and its residents with respect to quality and sustainable economic development consistent with the goals and objectives of the City of Winter Park and the Charter thereof. The economic development advisory board shall have no adjudicatory or enforcement authority.

(3) Procedures. The procedures and rules for operation of the economic development advisory board shall be in accordance with the general requirements stated in divisions 1 and 2 of this article.

Sec. 2-57. - Reserved.

Editor's note— Ord. No. 2880-12, § 3, adopted Aug. 13, 2012, repealed § 2-57 in its entirety, which pertained to environmental review advisory board and derived from Ord. No. 2843-11, § 2, adopted June 13, 2011; Memo of Feb. 22, 2012(Att. A).

Sec. 2-58. Reserved. —~~Ethics advisory board.~~

~~Pursuant to the City Charter, there is established within the City of Winter Park an ethics advisory board, subject to the following provisions:~~

~~(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 of this article.~~

~~(2) Advisory board. The ethics advisory board is an advisory body and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission concerning matters related to ethics in the governance of the City of Winter Park. The ethics advisory board shall have no adjudicatory or enforcement authority.~~

~~(3) Procedures. The procedures and rules for operation of the ethics advisory board shall be in accordance with the general requirements stated in divisions 1 and 2 of this article.~~

Sec. 2-59. - Historic preservation board.

There is established within the City of Winter Park, pursuant to the provisions hereof, a historic preservation board, subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 of this article and section 58-446 of the City Code.

(2) With exception this is an advisory board. The historic preservation board is generally an advisory board with exceptions. With respect to its advisory role, after receiving information it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, the board shall give advice and recommendations to the city commission related to historic preservation. As an exception to the general rule that this is an advisory board, the city commission may, by ordinance or resolution, assign a quasi-judicial function to this board with respect to the approval of variances that are appropriate to the preservation of historic resources in conjunction with applications for certificates of review, and for other matters as determined by the city commission in ordinance or resolution.

(3) Quasi-judicial proceedings. To the extent the city commission by ordinance or resolution shall provide, the board sits as a quasi-judicial body, then in such cases the board shall conduct the quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the board is in accordance with the requirements of Florida law. In such proceedings, the board shall be governed by the substantive and procedural requirements set out in the City Code, including those provisions set out in the land development code (chapter 58) if applicable. The provisions hereof are deemed to be incorporated by reference into chapter 58 of the City Code relating to historic preservation.

(4) Functions, powers and duties of the historic preservation board. The functions, powers and duties of the board shall be as set out in ~~section 58-446~~ chapter 58, article VIII of the City Code.

Sec. 2-60. - Housing authority board.

There is established within the City of Winter Park pursuant to the provisions hereof, a housing authority board subject to the following provisions:

- (1) Membership. The provisions of division 1 of this chapter and article shall apply to the membership and means of appointment thereof, subject to the provisions in F.S. ch. 421, including § 421.05.
- (2) Independent authority. The housing authority board is an independent housing authority established pursuant to F.S. ch. 421.
- (3) Declaration of need. Pursuant to F.S. § 421.04, the city declares that there is a need for the establishment of the housing authority board pursuant to the requirements and provisions of F.S. ch. 421.
- (4) Authority and scope of responsibility. The housing authority board shall perform such duties and have such functions as are provided under Florida law for housing authorities, including those requirements specified in F.S. ch. 421 and rules promulgated by administrative agencies of the State of Florida pursuant to chapter 421.
- (5) Incorporation of divisions 1 and 2 of this article. The provisions of divisions 1 and 2 of this article are incorporated herein, and shall apply except to the extent of any conflict with state law, in which event any conflicting provision of state law shall control.

Sec. 2-61. - Independent personnel review board.

There is established within the City of Winter Park, pursuant to the provisions hereof, an independent personnel review board pursuant to the requirements in section 4.05 of the City Charter and chapter 74, article II, section 74-26 et seq., of the City Code, subject to the following provisions:

- (1) Membership. The independent personnel review board shall consist of the five non-city employee members of the civil service board.
- (2) Quasi-judicial proceedings. The independent personnel review board shall conduct its quasi-judicial proceedings in conformance with the requirements of Florida law and chapter 74, article II, section 74-26 et seq., of the City Code. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the independent personnel review board is in accordance with the requirements of Florida law.
- (3) Authority and responsibility. The duties and responsibility of the independent personnel review board are set out in chapter 74, article II, section 74-26 et seq., of the City Code and section 4.05 of the City Charter. These provisions in the Code and Charter are incorporated herein and shall control the operation of this independent personnel review board.

Sec. 2-62. - Keep Winter Park beautiful and sustainable advisory board.

Pursuant to the authority of the city commission, there is established within the City of Winter Park, a keep Winter Park beautiful and sustainable advisory board, subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provision in divisions 1 and 2 of this article, except that the number of members shall be no greater than fifteen and no less than seven.~~15 members.~~ It is intent of the city commission for this board to eventually have seven members, and for such reduction to be achieved from attrition over time by not filling vacancies on the board until membership falls below seven members. ~~plus one alternate, and the initial terms in office for the inaugural members of the newly established keep Winter Park beautiful and sustainable advisory board shall be staggered, such that five members will be initially appointed to a term of one year, five members initially appointed to a term of two years, and five members initially appointed to a term of three years. After the initial terms in office are served, the succeeding appointments shall be for the term generally established in chapter 2, article III, for subsidiary boards of the City of Winter Park.~~

(2) Advisory board. The keep Winter Park beautiful and sustainable advisory board is an advisory board, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission concerning matters related to the environmental, economic and social sustainable of the City of Winter Park. The keep Winter Park beautiful and sustainable advisory board shall have no adjudicatory or enforcement authority. ~~However, the keep Winter Park beautiful and sustainable advisory board shall have the authority to develop and explore opportunities for fundraising and other awareness programs, but all of such opportunities shall be subject to the ordinances, resolutions and policies for such purposes established from time to time by the city commission, and the keep Winter Park beautiful and sustainable advisory board shall have no authority to commit or obligate the city with respect to the terms, conditions, or any other matters related to fundraising or commitments or agreements related to fundraising. The role and function of this board with respect to fundraising is to explore opportunities and to give advice and make recommendations to the city commission, and in all instances the city commission shall be the responsible entity to enter specific fundraising programs on behalf of the City of Winter Park.~~

(3) Procedures. The procedures and rules for operation of the keep Winter Park beautiful and sustainable advisory board shall be in accordance with the general requirements stated in divisions 1 and 2 of this article.

Editor's note— Ord. No. 2880-12, § 4, adopted Aug. 13, 2012, changed the title of § 2-62 from "Keep Winter Park beautiful advisory board" to "Keep Winter Park beautiful and sustainable advisory board". This historical notation has been preserved for reference purposes.

Sec. 2-63. - Lakes and waterways advisory board.

Pursuant to the authority of the city commission, there is established within the City of Winter Park a lakes and waterways advisory board subject to the following provisions:

(1) Membership. The number of members and the procedures for appointment thereof shall be in accordance with the provisions of divisions 1 and 2 of this article.

(2) With exception this is an advisory board. The lakes and waterways advisory board is an advisory board with one exception, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures,

give advice and recommendations to the city commission related to the protection and improvement of the city's lakes and waterways, with the goal of fostering, maintaining and improving the public stewardship, protection, long-range planning and careful oversight of the implementation of improvement projects for lake and stormwater management. The city acknowledges that the lakes and waterways within the city are a natural resource of great significance. As an exception to the general rule that this is an advisory board, the city commission may, by ordinance or resolution, assign a quasi-judicial function to this board with respect to appeals of decisions related to stormwater fees and concerning review and approval of proposed docks and boathouses under section 58-87.

(3) Quasi-judicial proceedings with respect to stormwater fees and appeals thereof. To the extent the city commission by ordinance shall provide that this board will sit as a quasi-judicial body and consider appeals from decisions related to stormwater fees, then in such cases the board shall conduct the quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the board is in accordance with the requirements of Florida law. In such proceedings, the board shall be governed by the substantive and procedural requirements set out in the City Code, including those provisions set out in chapter 102, sections 102-156 through 102-164, as these provisions may be amended by the city commission. The provisions hereof are deemed to be incorporated by reference into chapter 102 of the City Code, relating to stormwater fees and appeals from decisions related to stormwater fees.

(4) Quasi-judicial proceedings with respect to docks and boathouses. To the extent the city commission by ordinance shall provide that the lakes and waterways advisory board will sit as a quasi-judicial body and consider approval of proposed docks and boathouses, then in such cases the board shall conduct the quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the lakes and waterways advisory board is in accordance with the requirements of Florida law. In such proceedings, the board shall be governed by the substantive and procedural requirements set out in the City Code, including those provisions set out in chapter 58, section 58-87, as these provisions may be amended by the city commission. Any substantially affected person or persons aggrieved by any decision of the lakes and waterways advisory board (including, without limitation, the city) concerning a dock or boathouse, may apply to the circuit court for Orange County, Florida, for judicial relief within 30 days after rendition of the decision by the lakes and waterways advisory board. Review in the circuit court shall be by petition for writ of certiorari.

(45) Procedures. The procedures and rules for operation of the lakes and waterways advisory board shall be in accordance with the general requirements stated in divisions 1 and 2 of this article, and in accordance with the requirements under Florida law for quasi-judicial proceedings when the board hears appeals from stormwater fee decisions if such appeals are referred to the board pursuant to city ordinance or resolution.

Sec. 2-64. - Parks and recreation advisory board.

There is established within the City of Winter Park, pursuant to the provisions hereof, a parks and recreation board, subject to the following provisions:

(1) Membership. The parks and recreation advisory board shall be established in accordance with the requirements in divisions 1 and 2 of this article.

(2) Advisory board. The parks and recreation advisory board is strictly an advisory board and shall have no adjudicatory or enforcement authority. If any provision of the Code requires processing of any matter through the parks and recreation advisory board, then the purpose of such requirement is for the parks and recreation advisory board to consider the request and to give advice to the city manager and the city commission (if the matter will reach the city commission). The purpose of such proceeding will not be quasi-judicial in nature.

(3) Purpose and duties. The parks and recreation advisory board shall promote the parks and recreation programs of the city and will guide, advise and recommend to the city commission policies and actions regarding the promotion, planning, design, construction and utilization of city parks and recreation programs. The duties of the parks and recreation board will generally be to:

a. Advise and assist the city commission, the city manager and the various boards of the city in all matters involving or affecting parks and recreation.

b. The parks and recreation advisory board shall recommend policies for the improvement, creation, use and maintenance of city parks and recreation programs.

c. The parks and recreation advisory board shall recommend budgetary or special appropriations for parks and recreation programs.

d. The parks and recreation advisory board shall recommend plans for the future growth, development, use and beautification of city parks.

e. The parks and recreation advisory board shall periodically provide the city commission the public regarding the programs and facilities related to parks and recreation.

Sec. 2-65. - ~~Pedestrian and bicycle~~ Transportation advisory board.

There is established within the City of Winter Park, pursuant to the provisions hereof, a ~~pedestrian and bicycle~~ transportation advisory board, subject to the following provisions:

(1) Membership. The ~~pedestrian and bicycle~~ transportation advisory board shall be established pursuant to the provisions in divisions 1 and 2 of this article. To the extent reasonably possible, the membership shall include a transportation professional engineer with experience in developing construction plans and a professional planner with experience with projects involving transportation.

(2) Advisory board. The ~~pedestrian and bicycle~~ transportation advisory board is an advisory board and shall have no enforcement or adjudicatory power or responsibility. The provisions of division 1 of this chapter and article shall apply with respect to the operations of the ~~pedestrian and bicycle~~ transportation advisory board.

(3) Function and responsibilities. The ~~pedestrian and bicycle~~ transportation advisory board shall meet and provide for its internal governance procedures as provided in divisions 1 and 2 of this

article. The responsibility of the ~~pedestrian and bicycle~~ transportation advisory board shall be the following:

- a. To receive information and following deliberation, make recommendations and give advice to the city commission concerning opportunities for improvement, maintenance, construction and facilitation of ~~pedestrian and bicycle traffic~~ transportation (pedestrian, bicycle, public transportation, automobiles, freight, etc.) methods, infrastructure and issues in the City of Winter Park.
- b. The ~~pedestrian and bicycle~~ transportation advisory board, following receipt of information and deliberation, shall determine ways in which ~~pedestrian and bicycle utilization and traffic transportation methods~~ may be improved, enhanced and made ~~more~~ safer within the City of Winter Park.
- c. Following the receipt of information and deliberation, the ~~pedestrian and bicycle~~ transportation advisory board shall recommend to the city commission ideas for promoting safe ~~pedestrian and bicycle utilization~~ multi-modal transportation and complete streets in the City of Winter Park.
- d. The ~~pedestrian and bicycle~~ transportation advisory board shall provide education to the public and the city commission concerning the current infrastructure for ~~pedestrian and bicycle~~ multi-modal transport and complete streets in the City of Winter Park and the ways in which that infrastructure may be used safely for the enjoyment and benefit of the citizenry.
- e. The transportation advisory board shall serve the functions of the pedestrian and bicycle advisory board as set forth in Policy 2-1.5 of the comprehensive plan and any implementing land development codes or regulations thereto.

Sec. 2-66. - Planning and zoning board.

There is established within the City of Winter Park, pursuant to F.S. § 163.3174 and section 58-3 of the City Code, a planning and zoning board, subject to the following provisions:

- (1) Membership. The membership of the planning and zoning board shall be appointed pursuant to the provisions in divisions 1 and 2 of this article. Notwithstanding the general requirements in divisions 1 and 2 of this article, consideration in the appointment process will be given such that if reasonably possible, the membership of the planning and zoning board shall include a Florida licensed architect, a Florida licensed landscape architect, or a Florida licensed civil engineer.
- (2) Quasi-judicial proceedings. The planning and zoning board shall conduct its quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that the quasi-judicial activity of the planning and zoning board is in accordance with the requirements of Florida law.
- (3) Authority and responsibilities. The planning and zoning board shall have such authority and responsibilities as are set out in the land development code, including the provisions in chapter 58 of the City Code, and section 58-88 et seq., of the Code. The procedures that the planning and zoning board shall abide by are those set out in the city's land development code, subject to the requirements of Florida law with respect to quasi-judicial proceedings involving land use decisions. By this reference, this section is incorporated into the city's land development code.

Sec. 2-67. - Public art advisory board.

There is established within the City of Winter Park, pursuant to the provisions hereof, a public art advisory board, subject to the following provisions:

(1) Membership. The public art advisory board shall be established in accordance with the requirements of divisions 1 and 2 of this article. The procedures set out in divisions 1 and 2 of this article shall control the operation of the public art advisory board, subject to the specific provisions hereinafter provided. If reasonably available, consideration shall be given to include in the membership of the public art advisory board an architect, including a landscape architect, an artist, a representative from a museum or art gallery, an experienced business person and a resident representative of the residential community.

(2) Advisory board. The public art advisory board is an advisory board and shall have no adjudicatory or enforcement responsibilities or authority.

(3) Responsibilities and function of the public art advisory board. The public art advisory board shall set out its rules for conducting business in accordance with the requirements of divisions 1 and 2 of this article, and following the receipt of information and deliberation, the public art advisory board shall have the following responsibilities and scope of service:

a. Following the receipt of data from various sources and deliberation, the public art advisory board shall provide advice and recommendations to the city commission for the siting of public art, and in making these recommendations, the public art advisory board shall endeavor to perform visual inspections of sites to ascertain the physical, cultural and historical aspects of sites being recommended to the city commission.

b. The public art advisory board shall develop and facilitate a composite map identifying signature opportunities within the city for public art.

c. The public art advisory board shall interview and recommend public art projects and assist in the selection of artists for possible public art projects, but in such respect, the action shall be strictly as an advisory board for the purpose of making recommendations to the city commission.

d. The public art advisory board shall develop a public arts action plan and recommend the same to the city manager and city commission for the implementation of educational and organizational opportunities related to and concerning public art.

e. The public art advisory board shall establish and maintain liaison with other public and private agencies involved with public art.

f. The public art advisory board shall advise the city commission and city manager in all matters involving or affecting public art.

g. The public art advisory board shall periodically inform the city commission and the general public regarding programs involving public art within the City of Winter Park.

Sec. 2-68. - Tree preservation board.

Pursuant to the authority of the city commission, there is established within the City of Winter Park, a tree preservation board, subject to the following provisions:

(1) Membership. The members of the code compliance board shall serve as the tree preservation board. The number of members and the procedures for appointment thereof shall be in accordance with the provisions of divisions 1 and 2 of this article. The membership shall include three of its members coming from other boards as provided in subsection 58-283(d) of the City Code.

(2) With exception, this is an advisory board. The tree preservation board is generally an advisory board with exceptions, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission related to the protection and improvement of the city's trees, with the goal of fostering, maintaining and improving the public stewardship, protection, long range planning and careful oversight of the implementation of improvement projects for the maintenance, preservation, growth and enhancement of trees within the City of Winter Park. The city acknowledges that its trees and tree canopy are a natural resource of great significance.

As an exception to the general rule that this is an advisory board, the city commission may, by ordinance or resolution, assign a quasi-judicial function to the tree preservation board. The provisions of this article concerning general procedures applicable to city boards and this section concerning the tree preservation board are incorporated by reference into section 58-283. These quasi-judicial functions include the assignment, in section 58-283 of the authority to hear and decide appeals from tree removal applications, appeals from conditions of approval for approved tree removal permits, appeals concerning a request for a waiver of parking spaces in multi-family residential and nonresidential parking lots, and cases involving the modification of building plans or variances relating to the preservation of trees.

(3) Quasi-judicial proceedings. To the extent the city commission by ordinance provides that this board has quasi-judicial authority, the board shall conduct such quasi-judicial proceedings in conformance with the requirements of Florida law. The city manager and city attorney shall provide technical support and resources upon request to assure that this quasi-judicial activity of the board is in accordance with the requirements of Florida law. In such proceedings, the board shall be governed by the substantive and procedural requirements set out in the City Code, including those provisions set out in chapter 58, as these provisions may be amended by the city commission.

Sec. 2-69. - Utilities advisory board.

There is established within the City of Winter Park pursuant to the provisions hereof a utilities advisory board, subject to the following provisions:

(1) Membership. The utilities advisory board shall be established pursuant to the procedures in divisions 1 and 2 of this article, except that the board shall have no more than nine members and no less than seven members. It is the intent of the city commission for this board to eventually

have seven members, and for such reduction to be achieved from attrition over time by not filling vacancies on the board until membership falls below seven members. To the extent reasonably possible, the membership shall consist of licensed professionals without conflict of interest who have expertise in the utilities and infrastructure for provision of utility services, or the legal and business aspects of providing the subject utility services to the customers of the municipal utility systems within the City of Winter Park. One member shall be a nonresident customer of the water and sewer utility.

(2) Advisory board. The utilities advisory board is an advisory board and shall have no enforcement or adjudicatory authority or responsibility.

(3) Functions and responsibility. The utilities advisory board shall organize itself and develop rules for procedure in accordance with the requirements of divisions 1 and 2 of this article. Following the receipt of information and deliberation, the utilities advisory board shall advise the city commission, city manager and the management of the various utility service departments and authorities servicing the City of Winter Park regarding the following matters:

- a. The utilities advisory board shall make recommendations concerning opportunities for enhancement, expansion, maintenance, improvement and development of utility services within the City of Winter Park.
- b. The utilities advisory board shall make recommendations regarding improvements to safety and procedures in the provision of utility services within the City of Winter Park.
- c. The utilities advisory board shall make recommendations concerning the improvement of fiscal responsibility in connection with the provision of utility services, and will explore opportunities to make utility services available at a reasonable rate to the customers and residents of the City of Winter Park.

Sec. 2-70. - Winter Park Firefighters' pension board.

There is established within the City of Winter Park a firefighters' pension board established pursuant to the requirements of section 74-153 et seq., of the City Code, subject to the following provisions:

- (1) Membership. The board of trustees of the firefighters' pension board shall be appointed pursuant to the provisions in section 74-153, City Code.
- (2) Responsibilities and function. The firefighters' pension board shall operate in accordance with the requirements of Florida law and section 74-153 et seq., of the City Code as the code relates to the firefighters' pension board and the duties and responsibilities of that board.

Sec. 2-71. - Winter Park Police Officers' pension board.

There is established within the City of Winter Park a police officers' pension board established pursuant to the requirements of section 74-203 et seq., of the City Code, subject to the following provisions:

(1) Membership. The board of trustees of the police officers' pension board shall be appointed pursuant to the provisions in section 74-203, City Code.

(2) Responsibilities and function. The police officers' pension board shall operate in accordance with the requirements of Florida law and section 74-203 et seq., of the City Code as the code relates to the police officers' pension board and the duties and responsibilities of that board.

Secs. 2-72—2-80. - Reserved.

DIVISION 4. - NUISANCE ABATEMENT BOARD

Sec. 2-81. - Nuisance abatement board created; composition.

(a) There is hereby created and established a subsidiary board of the City of Winter Park known and designated as the nuisance abatement board.

(b) The members of the code ~~enforcement~~ compliance board established pursuant to section 2-47 and section 2-52 of the Municipal Code shall constitute the members of the nuisance abatement board and shall perform the duties and functions of the nuisance abatement board.

(c) The nuisance abatement board shall perform such functions as required by law, including applicable provisions of this Code.

Sec. 2-82. - Complaint procedures.

(a) The nuisance abatement board shall hear complaints alleging that any place or premises within the city constitutes a public nuisance, having been used:

(1) On more than two occasions within a six-month period, as the site of a violation of F.S. § 796.07;

(2) On more than two occasions within a six-month period, as the site of the unlawful sale, delivery, manufacture or cultivation of any controlled substance;

(3) On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture or cultivation of any controlled substance;

(4) By a criminal street gang for the purpose of conducting a pattern of criminal street gang activity as defined by F.S. § 874.03; or

(5) On more than two occasions within a six-month period, as the site of a violation of F.S. § 812.019 relating to dealing in stolen property.

(b) Any employee, officer or resident of the city may bring a complaint before the board. Written notice of such complaint must be furnished to the owner of the place or premises, at his last known address, not less than three days prior to a scheduled hearing before the board.

(c) The board shall conduct a hearing on the complaint, receiving evidence pertaining to the allegations of the complaint. The board may also consider evidence of the general reputation of the place or premises. The owner of the place or premises shall have an opportunity to present evidence in his defense.

(d) At the conclusion of the hearing and based on the evidence received, the board may find and declare that the place or premises has been used as alleged in the complaint and that such place or premises thereby constitutes a public nuisance.

(e) If the board declares a place or premises to be a public nuisance, the board may enter an order requiring the owner of such place or premises to adopt such procedures as may be appropriate under the circumstances to abate any such nuisance or it may enter an order immediately prohibiting:

(1) The maintaining of the nuisance;

(2) The operating or maintaining of the place or premises including the closure of the place or premises or any part thereof; or

(3) The conduct, operation or maintenance of any business or activity on the premises which is conducive to such nuisance.

(f) An order entered under subsection (e), above, shall expire after one year or at such earlier time as is stated in the order.

(g) An order entered under subsection (e), above, may be enforced pursuant to the procedures contained in F.S. § 120.69. This subsection does not subject the city, or the nuisance abatement board, to any other provision of F.S. ch. 120.

(h) The board may bring a complaint, under F.S. § 60.05, seeking temporary and permanent injunctive relief against any nuisance described in subsection (a), above.

(i) As used in this section, the term "controlled substance" includes any substance sold in lieu of a controlled substance in violation of F.S. § 817.563 or any imitation controlled substance defined in F.S. § 817.564.

Sec. 2-83. - Powers of board.

The nuisance abatement board shall have the power to:

(1) Adopt rules for the conduct of its hearings;

- (2) Subpoena alleged violators and witnesses to its hearing, which subpoenas shall be served by the police department or any person authorized by rules of procedure;
- (3) Subpoena records, surveys, plats and other documentary evidence, which subpoenas shall be served by the police department or any person authorized by rules of procedure;
- (4) Take testimony under oath;
- (5) Issue orders having the force and effect of law declaring that any place or premises constitutes a public nuisance, prohibiting any such nuisance, and commanding necessary steps to abate any such nuisance;
- (6) Establish and levy fines pursuant to section 2-92; and
- (7) Provide for continuing jurisdiction for a period of up to one year over any place or premises that has been or is declared to be a public nuisance.

Sec. 2-84. - Administrative fines; liens.

(a) If the nuisance abatement board declares a place or premises to be a public nuisance, it may impose a fine not to exceed \$250.00 per day for each and every day the public nuisance occurred or continues. In addition, the nuisance abatement board may impose a fine not to exceed \$500.00 per day for recurring public nuisances. The total fines imposed by the nuisance abatement board pursuant to this section shall not exceed \$15,000.00.

(b) In determining the amount of the fine, if any, the nuisance abatement board shall consider the following factors:

- (1) The gravity of the public nuisance;
- (2) The actions taken by the owner to correct or abate the public nuisance;
- (3) Any previous public nuisances created, committed or permitted by the owner.

(c) The nuisance abatement board may reduce a fine imposed pursuant to this section.

(d) If the nuisance abatement board declares a place or premises to be a public nuisance, it may charge the owner with the reasonable costs, including reasonable attorneys' fees, associated with the investigation of and the hearing on the public nuisance, along with any fine imposed pursuant to this section.

(e) A certified copy of any order imposing a fine, providing for the payment of reasonable costs, or both, may be recorded in the public records of Orange County, Florida, and thereafter shall constitute a lien against the real property that is the subject of the order. A fine imposed pursuant to this section shall continue to accrue each day until the owner comes into compliance with the order or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine or order imposing costs, or both, entered pursuant to this section runs in favor of the city and the city may execute a satisfaction or release

of lien entered pursuant to this section. The nuisance abatement board or the city commission may authorize the city attorney to foreclose on any lien created pursuant to this section. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Florida Constitution Art. X, § 4. The city shall be entitled to collect and recover all costs, including reasonable attorneys' fees, associated with the recording of orders and foreclosure on a lien.

(f) In any nuisance abatement action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against his property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant.

Sec. 2-85. - Service of notices.

(a) All notices required by this division shall be provided to the owner of the place or premises by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, or other person designated by the city commission; or by leaving the notice at the owner's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice.

(b) In addition to providing notice as set forth in subsection (a), above, at the option of the nuisance abatement board, notice may also be served by publication, as follows:

(1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.

(2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(c) In lieu of publication as described in subsection (b), above, such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the public nuisance is alleged to exist and the other of which shall be at city hall in Winter Park, Florida. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(d) Notice by publication may run concurrently with or may follow an attempt to provide notice by hand delivery or by mail as required under subsection (a), above.

(e) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), above, together with proof of publication as provided in subsection (b), above, shall be sufficient to show that the notice requirements of this division have been met, without regard to whether or not the owner actually receives such notice.

Secs. 2-86—2-100. - Reserved.

DIVISION 5. - CODE ~~ENFORCEMENT~~ COMPLIANCE BOARD

Sec. 2-101. - Definitions.

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

Code inspector means any authorized agent or employee of the city whose duty it is to ensure compliance with the codes and ordinances of the city.

Repeat violation means a violation of a provision of a code or ordinance by a person who has been previously found through a code ~~enforcement~~ compliance board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provisions within five years prior to the violation, notwithstanding the violations occur at different locations.

Violation of an itinerant or transient nature means a violation of a provision of a code or ordinance which occurs at one location and then moves to another location, or occurs temporarily or which is transitory or passes away with time.

Cross reference— Definitions and rules of construction generally, § 1-2.

State Law reference— Similar provisions, F.S. § 162.04.

Sec. 2-102. - Board created; composition; terms; removal; organization.

There is created a subsidiary board of the City of Winter Park known as the code ~~enforcement~~ compliance board, established pursuant to sections 2-47 and 2-52 of this Code. The provisions of divisions 1 and 2, sections 2-46 through 2-49 shall apply except as expressly required otherwise by a specific provision in this division 5.

State Law reference— Authority to create code ~~enforcement~~ compliance board, F.S. § 162.03(3); composition, removal and organization of board, F.S. § 162.05.

Sec. 2-103. - Jurisdiction.

(a) In its efforts to promote, protect and improve the health, safety and welfare of the citizens of the city, the code ~~enforcement~~ compliance board shall have the jurisdiction to hear and decide alleged violations of any codes and ordinances of the city.

(b) It is the legislative intent of the city commission to provide for the establishment of the code ~~enforcement~~ compliance board as an additional or supplemental means of obtaining compliance with such codes and ordinances. Nothing shall prohibit the city commission from enforcing its codes and ordinances by any other means.

(c) It is the further intent of the city commission that the code ~~enforcement~~ compliance board shall be established pursuant to the provisions of F.S. ch. 162 with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective and inexpensive method of enforcing any codes and ordinances in force in the city

where a pending or repeated violation continues to exist. The code compliance board shall have all of the powers and authority of a code enforcement board pursuant to F.S. ch. 162.

State Law reference— Code enforcement board to be supplemental procedure, F.S. § 162.13.

Sec. 2-104. - Enforcement procedures.

(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes and ordinances. No member of the code ~~enforcement~~ compliance board shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsections (c) and (d) of this section, if a violation of the codes or ordinances is found, the code inspector shall first notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the code ~~enforcement~~ compliance board and request a hearing. The code ~~enforcement~~ compliance board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be mailed or hand delivered to the violator as provided in this division. At the option of the code ~~enforcement~~ compliance board, notice may additionally be served by publication as provided in this division. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code ~~enforcement~~ compliance board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(c) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the board and request a hearing.

(d) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the code ~~enforcement~~ compliance board and request a hearing. The code ~~enforcement~~ compliance board, through its clerical staff, shall schedule a hearing and shall provide notice as provided in this division. The case may be presented to the code ~~enforcement~~ compliance board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code ~~enforcement~~ compliance board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the code ~~enforcement~~ compliance board.

(e) If the owner of property which is subject to an enforcement proceeding before the code ~~enforcement~~ compliance board transfers ownership of such property between the time of service of the notice of hearing before the code ~~enforcement~~ compliance board and the time of the hearing, such owner shall:

(1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

(2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.

(3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.

(4) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures described in subparagraphs (1), (2) and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

State Law reference— Similar provisions, F.S. § 162.06.

Sec. 2-105. - Conduct of hearing.

(a) Upon request of the code inspector or at such other times as may be necessary, the chairperson of the code ~~enforcement~~ compliance board may call hearings of the board, and hearings may also be called by written notice signed by at least three members of the board. The board at any hearing may set a future hearing date.

(b) Upon scheduling a hearing, the board shall cause notice thereof to be furnished to the alleged violator as provided in this division. The notice of hearing shall contain the date, time and place of the hearing and shall state the nature of the violation and refer to the appropriate code or ordinance.

(c) At the hearing, the burden of proof shall be upon the code inspector to show, by a preponderance of the evidence, that a violation does exist.

(d) Assuming proper notice of the hearing has been provided to the alleged violator as provided in subsection (b) of this section, a hearing may proceed in the absence of the alleged violator.

(e) All testimony shall be under oath and shall be recorded. The board shall take testimony from the code inspector and alleged violator and from such other witnesses as may be called by the respective sides.

(f) Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.

(g) Irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the state.

(h) Any member of the board or an attorney appointed to represent the board may inquire of any witness before the board. The alleged violator or his attorney and the attorney or staff person

representing the city shall be permitted to inquire of any witness before the board and shall be permitted to present brief opening and closing statements.

(i) If the city prevails in prosecuting a case before the code ~~enforcement~~ compliance board, the city shall be entitled to recover all costs incurred in prosecuting the case before the board, and such costs may be included in the lien authorized under subsection 2-108(e).

(j) At the conclusion of the hearing, the code ~~enforcement~~ compliance board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted by state law and by this division. The finding shall be by motion approved by a majority of those members present and voting; provided, however, that at least four members of the board must vote in order for the action to be official. The order shall be stated orally at the meeting and shall be reduced to writing and mailed or hand delivered to the alleged violator either at or within a reasonable time after the hearing. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in section 2-108(a), the cost of repairs may be included along with the fine if the order is not complied with by such date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code ~~enforcement~~ compliance board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

State Law reference— Similar provisions, F.S. § 162.07.

Sec. 2-106. - Powers of board.

The code ~~enforcement~~ compliance board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings, which subpoenas shall be served by the police department.
- (3) Subpoena records, surveys, plats and other documentary evidence, which subpoenas shall be served by the police department.
- (4) Take testimony under oath.
- (5) Issue orders having the force and effect of law commanding whatever steps are necessary to bring a violation into compliance.
- (6) Establish and levy fines pursuant to section 2-108.

State Law reference— Similar provisions, F.S. § 162.08.

Sec. 2-107. - Administrative fines; costs of repair; liens.

(a) The code ~~enforcement~~ compliance board, upon notification by the code inspector that a previous order of the board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code ~~enforcement~~ compliance board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in subsection 2-105(c), the code ~~enforcement~~ compliance board shall notify the city, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city to make further repairs or to maintain the property and does not create any liability against the city for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code ~~enforcement~~ compliance board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b).

(b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a). However, if the code ~~enforcement~~ compliance board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.

(c) In determining the amount of the fine, if any, the code ~~enforcement~~ compliance board shall consider the following factors:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

(d) The code ~~enforcement~~ compliance board may reduce a fine imposed pursuant to this section.

(e) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of the state, including execution and levy against the personal property of the violator, but such order shall not be deemed otherwise to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the city, and the city may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the code ~~enforcement~~ compliance board may authorize the city attorney to foreclose on the lien or to sue to

recover a money judgment for the amount of the lien plus accrued interest. Actions for money judgments may be pursued only on fines levied after October 1, 2000. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Fla. Const. art. X, § 4. The money judgment provisions of this section shall not apply to real property or personal property which is covered under Fla. Const. art. X, § 4.

(f) No lien provided by this chapter shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to F.S. § 162.09(3) in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that the party incurs in the action. The city shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

State Law reference— Similar provisions, F.S. §§ 162.09, 162.10.

Sec. 2-108. - Appeals.

(a) An aggrieved party, including the city commission, may appeal a final administrative order of the code ~~enforcement~~ compliance board to the circuit court. Any such appeal shall be filed within 30 days of the execution of the order to be appealed.

(b) The scope of review shall be limited to the record made before the code ~~enforcement~~ compliance board and shall not be a trial de novo.

(c) The city commission shall, by rule, establish reasonable charges for the preparation of the record to be paid by the appealing party.

State Law reference— Appeals, F.S. § 162.11.

Sec. 2-109. - Notices.

(a) All notices required by this division shall be provided to the alleged violator by:

(1) Certified mail, return receipt requested, provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the city by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subparagraphs (b)(1) and (2) and by first-class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first-class mailing;

(2) Hand delivery by the sheriff or other law enforcement officer, code inspector or other person designated by the city commission;

(3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code ~~enforcement~~ compliance board, notice may also be served by publication, as follows:

(1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.

(2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(c) In lieu of publication as described in subsection (b), such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at city hall in Winter Park, Florida. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(d) Notice by publication may run concurrently with or may follow an attempt to provide notice by hand delivery or by mail as required under subsection (a) of this section.

(e) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this division have been met, without regard to whether or not the alleged violator actually received such notice.

State Law reference— Similar provisions, F.S. § 162.12.

Secs. 2-110—2-120. - Reserved.

DIVISION 6. - RESERVED

Section 3. Amendment/Adoption. Chapter 22, Article II, “Building Code,” Section 22-28, Subsection 113 of the Code of Ordinances of the City of Winter Park, is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; language not included is not being amended):

Sec. 22-28. Amendments to the Florida Building Code.

113 Construction board of adjustments and appeals.

113.1 Membership. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of 7 members and one alternate member. The alternate member of this board shall also be licensed and employed or practicing in one of the trades regulated by this board. The board shall ~~be comprised~~ include a practicing architect, a structural engineer, two licensed construction contractors, a master electrician, a master plumber or, a mechanical contractor or mechanical engineer. By state statute, this board is required to have

at least one fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional. ~~of 2 licensed contractors (building, residential or general), one practicing architect, one structural engineer, one master electrician, one master plumber and one mechanical contractor or mechanical engineer.~~ The board shall be appointed by the mayor and confirmed by the city commission.

113.2 Terms of office. Members shall be appointed for terms of 3 years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

113.3 Quorum. Four members of the board shall constitute a quorum, in the case of a matter or case concerning an electrical, plumbing, ~~or mechanical,~~ or fire code matter before the board, the respective appointee knowledgeable of that field shall be present in order to make a decision. In hearing appeals of the enforcement of the application of any provisions of the building codes including electrical, plumbing, fuel gas or mechanical volumes of the Florida Building Code or the Florida Fire Prevention Code in modifying an order of the building official or fire official, affirmative votes of the majority present, but not less than 3 affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

113.4 Secretary of board. The building official or designee of the building official shall act as staff liaison of the construction board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

113.5 Authority. The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official of ~~this code~~ the Florida Building Code as modified by the city, decisions and interpretations of the Fire Code Official (Fire Marshal) of the Florida Fire Prevention Code, and shall also have the authority to suspend or revoke the certificate of competency or state certification (within the city) of any residential, building, general, roofing, swimming pool, electrical, plumbing, mechanical or other specialty contractor doing work in the city who is found by the board to be guilty of one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining a certificate of competency.
- (2) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this chapter.
- (3) Willful and deliberate disregard of or violation of this chapter or of any state statute concerning contractor licensing.

113.6 Decision of the building official. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.

3. That an equally good or more desirable form of installation can be employed in any specific case.

4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

113.7 Procedures. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet expeditiously after notice of appeal has been received within 21 days but no more than 30 days.

113.8 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.

113.9 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.

113.10 Decisions. The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A copy of the decision shall be sent by mail or hand delivery to the appellant, and a copy shall be kept publicly in the office of the building official. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. Appeals from the decision of the construction board of adjustments and appeals relating to provisions of the Florida Building Code, other than local amendments, may be appealed to the Florida Building Commission, pursuant to section 120.569 Florida Statutes, regarding the local government's action.

Section 4. Continuation of Boards. The City Commission hereby approves the continuation of each of the City boards referenced in Article III of Chapter 2, City Code of Ordinances as modified by this Ordinance. The ethics advisory board shall sunset, and thus has been eliminated by this Ordinance. This section shall constitute the City Commission's majority vote in accordance with Section 2-48(o), City of Winter Park Code of Ordinances.

Section 5. Prior Acts. No change of name of any city board or the consolidation of powers and duties amongst boards pursuant to this Ordinance shall impact or void previous actions, votes and orders of any city board. The board with jurisdiction over a matter pursuant to this Ordinance shall have the authority to act upon any previous matter handled by a city board that has been impacted by this Ordinance, including as the result of a name change, consolidation of power, or the elimination of a board.

Section 6. Ex officio duties. When a City board or individual members thereof are charged with authority or duty to serve as or on other boards pursuant to this Ordinance and the Code of Ordinances, it is the intent that those duties be considered *ex officio* duties of each of the members of those respective boards, and they shall not be treated as dual office holding.

Section 7. Codification. Sections 2 and 3 shall be codified in the City Code as specified therein. Any section, paragraph number, letter or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in the Code, and additions, alterations and omissions not affecting a material substantive change in the construction or meaning of this Ordinance may be freely made.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural or any other reason, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or portions hereof or hereto.

Section 9. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 10. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon adoption of the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the ____ day of _____, 2016.

Mayor Steve Leary

ATTEST:

Cynthia S. Bonham, City Clerk



city commission public hearing

Item type	Public Hearing	meeting date	May 9, 2016
prepared by	Fire Chief James White	approved by	<input checked="" type="checkbox"/> City Manager
department	Fire Rescue		<input checked="" type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no	<input checked="" type="checkbox"/> N/A	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship	
	<input type="checkbox"/> Intelligent Growth & Development	<input checked="" type="checkbox"/> Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

subject

This item addresses amendments to Chapter 50 Fire Prevention and Protection removing language no longer required by Florida Statute and including language that will bring the city's current Ordinance into compliance with existing law.

motion | recommendation

Staff is recommending adoption of this Ordinance that removes language no longer required as local options to the previous fire code, and adds language that will allow the city's fire codes to remain current and compliant with state law.

background

Prior to 1998, the state of Florida had not adopted one document as the state's fire prevention code. To address that gap, local jurisdictions adopted their own fire codes resulting in conflicts and jurisdictional confusion for both fire protection specialists and property owners. At that time Winter Park, as many other Florida municipalities, passed local Ordinances identifying their own related fire code with any other local options to that code.

With the state's adoption of the new Florida Fire Prevention Code each community's previously adopted local fire protection Ordinances were in effect brought up to meet the required minimum code adopted by the state. In the case of Winter Park's Ordinance found in Chapter 50, while our existing language was and is in compliance with the aspects of the new Florida Fire Prevention Code, much of the language was found to no longer be necessary.

Since adoption by the state of the Florida Fire Prevention Code, Winter Park has applied the new code in accordance with Florida Statutes, along with any remaining local option items found in the current Chapter 50 language.

This Ordinance update amends the language in Chapter 50, removing any language now found within the Florida Fire Prevention Code, and adopting language that will serve the city in perpetuity keeping the city's Ordinances in compliance. No additional fire code requirements will be placed on properties through the adoption of this Ordinance. These amendments serve only to remove language no longer required by local Ordinance, and will serve to maintain Winter Park's Ordinance current with state statute.

alternatives | other considerations

No specific alternatives to this language exist. The city is required to adopt the Florida Fire Prevention Code with amendments as the base level of fire protection for all properties in the city. The city could adopt more stringent amendments to this Ordinance and could adopt a formal review process for this action upon every update adopted by the State. Staff is required through the agency's accreditation process to review this Ordinance annually. Should any updates or amendments be recommended they would be brought to the Commission for consideration.

fiscal impact

Staff sees no immediate fiscal impact by updating this language as the city is currently required to apply the Florida Fire Prevention Code as adopted by the state of Florida on all properties. This language merely updates the city's existing Ordinance to comply with current Florida Statute.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 50, ENTITLED “FIRE PREVENTION AND PROTECTION,” OF THE CITY OF WINTER PARK CODE OF ORDINANCES; PROVIDING FOR THE GENERAL REGULATION OF FIRE PREVENTION AND SAFETY; UPDATING REFERENCES TO, ADOPTING AND IMPLEMENTING THE FLORIDA FIRE PREVENTION CODE; UPDATING AND ADOPTING LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; PROVIDING FOR THE RENUMBERING AND RELETTERING OF CODE PROVISIONS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, in 1998 the Florida Legislature passed enabling legislation creating the Florida Fire Prevention Code; and

WHEREAS, the enabling legislation and Florida Statutes require the State Fire Marshal to adopt a new edition of the Florida Fire Prevention Code every third year; and

WHEREAS, the enforcement of the Florida Fire Prevention Code is the responsibility of local governments; and

WHEREAS, the City of Winter Park, pursuant to Chapter 633, Florida Statutes, desires to adopt local amendments to the Florida Fire Prevention Code to strengthen the provisions of the state’s minimum fire safety code; and

WHEREAS, the City of Winter Park desires to amend Chapter 50 of the City of Winter Park Code of Ordinances to update references to the Florida Fire Prevention Code to adopt the most current version as may be amended from time to time and to update local amendments to the Florida Fire Prevention Code.

WHEREAS, the City Commission finds that this Ordinance is in the best interest of the public health, safety and welfare.

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

SECTION 1. Recitals. The City Commission hereby ratifies, approves, and adopts all of the preceding “Whereas” clauses, which constitute the legislative findings of the City Commission.

SECTION 2. Adoption. Chapter 50, entitled “Fire Prevention and Protection,” of the City of Winter Park Code of Ordinances is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

CHAPTER 50 – FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Secs. 50-1—50-2535. - Reserved.

ARTICLE II. - FIRE PREVENTION AND SAFETY STANDARDS

~~DIVISION 1. - GENERALLY~~

~~Secs. 50-26 — 50-35. - Reserved.~~

~~DIVISION 2. - STANDARD FIRE PREVENTION CODE~~

Sec. 50-36. - Adopted.

The current adopted edition of the Florida Fire Prevention Code, as may be amended from time to time, including those adopted references and declaratory statements, are hereby recognized and incorporated by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion.

~~There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the Standard Fire Prevention Code, 1991 edition, as adopted by the Southern Building Code Congress International, Inc., and the whole thereof, save and except such portions as are in this article deleted, modified or amended. Such code is adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling within the limits of the city. Not less than three copies of such code are filed in the office of the fire marshal.~~

Sec. 50-37. - Definitions.

(a) Whenever the term "fire official" is used in the Florida Fire Prevention Code ~~fire prevention code~~, it shall be held to mean the fire chief and his designated officers and employees.

(b) Whenever the word "municipality" is used in the Florida Fire Prevention Code ~~fire prevention code~~, it shall be held to mean the city.

~~(c) Whenever the term "fire prevention department" is used in the fire prevention code, it shall be held to mean the fire loss management division office of the fire marshal section of the fire department.~~

(Code 1960, § 12-2)

Sec. 50-38. - Fire limits.

The limits referred to in the Florida Fire Prevention Code ~~fire prevention code~~ are hereby established as ~~all of~~ for the entire city limits.

(Code 1960, § 12-3)

Sec. 50-39. - Amendments.

The Florida Fire Prevention Code ~~fire prevention code~~ adopted in this article ~~division~~ is modified and amended in the following particulars:

CHAPTER 1—ADMINISTRATION

102—Powers and Duties of the Fire Official

102.4—Inspections

102.4.3 Inspection of Buildings and Premises. It shall be the duty of the fire official to inspect, or cause to be inspected by the office of the fire marshal section ~~fire loss management division~~ of the fire department or by the fire department officers or members all buildings and premises except the interiors of dwellings as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of the currently adopted edition of the Florida Fire Prevention Code, as may be amended from time to time ~~this code, the Life Safety Code~~, and of any other ordinance affecting the fire hazard.

102.4.4 New Construction, Remodeling or Renovation. With the exception of one- and two-family residences, all plans for new construction, remodeling or renovation shall be approved by the fire official, the fire marshal or his designated representative prior to the issuance of city permits.

102.4.5 Occupational License. Prior to the issuance or transfer of an occupational license or the moving of an occupational license holder's business to a new or additional location, the premises or site to be occupied shall be inspected and approved by the fire official for compliance with the applicable codes and standards.

105—Board of Adjustments and Appeals

105.1—Appointment

There is hereby established a board to be called the board of adjustments and appeals, which shall consist of five members. The said board shall be appointed by the applicable governing body (city commission of the city) and shall be the same board and body as the board of adjustments and appeals established under chapter 22, article II, of the Code of Ordinances of the City of Winter Park, Florida, for appealing decisions of the building official.

105.2—Appeals

105.2.1 General. Whenever it is claimed that the provisions of this code do not apply, or when it is claimed that the true intent and meaning of this code or any of the regulations thereunder have

been misconstrued or incorrectly interpreted, the owner of such building or structure or his duly authorized agent may appeal the decision of the fire official to the board of adjustments and appeals. Notice of appeal shall be in writing and filed within 30 days after the decision is rendered by the fire official. Appeals shall be on forms provided by the fire official. A fee as established by the city shall accompany such notice of appeal.

105.2.2 Unsafe or dangerous building. In case of a building or structure or operation which, in the opinion of the fire official, is unsafe or dangerous, the fire official may, in his order, limit the time for such appeal to a shorter period.

CHAPTER 3. RECOGNIZED STANDARDS AND PUBLICATIONS

301—General

Where provisions of this code do not apply to specific situations involving the protection of life and property from the hazards of fire, smoke and explosion, compliance with nationally recognized standards or publications listed in this chapter, when not in conflict with provisions of the building code or the current edition of the Florida Fire Prevention Code Life-Safety Code, whichever is the more restrictive, shall be evidence of compliance with this code. In using the standards or publications listed in this chapter, the most current publication or standard shall be used, unless the city shall have specifically adopted a particular standard or publication, in which case the particular standard or publication shall be used.

CHAPTER 5. GENERAL PRECAUTIONS AGAINST FIRE

501—Open Burning and Incinerators

501.1—~~Bonfires and Outdoor Rubbish Fires~~

501.1.1 No person shall kindle or maintain any ~~bonfire~~ outdoor fire or authorize any such ~~bonfire~~ to be kindled or maintained without a permit or other proper authorization. No person shall kindle or maintain any other open burning or rubbish fire or authorize any such fire to be kindled or maintained. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity.

501.1.2 When permitted, No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained must meet all provisions of the Florida Forest Service and the Florida Fire Prevention Code open burning requirements. on any private land unless:

(1) ~~The location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading within 50 feet of any structure; or~~

(2) ~~The fire is contained in an approved waste burner located safely not less than 15 feet from any structure.~~

~~501.1.3 Recreational and cooking fires are subject to the provisions of the current Florida Fire Prevention Code. Bonfires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.~~

~~501.1.4 The fire official may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fires hazardous.~~

~~502—Flammable and Combustible Materials~~

~~502.5—Open Flame or Light Restricted~~

~~502.5.3 No barbecue grills, including but not limited to gas and charcoal grills, and other cooking equipment utilizing an open flame or combustible material shall be used on any balcony, patio or other enclosed or partially enclosed area of any multi-family dwelling, except those balconies, patios or other enclosed areas located within single-story buildings.~~

~~505—Restrictions on Interior Use of Combustible Materials~~

~~505.4—Fire Retardant Paints~~

~~505.4.1 In existing buildings, the required flamespread or smoke developed classification of surfaces may be secured by applying approved fire retardant paints or solutions to surfaces having a higher flamespread rating than permitted. Such treatments shall conform to the requirements of NFPA 703. A certification of application, in form and substance acceptable to the fire official, shall be provided to the fire official.~~

CHAPTER 6. FIRE PROTECTION

~~602—Fire Controls~~

~~602.6—Access to Buildings by Fire Apparatus~~

~~602.6.2 The required width of access roadways shall not be obstructed in any manner, including the parking of vehicles. Installation of No Parking signs or other appropriate notice, or of approved obstructions inhibiting parking, may be required and if installed shall be maintained. The owner or his representative of a building which is adjacent to the fire lane shall be responsible for keeping the fire lane free of obstructions. Signage and road surface markings shall conform to standards adopted by the fire official and traffic engineer.~~

~~602.6.7 All new occupancies or significant renovations, as determined by the fire official, to buildings constructed for business occupancy shall provide a secure key box installed in a location accessible to the fire department. The key box shall be a type approved by the fire official and shall be located and installed as approved by the fire official. The key box shall contain such key or keys as may be required to gain necessary access to the business or commercial premises. All new key boxes shall be connected to any fire alarm or security system~~

~~existing or installed on the business or commercial premises. The owner and occupant of the premises shall maintain the key box in accordance with rules and regulations promulgated by the fire official.~~

603—Installation and Maintenance of Fire Protection Systems and Appliances

603.1—Installation

~~603.1.3 All premises where buildings or premises of buildings are located more than 150 feet from a fire hydrant system shall be provided with approved on-site fire hydrants and water mains capable of supplying the fire flow required by the fire official. The location and number of on-site hydrants shall be as designated by the fire official, with the minimum arrangement being so as to have a hydrant available for distribution of hose to any portion of any building on the premises at distances not exceeding 500 feet but in no case shall hose lengths be greater than 500 feet. On~~ For all new construction occurring on or after October 1, 1997, a fire hydrant shall be available for distribution of hose to any portion of any building on the premises at distances not exceeding 300 feet but in no case shall hose lengths be greater than 300 feet. Further, all new construction occurring on or after October 1, 1997, shall comply with and meet the schedules and requirements as set forth in the current edition of the Insurance Service Office (ISO) Fire Suppression Rating Schedule Handbook (1993 edition), Ch. 4, "Needed Fire Flow." Public hydrants are recognized as meeting all or part of the above requirements. Plans and specifications for the installation, modification, or alterations of any on-site fire service main or fire hydrant shall be submitted to the fire official, along with hydraulic calculations, for review and approval prior to installation.

603.15—Automatic Sprinkler Systems

~~603.15.5 All sprinkler systems shall be supervisory facilities as prescribed in the building code. All water flow and tampering devices shall be monitored by an approved central station according to NFPA 72. One and two family dwellings shall be exempt from these monitoring requirements.~~

603.16—Fire Department Connection

~~603.16.1 Every fire department connection shall be so located, with respect to hydrants, driveways, buildings and landscaping, that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. Where more than one fire department connection serves the same property, all fire department connections shall be grouped at the same location and clearly marked, unless otherwise approved by the fire official. At least a three-foot clearance with respect to fire department connections and hydrants shall be maintained at all times.~~

603.17—Addresses

Approved numbers or addresses shall be provided for all new and existing buildings so that the number or address is plainly visible and legible from the street or roadway.

~~Building numbers shall have a minimum height of three inches and suite numbers shall have a minimum height of two inches. All buildings, including individual building suites, shall have the proper address displayed as referenced in Property Maintenance Code Section, 22.304.3.~~

~~CHAPTER 8. MAINTENANCE OF EXIT WAYS~~

~~801—General Provisions~~

~~801.1—Scope~~

~~801.1.1 In every building, means of egress shall be maintained in accordance with this chapter and the Life Safety Code of the city contained in [chapter 50](#) of the Code of Ordinances of the City of Winter Park, Florida.~~

~~801.1.4 No building shall hereafter be altered so as to reduce the capacity of the means of egress to less than required by the building code and Life Safety Code nor shall any change of occupancy be made in any building unless such building conforms with the requirements of such building code and Life Safety Code.~~

~~802—Exit Obstruction~~

~~802.2—Overcrowding~~

~~The number of occupants of any building or portion thereof shall not be permitted to exceed the allowed or posted capacity, determined in accordance with the building code and Life Safety Code. Signs stating the allowed maximum occupant capacity, as furnished by the fire official, shall be conspicuously posted by the owner of the building in each assembly room, auditorium or room used for a similar purpose.~~

~~CHAPTER 9. FLAMMABLE AND COMBUSTIBLE LIQUIDS~~

~~902.3—Underground Tanks~~

~~902.3.4 Underground tanks shall be set on firm foundations and surrounded with soft earth or sand well tamped in place. Tanks shall be covered with a minimum of 30 inches of earth, well tamped, plus six inches of reinforced concrete, and the concrete slab shall extend at least one foot horizontally beyond the outline of the tank or tanks in all directions. Concrete shall be of class B (2,500 pounds) or better, and the reinforcement shall be of five eighths inch steel rods on 12-inch centers, and all centers shall be tied.~~

~~CHAPTER 26. FUMIGATION AND THERMAL INSECTICIDAL FOGGING~~

~~2602—Special Provisions~~

2602.2 Notification of Fumigation

The holder of a fumigation or thermal insecticidal fogging permit shall notify the fire ~~prevention~~ department at least 24 hours prior to the beginning of a usual fumigation or fogging operation, except at least two hours shall be required for fumigation in public health emergencies or on shipboard. The notice shall give the location of the building, ship or enclosed space to be fumigated or fogged as well as its character and use, the fumigants or insecticides to be used, the person or persons in charge of the operation, permit holder's name and address and emergency telephone and the date and time when it will be started and completed, and the fire official shall be notified by telephone immediately prior to the start of a thermal fogging operation.

~~CHAPTER 31. ASSEMBLY OCCUPANCIES~~

~~3101—General~~

~~3101.13—Overcrowding~~

~~3101.13.2 Signs stating the maximum occupant content shall be conspicuously posted by the owner of the building in each assembly room, auditorium or room used for a similar purpose. It shall be unlawful to remove or deface such notice. This number shall be determined by the capacity of the exits provided. The owner of the building shall post signs stating the maximum occupant content as furnished by the fire official.~~

~~(Code 1960, § 12-4; Ord. No. 2045, § 2, 6-14-94; Ord. No. 2208, §§ 1—3, 9-9-97; Ord. No. 2261, § 1, 5-26-98)~~

Cross reference—User and service fees and charges, [§ 2-189](#).

Sec. 50-40. - Modifications.

~~(a) The fire official shall have power to modify any of the provisions of the fire prevention code adopted in this division upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the fire official thereon shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.~~

~~(b) Whenever the fire official shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire official to the board of adjustments and appeals within 30 days from the decision appealed.~~

~~(Code 1960, § 12-5)~~

Sec. 50-41. - Penalty for violations.

Any person who shall violate any of the provisions of the fire prevention code adopted in this ~~division~~ article or who shall fail to comply therewith or who shall build in violation of any detailed statement of specifications or plans submitted or approved thereunder or any certificate or permit issued thereunder shall severally for each and every such violation and noncompliance, respectively, be punished as provided in section 1-7.

(Code 1960, § 12-6)

~~Secs. 50-42—50-50. —Reserved.~~

~~DIVISION 3. —LIFE SAFETY CODE~~

~~Sec. 50-51. —Adopted.~~

~~The Life Safety Code, 1994 edition, as published by the National Fire Protection Association, is hereby adopted by reference except for chapter 22 and the riser height and tread depth requirements for new stairs in section 5-2.2.2.1. Such edition, together with any modifications and amendments contained herein, shall be known and identified as the life safety code of the city.~~

~~(Ord. No. 1975, § 1(12-11), 5-26-92; Ord. No. 2116, § 1, 10-10-95)~~

~~Sec. 50-52. —Copies.~~

~~(a) At all times there shall be kept on file in the office of the chief of the fire prevention bureau for public use, inspection, and examination three copies of the life safety code adopted by reference in this division.~~

~~(b) There shall be noted on all copies of the life safety code kept on file in the office of the fire marshal the following legend:~~

~~"Adopted by reference as the Life Safety Code of the City of Winter Park, subject to modification and amendment as provided in the Code of Ordinances of the City of Winter Park."~~

~~(Code 1960, § 12-12)~~

Sec. 50-~~53~~42. - Relationship to other laws.

(a) Whenever in this Code reference is made to the ~~life safety code~~ Florida Fire Prevention Code, such reference shall refer to the edition currently adopted by ~~reference in this division~~ the Florida State Fire Marshal, as may be amended from time to time.

(b) The regulations and restrictions of the life safety code shall be supplemental and cumulative. However, in the case of a direct conflict with any other provision or provisions of this Code, that provision which imposes higher standards or requirements shall govern.

(Code 1960, § 12-13)

Sec. 50-~~5443~~. - Appeals.

Whenever the fire marshal shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure or when it is claimed that the provisions of the ~~life safety code~~ Florida Fire Prevention Code do not apply or that an equally good or more desirable form of construction can be employed in any specific case or when it is claimed that the true intent and meaning of the ~~life safety code~~ Florida Fire Prevention Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the fire marshal to the board of adjustments and appeals in the same manner as is provided in chapter 22, article II, of this Code for appealing decisions of the building official. Notice of appeal shall be in writing and filed within 30 days after the decision is rendered by the fire marshal. A fee in the amount established by the city shall accompany such notice of appeal.

(Code 1960, § 12-14)

Cross reference— User and service fees and charges, § 2-189.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 4. Codification. It is the intention of the City Commission and it is hereby ordained that Section 2 of this Ordinance shall become and be made a part of the City Code of Ordinances. The provisions of this Ordinance may be renumbered or relettered to accomplish such intention, and the word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to correct scriveners’ errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

SECTION 5. Conflicts. All ordinances or parts thereof that are in conflict with any provisions of this Ordinance are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

First reading held on the ____ day of _____, 2016.

Second reading, public hearing, and adoption held on the _____ day of _____,
2016.

**City of Winter Park
City Commission**

Steven M. Leary, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

RESOLUTION NO. 2174-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DISCLAIMING ANY AND ALL INTEREST THAT THE CITY OF WINTER PARK MAY HAVE PURSUANT THAT CERTAIN AGREEMENT RECORDED IN MAP BOOK 26, PAGE 546 OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, INCLUDING IN REGARDS TO THE PRIVATE ALLEYWAY REFERRED TO THEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park was granted a potential future interest in a private alley pursuant to the terms, conditions and provisions contained in that certain agreement recorded in Map Book 26, Page 546 of the Official Records of Orange County, Florida, and attached hereto as Exhibit “A” (the “Agreement”); and

WHEREAS, the City has not and does not now intend nor expect in the future to acquire the necessary land to extend the private alley south through the entire length of Block 59 of Plat Book A, Page 67, making a continuous alley north and south through Block 59, as contemplated in the Agreement; and

WHEREAS, the City Commission desires to adopt this Resolution in order to disclaim any property interest the City has in the private alley as described in the Agreement and this Resolution shall constitute such disclaimer of interest.

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

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Disclaimer. The City of Winter park hereby disclaims any and all interest the City of Winter Park has or may have pursuant to the Agreement, including without limitation, the private alley described in the Agreement.

Section 3. Recording. This Resolution shall be recorded in the public records of Orange County, Florida.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 9th day of May, 2016.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham

ORIGINAL.

THIS AGREEMENT made and entered into this 18th day of December, 1917, by and between the UNION STATE BANK a Corporation, C.H. Galloway and Lena K. Galloway his wife, A. Schultz and Mary Alberta Schultz his wife, all of Winter Park Orange County Florida, for the establishing, laying out, and for the maintenance of a private alley way through a portion of Block 59 in the Town of Winter Park Florida,

Witnesseth: That for and in consideration of the mutual benefits to be obtained by the establishment of this proposed alley way, which benefits are hereby acknowledged by all parties to this contract, to be a valuable consideration, the parties to this contract mutually agree as follows -

FIRST: The width of the proposed alley way is to be sixteen feet, and it is to be one hundred feet in length. And it is to be made up of a tract of land, eight feet wide from off the West side of the North 100 feet of Lot 12 in Block 59 Revised Plat recorded in Plat Book "A" pages 67 to 72 inclusive, Orange County Records. Said portion of the alley being owned by C.H. Galloway, and is to be made up further by a tract of land eight feet wide from off the East side of the North 100 feet of Lot 329 Original Town of Winter Park, as recorded in Misc. Book 3 page 220 Orange County Records. The North 28 feet of the last mentioned tract being owned by the Union State Bank, and the remaining 72 feet by A. Schultz.

SECOND: It is mutually agreed that the tract of land described above is to be kept open as a private alley way for the benefit of the parties to this contract, until such a time as the Town of Winter Park shall acquire the necessary land to extend this private alley way South through the entire length of Block 59, making a continuous alley north and south through Block 59, and at such a time the parties to this contract hereby agree to convey to the Town of Winter Park in the regular manner, the land described as constituting the above mentioned alley way, each party to this contract conveying separately that portion of said private alley way to which he has title.

THIRD: It is further mutually agreed that the portion of the 8 feet from off the West side of the North 100 feet of Lot 12 in Block 59, that is occupied by a Private Garage Building, is hereby exempt from all the provisions of this contract.

In Witness Whereof, we the undersigned parties to this contract hereby bind ourselves, our heirs, administrators and assigns by these presents. Done at Winter Park Fla., this 18th day of December 1917.

(CORPORATE SEAL)

UNION STATE BANK

Witness- B.A. Galloway
Witness- Thos. M. Henkel
Witness - E.F. Bellows
Louise Smith

By- C.B. Christ - President
Attest- Ed. F. Keesel - Cashier
Lena K. Galloway (Seal)
C.H. Galloway (Seal)
A. Schultz (Seal)
Mary Alberta Schultz (Seal)

Filed in Office and Recorded this 17th day of Jan. A.D. 1918

By *Wm. Robinson* Clerk
E. G. Sharpe D.C.

Exhibit
"A"