



city commission agenda

Regular Meeting
January 8, 2018
3:30 PM
Commission Chambers

mayor & commissioners

seat 1
Gregory Seidel

seat 2
Sarah Sprinkel

Mayor
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 the 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. The 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

**times are projected and
subject to change*

1. Meeting Called to Order

2. Invocation

a. Finance Director Wes Hamil

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

a. Recognition - "Winter in the Park" Holiday Window Contest Winners 5 minutes

Design Excellence Award - Taylor's Pharmacy

5. City Manager's Report

a. City Manager's Report

6. City Attorney's Report

7. Non-Action Items

a. Discussion of Administrative Policies 15 Minutes

**8. Citizen Comments and budget comments |
5 p.m. or soon thereafter**

9. Consent Agenda

a. Approve the minutes of December 11, 2017.

**b. Approve the following agreements and
authorize the Mayor to execute contracts:** 5 minutes

1. A Budget Tree Service, Inc. - RFQ-25-2014 - Amendment No. 4 - Tree Removal Services: Dead/Diseased/High-Risk; As-Needed basis.
2. Seminole County Sheriff's Office - Interlocal Agreement for criminal justice computer services and support. Open ended term; \$65,000.
3. Gerhartz & Associates, LLC - RFQ-16-2012 - Amendment No. 5 - Continuing Contract for GIS Services; \$185,000.

**c. Approve the following purchase over \$75,000
and authorize all subsequent payments:** 5 minutes

1. Core & Main, LP - Change Order to include purchases related to capital improvement projects for Public Works utilizing piggyback agreement of Orlando Utilities Commission Alliance #895-OQ; \$500,000.

10. Action Items Requiring Discussion

a. State Legislative Priorities 10 Minutes

**b. Proposed Winter Park Art on the Green 2018
Exhibition** 5 minutes

11. Public Hearings

**a. Ordinance- Procurement Policy - Amending
signature authority (2)** 5 minutes

**b. Ordinance - Relating to the 6th Edition of the
Florida Building Code & 2018 Edition of the**

International Property Maintenance Code (1)

- c. Ordinance - Vacating and abandoning a certain portion of the public right-of-way known as Laurel Road (1)**

12. City Commission Reports

Appeals and Assistance

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

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



city commission **agenda item**

item type	Invocation	meeting date	1/8/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Finance Director Wes Hamil

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Mayor's Report	meeting date	1/8/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Recognition - "Winter in the Park" Holiday Window Contest Winners

Design Excellence Award - Taylor's Pharmacy

People's Choice Award - Be on Park

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	1/8/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

City Manager's Report

Upload Date

12/28/2017

Type

Cover Memo



item type

City Manager's Report

meeting date

January 8, 2018

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
Quiet zones	(FDOT update October 2017) –The current activities include completing design plans, procurement of materials supply and delivery and wiring of Central Florida Rail Corridor (CFRC) signal houses. Design completion by November 2017, materials procurement by January 2019, and construction completion by August 2019.
Seminole County Ditch Drainage Improvement	Dredging the drainage ditch behind the homes along the east side of Arbor Park Drive has been postponed until January 2018.
Electric undergrounding	<p><u>Miles of Undergrounding performed</u></p> <p>Project F: Complete Grove Terrace: 45% complete. Project G: 4.03 miles Boring has begun.</p> <p>TOTAL so far for FY 2018: 1.2 miles</p>
Fairbanks transmission	A bid review took place on 11/30 at Duke Energy. Estimates for transmission came in \$4.65M higher than the original estimated cost to underground the transmission of \$8.45M. Currently working with FDOT to request additional funding.
Denning Drive	Phase 1 from Orange to Fairbanks Is substantially complete and the only remaining items are installation of trees, irrigation and landscape along with about 100 feet of sidewalk and cleanup. The permanent road striping will be completed following cure period of the asphalt which is typically a month or so. The adjoining property owners are pleased with the improvements. Phase 2 (from Fairbanks to Webster) will begin by end of January and be substantially complete by June 1 st .
Scenic Boat Tour ADA ramp	Construction of the new concrete ramp is substantially complete and only remaining items are production/installation of the railing and installation of several small sections of retaining wall which will be

	complete by January 31 st . Once the ramp is opened for use, the stairs will be rebuilt to provide 2 different routes to access the dock.
Library Design	Schematic design anticipated to be completed by the end of January 2018.
Sign Code Revisions	Planning staff is sending notices to 2,500 plus businesses regarding sign code changes. Anticipated to go to the City Commission on January 22.

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.



city commission **agenda item**

item type	Non-Action Items	meeting date	1/8/2018
prepared by	City Manager	approved by	City Manager
board approval	yes	final vote	
strategic objective	Exceptional Quality of Life, Fiscal Stewardship		

subject

Discussion of Administrative Policies

motion / recommendation

Provide direction to staff on any changes desired by the Commission.

background

At the last meeting the City Commission directed staff to place this item on the agenda under non-action items for discussion.

The Administrative Policies were adopted by the City Commission on April 25, 2011. The investment policy was adopted October 22, 2002. The debt management policy was adopted April 26, 2004. Attached are copies of these three policies.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description	Upload Date	Type
Administrative Policies	12/14/2017	Cover Memo
Investment Policy	12/14/2017	Cover Memo
Debt Management Policy	12/14/2017	Cover Memo

City of Winter Park Administrative Policies

The City of Winter Park Administrative Policies provide the basic framework for the overall fiscal management and efficient operations of the City. The policies consist of: operating budget, revenue, cash management and investments, debt, reserves, capital improvement program, accounting and fiscal reporting, organizational, financial stability and scheduling of meetings. These policies are used in the development of current activities and planning for future programs and projects.

I. Operating Budget Policies

1. The City Manager will submit a proposed balanced budget to the City Commission before the first regular Commission Meeting in July. Each fund's revenues plus other sources must equal expenditures/expenses plus other uses.
2. The budget will support City Commission goals, objectives and policies in meeting the needs of the community.
3. The budget will support a scheduled level of maintenance and replacement of its infrastructure and fleet.
4. The City will comply with mandatory Federal, State and local laws and when appropriate will comply with industry and professional requirements or standards.
5. The operating impacts of the Capital Improvements Program (CIP) projects will be reviewed prior to any project being included in the annual budget.
6. The City will avoid budgetary procedures that balance the current budget at the expense of future years, such as postponing expenditures, underestimating expenditures, overestimating revenues, or utilizing short-term borrowing to balance the budget.
7. Utility enterprise funds will be self-supporting for operating and capital expenses and receive no General Fund tax support unless a specific exception is approved by the City Commission.
8. The budget will provide the full required funding for the Police and Fire defined benefit retirement plans as determined by the actuary. In any year in which the minimum required contribution is less than the annual pension costs of the plan, the budget will fund the higher amount and the

differential will be set aside and designated for future unfunded liabilities or to smooth future increases in required contributions.

9. Budget an annual general contingency amount for unanticipated expenses or revenue shortfalls equal to no less than ½ of 1% of budgeted expenditures. Any unspent contingency at the end of the year would be closed into reserves.
10. The City will maintain accounting and budgetary control systems to adequately safeguard the assets held in public trust and ensure compliance with the adopted budget.
11. Budget adjustments: The City Manager's level of budgetary control will be at the fund expenditure level. This means the City Manager can authorize budget adjustments between expenditure line items within an individual fund. Any budget adjustment crossing funds, increasing the total budget at the fund level or affecting a capital project requires City Commission approval.

II. Revenue Policies

1. The City will attempt to maintain a diversified and stable revenue system to avoid reliance on any one revenue source and will attempt to minimize the dependence on property taxes.
2. The City will pursue alternative revenue sources, such as grants and other state and federal funds, as an additional source of funds.
3. The City will establish user fees where appropriate to recover partial or full cost of providing a service.
4. The City will review fees/charges semi-annually to ensure they are fair and equitable to all users.
5. The City will consider market rates and charges levied by other public and private organizations for similar services in establishing fees.
6. The percentage of operating transfers to the General Fund from the utility funds will be established by ordinance.
7. Maintain aggressive policies on revenue collections.
8. One-time revenue sources such as proceeds from the sale of an asset or insurance settlements will not be used to fund on-going operating costs.
9. When more than one funding source is available for a project, the most restrictive source (e.g., impact fees and grants) will be applied first to the extent possible.

III. Cash Management and Investment Policies

1. The City will follow its adopted investment policy when handling public funds. The investment policy is contained in a separate document.
2. In general, the investment philosophy is safety, liquidity and return in that order of priority.
3. The City will consolidate cash balances from all funds for investment purposes and allocate investment earnings according to generally accepted accounting principles.
4. The City will collect revenues aggressively, including past due bills of any type and may utilize an outside collection agency when deemed appropriate.
5. The City will deposit all funds within twenty-four hours of receipt.
6. The City will pay all bills within thirty days of verifying obligation.

IV. Debt Policies

1. The City will follow its adopted debt policy when managing or issuing debt. The debt policy is contained in a separate document.
2. Obtain voter approval for the issuance of General Obligation Bonds, Revenue Bonds to finance enterprises or projects which involve the purchase, lease and or acquisition of real property (excluding park land), and revenue bonds which pledge specific non ad valorem taxes and which have a principal value in excess of the amount specified in the Charter.
3. The City will seek to maintain or improve its current bond ratings to minimize borrowing costs.
4. The City will review and evaluate its existing debt obligations at least annually to ascertain potential savings opportunities.
5. The City will not issue long-term debt to finance current operations.
6. The City will adhere to the bond covenant requirements of each debt issuance.
7. Capital projects financed by the issuance of bonded debt will be financed for a period not to exceed the expected useful life of the project.
8. The City will strive to maintain a high reliance on pay-as-you-go financing for its capital projects.

9. The City will maintain its net general obligation bonded debt at a level not to exceed two percent of the assessed valuation of taxable property with the City.

V. Reserves Policies

1. The City will work towards an undesignated reserve balance in the General Fund equaling thirty percent of the annual General Fund expenditures and transfers out for recurring operating costs reported in other funds.
2. The portion of the thirty percent undesignated reserve balance described in (1) above may be used at the discretion of the City Commission for emergency and non-emergency uses:
 - a. Emergency uses would include but not be limited to hurricanes, tornadoes, and other natural disasters, train wrecks, plane crashes, epidemics, etc. An emergency appropriation shall require a simple majority vote of the Commission. If an emergency prevents the Commission from convening, the City Manager and the Mayor can authorize the emergency use. In the Mayor's absence, the Vice-Mayor can stand in and if the Vice-Mayor is also unavailable, any Commissioner can stand in.
 - b. Non-emergency uses would include but not be limited to capital projects, purchase of capital items, contracted services, etc. A non-emergency appropriation shall require a simple majority of the Commission provided the amount does not exceed ten percent of the current undesignated reserve. If the appropriation exceeds ten percent of the current undesignated reserve it shall require approval of four of the five Commissioners.
3. Once the undesignated reserve balance in the General Fund exceeds thirty percent of the annual General Fund expenditures and transfers out for recurring operating costs reported in other funds, the amount in excess of thirty percent may be used at the discretion of the Commission to fund any nonrecurring costs such as a capital project contained in the five-year CIP or to pay down a debt balance .
4. Ten percent of any annual increase in General Fund balance as reported in the audited Comprehensive Annual Financial Report will be designated for the acquisition of land for parks.

5. For the utility enterprise funds, the City will maintain working capital (current assets less current liabilities) equal to a minimum of 45 days operating expenses excluding amortization. Note: The Electric Utility currently has a negative working capital and based upon current projections it will take approximately six years (FY 2017) to reach this target.
6. The City will maintain all debt service reserve amounts as required by bond covenants.

VI. Capital Improvements Program (CIP) Policies

1. The City will develop and update a five-year CIP on an annual basis.
2. The five-year CIP will include identified funding sources for each item.
3. All projects in the Comprehensive Improvement Element (CIE) of the City's Comprehensive Plan will be included in the CIP.
4. In development of the CIP, the City will review the operational impact of each project.

VII. Accounting and Fiscal Reporting Policies

1. An independent audit will be performed annually.
2. The City will produce a comprehensive annual financial report in accordance with Generally Accepted Accounting Principles (GAAP) as promulgated by the Governmental Accounting Standards Board within 180 days of year end.
3. The City will maintain an accounting and financial reporting system that conforms to GAAP and State laws.
4. The City will have a purchasing policy adopted by the City Commission to govern all purchases by City employees.

VIII. Organizational Policies

1. The City Manager will review the organizational structure regularly to assure that residents receive the highest level of service in the most efficient manner.

2. The City will be committed to maintaining and improving the productivity of staff through a productive working environment, appropriate equipment, necessary training and adequate supplies and materials.
3. Employee compensation will be reviewed regularly to ensure the City is competitive with benchmark entities.
4. The City Manager shall maintain appropriate performance measurements to evaluate departmental effectiveness. Such data should be available to the City Commission and the public upon request.
5. Department heads take their direction from the City Manager or the City Commission as a whole. If a department head believes that he/she is being directed to perform a task by an individual elected official or a citizen board member, then he/she should either request that that individual make the request through the City Manager or he/she should contact the City Manager for direction on the issue. If the City Manager has a question as to whether the Commission as a whole would want the task performed he/she should bring the matter to the Commission at the next available Commission meeting for direction.

IX. Financial Stability Policies

1. The City will maintain a report of the prior 10 years of revenues and expenses for the purpose of analyzing trends and for projecting future results.
2. The City will update its 10-year pro forma of projected future revenues and expenses on an annual basis as part of the budget process in order to assess the long-term financial implications of current and proposed operating and capital budgets, budget policies, cash management and investment policies, programs and assumptions..
3. The City will hold a strategic planning session at least bi-annually to review long-range goals of the City.
4. The City will prepare and update its five-year CIP annually.
5. The City will continuously monitor revenues and expenditure to ensure responsible fiscal management of the City.
6. At least quarterly, staff will report on the City's financial condition to the City Commission.

X. Scheduling of Meetings Policies

1. Any member of the City Commission may request a Commission work session or special meeting. If possible, in order to provide for the most open public notice as possible and to provide all members of the Commission an equal opportunity to participate and to increase efficiency of scheduling, all such work sessions or special meetings should be requested and scheduled in a regularly scheduled public City Commission meeting.
2. The exception to the above is if an unforeseen, time-sensitive matter arises in which waiting for the next regularly scheduled Commission meeting could result in an adverse impact of some kind then the meeting can be called outside of a regularly scheduled Commission meeting.
3. See Section 2.08 of the City Charter for the notice provisions of special called meetings.

CITY OF WINTER PARK, FLORIDA
INVESTMENT POLICY
Adopted October 22, 2002

I. SCOPE

This investment policy will apply to funds under the control of the City in excess of those required to meet current expenses. This investment policy does not apply to pension funds or funds related to debt instruments where there are other policies or indentures in effect for such funds.

II. INVESTMENT OBJECTIVES

The following investment objectives will be applied in the management of the City's funds.

- A. The primary objective of the investment activities is the preservation of capital in the portfolio of City funds.
- B. The investment strategy will provide sufficient liquidity to meet the City's operating, payroll and capital requirements that may be reasonably anticipated.
- C. In investing public funds, the investment portfolio will be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles.

III. PRUDENCE AND ETHICAL STANDARDS

The City staff shall use the "prudent person" standard in the management of the overall investment portfolio.

The Finance Director, or persons performing the investment functions, acting as a "prudent person" in accordance with these written policies and procedures, and exercising due diligence, shall not be responsible for an individual security's credit risk or market price changes provided that deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

The "prudent person" standard is herewith understood to mean the following:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

City staff involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees shall disclose any material interest in financial

institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

IV. INVESTMENT PERFORMANCE AND REPORTING

A portfolio report shall be provided each quarter to the City Manager and City Commission. The report shall include securities in the portfolio by class or type, book value, income earned, and market value as of the report date and comparisons to the one year Treasury Bill and Florida Local Government Surplus Funds Trust Fund (SBA) rates. Such reports shall be available to the public.

V. DELEGATION OF AUTHORITY

Responsibility for the administration of the investment program is hereby delegated to the Finance Director, who shall establish investment procedures based on these policies. The Finance Director shall be responsible for the implementation of internal controls and monitoring the activities of subordinate staff. The Finance Director must annually complete eight hours of continuing education in subjects or courses of study related to investment practices and products.

VI. AUTHORIZED INSTRUMENTS

The Finance Director or appropriate staff shall purchase or sell investment securities at prevailing market rates. Authorized investments are listed in an ordinance. Investments not listed in that ordinance are prohibited.

VII. INVESTMENT MATURITY AND LIQUIDITY

- A. To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Investments of current operating funds shall have maturities of no longer than twelve (12) months. Investments of bond reserves, construction funds and other non-operating funds shall have a term appropriate to the need for funds and in accordance with debt covenants, but in no event shall exceed ten (10) years. In the case of mortgage securities or securities with periodic principal repayments the definition of maturity will be the average life of the security using Bloomberg (or equivalent) dealer consensus forecasts of principal prepayments. The maturities of the underlying securities of a repurchase agreement will follow the requirements of the Master Repurchase Agreement.
- B. Investments do not necessarily have to be made for the same length of time that the funds are available. The basic criteria for considerations for investments are listed below:
 - 1. Keep maturities short in a period of constantly rising interest rates based on treasury bill auctions or the daily Federal Funds rate.

2. Keep maturities short in a period of an inverted treasury yield curve (short-term rates are higher than the long-term rates).
3. Maturities should be lengthened when the treasury yield curve is normal and is expected to remain whole. The yield curve is normal when short-term rates are lower than long-term rates.
4. Maturities should be lengthened when interest rates are expected to fall based on economic reports taken as a whole.
5. The yield curves of the market should be analyzed for significant breaks in yields over various maturity dates. The points at which the yield curve breaks are the points at which there are significant marginal declines in yields for incremental changes in maturity dates. Investments should be made at these breaks in the yield curve so that yields will be maximized.

VIII. BID POLICY

After the Finance Director or staff has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one or more optimal types of investment, the security in question shall, when feasible and appropriate be competitively bid. It is not necessary to obtain competitive bids to purchase newly created securities that will be issued at par value. Except as otherwise required by law, the bid deemed to best meet the investment objectives specified in section II above must be selected.

Due to the cost of safekeeping, one business day repurchase agreements and overnight sweep repurchase agreements will not be bid, but may be placed with the depository bank relating to the demand account for which the repurchase agreement was purchased.

IX. RISK AND INVESTIGATION

Assets shall be diversified to control the risk of loss resulting from over-concentration of assets in a specific maturity, issuer, instrument, dealer, or bank through which these instruments are bought and sold. Diversification strategies within the established guidelines shall be reviewed and revised periodically as necessary by the appropriate management staff.

X. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Finance Director shall only purchase securities from financial institutions which are qualified as public depositories by the Treasurer of the State of Florida, or by Section 20 subsidiaries of such public depositories, or from securities dealers that are members of the National Association of Securities Dealers having a physical presence in Florida and having minimum regulatory capital in excess of fifty million dollars (\$50,000,000) or primary securities dealers as designated by the Federal Reserve Bank of New York.

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements
- Proof of National Association of Securities Dealers (NASD) certification
- Proof of state registration
- Certification of having read and understood and agreeing to comply with the City's investment policy

XI. THIRD PARTY CUSTODIAL AGREEMENTS

The Finance Director may execute a Third-party Custodial Safekeeping Agreement with a depository chartered by the United States Government or the State of Florida. Securities should be held with the Third-party Custodian, and all securities purchased by, and all collateral obtained by, the City should be properly designated as an asset of the City. No withdrawal of securities, in whole or in part, shall be made from safekeeping, except by an authorized staff member of the City. Securities transactions between a financial institution or broker/dealer and the custodian involving purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction.

The Third-Party Custodial Safekeeping Agreement shall include letters of authority from the City detailing the responsibilities of each party, notification of security purchases, sales, delivery, repurchase agreements, wire transfers, safekeeping and transactions costs, procedures in case of wire failure or other unforeseen mishaps including liability of each party.

XII. MASTER REPURCHASE AGREEMENT

Repurchase agreements shall only be entered into with primary securities dealers and financial institutions, which are state qualified public depositories. The Finance Director will require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the Master Repurchase Agreement. The Finance Director will require the City's Master Repurchase Agreement to be executed prior to any repurchase transactions. All repurchase agreement transactions will adhere to requirements of the Master Repurchase Agreement.

XIII. INTERNAL CONTROLS

The Finance Director shall establish and monitor an internal control structure designed to protect the City's funds from loss, theft or misuse and ensure proper accounting and reporting of the securities transactions. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefit likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Finance Director shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points, at a minimum:

- A. Separation of transaction authority from accounting and recordkeeping
- B. Custodial safekeeping
- C. Avoidance of physical delivery securities
- D. Delegation of authority
- E. Written confirmation of transactions for investments and wire transfers
- F. Development of a wire transfer agreement with the lead bank and third-party custodian

XIV. PORTFOLIO COMPOSITION

The following are the guidelines for investments and limits on security issues, issuers, and maturities as established by the City. The City Manager or the City Manager's designee shall have the option to further restrict or increase investment percentages from time to time based on market conditions. Any changes to the established portfolio composition must be in writing from the City Manager directed to the Finance Director. Purchases of investments based on bond covenant requirements shall not be included in the portfolio's composition calculations.

A. Florida Local Government Surplus Trust Fund (SBA)

1. Investment Authorization

The Finance Director may invest in the SBA

2. Portfolio Composition

a maximum of 80% of the portfolio may be invested in the SBA, however, bond proceeds may be temporarily deposited in the SBA until alternative investments have been purchased and are not part of this calculation.

B. United States Government Securities

1. Investment Authorization

The Finance Director may invest in negotiable direct obligations or obligations, the principal and interest of which are unconditionally guaranteed by the United States Government. Such securities will include, but not be limit to the following:

Cash Management Bills

Treasury Securities - State and Local Government Series (SLGS)

Treasury Bills

Treasury Notes

Treasury Bonds

Treasury Strips

2. Portfolio Composition

A maximum of 100% of the portfolio may be invested in United States Government Securities

3. Maturity Limitations

The maximum length of maturity of any direct investment in government securities is ten (10) years, except for the underlying securities of repurchase agreements.

C. United States Government Agencies (full faith and credit of the United States Government)

1. Investment Authorization

The Finance Director may invest in United States Federal Agency securities that include obligations of the following:

United States Export-Import Bank - Direct obligations or fully guaranteed certificates of beneficial ownership

Farmers Home Administration - Certificates of beneficial ownership

Federal Financing Bank - Discount notes, notes and bonds

Federal Housing Administration Debentures

General Services Administration Participation Certificates

Government National Mortgage Association (GNMA)

GNMA - guaranteed mortgage -backed bonds

GNMA - guaranteed pass-through obligations

United States Maritime Administration Guaranteed Title XI Financing

New Communities Debentures - United States Government guaranteed debentures

United States Public Housing Notes and Bonds

United States Government guaranteed public housing notes and bonds

United States Department of Housing and Urban Development - Project notes and local authority bonds

2. Portfolio Composition

A maximum of 80% of the portfolio may be invested in United States Federal Agencies.

3. Limits on Individual Issuers

A maximum of 30% of the portfolio may be invested in any one issuer.

4. Maturity Limitations

The maximum length to maturity of any direct investment in United States Federal Agencies shall be 10 years or less, except for the underlying securities of repurchase agreements. In the case of mortgage securities or securities with periodic principal repayments the definition of maturity will be the average life of the security using Bloomberg (or equivalent) dealer consensus forecasts of principal prepayments.

D. Federal Instrumentalities (United States Government Agencies which are non-full faith and credit)

1. Investment Authorization

The Finance Director may invest in Federal Instrumentalities, which include obligations of the following:

Federal Farm Credit Bank (FFCB)
Federal Home Loan Bank or its district banks (FHLB)
Federal National Mortgage Association (FNMA)
Federal Home Loan Mortgage Corporation (Freddie-Macs) including Federal Home Loan Mortgage Corporation participation certificates
Student Loan Marketing Association (Sallie-Mae)

2. Portfolio composition

A maximum of 80% of the portfolio may be invested in Federal Instrumentalities.

3. Limits on Individual Issuers

A maximum of 30% of the portfolio may be invested in any one issuer.

4. Maturity Limitations

The maximum length of maturity for an investment in any Federal Instrumentality is ten (10) years.

E. Non-Negotiable Interest Bearing Time Certificates of Deposit

1. Investment Authorization

The Finance Director may invest in non-negotiable interest bearing time certificates of deposit or savings accounts in banks or savings association organized under the law of this state and/or in national banks organized under the laws of the United States and doing business and situated in this state, provided that any such deposits are secured by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes and provided that the bank or savings association is not listed with any recognized credit watch information service.

2. Portfolio Composition

A maximum of 30% of the portfolio may be invested in non-negotiable interest bearing time certificates of deposit or savings accounts.

3. Limits on Individual Issuers

A maximum of 10% of the portfolio may be deposited with any one issuer. The amount invested in non-negotiable interest bearing time certificates of deposit of any one issuer may not exceed Federal Depository Insurance Corporation limits.

4. Maturity Limitations

The maximum maturity of any certificate shall be no greater than one (1) year from the time of purchase.

F. Repurchase Agreements

1. Investment Authorization

The Finance Director may invest in repurchase agreements based on the requirements set forth by the City's Master Repurchase Agreement. All firms with whom the City enters into repurchase agreements will have in place and executed a Master Repurchase Agreement with the Finance Director. The use of reverse repurchase agreements or other forms of leverage shall be prohibited.

A third party custodian shall hold collateral for all repurchase agreements with a term longer than one (1) business day.

Securities authorized for collateral are negotiable direct obligations of the United States Government and Federal Instrumentalities with maturities under five (5) years and must have a mark-to-market value of 102 percent during the term of the repurchase agreement. Immaterial short-term deviations from the 102 percent requirement are permissible only upon the approval of the City Manager or Finance Director.

2. Portfolio Composition

A maximum of 20% of the portfolio may be invested in repurchase agreements with the exception of one (1) business day agreements and overnight sweep agreements.

3. Limits on Individual Sellers

A maximum of 5% of the portfolio may be invested with any one institution or dealer with the exception of one (1) business day agreements and overnight sweep agreements.

4. Maturity Limitations

The original maturity of the security must be 180 days or less.

G. Banker's Acceptances

1. Investment Authorization

The Finance Director may invest in Bankers' Acceptances which are inventory-based and issued by a domestic bank which has an unsecured, uninsured and unguaranteed obligation rating of a least "Prime-1" and "a" by Moody's Investors Service and ranked in the top fifty (50) United States banks in terms of total assets by the American Banker's yearly report.

2. Portfolio Composition

A maximum of 5% of the portfolio may be directly invested in Bankers' Acceptances

3. Limits on Individual Issuers

A maximum of 2.5% of the portfolio may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for Banker's Acceptances shall be 180 days.

H. Commercial Paper

1. Investment Authorization

The Finance Director may invest in commercial paper of any United States company provided that such notes are the highest traded, i.e., "Prime-1" by Moody's and "A-1" by Standard & Poor's (prime commercial paper). If backed by a letter of credit (LOC), the long-term debt of the LOC provider must be rated at least "a" by at least two nationally recognized rating agencies. The LOC provider must be ranked in the top fifty (50) United States banks in terms of total assets by the American Banker's yearly report.

2. Portfolio Composition

A maximum of 5% of the portfolio may be directly invested in prime commercial paper.

3. Limits on Individual Issuers

A maximum of 2.5% of the portfolio may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for prime commercial paper shall be 270 days.

I. State and Local Government Taxable and/or Tax-Exempt Debt

1. Investment Authorization

The Finance Director may invest in debt obligations of cities, counties and states of other taxing authorities. These may be taxable or tax-exempt and may be general obligations or revenue bonds. Short-term debt must be rated at least MIG-2 by Moody's and SP-2 by Standard & Poor's. Long-term debt must be rated at least "Aa" by Moody's and "AA" by Standard & Poor's.

2. Portfolio Composition

A maximum of 10% of the portfolio may be invested in taxable and tax-exempt debts.

3. Limits on Individual Issuers

A maximum of 5% of the portfolio may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for an investment in any state or local government debt security is three (3) years.

J. Registered Investment Companies (Money Market Mutual Funds)

1. Investment Authorization

The Finance Director may invest in fixed income mutual funds, either taxable or tax-exempt. The securities within the mutual fund shall include only instrument types authorized in Sections B, C, D, F and I.

2. Portfolio Composition

A maximum of 40% of the portfolio may be invested in fixed income mutual funds.

3. Limits of Individual Issuers

A maximum of 20% of the portfolio may be invested with any one fund.

4. Maturity Limitations

The average length to maturity of instruments in the fund shall be one year or less

K. Intergovernmental Investment Pools

1. Investment Authorization

The Finance Director may invest in intergovernmental investment pools.

2. Portfolio Composition

A maximum of 25% of the portfolio may be invested in intergovernmental investment pools.

XV. INVESTMENT MANAGERS

- A. The Finance Director may utilize an outside investment manager to invest a portion of or the entire portfolio.
- B. Investment managers must be registered under the Investment Company Act of 1940.
- C. The City shall select the investment manager based upon qualifications and fees using the RFP process. At least three proposals must be solicited.
- D. Any investment manager selected will be required to enter into an investment advisory agreement with the City, which would require the manager to adhere to the portfolio composition limitations established by Section XIV of this policy. The portfolio managed by the manager would stand alone for purposes of calculating percentages under Section XIV.

XVI. POLICY REVIEW AND AMENDMENT

- A. The City Manager shall periodically review these policies in their entirety.
- B. This policy may be amended in writing from time to time by the City Manager with approval of the City Commission.

DEBT MANAGEMENT POLICY
CITY OF WINTER PARK, FLORIDA

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

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

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

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

5. **Reporting Practices:**

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

6. General Debt Issue Policies:

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

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

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

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

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

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

7. Method of Sale

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

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

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

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

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

8. **Capital Improvement Plan**

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

Factors to be considered in the final projections are:

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

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

9. Fixed Rate Debt

a. Overview

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

b. Type

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

c. Maturity, Structure, and Call Provisions

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

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

d. Providers

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

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

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

e. Debt Service Reserve Fund

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

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

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

f. Approvals

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

g. Compliance/Reporting Requirements

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

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

10. Variable Rate Debt Instruments

a. Overview

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

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

b. Type

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

c. Management

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

d. Maturity and Call Provisions

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

e. Providers

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

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

f. Variable Rate Debt Amount

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

g. Approvals

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

h. Compliance/Reporting Requirements

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

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

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

a. Overview

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

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

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

b. Risks

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

c. Interest Rate Swap Management

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

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

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

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

d. Compliance/Reporting Requirements

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

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

e. Optional Termination

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

f. Aspects of Risk Exposure Associated with Such Contracts

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

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

g. Approvals

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

h. Providers

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

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

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

i. **Swap Advisor and Counterparty Procurement**

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

12. Investment of Bond Proceeds

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

13. Continuing Disclosure Requirements

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

14. **Effective Date**

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

15. **Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



city commission **agenda item**

item type	Consent Agenda	meeting date	1/8/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of December 11, 2017.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes

Upload Date

1/2/2018

Type

Cover Memo

REGULAR MEETING OF THE CITY COMMISSION
December 11, 2017

The meeting of the Winter Park City Commission was called to order by Vice Mayor Pete Weldon, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Shawn Shaffer, Winter Park Library Executive Director, followed by the Pledge of Allegiance.

Members present:

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

Also Present:

City Manager Randy Knight
City Clerk Cynthia Bonham
City Attorney Kurt Ardaman

Approval of agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

Mayor's Report

No report.

City Manager's Report

a. Hurricane Irma After Action Report

Fire Chief Jim White provided a briefing on the City's response to Hurricane Irma. He summarized what the departments have done through their emergency management function with the City in reviewing their operations as a result of the hurricane. Chief White provided the after action report in the agenda packet that contained a summation of the individual department reports and the FEMA guidelines. He summarized what occurred before the storm for preparation and after the storm. He addressed the need to discuss and promote further the residents with special needs so they are on the registry with Orange County and the City. He also spoke about debris pickup, fewer power outages because of undergrounding and up to date equipment, the need for more generators, to continue to improve communication tools before and during the event, the exploration of options for opening shelters in the City, and expanding technology.

Commissioner Sprinkel addressed the importance to obtain more information for emergencies so residents that have needs can be easily contacted. Commissioner Cooper stated it would be helpful to the Commission to identify the task, make sure there is a schedule, understand the budget impact and if they need to implement policy changes. She stated she would like that to be a part of the City Manager's Report at some level until either the task is accomplished or decided they are no

longer needed. She also spoke about dealing with contractors that do not show up. Fire Chief White stated they are going to be reviewing this and determine what they can make progress on. Commissioner Weldon commented that he provided his comments to the City Manager. Mayor Leary addressed contractors who have multi-jurisdictional contracts and hoped to receive from the City Manager the next steps as to what they are implementing.

Commissioner Cooper asked about the difference in the quote on Fairbanks undergrounding. City Manager Knight stated they are working with FDOT and Duke to see if someone else can put money into the project because of being over budget after they did their bids.

City Attorney's Report

Attorney Ardaman addressed the Constitutional Revision Commission where the Local Government Committee did not hear the home rule enhancement issue but as of now will be heard in January. Regarding the naming facility for the library and events center that was considered, for clarification the Commission approved the following: "Exceptions may be denied by the City Manager or recommended by the City Manager for approval by the City Commission." (minutes reflect this). He spoke about how the policy is to be implemented that may require adjustments from a legal standpoint that may come back before the Commission.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of November 27, 2017.
- b. Approve the revised contract for Construction Manager at Risk for the Library.
- c. Approve the following piggyback contracts:
 1. TAW Service Center Orlando, Inc. - City of Orlando contract #IFB15-0030-1 for electric motor and pump repair; Not to exceed \$100,000.
 2. Stewart's Electric Motor Works, Inc. - City of Orlando contract #IFB15-0030-2 for electric motor and pump repair; Not to exceed \$100,000.
- d. Approve the following contracts: **REMOVED DUE TO A CONFLICT OF COMMISSIONER SEIDEL. SEE BELOW.**
 1. GAI Consultants, Inc. - RFQ-14-2017 – Continuing contract for professional landscape architectural services; As-needed basis.
 2. Vanasse Hangen Brustlin (VHB), Inc. - RFQ-16-2017 – Continuing contract for professional green planning, engineering and financial services; As-needed basis.

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'a-c'; seconded by Commissioner Weldon. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner Sprinkel to approve Consent Agenda item 'd'; seconded by Commissioner Weldon. No public comments were made. **The motion carried unanimously with a 4-0 vote with Commissioner Seidel abstaining from voting due to a conflict.** Form 8B was submitted and is part of these minutes.

Action Items Requiring Discussion

- a. Request from the Winter Park Housing Authority for funding assistance for a handicapped accessible apartment at the Meadows Apartments

Planning Director Dori Stone brought forth the request for matching grant funds that is within the affordable housing line item set aside for affordable housing efforts. She stated the Housing Authority is requesting financial assistance to create a fully functional ADA compliant unit and that staff is recommending support of the request. Winter Park Housing Authority Executive Director Patricia Rice and Chairman Hal George explained the need for the unit.

Motion made by Commissioner Cooper to approve the request, seconded by Commissioner Seidel. 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.**

Public Hearings:

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 2-188 OF THE CITY CODE GOVERNING PURCHASING, CONTRACTS, AND OTHER MATTERS; PROVIDING FOR, WITHOUT LIMITATION, SIGNATURE AUTHORITY, PROCEDURES AND POLICIES AND ADOPTION THEREOF, PROCUREMENT POLICY, CITY MANAGER AUTHORITY, MAYOR AUTHORITY, ENCROACHMENT UPON CITY DRAINAGE OR UTILITY EASEMENTS, EXECUTION OF EASEMENT AND LICENSE AGREEMENTS, EXECUTION OF DOCUMENTS AND OTHER MATTERS NOT INVOLVING EXPENDITURE OF CITY FUNDS, MATTERS RELATED TO CITY PROPERTY, AND OTHER MATTERS RELATED TO THE FOREGOING; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title.

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.**

- b. RESOLUTION NO. 2197-17: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING THOSE PORTIONS OF THE 2016 ORANGE COUNTY LOCAL MITIGATION STRATEGY RELATING TO NATURAL HAZARDS AND DISASTERS APPLICABLE TO WINTER PARK; PROVIDING FOR AND MAKING FINDINGS RELATED TO, WITHOUT LIMITATION, PURSUIT OF FUNDING, IMPLEMENTATION OF THE STRATEGY, AND FUTURE PARTICIPATION IN UPDATING AND EXPANDING THE STRATEGY; PROVIDING AN EFFECTIVE DATE

Attorney Ardaman read the resolution by title. Fire Chief Jim White addressed the intent of the resolution. Jason Taylor of Orange County provided an overview.

Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner Weldon. David Lamm, 2190 Lakemont Avenue, spoke in support of the resolution. **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. ORDINANCE NO. 3092-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 3, FIREFIGHTERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-154, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 74-155, CONTRIBUTIONS; AMENDING SECTION 74-156, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-157, PRERETIREMENT DEATH; AMENDING SECTION 74-158, DISABILITY; AMENDING SECTION 74-159, VESTING; AMENDING SECTION 74-160, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 74-165, MAXIMUM PENSION; AMENDING SECTION 74-166, DISTRIBUTION OF BENEFITS; AMENDING SECTION 74-176, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 74-178, PRIOR FIRE SERVICE; ADDING SECTION 74-180, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Seidel. 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.**

d. Request by Donald W. McIntosh Associates:

ORDINANCE NO. 3093-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND TERMINATING AN EASEMENT ENCUMBERING THE PROPERTY LOCATED AT 2010 MIZELL AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 4964, PAGE 2797 AND OFFICIAL RECORDS BOOK 4971, PAGE 4948, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Weldon. 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.**

e. Request of Hope and Help Center of Central Florida, Inc.:

ORDINANCE NO. 3094-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND TERMINATING AN EASEMENT ENCUMBERING PROPERTY LOCATED AT 1935 WOODCREST DRIVE, ORIGINALLY IN FAVOR OF FLORIDA POWER CORP. DATED AUGUST 23, 1968 AS RECORDED IN OFFICIAL RECORDS BOOK 1758, PAGE 518, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THEREAFTER ASSIGNED BY FLORIDA POWER CORP. D/B/A PROGRESS ENERGY FLORIDA, INC. TO THE CITY OF WINTER PARK BY WAY OF THAT CERTAIN IRREVOCABLE ASSIGNMENT OF EASEMENT RIGHTS DATED JUNE 1, 2005 AND RECORDED IN OFFICIAL RECORDS BOOK 8045, PAGE 4770, AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Seidel. 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.**

- f. ORDINANCE NO. 3095-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE OF A SERIES OF REFUNDING BONDS FOR THE PURPOSE OF ADVANCE REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING WATER AND SEWER REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2009 OF THE CITY; PROVIDING FOR THE PAYMENT OF SUCH REFUNDING BONDS FROM NET REVENUES OF THE WATER AND SEWER SYSTEM OF THE CITY; AND PROVIDING AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Weldon. 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.**

- g. RESOLUTION NO. 2198-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 3095-17 OF THE CITY WHICH AUTHORIZED THE ADVANCE REFUNDING OF ITS OUTSTANDING WATER AND SEWER REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2009, OF THE CITY, AND PROVIDED FOR THE ISSUANCE OF NOT EXCEEDING \$36,000,000 WATER AND SEWER REFUNDING REVENUE BOND, SERIES 2017, OF THE CITY, AND PROVIDED FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE SYSTEM; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING A NEGOTIATED SALE OF SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; APPOINTING A PAYING AGENT, BOND REGISTRAR AND ESCROW AGENT; APPOINTING A VERIFICATION AGENT; APPROVING THE FORM OF AN ESCROW DEPOSIT AGREEMENT; AUTHORIZING PFM ASSET MANAGEMENT LLC TO STRUCTURE AND SOLICIT BIDS TO PURCHASE FEDERAL SECURITIES TO BE DEPOSITED INTO THE ESCROW FUND CREATED UNDER THE ESCROW DEPOSIT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

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

- h. ORDINANCE NO. 3096-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE ZONING DISTRICTS OF THE CITY; ADOPTING NEW DEVELOPMENT STANDARDS, DENSITIES AND INTENSITIES OF DEVELOPMENT; ADOPTING CHANGES NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE Second Reading

ORDINANCE NO. 3097-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE II, CONCURRENCY MANAGEMENT REGULATIONS" SO AS TO ADOPT CHANGES TO THE CONCURRENCY MANAGEMENT REGULATIONS OF THE CITY NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs addressed the two ordinances necessary to implement the comprehensive plan and the only item that generated interest – Medical Arts District. He stated because of

that, staff decided to pull that section from the ordinance to make modifications; based on the Commission's discussion it will be brought back as a non-action item so the Commission can once again review it before they advertise and move that portion forward for adoption. He stated the remainder of the ordinance is ready to move forward.

Commissioner Weldon addressed his concern with the Medical Arts District zoning. He asked for further discussion at a later time to form a task force to address mixed use zoning to include the resolution of design guidelines and design standards together with the concepts involving a long term site plan to be approved with an overall master plan concept.

Motion made by Commissioner Weldon to adopt the first ordinance (zoning) on second reading with the deletion of the Medical Arts District – Section 2. (of the ordinance found on agenda packet page 311 and Exhibit A found on page 319 of the agenda packet); seconded by Mayor Leary.

Commissioner Cooper brought forward other issues regarding R-3 zoning.

Motion amended by Commissioner Cooper that we remove the changes to R-3 language until we have had an opportunity to work with staff; seconded by Commissioner Sprinkel. 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.

Commissioner Cooper addressed the section on C-2 zoning, permitted uses (where you cannot have larger than 65,000 square feet). Mr. Briggs commented that they want something in the code regarding the 65,000 square feet that would not be allowed so people are not asking for it in the Central Business District.

Motion amended by Commissioner Cooper to remove the 65,000 square feet reference from the C-2 permitted use; seconded by Commissioner Sprinkel. Upon a roll call vote, Commissioners Sprinkel and Cooper voted yes. Mayor Leary and Commissioners Seidel and Weldon voted no. The motion failed with a 3-2 vote.

Commissioner Cooper addressed section 58-39, Concurrency Evaluations, where the transportation concurrency was deleted as well as the annual requirement for the concurrency reports and a statement regarding when projects come forward to them. She stated she does not want silence about concurrency and wanted staff reports to state "adequate infrastructure capacity exists and has been reserved to support the approved project." Planning Manager Briggs clarified this only relates to water, sewer and trash and that staff would not bring forth projects if there is not ample sewer or water. Planning Director Dori Stone spoke about how the City handles this when projects come in. After further comments, there was not a consensus to put back the portion about concurrency as addressed above.

David Lamm, 2190 Lakemont Avenue, suggested not doing a concurrency management application but do an annual assessment that staff can monitor and not during every application. He spoke about R-2 and R-3 zoning where our current code incentivizes bigger units and if there are areas having a desire for more affordable housing units (smaller units), he suggested to put an incentivized option in there. He stated there should also be credits given for an aesthetic approach.

Sally Flynn, 1400 Highland Road, addressed her concerns with R-3 standards in R-2 zoning.

Motion made by Commissioner Weldon to adopt the second ordinance (concurrency) as presented; seconded by Mayor Leary.

Upon a roll call vote to adopt the first ordinance (zoning) on second reading with the deletion of the Medical Arts District and with the amendment to remove the R-3 language, 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 to adopt the second ordinance as presented (concurrency), Mayor Leary and Commissioners Seidel, Sprinkel, and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Public Comments (for items not on the agenda)

No comments were made.

Public Hearings (continued)

- i. ORDINANCE NO. 3098-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS AND DEVELOPMENT STANDARDS WITHIN THE ZONING DISTRICTS OF THE CITY; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs addressed the changes they are asking for to include the removal of the references to the Orange County Architectural Design Standards (Section 6), and to act to remove the changes to the R-3 so they can brought back as a package.

Motion made by Commissioner Sprinkel to adopt the ordinance as presented with the removal of the references to the Orange County Architectural Design Standards (Section 6), and to remove the references to the R-3 language (to be brought back); seconded by Commissioner Cooper.

Commissioner Cooper spoke about conditional uses and the number of parking places that could be involved in a variance. After comments from Planning Manager Jeff Briggs, and the Mayor and Commissioners, Commissioner Cooper withdrew her concern to be revisited at a later time.

Commissioner Weldon addressed off-site parking allowances (changed from 5 years to 30 years) and proposed changing the 30 year lease to 10 years.

Amendment #1: Motion amended by Commissioner Weldon to change the parking language with regard to off-site parking from a 30 year lease to a 10 year lease; seconded by Commissioner Sprinkel.

Discussion ensued regarding how they determined to use the 30 year lease and roof top decks (to be further discussed later).

Amendment #2: Motion amended by Commissioner Weldon to remove the portion regarding rooftop recreation decks on residential buildings to be approved by the City Commission (Section 58-71, General Provisions for Residential Zoning Districts, Item ff.); seconded by Commissioner Sprinkel.

No public comments were made.

Upon a roll call vote on Amendment #1, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on Amendment #2, 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 approve with the deletion of the Orange County Architectural Design Standards (Section 6), and to remove the references to the R-3 language, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

Commissioner Seidel – No report.

Commissioner Sprinkel – Spoke about the great Christmas parade and holiday events that Winter Park provides.

Commissioner Cooper – Asked about legislative priorities that will be on the January 8 agenda. Spoke about the negative comments made about the electronic Christmas tree and asked that the issue of the Christmas tree in Central Park be discussed for next year sometime in the future. Commissioner Cooper asked if the

Commission is interested in doing resolutions to support home rule and the continuation and support of the CRA. There was a consensus to support this.

Commissioner Weldon – 1. Asked that the administrative policies be updated (there was a consensus that this be on the January 8 agenda under non-action).

2. He addressed employee compensation for sworn officers versus general employees as a result of the budget recently passed that he was not aware of and the need to discuss.

3. He addressed comments made regarding general fund reserves at the last meeting where he went through and specified and clarified the percentages as a function of the variables they discussed last meeting in terms of the Fairbanks Avenue and Lee Road sales and the estimated impact of the storm costs.

4. Spoke about his position on accelerating electric undergrounding with borrowed funds that he reviewed and did not agree with (from his conversation in the informal meeting with Commissioner Seidel). Mayor Leary spoke about his meeting with Commissioner Seidel where he asked him to bring something forward regarding electric undergrounding and asked it be presented in January.

5. Spoke about the potential formation of a task force regarding corridor design standards/guidelines that also applies to their decision to remove the Orange County guidelines. Mayor Leary inquired whether the Planning and Zoning Board could do this instead of forming a task force. Planning Director Dori Stone addressed the comprehensive plan where they indicated they would put together guidelines by corridor. They presented the Orange Avenue corridor update at the last meeting and set the mark that they had 6-8 months to be looking at that – they have draft guidelines that staff has put together. She spoke about bringing in people who can provide expertise on writing guidelines and that they can discuss this further in the upcoming year.

Mayor Leary – Spoke about the wonderful holiday events and lighting of the tree. He reported he received emails with concerns of people setting up in the park blocking others with their tables and asked that that be reviewed. Addressed Dinner on the Avenue and the need for discussion about adding more tables, increase the cost, stagger the availability, reserve some for residents, etc.

The meeting adjourned at 6:10 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC



city commission **agenda item**

item type	Consent Agenda	meeting date	1/8/2018
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following agreements and authorize the Mayor to execute contracts:

1. A Budget Tree Service, Inc. - RFQ-25-2014 - Amendment No. 4 - Tree Removal Services: Dead/Diseased/High-Risk; As-Needed basis.
2. Seminole County Sheriff's Office - Interlocal Agreement for criminal justice computer services and support. Open ended term; \$65,000.
3. Gerhartz & Associates, LLC - RFQ-16-2012 - Amendment No. 5 - Continuing Contract for GIS Services; \$185,000.

motion / recommendation

Commission approve items as presented.

background

Formal solicitations were issued to award items 1 and 3.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved FY18 budget.

ATTACHMENTS:

Description	Upload Date	Type
Contracts	12/21/2017	Cover Memo



city commission agenda item

item type	Contracts	meeting date	January 8, 2018	
prepared by department division	Procurement 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	

Contracts

	vendor	item background	fiscal impact	motion recommendation
1.	A Budget Tree Service, Inc.	RFQ-25-2014 – Tree Removal Services: Dead/Diseased/High-Risk – Amendment 4 to renew the contract for an additional year	Total expenditure included in approved FY18 budget. Amount: As-needed basis	Commission approve the renewal and authorize the Mayor to execute the amendment.
A formal solicitation was issued to award this contract.				
2.	Seminole County Sheriff's Office	Interlocal Agreement for criminal justice computer services and support; Open-ended term	Total expenditure included in approved FY18 budget. Amount: \$65,000	Commission approve the agreement and authorize the Mayor to execute the contract.
Each subsequent year, the annual compensation shall increase by 5% from the previous year.				
3.	Gerhartz & Associates, LLC	RFQ-16-2012 – Continuing Contract for GIS Services Amendment No. 5	Total expenditure included in approved FY18 budget. \$185,000	Commission approve contract extension with Gerhartz & Associates, LLC and authorize Mayor to execute amendment.
Staff requesting Commission to authorize the extension of our current 60 month contract with Gerhartz & Associates, LLC.				



city commission agenda item

item type	Consent Agenda	meeting date	1/8/2018
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following purchase over \$75,000 and authorize all subsequent payments:

1. Core & Main, LP - Change Order to include purchases related to capital improvement projects for Public Works utilizing piggyback agreement of Orlando Utilities Commission Alliance #895-OQ; \$500,000.

motion / recommendation

Commission approve item as presented.

background

Formal solicitations were issued to award this purchase.

alternatives / other considerations

N/A

fiscal impact

Total expenditure included in approved FY18 budget.

ATTACHMENTS:

Description	Upload Date	Type
Purchases over \$75,000	12/22/2017	Cover Memo



city commission agenda item

item type	Purchases over \$75,000	meeting date	January 8, 2018
prepared by department division	Procurement 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.	Core & Main, LP	Change Order to include purchases related to capital improvement projects for Public Works	Total increase: \$500,000. New Amount: \$1,500,000	Commission approve FY18 purchases from Core & Main, LP related to capital improvement projects for Public Works.
Purchases will be made utilizing the City's piggyback agreement of Orlando Utilities Commission Alliance #895-OQ. The agreement is valid through June 30, 2018.				

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



city commission **agenda item**

item type	Action Items Requiring Discussion	meeting date	1/8/2018
prepared by	City Manager	approved by	City Manager
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life, Investment in Public Assets and Infrastructure, Fiscal Stewardship		

subject

State Legislative Priorities

motion / recommendation

Approve the State legislative priorities.

background

The attached draft of legislative priorities was put together by staff with input from commissioners.

alternatives / other considerations

The City Commission can modify the list as it deems appropriate.

fiscal impact

TBD

ATTACHMENTS:

Description	Upload Date	Type
State Legislative Priorities	12/26/2017	Cover Memo

City of Winter Park
Proposed 2018 State Legislative Priorities

Projects/Funding (in priority order):

- Support funding of Public Library Construction Grant Program. Our project is ranked # 13 so the funding needs to be at least \$6.5M
- Hurricane hardening funds
- Broadband pilot project
- Expedite Quiet Zone project (current schedule has project not starting until 2019)
- Acquire excess CSX ROW from State including that within Central Park
- Assist with widening of SR 426 between 17-92 and Pennsylvania Ave.
- Acquisition of post office property for expansion of Central Park
- Expansion of reuse water system
- Mead Garden natural habitat restoration
- Green energy generation (Solar, etc.)
- 17-92 Beautification and corridor improvements
- Expansion of sewer infrastructure to eliminate septic tanks

Legislative matters:

- Oppose the proposed bill that eliminates a city's right to regulate trees
- Pension Reform
- Remove statutory requirements for public employers to provide subsidized health, hospitalization and other insurance coverage for retirees (FS 112.0801)
- Dedicated Funding Source for Commuter Rail
- Protection of home rule authority including control of local planning issues, revenues and expenditures
- Oppose Public Service Commission regulation of municipal owned electric utilities

- Oppose CRC proposal to put the deregulation of Electric service on the ballot
- Oppose modifications to CRA regulations



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	1/8/2018
prepared by	Planning / CRA	approved by	
board approval	yes	final vote	
strategic objective	Exceptional Quality of Life		

subject

Proposed Winter Park Art on the Green 2018 Exhibition

motion / recommendation

Approve as proposed.

background

The Winter Park Public Art Advisory Board (PAAB) proposed the sixth Winter Park *Art on the Green* exhibition to the City Commission. With this exhibition, Winter Park again enlivens public spaces and joins in celebrating the Winter Park Weekend of the Arts February 16 -19 with over twenty art and culture organizations. In addition to hosting an outstanding sculpture display for the education and pleasure of its residents, the exhibition will appeal to the greater central Florida community and prove an attractive venue for visitors to our area.

Six to seven works of sculpture will be temporarily sited with one on the lawn of City Hall, four to five in the landscaped medians along Morse Boulevard from across from the train station lot west to Denning Drive, and one in Martin Luther King Jr. Park at the southwest corner of Denning and Morse. The temporary exhibition would run from early February 2018 to late January 2019. These large scale works of art will appeal to people of all ages and can be safely viewed from sidewalks. The recommended placement of the sculptures and the exhibition timeline avoids disrupting the art festivals, park activities and scheduled holiday events. Exact placement and installation will be coordinated with Parks staff, and no concrete pads are necessary. The potential sites have been reviewed by Parks and Recreation staff and the proposal was approved by the Parks and Recreation Advisory Board on November 29.

Online materials will engage families, residents and visitors in a dialogue about the individual works of art. Because there is no admission fee, people will be able to return again and again to visit their favorite artworks in this museum without walls. This is a gift to all members of our community.

The exhibition will be promoted by the city as an educational opportunity and a cultural tourism venue. A full color Discovery Guide of the exhibition and the artist will be published online.

alternatives / other considerations

fiscal impact

Included as part of the CRA and Public Art Advisory Board budgets, and funds remaining from previous Art on the Green.

ATTACHMENTS:

Description	Upload Date	Type
Art on the Green Support Material	12/22/2017	Cover Memo

Art on the Green 2017

David Hayes Sculpture Exhibition

***Seal*, 1978**

Welded painted steel

60" x 54" x 60", City Hall lawn

***Wave*, 1979**

Welded painted steel

60" x 72" x 48", Median in W. Morse Boulevard by train station lot

***Hanging Sculpture #40 (starburst)*, 2009**

Welded painted steel

68" x 61" x 3", Oak tree in W. Morse Boulevard median west of New York Avenue

***Cyngne*, 1991**

Welded painted steel

84" x 72" x 144", W. Morse Boulevard Median mid-block between New York and Virginia Avenues

Grasshopper

Welded painted steel

65" x 83" x 66", W. Morse Boulevard median between N. Pennsylvania and Capen Avenues

Screen #39

Welded painted steel

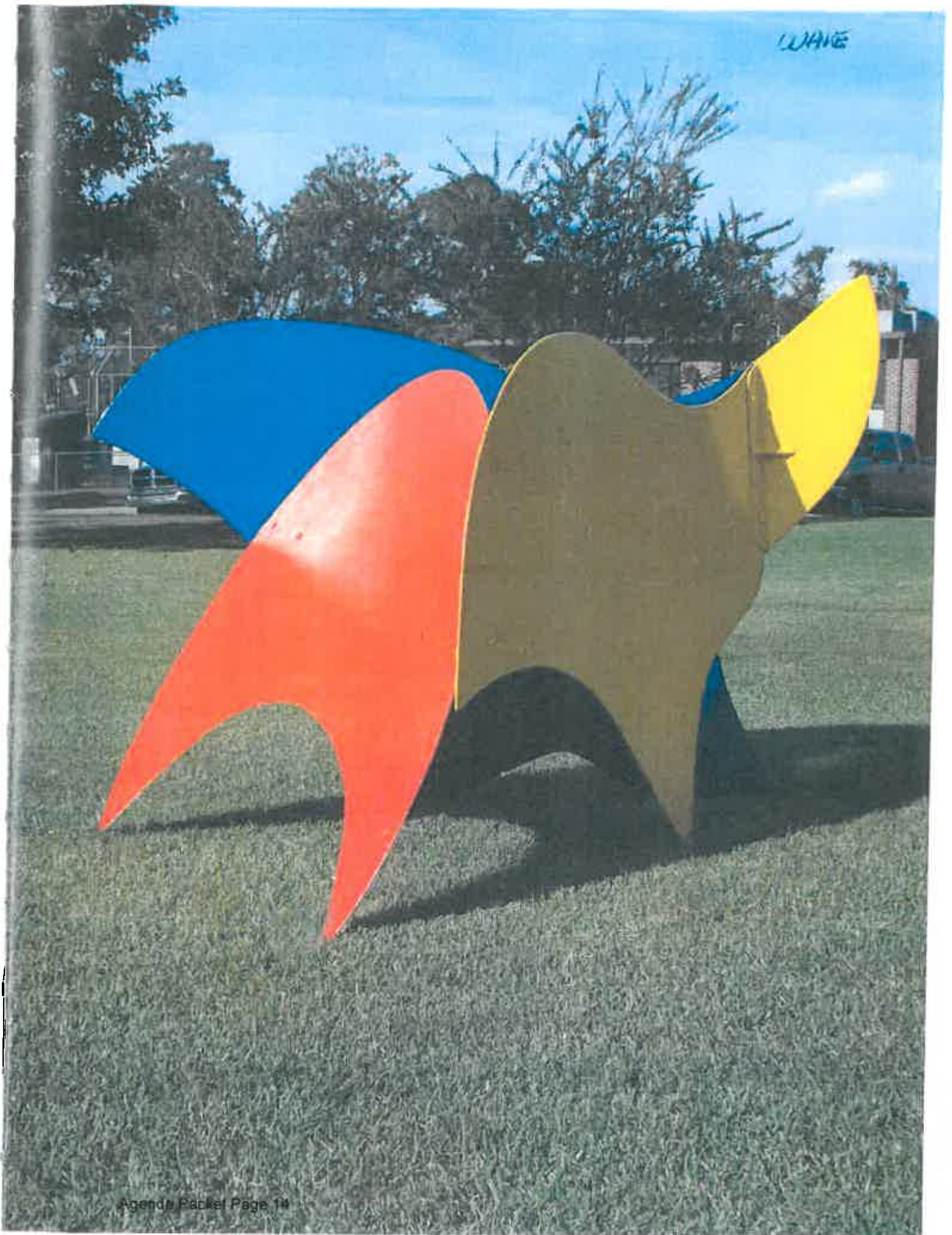
78" x 60" x 30", W. Morse Boulevard median between Capen Avenue and Denning Drive

***Gladiator*, 1999**

Welded painted steel

74" x 53" x 104", Southwest corner of W. Morse Boulevard and Denning Drive





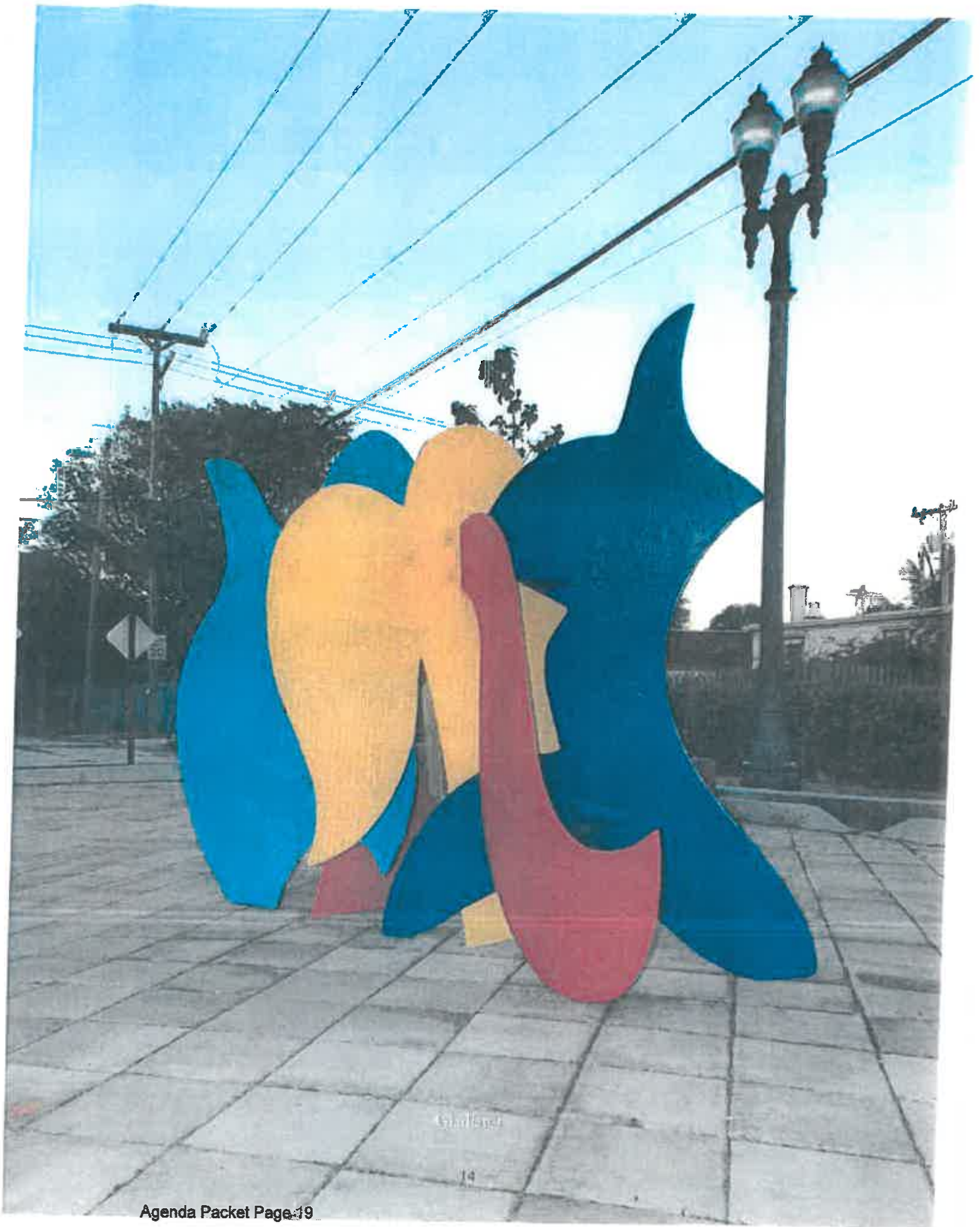


SYNCHRONIC











David Hayes Biography and listing of solo exhibitions

- 1931 Born in Hartford, Connecticut. Lived in Coventry, Connecticut.
- 1949–1953 University of Notre Dame; Notre Dame, Indiana, A.B.
- 1953–1955 Indiana University; Bloomington, Indiana. M.F.A.
Studied with Robert Laurent, Alton Pickens, and David Smith.
- 1955–1957 United States Navy
- 1958 Silvermine Guild; New Cannan, Connecticut – Sculpture Award
New Haven Festival of Arts; New Haven, Connecticut – Best in Show
- 1959 Museum of Modern Art, New York – Recent Sculpture, U.S.A.
Solomon R. Guggenheim Museum, New York – *Animal and Young*, part of inaugural exhibition
Boston Arts Festival; Boston, Massachusetts – Drawing Award
- 1960 New Haven Festival of Arts; New Haven, Connecticut – Best in Show for Sculpture
- 1961 Chicago Arts Institute; Chicago, Illinois – Logan Prize for Sculpture
Post Doctoral Fulbright for study in Paris. Guggenheim Fellowship awarded and arranged to follow Fulbright.
- 1963 Represented United States at “Forma Viva” Sculpture Symposium, Portoroz, Yugoslavia
- 1965 National Institute of Arts and Letters Award, New York
- 1968 Return to live in the United States
- 1970 Monumental Ceramic Wall Commission, Elmira College; Elmira, New York
- 1972 Appointed visiting artist, Harvard University; Cambridge, Massachusetts
- 1973 Juror, Munson-Williams-Proctor Institute; Utica, New York – Annual Exhibition
Illustrated Varmint Q by Charles Boer; Chicago: Swallow Press
Juror, American Academy in Rome – Sculpture
- 1976 Sculpture for playground; Killingly, Connecticut
- 1977 Monumental Sculpture Commission, Massasoit Community College; Brockton, Massachusetts
- 1978 David Hayes: Sculptor; Channel 57 television documentary
Screen Sculpture Commission, Moriarty Brothers, Inc.; Manchester, Connecticut
- 1979 Illustrated French Cooking for People Who Can’t by Julia Hayes; Atheneum Publishers
Sculpture Commission, Lydall Corporate Headquarters; Manchester, Connecticut
- 1980 Juror, Scholastic Art Awards, Connecticut, for Sculpture
Juror, National Screening Committee, Institute of International Education, for Sculpture
- 1981 Monumental Sculpture Commission, Hartwood Acres; Pittsburgh, Pennsylvania
- 1982 Juror, National Screening Committee, Institute of International Education, for Sculpture
Relief Sculpture Commission, Albertus Magnus College; New Haven, Connecticut
- 1983 Relief Sculpture Commission, Wilbraham & Monson Academy; Wilbraham, Massachusetts
Appointed Trustee, Hartford Art School, University of Hartford; Hartford, Connecticut
- 1985 The Brooks File: David Hayes’ Sculpture Fields, Channel 3 WFSB; Hartford, Connecticut
- 1987 Monumental Sculpture Commission, Hartford Public Library; Hartford, Connecticut
Juror, National Screening Committee, Institute of International Education, for Sculpture
- 1988 Monumental Sculpture Commission, Snite Museum of Art, University of Notre Dame;
Notre Dame, Indiana
- 1990 Monumental Sculpture Commission, School of Business, Western Michigan University;
Kalamazoo, Michigan
Welded Steel Sculpture with David Hayes, documentary film by Richard Byrnes
- 1991 Monumental Sculpture Commission, Anderson Gallery, Buffalo, New York
PBS Broadcast of The Sculpture of David Hayes, documentary film by Richard Byrnes
- 1992 Elected Regent, University of Hartford; Hartford, Connecticut

1993	Appointed Board Member, New York Sculpture Guild
1994	One-man show at Anderson Gallery
1996	One-man shows at Prudential Center; Boston Gulf Coast Art Center; Belair, Florida The Pingry School; Martinsville, New Jersey
1997	One-man shows at 100 Pearl Gallery; Hartford, Connecticut The Gallery, University of New Haven Southern Vermont Art Center; Manchester, Vermont Gulf Coast Art Center; Belleair, Florida - Screen Sculptures Orlando City Hall; Orlando Hines Building; Boston Hayes Modern Gallery; Naples, Florida
1998	One-man shows at Mercy Gallery, Loomis Chaffee School; Windsor, Connecticut City of Stamford, Connecticut and Stamford Town Center Tremaine Gallery, Hotchkiss School; Lakeville, Connecticut The Appleton Museum; Ocala, Florida Boca Raton Museum of Art; Boca Raton, Florida Stamford Center for the Arts, Rich Forum; Stamford, Connecticut
1999	Screen Sculpture Commission, Nicotra Group; Staten Island, New York One-man show at Colgate University; Hamilton, New York
2000	One-man shows at Sculpture at Sasaki, Sasaki & Associates; Watertown, Massachusetts Fordham University Downtown; New York David Hayes Steel Sculptures, Denise Bibro Fine Arts Inc.; New York, New York
2001	One-man shows: Geary Design; Naples, Florida Lyric Theater; Stuart, Florida - Outdoor Sculpture Hanging Sculpture Commission, Nicotra Group; Staten Island, New York
2002	One-man shows: Lyric Theater; Stuart, Florida - Outdoor Sculpture Bradley International Airport, Windsor Locks, Connecticut - Small Sculptures
2003	One-man shows: Burt Reynolds Museum, Jupiter, Florida - Inaugural exhibition 5 Screen Sculptures at the University of Central Florida; Orlando, Florida David Hayes Sculpture, Sculpture Garden & Studio at Gidion's, Kent, Connecticut Group: Sculpture in the Park 2003, Rockland Center for The Arts; Nyack, New York Selections from the von Liebig Art Center Collection, The von Liebig Art Center; Naples, Florida Small and Everlasting, ACA Galleries; New York, New York
2004	One-man shows: David Hayes Sculpture at Florida International University, Biscayne Bay Campus, Miami, Fla Outdoor Sculpture, James A. Michener Art Museum; Doylestown, Pennsylvania Exhibition Without Walls; 40 sculptures in downtown Fort Pierce, Florida
2005	One-man shows: 8 Vertical Motifs at the Mobile Museum of Art; Mobile, Alabama. 12 sculptures on Oyaron Hill, Hartwick College; Oneonta, New York Maquettes and Drawings, Yager Museum, Oneonta, New York Small Sculptures and Drawings, Krasl Art Center; Saint Joseph, Michigan Sculpture in Erie: installation of sculpture in downtown Erie, Pennsylvania
2006	LSU Museum of Art; Baton Rouge, Louisiana – David Hayes Sculpture

- 2007 Erie Art Museum Annex Gallery; Erie, Pennsylvania – Small Sculptures and Drawings
Longview Museum of Fine Arts; Longview, Texas – David Hayes Sculpture
Awarded an honorary doctorate degree by Albertus Magnus College; New London, Connecticut
Vero Beach Museum of Art; Vero Beach, Florida: David Hayes Sculpture
The Irving Arts Center; Irving, Texas
The Lauren Rogers Museum of Art; Laurel, Mississippi
Everson Art Museum; Syracuse, New York: Return to Syracuse
Ross Art Museum at Ohio Wesleyan University; Delaware Ohio – Small Sculptures, Drawings and Outdoor Sculpture
City of Syracuse, New York - Downtown Sculpture
Albertus Magnus College; New Haven, Connecticut: David Hayes Outdoor Sculpture
- 2008 David Hayes in White Plains: 62 sculptures in White Plains, New York.
- 2009 The Sweeney Decade: Acquisitions At The 1959 Inaugural. Solomon R. Guggenheim Museum.
Hayes Family Show: Three Generations. White Plains Library, White Plains, New York
- 2010 Art to the Avenue; Greenwich Avenue, Greenwich, Connecticut
Fathers & Daughters, The Greenwich Arts Council Presents In The Bendheim Gallery; Greenwich, Connecticut
Boscobel, In conjunction with the CURRENT show through Garrison Art Center
- 2011 Sculpture at One North Broadway; White Plains, New York
Huntsville Museum of Art in conjunction with Huntsville's Spaces Sculpture Trail
David Hayes Small Sculpture, George Waters Gallery, Elmira College; Elmira, New York
Sculpture at Goodwin College; East Hartford, Connecticut
- 2012 Small sculpture, gouaches, and new Totems; Garrison Art Center, Garrison, New York
20 Sculptures at Art Museum at the University of Kentucky; Lexington, Kentucky
Sculptures at the WSU Downtown Art Gallery; Westfield, Massachusetts
Sculptures at the Governor's Mansion, Hartford, Connecticut
- 2013 David Hayes Sculpture, Contemporary Art Center; Peoria, Illinois
David Hayes: A Sculptor of Space and Nature, Elizabeth Myers Mitchell Gallery at St. John's College; Annapolis, Maryland
Hanging Screen Sculptures at the Lutz Children's Museum; Manchester, Connecticut
David Hayes dies April 9, 2013
David Hayes Sculpture at the Snite Museum of Art, University of Notre Dame; Notre Dame, Indiana
Sentinel Sculptures at the Fort Wayne Museum of Art; Fort Wayne, Indiana
David Hayes Sculptures at the Wiregrass Museum; Dothan, Alabama
- 2014 Small Sculptures and Gouache Studies, Wiregrass Museum; Dothan, Alabama
David Hayes Sculpture at the Jundt Art Museum; Spokane, Washington
Maquettes and Gouache Studies at the Housatonic Museum of Art, Bridgeport, Connecticut
Sculpture at the Springfield Museums; Springfield, Massachusetts
Recent Small Sculptures at M+V Art Gallery, Miami, Florida
Sculpture at Northwood Village; West Palm Beach, Florida
- 2015 Art Wynwood fair, Cynthia Corbett Gallery; Miami, Florida
Sentinel Sculptures at the Cummer Museum and Gardens; Jacksonville, Florida
Art Miami New York Fair, Cynthia Corbett Gallery; New York, New York
David Hayes Sculpture at the Wichita Falls, Texas Museum of Art
David Hayes Sculptures, Project Space Gallery, SUNY College at Oneonta; Oneonta, NY
Large and Small, Hartford Public Library Gallery; Hartford, Connecticut
Art Hamptons Fair, Cynthia Corbett Gallery; Southampton, New York
Sculptures on campus, SUNY College at Oneonta; Oneonta, New York



city commission agenda item

item type	Public Hearings	meeting date	1/8/2018
prepared by	Purchasing	approved by	City Manager, City Attorney
board approval	N/A final vote		
strategic objective	Fiscal Stewardship		

subject

Ordinance- Procurement Policy - Amending signature authority (2)

motion / recommendation

Approve the ordinance changes as presented.

background

On November 27, 2017, the City Commission approved revisions to the Procurement Policy. The new policy authorized the Procurement Manager to have signature authority for purchases that do not exceed ten thousand dollars or one year in term.

This ordinance reflects the newly adopted Procurement Policy and provides further clarification for signature authority as suggested by our city attorney.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description	Upload Date	Type
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Ordinance amending Section 2-188	12/1/2017	Ordinance
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 2-188 OF THE CITY CODE GOVERNING PURCHASING, CONTRACTS, AND OTHER MATTERS; PROVIDING FOR, WITHOUT LIMITATION, SIGNATURE AUTHORITY, PROCEDURES AND POLICIES AND ADOPTION THEREOF, PROCUREMENT POLICY, CITY MANAGER AUTHORITY, MAYOR AUTHORITY, ENCROACHMENT UPON CITY DRAINAGE OR UTILITY EASEMENTS, EXECUTION OF EASEMENT AND LICENSE AGREEMENTS, EXECUTION OF DOCUMENTS AND OTHER MATTERS NOT INVOLVING EXPENDITURE OF CITY FUNDS, MATTERS RELATED TO CITY PROPERTY, AND OTHER MATTERS RELATED TO THE FOREGOING; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that it is in the interests of the residents of Winter Park that Section 2-188 of the City Code be amended to improve and clarify the City's regulations with respect to the matters described in the title of this Ordinance; and

WHEREAS, the City Commission finds that this Ordinance is in the interests of the public health, safety, and welfare.

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

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Amendment of City Code. Section 2-188 of the City Code is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-188. – Purchases, signature authority and contracts.

(a) All purchases shall conform to such policies and regulations as the city commission may from time to time prescribe by ordinance or resolution. A Procurement Policy shall be established and amended from time to time by city commission approval to govern the procurement process.

(b) Except as provided in subsections (d) (e) and (f) of this section, all contracts to which the City of Winter Park is a party must be approved by the city commission at a public meeting, the approval of the contract duly recorded in the minutes of the meeting and a true and correct copy thereof being available and maintained in the records of the city showing the date and official approval by vote of the city commission of the City of Winter Park. This provision does not prevent the city manager from negotiating, securing and signing a written contract or agreement that is

subject to and contingent upon city commission approval before it becomes enforceable against the city.

(c) Either the mayor or the city manager shall have the authority to sign contracts and agreements approved by the city commission and related documents and instruments needed to consummate the approval of the city commission. Both the city manager and procurement manager shall each have the authority to issue and sign purchase orders approved by the city commission. For real estate transactions approved by the city commission, the mayor shall execute any deeds, leases and easements conveying real property or an interest in real property owned by the city, however either the mayor or city manager shall have the authority to execute any closing documents on behalf of the city consummating a transaction in which the city is acquiring real property or an interest in real property. For the issuance of debt approved by the city commission or by referendum, the mayor (or the deputy mayor in the absence of the mayor) shall execute bonds or notes issued by the city.

(ed) ~~Notwithstanding the general requirement that all contracts of the City of Winter Park shall be approved by the city commission at a public meeting, The city manager shall have purchase, contract and agreement approval and signature (or execution) authority, without city commission approval, up to a certain threshold set forth in the procedures, policies and regulations the city commission may prescribe by ordinance or resolution from time to time, the city manager or mayor shall have the authority to sign and enter contracts to which the City of Winter Park is a party, but only if~~ The city manager's contract approval authority shall be subject to all of the following conditions are being present and satisfied by the terms of the contract:

(1) The contract will not obligate the city to expend funds in excess of the city manager's purchase order authority then existing at the time the contract is entered.

(2) No term of the contract shall require the City of Winter Park to indemnify or hold harmless a private party unless the city's liability is capped at the limits of liability of F.S. § 768.28(5) regardless of the type or basis of the claim.

(3) No term of the contract shall waive the sovereign immunity of the City of Winter Park, nor shall any provision in the contract increase the city's limit of liability pursuant to F.S. § 768.28, as that statute may be amended.

(4) No term of the contract shall provide for venue of any litigation to occur outside of Orange County, Florida, and no term will apply the law of any state other than Florida.

(5) If the contract is one of purchase, then to the extent applicable, all city regulations (including the provisions of the Procurement Policy Purchasing Manual) shall be followed in selecting the vendor for the contract.

~~(6) The term of the contract shall be for a maximum of one year.~~

~~(76)~~ No contract that transfers, conveys or grants any interest in real estate owned by the City of Winter Park may be entered except upon a majority vote of the city commission. The types of contracts or interests that are subject to this requirement include contracts selling or leasing city property; and easements encumbering city property agreements and encroachment agreements. However, if the city manager finds that it is in the interest of the city to do so, the city manager shall have the authority to approve and execute agreements authorizing by license the encroachment of a property owner's improvements within a city drainage easement or utility easement with terms and in a form acceptable to the city manager.

(87) Notwithstanding the requirement that the mayor or city manager shall not enter a contract that exceeds the city manager's purchase order authority, the city commission finds that an exception is warranted when it is necessary to purchase materials pursuant to the direct purchase sales tax savings program and a delay in purchasing the materials to first obtain commission approval may result in a delay of a public works construction project. Accordingly, as an exception, the city manager or mayor shall have the authority to issue a purchase order for materials that will be incorporated into a public works project of the city, the purchase is pursuant to the owner direct purchase sales tax savings program, and the funds for the project, including the materials to be purchased, are included in the city's budget for the project. The city manager will report all purchase orders to the city commission that are issued pursuant to this exception at the next commission meeting.

If these conditions are satisfied, then either the city manager or mayor shall be authorized to enter the contract on behalf of the City of Winter Park if the city manager finds that it is in the interest of the city to do so. Further, the city commission may delegate by way of the adoption of a Procurement Policy certain limited purchasing approval and signature authority to the city's procurement manager who is under the supervision of the city manager. All contracts so entered shall be maintained as part of the city's records and will be available through the office of the city manager or designee thereof. ~~The city manager shall report at least monthly to the city commission the contracts signed pursuant to this authority.~~

(e) The city manager shall have the authority to approve and execute easement or license agreements that grant an easement or license to the city if the city manager finds such to be in the interest of the city to do so and any city expenditure relating to such, if any, is below the city manager's purchasing authority. Such easements or licenses in favor of the city include those matters relating to, rights-of-entry, temporary construction, sidewalks, bike or pedestrian trails, stormwater drainage, electric utilities, water utilities and sewer utilities. The mayor shall also have the authority to sign easement or license agreements approved by the city manager under this subsection.

(f) Without limiting the foregoing authority set forth above, in recognition of the city manager's duties and need to operate the city on a day to day basis, the city manager shall have the authority to execute documents, orders, agreements and contracts on behalf of the city for which the city is not required to expend funds and which are consistent with the role and duties of the city manager as prescribed by the City Charter or by ordinance, resolution or directive of the city commission.

SECTION 3. Codification. This Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

FIRST READING: _____, 2017

SECOND READING: _____, 2018

ADOPTED this ____ day of _____, 2018, by the City Commission of the City of Winter Park, Florida.

CITY COMMISSION
CITY OF WINTER PARK

Steve Leary, Mayor/Commissioner

ATTEST:

Cynthia Bonham, City Clerk



city commission agenda item

item type	Public Hearings	meeting date	1/8/2018
prepared by	Planning / CRA	approved by	
board approval	final vote		
strategic objective	Intelligent Growth and Development		

subject

Ordinance - Relating to the 6th Edition of the Florida Building Code & 2018 Edition of the International Property Maintenance Code (1)

motion / recommendation

Recommend approval of Ordinance as presented.

background

As part of the 3 year update of the Florida Building Code, a local government charged with enforcing the provisions of this Code must update its administrative and technical provisions to align with that code and may adopt additional provisions to facilitate the permitting, plan review and inspection process.

On December 1, 2017, the Ordinance was presented to the Construction Board of Adjustments and Appeals and received their unanimous recommendation to the City Commission for approval.

A page by page summary is provided as follows:

WINTER PARK BUILDING CODE ADMINISTRATIVE ORDINANCE

The 6th Edition of the Florida Building Code in effect on December 31, 2017.

At the time of each 3 year update of the Florida Building Code each jurisdiction in the State must either carry forward local administrative and technical amendments to the Building Code or make any necessary changes to facilitate the local enforcement and administration of the Florida Building Code.

Summary of Winter Park administrative & technical amendments:

Pages 1-2: Basis for establishment of local administrative and technical amendments is set forth in the "Whereas" statements.

Page 3: Establishes 6th Edition of Florida Building Code & 2018 International Property Maintenance Code as current code editions, and includes a provision from Building Officials Association of Florida (BOAF) Model Admin Code "Determination of substantially improved or damaged existing buildings & structures in flood hazard areas."

Page 4: Provision added to strengthen penalty for leaving a residential construction project unfinished, which often results in an eyesore or safety hazard in a neighborhood. Includes criteria that can be required when extending permit to mitigate disruption to neighboring property owners.

Page 5: Provision added from BOAF Model Admin Code dealing with expired, open and closed permits, including a mechanism to address contractors that fail to close out expired permits.

Page 6: Amends requirements under "Construction Management Plans" to include method of debris removal highlighting the need to comply with the city's waste franchise agreement. Clarifies that closing out permits is responsibility of the permit applicant and property owner. Includes language on what services are covered with permit fees.

Page 7: Requires that buildings planned for demolition be maintained in good condition and not unsightly, overgrown, etc if demolition if demolition is delayed.

Page 8: Cross references requirements for certain buildings listed in the Florida Master Site File which are applying for a demolition permit that need to also comply with an additional waiting period under the City's Historic Preservation Ordinance. Further clarifies requirement for boundary survey for new construction.

Pages 9-10: Updates Roofing and Swimming Pool inspection criteria. Requires contractor or permit holder to obtain final inspection in a timely manner.

Page 11: Updates membership of Construction Board in accordance with State Statute requiring a fire code professional to be a Board member when hearing a fire code appeal.

Page 12: Provision strengthens actions to be taken by City to ensure swimming pool barrier is in place during construction. Adds technical amendment requiring fire sprinklers for new construction in the Central Business District. This provision had been in place for many years.

Page 13: Clarifies for designers the exact wind speed to be used for new construction under the ultimate design wind speed criteria, V_{ult} based on the three risk categories outlined in the Code.

Pages 14-18: Updates our property maintenance standards to current edition (2018) of the International Property and Maintenance Code and various amendments to this Code are delineated. Most of the changes incorporated here are further clarification of changes already in place. All references throughout this ordinance which had referred to the Code Enforcement Board have been changed to Code Compliance Board, which corresponds to the name change from Code Enforcement Division to Code Compliance Division which is located within the City's Fire Department.

alternatives / other considerations

Existing administrative provisions will legally carry over with the 3 year update, but will result in dropping out any technical amendments, may not line up newer administrative provisions and will have various section numbers & provisions not properly cross referenced.

fiscal impact

The language referencing the permitting fee schedule carries forward unchanged and covers all costs incurred in the enforcement of the Florida Building Code with no adverse fiscal impact to the City.

ATTACHMENTS:

Description	Upload Date	Type
Revised Ordinance	12/27/2017	Ordinance
Florida Building Codes Cover	12/27/2017	Backup Material
Building Officials Model Administrative Code	12/27/2017	Backup Material
International Property Maintenance Code	12/27/2017	Backup Material
Winter Park Construction Board of Adjustments meeting 12/01/17	12/27/2017	Backup Material

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE II, CHAPTER 22 OF THE CITY OF WINTER PARK CODE OF ORDINANCES RELATING TO THE BUILDING CODE AND AMENDING ARTICLE V, CHAPTER 22 OF THE WINTER PARK CODE OF ORDINANCES RELATING TO PROPERTY AND BUILDING MAINTENANCE; PROVIDING FOR THE INCORPORATION OF AND MODIFICATIONS TO THE FLORIDA BUILDING CODE AND ASSOCIATED STANDARDS AND REQUIREMENTS; PROVIDING FOR CLARIFICATIONS TO THE CITY'S BUILDING CODE AND PROPERTY AND BUILDING MAINTENANCE CODE; PROVIDING FOR THE INCORPORATION OF CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS, INCLUDING A FIRE SPRINKLER REQUIREMENT FOR CERTAIN PROPERTIES; DESIGNATING APPLICABLE WIND DESIGN CRITERIA; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Building Code Act of 1998 directed the Florida Building Commission to establish a statewide uniform building code known as the Florida Building Code; and

WHEREAS, the Sixth Edition of the Florida Building Code shall be in effect throughout the state of Florida as of December 31, 2017; and

WHEREAS, the City Commission of the City of Winter Park ("City") recognizes that the enforcement of the Florida building Code is the responsibility of local governments; and

WHEREAS, the City actively participates in the enforcement and regulation of building construction for the benefit of the public safety of its citizens, businesses, and visitors; and

WHEREAS, the City desires to facilitate the enforcement of the Florida Building Code by enacting administrative and technical amendments in accordance with Florida law that meet the needs of its citizens, businesses, and visitors; and

WHEREAS, the City recognizes that there exists an area with a special defined downtown zoning district known as the Commercial (C-2) District, where buildings are located in close proximity to each other with zero setbacks and in many cases are located next to older historic and non-historic buildings, and where there is the potential threat of fire spreading among combustible building types, which require an additional level of fire protection through the provision of fire sprinkler systems due to having combinations of combustible and non-combustible construction types; and

WHEREAS, the City hereby determines that those certain administrative and technical fire sprinkler and other amendments as referenced herein are needed for the safety and public welfare of the citizens, businesses, and visitors to the City; and

WHEREAS, the City recognizes that chapter 553, Florida Statutes, allows local governments to adopt and enact local administrative amendments to the Florida Building Code that are more stringent than the minimum standards described therein so long as such amendments are transmitted to the Florida Building Commission within thirty days after enactment and are made available to the general public in a useable format; and

WHEREAS, the City recognizes that chapter 553, Florida Statutes, allows local governments to adopt and enact local technical amendments to the Florida Building Code Act that address local needs requiring the strengthening of the requirements of the Florida Building Code subject to the requirements of section 553.73(b), Florida Statutes; and

WHEREAS, the City finds that such local technical amendments are no more stringent than necessary to address the local needs for same, the additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities, and the additional requirements do not introduce new subject not addressed in the Florida Building Code; and

WHEREAS, the City has and shall make readily available, in usable format, all technical amendments adopted as referenced herein, and the City has considered and shall include in its transmittal to the Florida Building Commission a fiscal impact statement which documents the costs and benefits of the proposed technical amendment. Such fiscal impact state includes the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance; and

WHEREAS, the City has determined that all technical amendments enacted hereby are based upon a review of local conditions, which review demonstrates by evidence or data that the City exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code;

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

Section 1. Recitals. The City Commission hereby ratifies, approves, and adopts the preceding recitals, which constitute the legislative findings of the City Commission and same shall be fully incorporated herein.

Section 2. That Article II, Chapter 22 of the City of Winter Park Code of Ordinances entitled “Building Code” is hereby amended to read as follows (~~struckout text~~ indicates deletions; underlined text indicates additions; and non-referenced sections shall remain unchanged):

ARTICLE II. – BUILDING CODE.

* * *

Sec. 22-27. – Codes adopted by reference.

The ~~Fifth~~ Sixth Edition Florida Building Code, including all volumes: Building, Existing Building, Fuel Gas, Plumbing, Mechanical, Accessibility, Energy Conservation and Residential, as published by the International Code Council, Inc., (Country Club Hills, Illinois) is hereby adopted by reference and is automatically in effect as required by Florida Statutes and shall include administrative and technical amendments in this article as deemed appropriate to meet local needs and to facilitate the administration of the Florida Building Code.

Sec. 22-28. – Amendments to the Florida Building Code.

All volumes of tThe Florida Building Code as adopted in section 22-27 is are amended with administrative amendments contained in this section in the following respects:

* * *

101.2.2 Unsafe Buildings shall be abated using the International Property Maintenance Code ~~2015–2018~~ edition, promulgated by the International Code Council, Inc., subject to all amendments, modifications or deletions hereinafter contained.

* * *

104.6 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 Flood Loads.

* * *

105.4.1.3 In constructing, renovating or building a new one or two family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension or reinstatement of the original permit is granted by the building official after receiving in writing reasons

for the delay in completion of the building for good cause (see Section 105.4.1.7+5.4.6). When extending or reinstating a residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties. Furthermore any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property owner and if unpaid for 30 days shall be assessed as a lien against the property. Failure to comply with this section may require referring this matter to the Code Compliance Board to assess fines or other corrective actions.

Standard criteria that may be applied when extending or reinstating an expired permit or when preparing a construction management plan for any building project:

1. Limitation of noise: In addition to the specific prohibitions of noise from construction activities in Section 62-97 of Chapter 62, Article II "Noise and Disturbance Control," construction activity noise may be limited to week days between the hours of 8AM and 5PM.
2. Limitation of site cleanliness and storage of materials: In addition to the requirements addressing construction debris in Section 105.24, clean up of debris and discarded construction material may be required every 7 days; and storage of building material not in use may be limited to a storage period of 30 days or less.
3. Limitation of work hours to 8AM to 5PM, Monday through Friday, in addition to prohibition of work on~~excluding~~ holidays.
4. Parking of all vehicles, trailer(s) and equipment related to the construction project is limited to onsite parking or parking on a remote non-residentially zoned site.

105.4.1.4 With respect to commercial or multifamily building projects, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days or ninety (90) days after the last inspection after which the building permit may be revoked and become void and the project shall be deemed an inactive construction site for the purpose of this Section. The licensed contractor and/or property owner shall maintain all construction sites in a safe condition and shall provide fencing or other protective

barriers if needed for security and safety on active or inactive construction sites. All building sites shall be kept clean so as to minimize unsafe or hazardous conditions and unsightly appearance. Active construction sites shall be protected as directed by the Florida Building Code and the building official. When extending or reinstating a non-residential or multifamily residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties.

* * *

Upon a determination by the building official that the subject project is not in compliance with this section, the licensed contractor or property owner may appeal the building official's decision to the Construction Board of Adjustments and Appeals to affirm or to amend and modify the decision of the building official. Failure to comply with any of these actions will result in the Building Official referring the matter to the Code ~~ComplianceEnforcement~~ Board. If the Code ~~ComplianceEnforcement~~ Board finds a serious threat to public health, safety and welfare, the Code ~~ComplianceEnforcement~~ Board may recommend reasonable repairs to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with a fine, as provided for in Section 162.09, Florida Statutes.

* * *

105.4.1.8 The building official is authorized to reject new permit applications from a contractor who holds expired permits or inactive permits not resolved to comply with the building code or other applicable codes as determined by the building official. For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official. An open permit shall mean a permit that has not satisfied all requirements for completion under conditions of the permit as determined by the building official. The building official is authorized to administratively close expired or inactive trade permits after 10 years based upon expiration when no known safety hazard exists and no code violations have been previously identified.

Section 105.5 and 105.5.3 is added to read as follows:

105.5 Construction ~~s~~Site Management Plan (referenced hereafter as “Management Plan”). The building official may require a detailed ~~site~~ management plan and completion schedule prior to the approval of a building permit or during the process of completing any active or inactive construction or demolition project. The ~~site~~ management plan shall, at a minimum, provide specific information outlining ~~where all~~ the location of construction worker parking, construction

equipment, material storage and temporary structures ~~will be located~~ on the site under construction or on nearby properties, and methods of debris removal including compliance with the city's waste franchise agreement, and the plan is subject to review and approval by the building official. Additionally, traffic routes to and from the site, pedestrian safety barriers and fencing shall be included on the site management plan and shall be identified for approval. The site management plan must also reflect where displaced public or private parking is temporarily located during the term of the project to the maximum extent feasible. The plan is subject to review and approval by the building official. Failure to comply with the approved site management plan shall result in the placement of a "stop work" order as outlined in Section 115, the issuance of a citation, by referring the violation to be heard by the Code Compliance Enforcement Board or any other remedy provided at law. The approved ~~construction site~~ management plan must be kept at the construction site and be available at all times during the construction process and be made available to the building official or city inspectors.

105.5.3 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and the property owner. Failure to close out or resolve open permits may be reported to the proper authority by the building official.

* * *

105.21.1 Permit fees. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a plan review fee for each permit shall be paid as required at the time of applying for the permit, and a fee shall be paid as required at the time of obtaining the permit in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. The established permit and plan review fee shall include the costs of services for enforcing the land development code and other municipal or regulatory requirements by city departments involved in ~~the areas of~~ plan review, inspection, and preliminary consultation for a project and administration of the land development code. The amount of refunds for any building permit, including single-family dwellings, shall be determined by deducting the cost of all city services including but not limited to plan review fees. When one year has elapsed from the time of issuance of a permit, no refunds shall be processed. No new permit shall be issued to a building permit applicant who has outstanding unpaid fees from any previous permit issued to said applicant, including but not limited to re-inspection fees, impact fees, or "stop work order" charges or who has outstanding permits which have not received either final inspection approval or a release on abandoned projects after more than six months of inactivity except for extenuating circumstances such as good cause as delineated under Section 105.4.1.7.

* * *

105.24.1 The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any

other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, free of overgrown weeds and grass over 12 inches in height, and the accumulation of construction debris must not remain on the property for a period of time exceeding 10 days. Dust created during construction or demolition must be contained on the site or close proximity to building or structure through wetting down the dust or materials or through the use of any alternate means that prevents dust from leaving the property. Violation of these conditions shall authorize the building official to place a stop work order on such jobs in violation of this section and require removal of debris and overgrowth, and correction of dust accumulation on site and adjacent properties or streets. Other remedies shall include referring the violation to the Code ~~Enforcement~~ Compliance Board or having all debris removed from job site by the city and charging all costs to the contractor or the property owner and if unpaid for 30 days all costs incurred shall be assessed as a lien against the property.

* * *

105.26 Notice provision for demolition of buildings.

- (a) Prior to the issuance of a permit for the demolition of a building, the property owner or the designated representative of the owner of the building proposed for demolition shall post a notice on the property where the building is located so as to be easily visible and readable from the abutting street frontage and shall remain in place for 30 days. This notice shall be provided by the City and shall include the following information:
 - (1) Owner of the property.
 - (2) Date of posting the notice.
 - (3) Address of the building planned for demolition and statement that the building will be demolished at the end of the posting period. If demolition is delayed after the posting period then the building and property shall be maintained in good condition, free of debris, overgrowth or other unsightly conditions including removal of silt fencing until such time that demolition commences.
- (b) Buildings not required to follow the notice of demolition provisions of this section:
 - 1. Buildings which are determined to be a safety hazard, unsafe, a public nuisance, or otherwise dangerous and require immediate removal.

2. Accessory buildings, such as detached carports, garages, sheds, storage buildings, arbors, boathouses, greenhouses, and similar detached structures.
3. Other buildings as determined by the building official, such as certain commercial or multifamily buildings, but not including any building listed on the city's registry of historical buildings.

(c) Demolition of structures or buildings identified on the Florida Master Site File shall also comply with applicable provisions of Section 58-481 of the Winter Park Code, which may require an additional posting period as determined by Historic Preservation Board staff.

* * *

107.2.1.1 Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified State registered surveyor.

* * *

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. The building official may require a boundary survey showing all setbacks to structures being laid out and detailed on a form board survey or after pouring foundations, floor slabs or for accurate determination of building height in accordance with the zoning code. A copy of the required survey shall be given to the inspector prior to approval of the inspection requested.

* * *

Required inspections listed in Section 110.3 are amended as follows: Required inspections listed in Section 110.3 are amended as follows:

* * *

4. Roofing inspection: To be made as two inspections ~~on tile, slate or similar roof coverings or as one inspection on all other roof coverings~~, and shall at a minimum include the following building components:

- ☐ dry-in
- ☐ insulation
- ☐ roof coverings
- ☐ flashing

Re-roof sheathing inspection. An affidavit with a notarized signature of the licensed roofing contractor verifying that all replaced sheathing and fasteners used comply with criteria required by the Existing Building Code may be accepted at the discretion of the building official.

* * *

6. Swimming pool inspection:

Inspections for Residential swimming pools

- ☐ First inspection: to be made after excavation and installation of reinforcing steel, bonding, main drain piping sizing and pressure test ~~and main drain and~~ prior to placing of concrete.
- ☐ Second inspection: underground piping in open trench with pressure test and underground electric bond wire to the equipment.
- ☐ Third inspection (deck inspection): to be made prior to installation of the deck material (with forms, deck drains, trench with equipotential bonding and any reinforcement in place).
- ☐ Fourth inspection (safety inspection): bonding connections for light niche, installation of proper drain covers and completion of barrier prior to filling the pool with water.
- ☐ Fifth inspection (final electrical inspection): electrical bonding equipment connections, GFCI devices and disconnects.
- ☐ Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

Commercial swimming pools may require additional inspections.

~~□ Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.~~

~~□ In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in the Florida Building Code (Section 454.2.17).~~

~~Specific swimming pool inspections required below:~~

~~1st. — Pool steel & ground: Pipe sizing and pressure test.~~

~~2nd. — Plumbing rough: Trench, bond wire, piping placement and pressure test.~~

~~3rd. — Deck inspection: Size, location and bonding grid.~~

~~4th. — Safety inspection: Before plaster: drain covers, pool barriers, and light niche bonding.~~

~~5th. — Pool electrical final: Electrical bonding, equipment connections, GFCI devices, and disconnects.~~

~~6th. — Pool final: Total Dynamic head pressure, permanent barrier or alarms and pool swim out.~~

* * *

110.3.9 Final inspections. The licensed contractor and permit holder shall be responsible for obtaining final inspections and a certificate of occupancy for ~~certificate of completion~~ for all permits within a timely manner after completion of work. Timely shall mean immediately after completion of work ~~within 30~~ 7 ~~calendar days after completion of work.~~ Failure to obtain such final inspections and certificates of occupancy certificate of completion shall be a violation of this article.

* * *

111.1.1 Issuing Certificate of Occupancy. Upon completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection approval, and after verification that ~~all~~ any septic system permits have received an approved final inspection where applicable, and after approval of other City departments involved in the inspection of the building or site, the building official shall issue a Certificate of Occupancy containing the information listed in Section 111.2 of the Florida Building Code and any other information required by the city. Delays in obtaining a certificate of occupancy by the contractor or property owner after fulfilling the above listed conditions will

result in the automatic issuance of the certificate of occupancy with the issuance date recorded as the date on which final inspection approval occurred.

* * *

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 or a regular member of this board shall also be licensed ~~and employed or practicing~~ in one of the ~~trades professions~~ regulated by this board or may be a member that is a fire code professional in order to qualify the board to hear cases or appeals concerning the Florida Fire Prevention Code. The board shall be comprised of 2 licensed contractors (building, residential or general), one licensed ~~include a practicing architect, a one licensed structural engineer, two licensed construction contractors, a one licensed master electrician, a one licensed master plumber, and one licensed~~ 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.~~ The board members shall be appointed by the mayor and confirmed by the city commission.

* * *

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~~, energy or accessibility volumes of the Florida Building Code or in modifying an order of the building 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 Executive Secretary or Clerk 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.

* * *

114.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the

violation. Appeals of the Notice of Violation may be filed and heard by the Board of Adjustments and Appeals in accordance with the appeal procedure outlined in Section 113. Failure to comply with the Notice of Violation may result in referring the matter to the Code ~~Compliance Enforcement~~ Board who are empowered to impose fines in accordance with procedures set forth in Section 2-107 of the Winter Park Code of Ordinances.

* * *

116.2. Public nuisances. Public nuisances are defined in section 22-177(202) under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code ~~compliance enforcement~~ board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this chapter. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

* * *

454.3 (Building) and R4501.17.1.16 (Residential) swimming pool enclosure protection during construction. During the construction of public or private swimming pools, the permanent fence or wall meeting all applicable requirements of the Florida Building Code, Residential Volume, Chapter 45, or a temporary fence at least four (4) feet in height above the grade shall be installed. This fence or wall shall be closed, latched and locked at all times, except when work is in progress and workmen are on the site. The temporary fence shall not be removed except when the permanent fence, wall, enclosure or swimming pool is being actively constructed. At no time shall the pool be left by workmen unless secured by either the permanent or temporary enclosure. Swimming pool barrier protection shall allow bodies of water such as lakes, canals and streams to serve as one side of the required barrier when the water frontage is at least six feet wide beyond the shoreline, and the side yard fence barrier proceeds at least one foot into the water body or the fence continues to the edge of the water to the top of a canal or stream bulkhead wall. Provisions in this section ~~apply to swimming pools on building sites, including commercial, residential or multifamily projects.~~ Failure to maintain enclosure protection security with a swimming pool protection barrier shall cause the city to secure the pool from outside entry, and authorize the issuance of a "stop work" order until all fees related to providing a pool protection barrier have been paid or waived by the building official minus costs.

* * *

Sections 903.1 and 903.2.13 shall be in addition to the fire sprinkler provisions required in the Florida Building Code, which is amended as follows:

* * *

903.2.13 Approved automatic sprinkler systems shall be provided in all buildings in the Commercial (C-2) zoning district as defined in the Land Development Code (Chapter 58) on properties bounded by New York Avenue (on the west), Swoope Avenue (on the north), Knowles Avenue (on the east), and Fairbanks Avenue (on the south) including the projected extension of Knowles Avenue to Fairbanks Avenue.

* * *

Section 1609.3 ~~Basic~~ Ultimate wind speed. The ultimate design wind speed Vult in miles per hour, for the development of the wind loads shall be determined by Figures 1609.3(1)~~A~~, 1609.3(2)~~B~~ and 1609.3(3)~~C~~. The ultimate design wind speed Vult for use in the design of Risk Category II buildings and structures shall be obtained from Figure 1609.3(1)~~A~~. The ultimate design wind speed Vult for use in the design of Risk Category III and IV buildings and structures shall be obtained from Figure 1609.3(2)~~B~~. The ultimate design wind speed Vult for use in the design of Risk Category I buildings and structures shall be obtained from Figure 1609.3(3)~~C~~. The ultimate design wind speeds, Vult, determined by the local jurisdiction shall be in accordance with Section 26.5.1 of ASCE 7. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores wherever possible. For the purpose of complying with the structural requirements related to wind loads, all buildings and structures including one and two family dwellings shall comply with the following ultimate design wind speeds Vult:

- 1) Risk Category I: 130 mph
- 2) Risk Category II: 139.9 mph
- 3) Risk Category III and IV: 150 mph

As indicated in Figures 1609.3(1), (2) and (3) ~~A, B, and C~~ linear interpolation between wind contour lines is permitted.

~~Exception: Buildings designed utilizing one of the alternate prescriptive wind design standards permitted in the Florida Building Code.~~

This wind speed determination provided herein is an administrative amendment to the Florida Building Code for the purpose of giving guidance to designers and to provide uniformity with neighboring jurisdictions and is not a local technical amendment or change in the published Florida Building Code wind load criteria.

* * *

Section 3. That Article V, Chapter 22 of the City of Winter Park Code of Ordinances entitled “Property and Building Maintenance” is hereby amended to read as follows (~~struckout text~~ indicates deletions; underlined text indicates additions; and non-referenced sections shall remain unchanged):

ARTICLE V. - PROPERTY AND BUILDING MAINTENANCE

Sec. 22-176. - Code adopted.

The International Property Maintenance Code, ~~2015~~2018 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the applicable Florida Building Code(s).

Sec. 22-177. - Amendments.

The International Property Maintenance Code, 2018~~5~~ edition, is hereby amended in the following respects:

General: All references to the International Building, Plumbing, Mechanical, Fuel Gas, Fire, Electrical and Zoning Codes shall mean the respective building, residential, plumbing, mechanical, gas, fire, and electrical , and electrical rules and requirements as incorporated into the Florida Building Codes, Florida Fire Prevention Code, and zoning codes of the city along with amendments adopted herein.

* * *

Section 105.3 is amended as follows:

105.3 Required testing and assessments. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests or assessments to be made as evidence of compliance at no expense to the City. Required assessments include and are not limited to mold assessments by a mold assessor licensed by the State.

* * *

108.8 Public nuisances. Public nuisances are defined in section 202 “General Definitions” ~~22-177(202)~~ under "nuisance". When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee or the code compliance ~~enforcement~~ board is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in this code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

* * *

110.1 ~~General~~Unsafe buildings or structures. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 90 days, to demolish and remove such structure; or where a nuisance exists, the code official shall order the owner of the premises to correct or remove conditions causing the nuisance. The existence of a nuisance shall constitute a violation of this code.

* * *

Section 202. General definitions is amended by adding or altering the following definition:

[Note: See Definitions in International Property Maintenance Code Chapter 2]

Nuisance. The following shall be defined as nuisances: It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city to maintain, or permit to exist, such premises in such manner that any one or more of the following conditions are to exist thereon:

* * *

(14) Vegetation, including dry grass, dead shrubs, dead trees, combustible refuse and waste, or any material growing upon the area between the traveled way and the property line, sidewalks or upon private property which by reason of size, manner of growth and location would create any one or more of the following:

- a. A condition likely to constitute a fire hazard to any building, improvement or other property, or when dry will in reasonable probability constitute a fire hazard;
- b. A condition likely to harbor rats, vermin or other similar creatures constituting a health hazard; ~~or~~
- c. Causes appreciable harm or material detriment to the aesthetic and/or property values of surrounding property; or;
- d. Creates a safety hazard due to slipping or tripping on sidewalks or similar surfaces.

* * *

(18) Waste on the premises in open view or can be seen from an adjacent property, which by reason of its location is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the suppression of fire upon the premises or adjacent premises and which is visible from public property or from neighboring properties for a period of time in excess of ten days. "Waste" is defined for the purpose of this section as unused or discarded matter and material which consists (without limitation or exclusion by enumeration) of such matter and material as rubbish and refuse and matter of any kind including, but not limited to, rubble, debris, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, furniture and household equipment or parts thereof, lumber, trash, dirt, machinery or parts thereof, scrap metal and pieces of metal, ferrous or nonferrous, bottles, bedding, etc.

* * *

(22) The substantial lack of maintenance of grounds including but not limited to dead grass, lack of sod (grass) or surface coverings within the city on which structures exist, where the grounds are viewable ~~by the public~~ from a public right-of-way or viewable from the sites of neighboring properties, where such condition would cause appreciable harm or material detriment to the aesthetic and/or property values of surrounding properties.

* * *

302.4.2 Notice. The city shall notify in writing the owner of any lot, place or area within the city or the agent of such owner or the occupant to cut, destroy or remove any weeds, grass, trash, rubbish or noxious matter found growing, lying or located on such owner or occupant's property or upon the sidewalk or street right-of-way abutting the property and that, upon the failure of the owner or agent or occupant

to do so. The city will cause such weeds, grass, rubbish or noxious matter to be cut, destroyed or removed. Such notice shall be by certified mail, addressed to the owner or agent of the owner or occupant, at his last known address, or by hand delivery to the owner or agent of the owner or occupant. ~~In lieu of notice by certified mail,~~In addition, a notice may be posted on the property upon which the violation is alleged to exist and at the primary municipal government ~~office of code enforcement,~~ and 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 the place of its posting. Notice by posting may run concurrently with, or may follow an attempt or attempts to provide notice by hand delivery or by mail, as required by this subsection.

* * *

302.8.4.3 If no appeal is submitted in writing to the office of Code Compliance ~~made~~ and the abandoned or disabled vehicle remains in violation after the ten calendar-day period, the city shall cause such vehicle on private property to be ~~removed~~ to a storage facility approved by the city and thereafter disposed of in accordance with applicable state law or city ordinance.

* * *

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, in accordance with Article VII, Numbering of Buildings, of this Chapter.

* * *

304.6. Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timber, chipped paint, decaying substance conditions and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair. All exterior surfacing material shall be painted or properly surface coated (except brick, stone or other natural material which does not require the application of a weatherproofing substance) and in good repair after scraping and removing any loose paint or surfacing material.

* * *

Section 4. Codification. It is the intention of the City Commission of the City of Winter Park that sections II and III of this ordinance shall become and be made a part of the Code of Ordinances of the city; and that sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be numbered or renumbered

or lettered or relettered and typographical errors which do not affect the intent may be authorized by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

Section 5. Conflicts. If any ordinances or parts of ordinances are in conflict herewith, this ordinance shall control to the extent of such conflict.

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

Section 7. Transmittal. This ordinance enacting technical and administrative amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days after enactment.

Section 8. Effective Date. Administrative amendments herein to the Florida Building Code shall take effect immediately upon this ordinance's adoption. Technical amendments herein shall take effect immediately upon the expiration of thirty (30) days after such amendments have been received and published by the Florida Building Commission.

First reading held on the _____ day of _____, 2018.

Second reading, public hearing, and adoption held on the _____ day of _____, 2018.

**City of Winter Park
City Commission**

Steven M. Leary, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

Welcome to the Florida Building Codes 6th Edition (2017): COMPLETE COLLECTION

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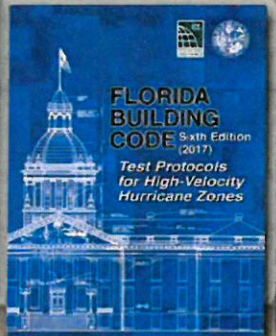
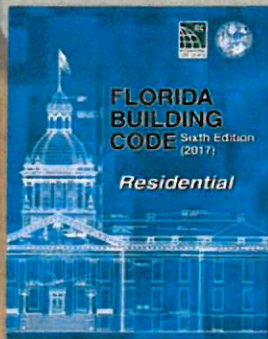
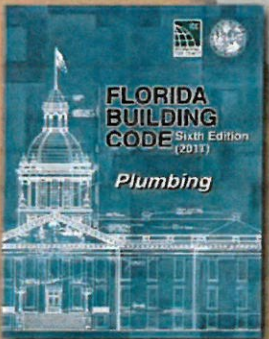
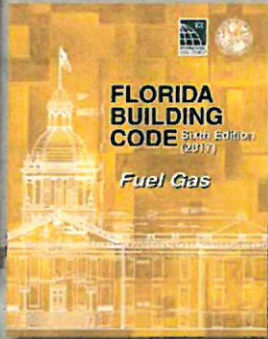
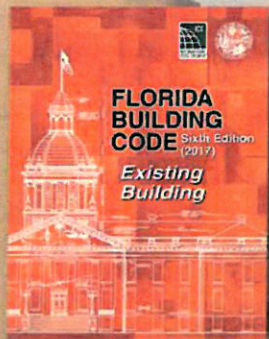
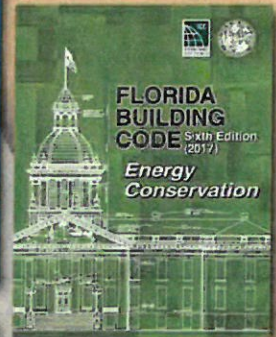
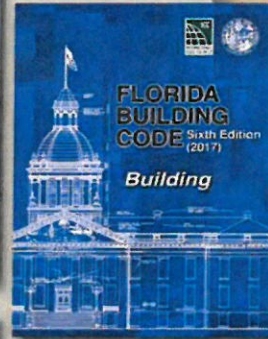
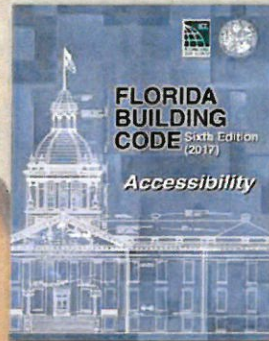
[Florida Building Code - Fuel Gas](#)

[Florida Building Code - Mechanical](#)

[Florida Building Code - Plumbing](#)

[Florida Building Code - Residential](#)

[Florida Building Code - Test Protocols for High-Velocity
Hurricane Zones](#)



Helpful Links

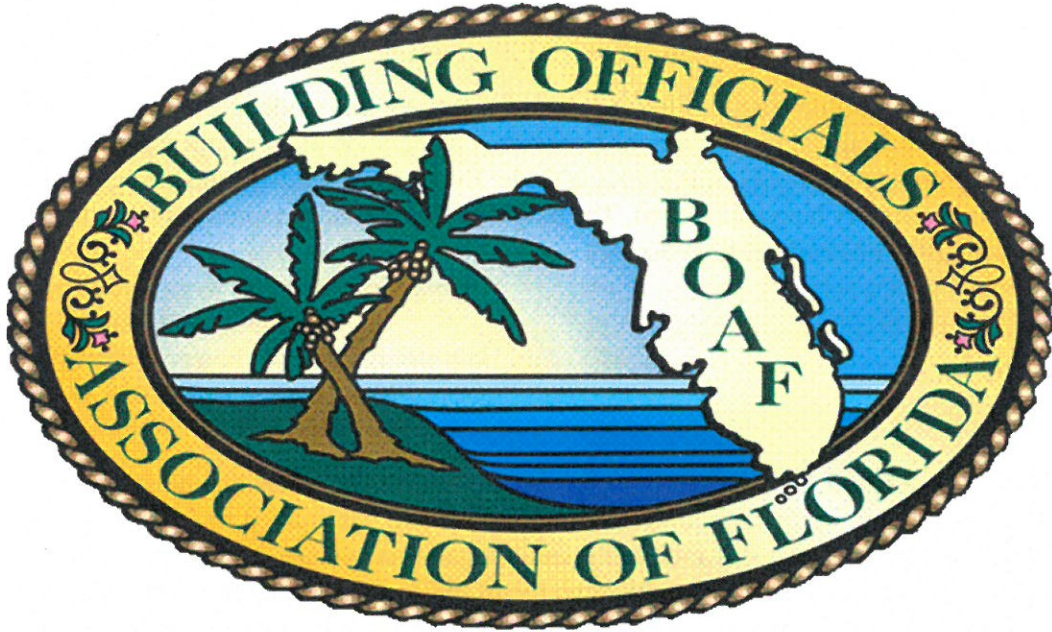
[ICC Website](#)

[ICC Product Store](#)



Evaluation Reports of products
not prescribed in the code





BOAF MODEL ADMINISTRATIVE CODE
FOR THE 6th Edition (2017) FLORIDA BUILDING CODE
7/28/17

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INTERNATIONAL CODES®

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INTERNATIONAL
PROPERTY MAINTENANCE CODE®





DRAFT

**CITY OF WINTER PARK
Construction Board of Adjustments & Appeals**

**Called Meeting
Chapman Room**

**December 1, 2017
8:00 a.m.**

MINUTES

PRESENT

Rodney, Kincaid, (Chairman), Eddie Cox, Joe Fisher, Frank Gay, Mark Sylvain, Bill Maroon, Joe Fisher. Staff members present: Ashley Ong, Asst. Bldg Official. Kris Stenger, Assistant Director, George Wiggins, Building Director and Georgette Harper, Recording Secretary. Robert Harris was absent.

APPROVAL OF MINUTES

Joe Fisher made a motion, seconded by Bill Maroon to approve the minutes from the January 7, 2016 meeting. The minutes were approved by unanimous vote.

NEW BUSINESS

Ordinance updating Administrative Ordinance relating to the 6th Edition of the Florida Building Code and 2018 Edition of the International Property Maintenance Code.

Mr. Kincaid, Chair, asked that each member introduce themselves and give their area of expertise since the Board has not met for nearly a year. The purpose of the meeting is to hear from City staff concerning updating of the local administrative and technical amendments to the upcoming 6th Edition of the Florida Building Code. Mr. Kincaid asked Mr. Wiggins to review the Ordinance which proceeded as follows:

WINTER PARK BUILDING CODE ADMINISTRATIVE ORDINANCE

The 6th Edition of the Florida Building Code goes into effect on December 31, 2017

At the time of each 3 year update of the Florida Building Code each jurisdiction in the State must either carry forward local administrative and technical amendments to the Building Code or make any necessary changes to facilitate the local enforcement and administration of the Florida Building Code.

Summary of Winter Park administrative & technical amendments:

Pages 1-2: Basis for establishment of local administrative and technical amendments is set forth in the "Whereas" statements.

Construction Board of Adjustments & Appeals

Minutes

December 1, 2017

Page 2

Page 3: Establishes 6th Edition of Florida Building Code & 2018 International Property Maintenance Code as current code editions, and includes a provision from Building Officials Association of Florida (BOAF) Model Admin Code “Determination of substantially improved or damaged existing buildings & structures in flood hazard areas.”

Page 4: Provision added to strengthen penalty for leaving a residential construction project unfinished, which often results in an eyesore or safety hazard in a neighborhood. Includes criteria that can be required when extending permit to mitigate disruption to neighboring property owners.

Page 5: Provision added from BOAF Model Admin Code dealing with expired, open and closed permits, including a mechanism to address contractors that fail to close out expired permits.

Page 6: Amends requirements under “Construction Management Plans” to include method of debris removal highlighting the need to comply with the city’s waste franchise agreement. Clarifies that closing out permits is responsibility of the permit applicant and property owner. Includes language on what services are covered with permit fees.

Page 7: Requires that buildings planned for demolition be maintained in good condition and not unsightly, overgrown, etc if demolition if demolition is delayed.

Page 8: Cross references requirements for certain buildings listed in the Florida Master Site File which are applying for a demolition permit that need to also comply with an additional waiting period under the City’s Historic Preservation Ordinance. Further clarifies requirement for boundary survey for new construction.

Pages 9-10: Updates Roofing and Swimming Pool inspection criteria. Requires contractor or permit holder to obtain final inspection in a timely manner.

Page 11: Updates membership of Construction Board in accordance with State Statute requiring a fire code professional to be a Board member when hearing a fire code appeal.

Page 12: Provision strengthens actions to be taken by City to ensure swimming pool barrier is in place during construction. Adds technical amendment requiring fire sprinklers for new construction in the Central Business District. This provision had been in place for many years.

Page 13: Clarifies for designers the exact wind speed to be used for new construction under the ultimate design wind speed criteria, V_{ult} based on the three risk categories outlined in the Code.

Construction Board of Adjustments & Appeals

Minutes

December 1, 2017

Page 3

Pages 14-18: Updates our property maintenance standards to current edition (2018) of the International Property and Maintenance Code and various amendments to this Code are delineated. Most of the changes incorporated here are further clarification of changes already in place. All references throughout this ordinance which had referred to the Code Enforcement Board have been changed to Code Compliance Board, which corresponds to the name change from Code Enforcement Division to Code Compliance Division which is located within the City's Fire Department.

Various Board members asked questions for clarification throughout the discussion of the amendments to the ordinance.

Kris Stenger, our Assistant Director and Ashley Ong, Assistant Building Official highlighted some of the updated items in the 6th Edition of the Florida Building Code.

Joe Fisher brought up the need for close examination of lathe, stucco and adherence to proper water proofing on the exterior of new buildings including homes. He has contacts with experts in this area that may be available to come meet with our inspection staff. Mr. Wiggins stated that we would welcome that opportunity to receive training on accurate code application in this area for all of our staff.

The Board felt that the amendments to our local building code ordinance are needed and in line with the next edition of the Florida Building Code.

ACTION

A motion was made by Frank Gay and seconded by Mark Sylvain to recommend approval of this ordinance to the City Commission and passed by a vote of 6-0.

The meeting was adjourned at 8:55 AM.

Georgette Harper
Recording Clerk



city commission **public hearing**

item type	Public Hearing	meeting date	January 8, 2018
prepared by	Troy Attaway	approved by	<input checked="" 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 type="checkbox"/> Intelligent Growth & Development		<input type="checkbox"/> Public Health & Safety
	<input checked="" type="checkbox"/> Investment in Public Assets & Infrastructure		

subject

Ordinance vacating and abandoning a certain portion of the public right of way known as Laurel Road and public utility rights over certain property located within the Charmont subdivision.

motion | recommendation

Approve motion to vacate portion of right of way. Staff agrees this right-of-way section is appropriate to vacate and abandon as shown in "Exhibit A. "Letters of No Objection" received from each utility.

background

The City received a request to vacate unused right-of-way and utility easements on the subject property. These unused instruments are the result of a partial road vacation in the past. And a relocation of an old sanitary lift station. A new utility easement over the necessary infrastructure will be granted through this action. This action clears up unneeded encumbrances and provides for necessary encumbrances (easements) to meet the needs of our water and wastewater dept.

alternatives | other considerations

Not approve Request to Vacate

fiscal impact

No direct financial impact as a part of this action

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

ORDINANCE NO. _____-17

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING A CERTAIN PORTION OF THE PUBLIC RIGHT-OF-WAY KNOWN AS LAUREL ROAD AND PUBLIC UTILITY RIGHTS OVER CERTAIN PROPERTY LOCATED WITHIN THE CHARMONT SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESERVATION OF A PERPETUAL 20' PUBLIC UTILITY EASEMENT; PROVIDING FOR AUTHORIZATION AND DIRECTION TO CITY STAFF; PROVIDING FINDINGS BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Applicant Douglas S. Metcalf (hereinafter "Applicant") owns certain property abutting upon and underlying that certain public right-of-way originally platted as "Virginia Road" in that certain plat for the Charmont subdivision recorded in the Orange County public records at Plat Book "L," Page 93 (hereinafter the "Charmont Plat"), which road was subsequently renamed "Laurel Road" by Winter Park City Commission Resolution 1261 on February 27, 1979 (hereinafter "Laurel Road 1"); and

WHEREAS, Laurel Road 1 abuts upon and intersects that certain public right-of-way platted as "Laurel Road" in the Charmont Plat (hereinafter "Laurel Road 2"); and

WHEREAS, on January 11, 1983, the City adopted Ordinance No. 1449, as recorded in the Orange County public records at O.R. 3466, Page 555, abandoning and vacating the eastern 120 feet of Laurel Road 1 and leaving an irregularly shaped strip of right-of-way, as more particularly described in **Exhibit "A"** (hereinafter the "Laurel Road 1 Remainder"); and

WHEREAS, in Ordinance No. 1449, the City retained a utility easement over the entire width of Laurel Road 1 in order to serve a lift station existing in the vicinity, which easement is more particularly described in the attached **Exhibit "B"** (hereinafter the "1983 Easement"); and

WHEREAS, in that certain Second Amended Order of Taking dated August 27, 1971 and recorded at O.R. 2210, Page 105, the City obtained certain easement rights and/or public right-of-way over a portion of Applicant's property more particularly described in the attached **Exhibit "C"** (the "1971 Easement/Right-of-Way"); and

WHEREAS, Applicant owns those certain parcels of land described in the attached **Exhibit "E"** (the "Properties") underlying the Laurel Road 1 Remainder, the 1983 Easement, and the 1971 Easement/Right-of-Way, and has requested that the City abandon and vacate the foregoing while

retaining a 20' utility easement over the Properties as described in the attached **Exhibit "D"** (the "New Easement Area"); and

WHEREAS, the City finds that due to the relocation of the original lift station and infrastructure associated therewith, and other changes to the area since the subdivision was originally platted, there is no longer a public need for the City to retain the Laurel Road 1 Remainder, nor easement rights over the full width of Laurel Road 1 as provided in the 1983 Easement, and that it serves a public purpose to grant Applicant's request for vacation and abandonment subject to the City's reservation of a 20' utility easement, all as provided in this Ordinance.

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

SECTION 1: Recitals. The above recitals are true and correct, constitute findings of the City Commission, and are incorporated herein as a material part of this Ordinance.

SECTION 2: Vacation and Abandonment. The City of Winter Park, Florida hereby abandons and vacates the Laurel Road 1 Remainder, the 1983 Easement, and the 1971 Easement/Right-of-Way, except that the City reserves a perpetual 20' public utility easement over, under, and through the New Easement Area for the construction, installation, repair, replacement, reconstruction, maintenance, control, operation, use, and modification of public and private utilities and facilities, including but not limited to stormwater drainage lines, sewer lines, water lines, reclaimed water lines, gas lines, electric lines, cable television lines, telecommunications lines, fiber optic cables and other utilities of every type, including the right of access upon and to and from said area to effectuate the purposes of said perpetual public utility easement, and which public utility easement is further described and depicted in the attached **Exhibit "D."**

SECTION 3: Authorization & Direction to City Staff. The City Manager and his or her designee(s) are hereby authorized and directed to execute such instruments and take such actions as may be necessary to effect this Ordinance, and to record any such instruments and this Ordinance in the Public Records of Orange County, Florida, as may be appropriate.

SECTION 4: Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: Conflicts. In the event of any conflict between this Ordinance and any other ordinance or portions of ordinances, this Ordinance controls.

SECTION 6: Correction of Errors. Any error in the legal description or in depiction of any public right-of-way, easement, or property referenced in this Ordinance may be corrected by subsequent curative document(s) prepared, executed, and/or recorded by the City Manager and/or his or her designee, if any such error is determined to exist by the City Manager or City Commission.

SECTION 7: Effective Date. This ordinance shall take effect immediately upon its passage and adoption by the City Commission of Winter Park, Florida.

FIRST READING: _____, 2017

SECOND READING: _____, 2017

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida on this ____ day of _____, 2017.

CITY COMMISSION
CITY OF WINTER PARK

Mayor Steven Leary

ATTEST:

City Clerk Cynthia S. Bonham

Date

**EXHIBIT A: Highlighted Area –
Request to Vacate Right-of-Way
and to Vacate Easement**

Sheet 1 of 2
See Sketch of Description

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF BLOCK "N", CHARMONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "L", PAGE 93, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, OF THE AFORESAID PLAT; THENCE NORTH 02°17'29" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 173.87 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°17'29" WEST, ALONG THE NORTHERLY PROJECTION OF THE WEST LINE OF SAID LOT 1 AND THE WEST LINE OF LAUREL ROAD A DISTANCE OF 62.02 FEET; THENCE NORTH 73°02'00" EAST, A DISTANCE OF 21.14 FEET; THENCE SOUTH 01°16'30" EAST, ALONG THE WEST LINE OF VACATED RIGHT-OF-WAY PER RESOLUTION 1261 AS RECORDED IN OFFICIAL RECORDS BOOK 3466, PAGE 555, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 62.32 FEET; THENCE SOUTH 73°02'00" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,234 SQUARE FEET, OR 0.028 ACRES, MORE OR LESS.

TSS Order #T17-B64-SOD2

Prepared by:

CENTRAL FLORIDA SURVEYS, INC. dba:
TINKLEPAUGH SURVEYING SERVICES, INC.
5125 ADANSON STREET, SUITE 800
ORLANDO, FLORIDA 32804
(407) 262-0957

This description and the accompanying sketch or sketches has been prepared in accordance with the Standards set forth in Chapter 5J-17, F.A.C., pursuant to Chapters 177 and 472, Florida Statutes. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.



ABRAHAM I. REMCHUK, P.S.M. # 6813

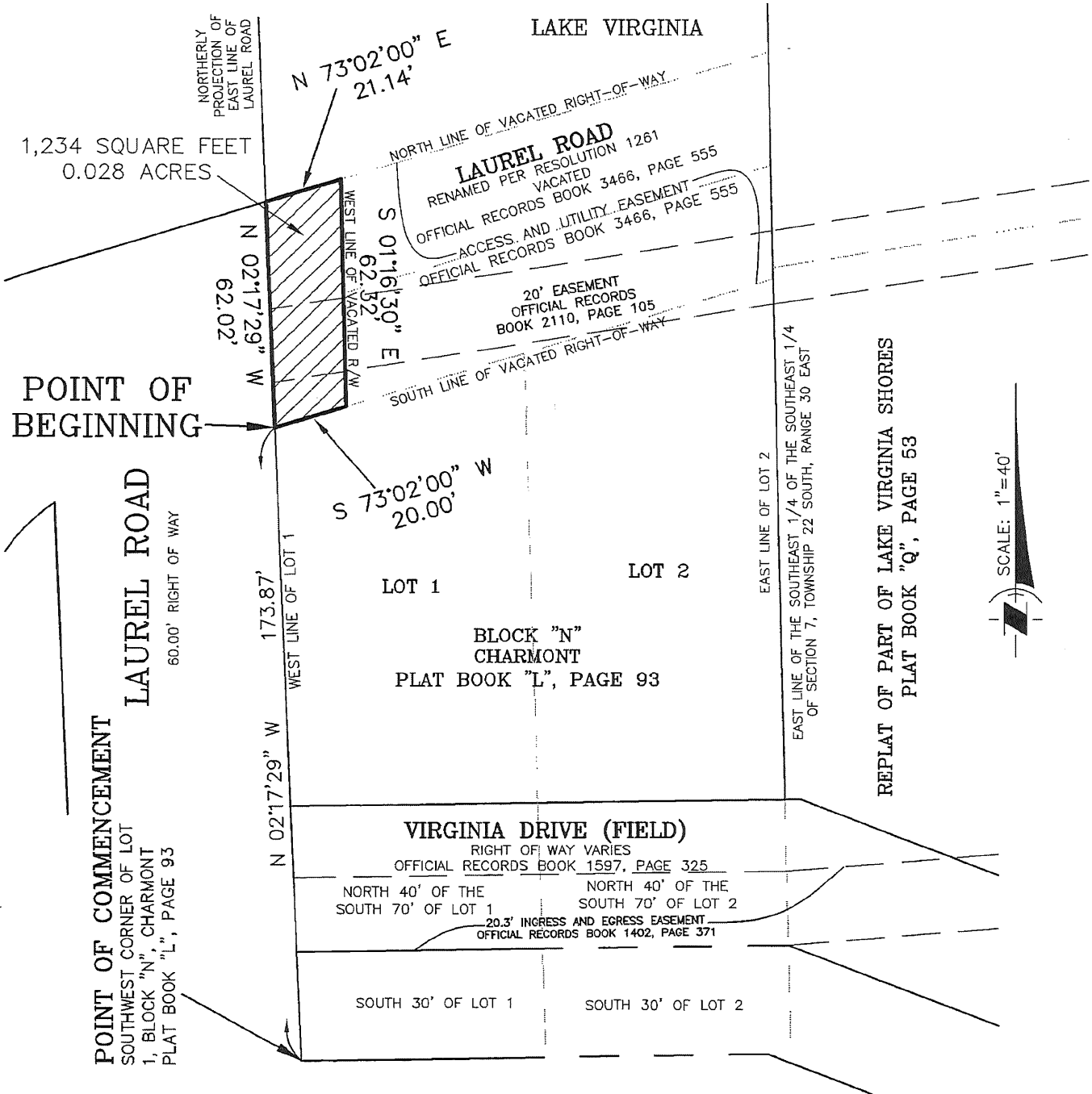
Date: 10-31-17

SKETCH OF DESCRIPTION

— NOT A SURVEY —

EXHIBIT A: Highlighted Area –
Request to Vacate Right-of-Way
and to Vacate Easement

SHEET 2 OF 2



SURVEYOR'S NOTES

- 1.) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST RIGHT OF WAY LINE OF LAUREL ROAD AS BEING N02°17'29"W
- 2.) SEE SHEET 1 FOR LEGAL DESCRIPTION

CENTRAL FLORIDA SURVEYS, INC., dba:

Tinklepaugh

SURVEYING SERVICES, INC.

5125 Adanson Street, Suite 800 • Orlando, Florida 32804

Tele. No. (407) 262-0957 LICENSED BUSINESS No. 3778

I/T17B64/DWG/T17B64.DWG

SX3695-17

**EXHIBIT B: Highlighted Area –
Request to Vacate Easement**

Sheet 1 of 2
See Sketch of Description

LEGAL DESCRIPTION

A PORTION OF THE VACATED RIGHT-OF-WAY AS DESCRIBED IN RESOLUTION #1261 AS RECORDED IN OFFICIAL RECORDS BOOK 3466, PAGE 555 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, BLOCK "N", CHARMONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "L", PAGE 93, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE NORTH 02°17'29" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 173.87 FEET; THENCE NORTH 73°02'00" EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE, DEPARTING SAID NORTH LINE, RUN NORTH 01°16'30" WEST, ALONG THE WEST LINE OF THE AFORESAID VACATED RIGHT-OF-WAY, A DISTANCE OF 62.32 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID VACATED RIGHT-OF-WAY; THENCE NORTH 73°02'00" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 120.01 FEET TO A POINT ON THE EAST LINE OF LOT 2 OF THE AFORESAID PLAT, AND THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 01°16'30" EAST, ALONG SAID LINE A DISTANCE OF 62.32 FEET TO A POINT ON THE NORTH LINE OF LOT 2 OF THE AFORESAID PLAT; THENCE SOUTH 73°02'00" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 120.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,200 SQUARE FEET, OR 0.165 ACRES, MORE OR LESS.

TSS Order #T17-B64-SOD1

Prepared by:

CENTRAL FLORIDA SURVEYS, INC. dba:
TINKLEPAUGH SURVEYING SERVICES, INC.
5125 ADANSON STREET, SUITE 800
ORLANDO, FLORIDA 32804
(407) 262-0957

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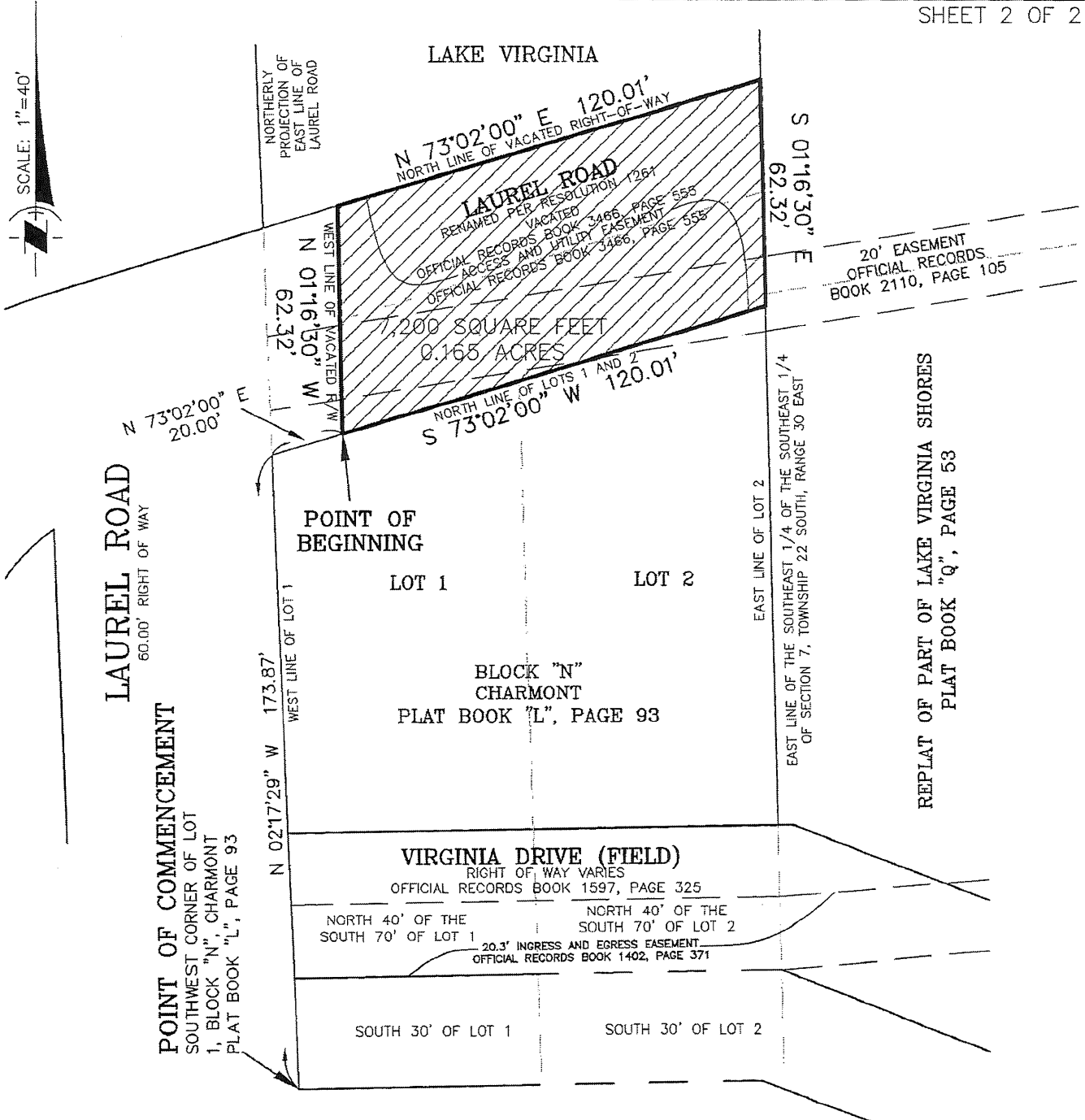
ABRAHAM I. REMCHUK, P.S.M. # 6813

Date: 10-31-17

SKETCH OF DESCRIPTION

– NOT A SURVEY –

SHEET 2 OF 2



SURVEYOR'S NOTES

- 1.) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST RIGHT OF WAY LINE OF LAUREL ROAD AS BEING N02°17'29"W
- 2.) SEE SHEET 1 FOR LEGAL DESCRIPTION

CENTRAL FLORIDA SURVEYS, INC., dba:

Tinklepaugh

SURVEYING SERVICES, INC.

5125 Adanson Street, Suite 800 • Orlando, Florida 32804

Tele. No. (407) 262-0957 LICENSED BUSINESS No. 3778

I/T17B64/DWG/T17B64.DWG

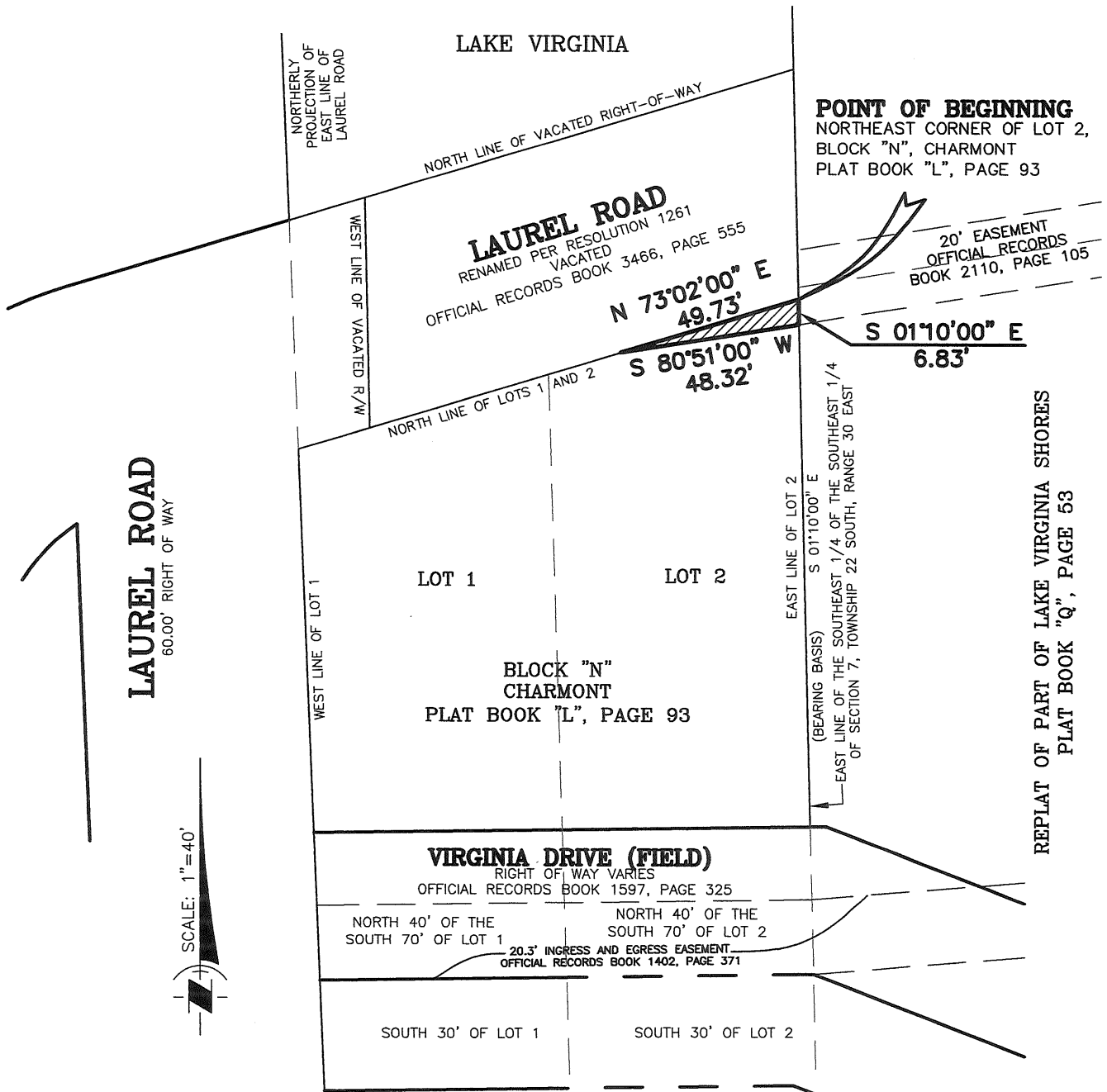
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SKETCH OF DESCRIPTION

– NOT A SURVEY –

SKETCH OF EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 2110, PAGE 105

EXHIBIT C: Highlighted Area –
Request to Vacate Right-of-Way
And to Vacate Easement



SURVEYOR'S NOTES

- 1.) BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 2, BLOCK "N", CHARMONT SUBDIVISION, PLAT BOOK "L", PAGE 93, AS SHOWN IN THE ORDER OF TAKING, RECORDED IN OFFICIAL RECORDS BOOK 2110, PAGE 105, ALL OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS BEING SOUTH 01°10'00" EAST.

CENTRAL FLORIDA SURVEYS, INC., dba:

Tinklepaugh
SURVEYING SERVICES, INC.

5125 Adanson Street, Suite 800 • Orlando, Florida 32804

Tele. No. (407) 262-0957 LICENSED BUSINESS No. 3778

I/T17B64/DWG/T17B64.DWG

SX3695-17

Begin at the northeast corner of Lot 2 Block N of Charmont Subdivision as recorded in Plat Book L, Page 93 of the Public Records of Orange County, Florida, run thence S1°10'E 6.83 feet along the east line of said Lot 2 thence S80°51'W 48.32 feet to a point on the northerly line of said Lot 2, thence N73°02'E along said northerly line 49.73 feet to the point of beginning.

TSS Order # T17-B64

**EXHIBIT C: Highlighted Area –
Request to Vacate Right-of-Way
And to Vacate Easement**

**EXHIBIT D: Highlighted Area –
Request to Impose Easement**

Sheet 1 of 2
See Sketch of Description
Included as Attachment "A"

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF BLOCK "N", CHARMONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "L", PAGE 93, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, OF THE AFORESAID PLAT; THENCE NORTH 02°17'29" WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 179.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°17'29" WEST, ALONG SAID WEST LINE, A DISTANCE OF 20.26 FEET; THENCE, DEPARTING SAID WEST LINE, RUN NORTH 78°28'04" EAST, A DISTANCE OF 137.44 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 01°16'30" EAST, ALONG SAID EAST LINE, A DISTANCE OF 20.32 FEET; THENCE, DEPARTING SAID EAST LINE, RUN SOUTH 78°28'04" WEST, A DISTANCE OF 137.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,745 SQUARE FEET, OR 0.063 ACRES, MORE OR LESS.

TSS Order #T17-B64-SOD3

Prepared by:

CENTRAL FLORIDA SURVEYS, INC. dba:
TINKLEPAUGH SURVEYING SERVICES, INC.
5125 ADANSON STREET, SUITE 800
ORLANDO, FLORIDA 32804
(407) 262-0957

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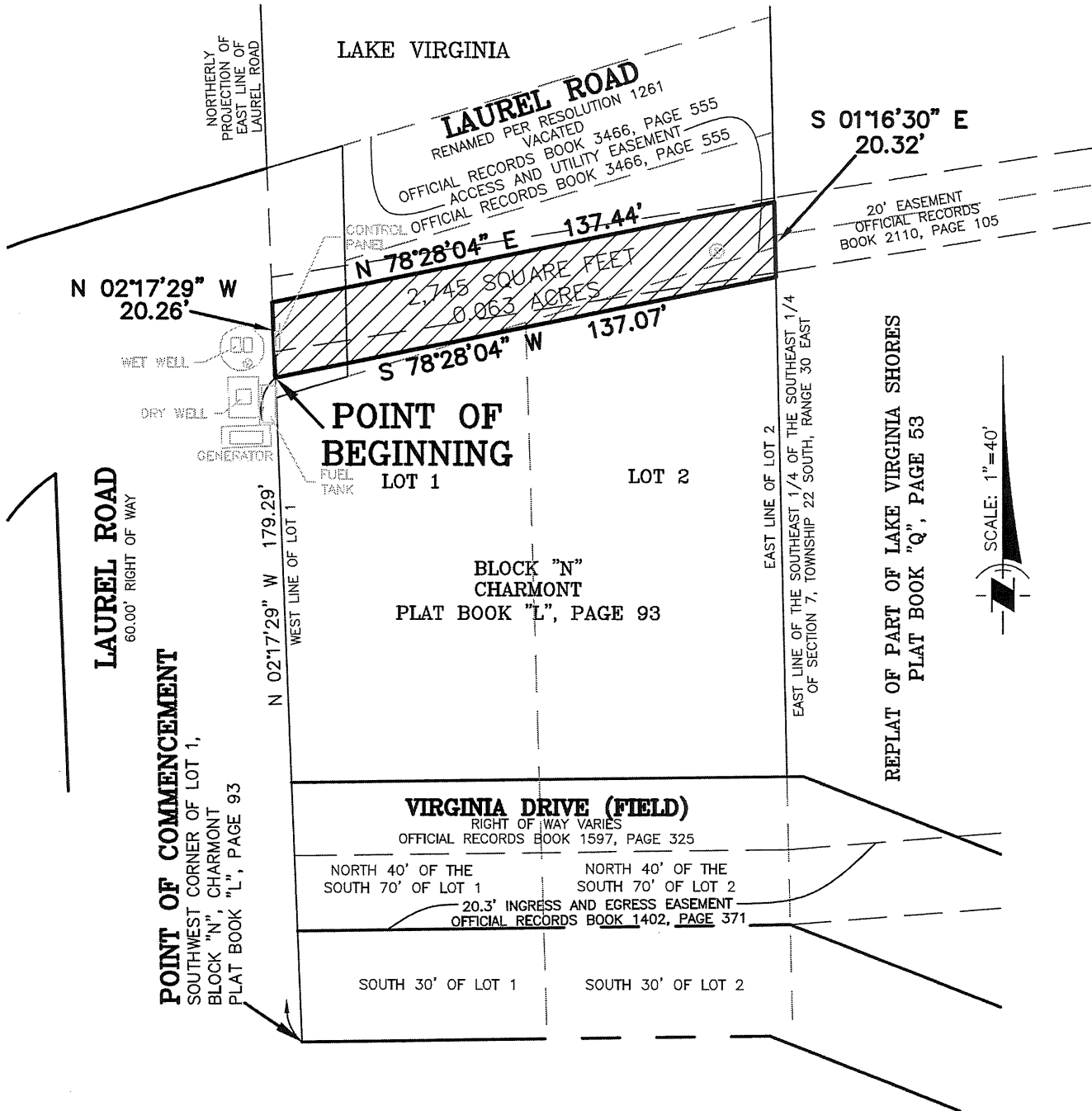
ABRAHAM I. REMCHUK, P.S.M. # 6813

Date: 10-21-17

SKETCH OF DESCRIPTION

– NOT A SURVEY –

SHEET 2 OF 2



SURVEYOR'S NOTES

- 1.) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST RIGHT OF WAY LINE OF LAUREL ROAD AS BEING N02°17'29"W
- 2.) SEE SHEET 1 FOR LEGAL DESCRIPTION

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SURVEYING SERVICES, INC.

5125 Adanson Street, Suite 800 • Orlando, Florida 32804

Tele. No. (407) 262-0957 LICENSED BUSINESS No. 3778

I/T17B64/DWG/T17B64.DWG

SX3695-17

Exhibit "E"

Parcel 1 (PID #07-22-30-1252-14-011):

CHARMONT L/93 LOTS 1, 2 BLK N LESS S 30 FT THEREOF (LESS NORTH 40 FT OF SOUTH 70 FT FOR R/W PER 1597/325) & S1/2 OF E 120 FT OF VAC RD ON N PER 3466/555

Parcel 2: (PID #07-22-30-1252-14-013):

CHARMONT L/93 THE E1/2 OF E1/2 OF E1/2 OF SE1/4 OF SE1/4 LYING E OF NLY PROJECTION OF W LINE OF LAUREL RD & NLY OF N LINE OF VIRGINIA DR & N1/2 OF E 120 FT OF VAC RD ON S SEE 3272/1109

Douglas S. Metcalf
405 Virginia Drive
Winter Park, FL 32789-5862
MetcalfDS@gmail.com • (407) 256-4400

November 10, 2017

Nicholas Brana
Duke Energy, Inc.
3300 Exchange Place
Lake Mary, FL 32746

Dear Mr. Brana:

I am in the process of requesting that the City of Winter Park vacate an easement and right-of-way as shown on the copies of the enclosed Exhibits A, B, and C, and impose an easement as shown in Exhibit D. The site is located at my personal residence, 405 Virginia Drive in Winter Park, 32789. To have this action heard, I must provide a Letter of No Objection from utility companies serving the neighborhood.

Please review your records, complete the form below, and return this letter to me at the address above. If you have any questions, please contact me at (407) 256-4400. Thank you very much.

Respectfully,


Douglas S. Metcalf

☒ 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: property/Easement NOT within Duke Energy
service territory.

Signature: Nick Brana

Print Name: NICK BRANA

Title: REAL ESTATE REPRESENTATIVE

Date: 12/14/17

Duke Utility Easement Release



CenturyLink™

November 30, 2017

LETTER OF NO OBJECTION

Douglas S. Metcalf
405 Virginia Drive
Winter Park Florida 32789-5862

Via Email: metcalfds@gmail.com
Copied to: Dave.C.Kennedy@centurylink.com

SUBJECT: PROPOSED VACATE OF EASEMENTS ESTABLISHED BY CITY OF WINTER PARK ORDINANCE 1449, ADOPTED ON JANUARY 11, 1983, AND RECORDED IN O.R. BOOK 3466 PAGE 555, ORANGE COUNTY, FLORIDA PUBLIC RECORDS, WHICH RESERVED UTILITY EASEMENT RIGHTS WHILE VACATING A PORTION OF PLATTED RIGHT-OF-WAY (LAUREL ROAD), LOCATED IN CHARMONT SUBDIVISION, AS RECORDED IN PLAT BOOK L PAGE 93, ORANGE COUNTY, FLORIDA PUBLIC RECORDS; ORANGE COUNTY PARCEL ID 07-22-30-1252-14-011. PRN 795132

Dear Mr. Metcalf,

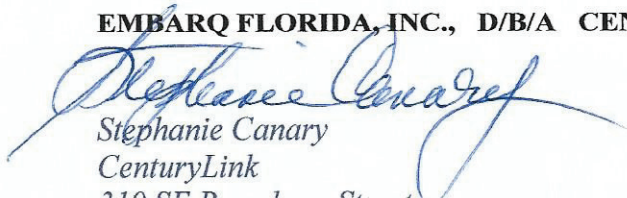
Please be advised that Embarq Florida, Inc., D/B/A Centurylink has no objection to the proposed vacate and abandonment of easements established by City of Winter Park Ordinance 1449, adopted on January 11, 1983, and recorded in OR Book 3466 Page 555, Orange County, Florida Public Records, which reserved utility easement rights while vacating a portion of platted Right-Of-Way (Laurel Road), located in *Charmont* subdivision, as recorded in Plat Book L Page 93, Orange County, Florida Public Records, or to the establishment of a new easement, as requested by Douglas S. Metcalf.

The location of said vacates and easements is more particularly shown on the attached sketches. The Property Address is 405 Virginia Drive, Winter Park Florida 32789-5862 and the Orange County Parcel ID is 07-22-30-1252-14-011.

Should there be any questions or concerns, please contact me at 352-425-8763 or by email at stephanie.canary@centurylink.com.

Sincerely,

EMBARQ FLORIDA, INC., D/B/A CENTURYLINK


Stephanie Canary
CenturyLink
319 SE Broadway Street
Mailstop: D7303L0401-4058
Ocala FL 34471
stephanie.canary@centurylink.com
Phone: Cell: (352) 425-8763
Fax: (352) 368-8889

PRN 795132

Douglas S. Metcalf
405 Virginia Drive
Winter Park, FL 32789-5862
(407) 628-8889

November 10, 2017

Marvin Usry or Price King
Spectrum / Charter
3767 All American Blvd.
Orlando, FL 32810

Dear Messrs. Usry or King:

I am in the process of requesting that the City of Winter Park vacate an easement and right-of-way as shown on the copies of the enclosed Exhibits A, B, and C, and impose an easement as shown in Exhibit D. The site is located at my personal residence, 405 Virginia Drive in Winter Park, 32789. To have this action heard, I must provide a Letter of No Objection from utility companies serving the neighborhood.

Please review your records, complete the form below, and return this letter to me at the address above. If you have any questions, please contact me at (407) 256-4400. Thank you very much.

Respectfully,


Douglas S. Metcalf

_____ 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: Marvin L. Usry, Jr.

Print Name: MARVIN L. USRY, JR.

Title: CONSTRUCTION SUPERVISOR

Date: 11/22/2017

Spectrum Utility Easement Release (1).docx

Douglas S. Metcalf
405 Virginia Drive
Winter Park, FL 32789-5862
(407) 628-8889

November 10, 2017

Jason Riegler, Water/Wastewater Asst. Utility Director ✓
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789-4386

Dear Mr. Riegler:

I am in the process of requesting that the City of Winter Park vacate an easement and right-of-way as shown on the copies of the enclosed Exhibits A, B, and C, and impose an easement as shown in Exhibit D. The site is located at my personal residence, 405 Virginia Drive in Winter Park, 32789. To have this action heard, I must provide a Letter of No Objection from utility companies serving the neighborhood.

Please review your records, complete the form below, and return this letter to me at the address above. If you have any questions, please contact me at (407) 256-4400. Thank you very much.

Respectfully,


Douglas S. Metcalf

_____ The subject parcel is not within our service area.

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

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

Additional comments: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

Douglas S. Metcalf
405 Virginia Drive
Winter Park, FL 32789-5862
(407) 628-8889

November 10, 2017

Shawn Winsor, Gas Design / Proj. Mgr.
TECO / Peoples Gas ✓
P.O. Box 2433
Orlando, FL 32802-2433

Dear Mr. Winsor:

I am in the process of requesting that the City of Winter Park vacate an easement and right-of-way as shown on the copies of the enclosed Exhibits A, B, and C, and impose an easement as shown in Exhibit D. The site is located at my personal residence, 405 Virginia Drive in Winter Park, 32789. To have this action heard, I must provide a Letter of No Objection from utility companies serving the neighborhood.

Please review your records, complete the form below, and return this letter to me at the address above. If you have any questions, please contact me at (407) 256-4400. Thank you very much.

Respectfully,


Douglas S. Metcalf

☐ The subject parcel is not within our service area.

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

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

Additional comments: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

Douglas S. Metcalf
405 Virginia Drive
Winter Park, FL 32789-5862
(407) 628-8889

November 10, 2017

Michael Passarella, WP Electric Utility, Senior Engineer ✓
City of Winter Park
1409 Howell Branch Rd
Winter Park, FL 32789

Dear Mr. Passarella:

I am in the process of requesting that the City of Winter Park vacate an easement and right-of-way as shown on the copies of the enclosed Exhibits A, B, and C, and impose an easement as shown in Exhibit D. The site is located at my personal residence, 405 Virginia Drive in Winter Park, 32789. To have this action heard, I must provide a Letter of No Objection from utility companies serving the neighborhood.

Please review your records, complete the form below, and return this letter to me at the address above. If you have any questions, please contact me at (407) 256-4400. Thank you very much.

Respectfully,


Douglas S. Metcalf

☐ The subject parcel is not within our service area.

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

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

Additional comments: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____