

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
May 23, 2005**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth A Kip@ Marchman at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Karen Edgerton, All Saints Episcopal Church, followed by the Pledge of Allegiance.

Members present:

Commissioner Douglas Storer
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Barbara DeVane
Mayor Kenneth Marchman

Also present:

City Attorney Brent McCaghren
City Manager James Williams
City Clerk Cynthia Bonham

MAYOR'S REPORT:

a) Proclamation-Emergency Medical Services Week, May 15-21, 2005.

Dr. Todd Husty and Fire Chief Jim White joined Mayor Marchman. Mayor Marchman read a proclamation declaring May 15-21, 2005 as Emergency Medical Services Week. Dr. Husty, Winter Park Medical Director, addressed the excellent job the Winter Park EMS does and the excellent line of communication he has with the department. Fire Chief White spoke about sharing Dr. Husty with Maitland as their individual Medical Director. He addressed the training provided to all employees and stated he believed they provide the best service regionally in Orlando. He thanked Dr. Husty for his support.

b) City Manager's annual evaluation.

Mayor Marchman stated he announced about 6 weeks ago that the time was approaching for the City Manager's annual evaluation. He addressed the challenge of the past year that Winter Park faced and that City management and staff did an extraordinary job of taking care of the City and keeping the City on the right track. He stated the City Manager has done an excellent job. **Mayor Marchman made a recommendation (motion) that the City Manager receive a one step increase in his salary.**

Commissioner John Eckbert stated he has not had a chance to meet with Mr. Williams because of the amount of activity he has been involved in with taking over the electric utility. He asked if the evaluation could be postponed for one meeting. **Motion made by Commissioner Eckbert to postpone the City Manager's evaluation for one meeting.**

Commissioner Storer seconded the Mayor's recommendation for a one step increase. He addressed the excellent way the City is run and the past year's challenges and applauded Mr. Williams for an excellent year. Commissioner DeVane agreed with the Mayor and Commissioner Storer and stated if it had not been for the leadership all the way through, but at the top, she was not sure the City would have recovered as quickly. She addressed the

dedication of staff and the leadership of the City management and staff that is working. Mayor Marchman reminded Commissioner Eckbert that they were given ample time to meet with the City Manager. **Motion seconded by Commissioner Metcalf to delay the evaluation.** Upon clarification of the motion on the table, a roll call vote was taken as follows:

Motion to postpone the evaluation failed with a 3-2 vote with Mayor Marchman and Commissioners Storer and DeVane voting no; Commissioners Eckbert and Metcalf voting yes.

Motion to approve the one step increase (seconded again by Commissioner Storer) carried with a 3-2 vote with Mayor Marchman and Commissioners Storer and DeVane voting yes; Commissioners Eckbert and Metcalf voting no.

CITY ATTORNEY'S REPORT:

1. Special Council Tom Cloud addressed the transfer agreement related to the takeover of the electric distribution facilities. He stated the closing will be June 1, 2005; and the bond issue will close on May 27, 2005, so the money will be available. He explained the agreement provides for the transfer of the assets including the portion of the substation site (the northeast portion of the Winter Park/Canton Drive site), the substation equipment on that site and the Aloma site; the poles and wires – the electric distribution system within the City as it existed in January 2003; as well as all easements. He spoke about the catch-all clause within the agreement regarding easements to be transferred to the City. He further addressed other issues and exhibits within the agreement and asked the City to approve the transfer agreement.

Motion made by Commissioner Metcalf to authorize the Mayor to execute the transfer agreement, seconded by Commissioner DeVane and carried unanimously.

2. Attorney McCaghren provided an update of the old Glenridge school site and the City's interest in acquiring the property. He explained the current agreement with the school board where if the old site was determined by the board not to be needed for educational purposes, they would notify the City and the process for the City to acquire it if they chose to would begin. He explained what happened by the School Board regarding their two appraisals and the confusion as to the timing of the process; their attorney provided a time table. He stated he received a notice from the School Board stating they are updating their appraisal and will forward it to the City upon completion. He stated they are now following the contract regarding the process to be followed. He addressed the letter sent to their counsel confirming the process and timeline and is waiting for his signature. He addressed the proposals for interest in redeveloping the Glenridge site which are due this week. He stated because there will be a different value and timing table, it would not be appropriate to open the proposals at that time and then have a different appraisal value come in. He suggested authorizing staff to postpone the submittals for the proposals until after the new appraisal is received.

Commissioner Storer asked why there was a misunderstanding by the School Board regarding the agreement. There was discussion that they are trying to maximize the value of the property, the need to postpone receiving the submittals for proposals and how long the appraisal could take.

Motion made by Commissioner Metcalf to authorize staff to extend the date for the proposal submittal to allow the City time to receive the updated appraisal, seconded by Commissioner Storer and carried unanimously.

CONSENT AGENDA:

- a) Approve the minutes of 4/25/05 and 5/9/05.
- b) Approve the amendment to the policy to allow five cremation burials per full size grave space instead of two cremation burials per full size grave space.
- c) Authorize the Mayor to execute the Florida Department of Transportation Emergency Relief Program agreement.
- d) Adopt the service charges for electric, water and sewer.
- e) Approve the renewal of the All Lines Aggregate Insurance Program to include the electric utility as outlined with PGIT.
- f) Approve the development agreement with Landmark Winter Park LLC for the redevelopment at 140 E. Morse Boulevard. **PULLED FROM THE CONSENT AGENDA FOR APPROVAL UNTIL JUNE 13, 2005.**
- g) Approve the first amendment to the Power Sales Agreement between Florida Power Corporation d/b/a Progress Energy Florida, Inc. and the City of Winter Park.

Ms. Nancy Shutts, 2010 Brandywine Drive, asked to discuss an addition to the minutes concerning the holiday lighting. Mayor Marchman asked her to address this under New Business. No other public comments were provided.

City Manager Williams asked to pull item 'c' for discussion and to pull item 'f' from the Consent Agenda until the June 13 meeting. Commissioner DeVane asked to pull item 'b' for more explanation.

Motion by Commissioner Storer to approve the Consent Agenda with the exceptions of items 'b', 'c' and 'f', seconded by Commissioner DeVane. The motion carried unanimously.

Consent Agenda item 'c'

City Manager Williams addressed the need to authorize the Mayor to sign the agreement but that the estimated amount within the agreement to be reimbursed for the work on the Federal highways within the City has a potential for an increase. He asked for permission for the Mayor to sign the agreement, subject to the amount being increased so the City can receive the maximum reimbursement.

Motion by Commissioner DeVane to approve Consent Agenda item 'c' and to authorize the Mayor to execute the Florida Department of Transportation Emergency Relief Program agreement with the understanding that the City may receive a larger reimbursement, seconded by Commissioner Metcalf and carried unanimously.

Consent Agenda item 'b'

Commissioner DeVane inquired whether the fee will be the same whether five or two cremation burials are allowed. Parks Director Holland explained that the space will cost the same, but that the opening and closing fee will be charged each time which fully covers the cost.

Motion made by Commissioner DeVane to approve Consent Agenda item 'b', seconded by Commissioner Storer and carried unanimously.

PUBLIC HEARINGS:

- a) **ORDINANCE NO. 2631-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 94 "TAXATION" SO AS TO INCREASE THE OCCUPATIONAL LICENSE TAXES BY FIVE PERCENT (5%), PROVIDING AN EFFECTIVE DATE. Second Reading**

City Attorney McCaghren read the ordinance by title. No public comments were provided.

Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried with a 5-0 vote.

- b) **ORDINANCE NO. 2627-05: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ISSUANCE OF A \$4,000,000 ELECTRIC REVENUE ANTICIPATION NOTE, SERIES 2005, TO REFUND THE OUTSTANDING ELECTRIC REVENUE BOND ANTICIPATION NOTE, SERIES 2004, OF THE CITY; AWARDING THE SALE OF SUCH REVENUE ANTICIPATION NOTE TO THE PURCHASER AT NEGOTIATED SALE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE. Second Reading**

Attorney McCaghren read the ordinance by title. No public comments were provided.

Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried with a 5-0 vote.

- c) **Conditional Use and Planned Development Approval - Request of Sydgan Corporation:**

City Planner Jeff Briggs addressed the request to increase the height of the parking garage from three (3) to five (5) stories at the Morse Boulevard and Pennsylvania Avenue property. He stated the plans presented meet the C-2 zoning; there are two small variances associated with this building (the normal rules for C-2 zoning is 42' total height; this will be 46' for the guard around the top level and the elevator stair towers on the corners that will go to 51' in lieu of the additional height that is permitted). He stated the key item for the P&Z was the effect of adding 200 parking spaces to the 290 currently on the property. He stated they have walked through the scenarios for how this will be used and displayed the original plan for the property showing the parking garage layout and two existing buildings. He commented there was originally supposed to be a third and fourth building on the Pennsylvania and Symonds corner.

Mr. Briggs stated the applicant is changing the plan and is combining the two buildings into one single building; they are adding a basement to the new building on the corner with another 15,000 square feet of usable, office space that can be leased and are constructing five (5) condominiums on the third floor. He stated that is part of where the additional 200 parking

spaces would go. He stated the two buildings could not begin, per the agreement, until the residential development began on the applicant's property. He stated the developer has been trying to put together all the properties on Symonds for the residential redevelopment of that property. He stated some of the 200 spaces will be needed for the condominiums for visitor and overflow parking and the balance of spaces will fulfill the vision for the other side of Pennsylvania/Morse. He stated the P&Z approved this with a 4-1 vote with the provision that the development agreement be modified so the parking garage does not begin until the residential begins. Commissioner questions and comments were answered by Mr. Briggs.

Applicant Dan Bellows, 533 W. New England Avenue, addressed the ingress/egress for AmSouth and their property on the corner, and their contract to sell them the land they have conveyed, requiring development within 12 months after the permit is pulled. He stated they recently provided them a written proposal to buy back the property, develop the entire block and put them back as a tenant. He stated he received notification last week that they are moving forward. Mr. Bellows addressed the garage location. He commented they are in agreement with the conditions and will build 6 duplex town homes on Symonds Avenue (12 residential units) which he wants to sell but may have to go into the rental pool for a while; and will step up to three story rental property in the back. He stated they are prepared to construct the 12 new units before they begin the garage. He spoke about the basement to be built in the new building and the five luxury condos to be constructed on the third level.

Commissioner DeVane asked Mr. Bellows if he was committed to building the townhomes because she did not see any plans to build them. She stated she has only seen a conceptual idea and nothing on paper to be submitted for permitting. Mr. Bellows stated that is correct and per staff and the P&Z meeting, they have to bring all of those plans before the P&Z. He added if he receives the approval today, he is committed to move forward with construction drawings for the garage and with drawings for the liner residential on Symonds and begin construction on the Symonds residential before beginning the garage or the commercial buildings on Pennsylvania Avenue.

Susan Gabel, 1539 Golfside Drive, addressed the P&Z meeting that she attended and spoke in opposition to adding more levels to the garage.

Lurline Fletcher, 790 Lyman Avenue, spoke in opposition to adding more parking levels at that location because she believed the parking is not fully utilized at this time. She commented that she believed the City was not listening to the Westside residents and their concerns.

No further public comments were provided.

Attorney McCaghren addressed #1 condition of the Planning and Zoning Commission and his suggestion to change the wording to read "on the portion within their ownership **AND** control" to "on the portion within their ownership **OR** control."

Commissioner DeVane addressed her concern with the Commission granting a variance for a project without first seeing a plan. She stated she would be more interested in pursuing this if there was something concrete that they were voting on. She also addressed the lack of progress being made on the residential development along Symonds and felt very strongly with holding Mr. Bellows to this and getting this moving. She stated she also wanted to see a plan on

the parking garage because the original plan showed separate parking behind their residences. She stated Mr. Bellows needs to be sensitive that this is a residential community and without more of a plan she will be voting against this.

Motion made by Commissioner Metcalf to approve the conditional use and planned development approvals with the Planning and Zoning Commission recommendations, seconded by Commissioner Storer and carried with a 4-1 vote. Commissioner DeVane voted no.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SO AS TO PROVIDE PROCEDURES FOR THE MODIFICATION OF PLANS SUBMITTED AS PART OF REZONING, CONDITIONAL USE, OR PLANNED DEVELOPMENT APPLICATIONS AND TO PROVIDE APPLICATION SUBMITTAL REQUIREMENTS FOR PLANS TO BE REVIEWED AT WORK SESSIONS BEFORE THE PLANNING COMMISSION OR CITY COMMISSION. First Reading

Attorney McCaghren read the ordinance by title. Planner Jeff Briggs explained the intent of the ordinance is to ensure that major changes to plans are once again reviewed by the Planning and Zoning Commission and disallows them from coming to meetings with new plans without providing notification beforehand; and to assure the codification of this ordinance that was previously approved by Resolution.

Commissioner Metcalf suggested to amend the ordinance to reflect what plans may be changed to meet the P&Z requirement(s) and then be reviewed by the City Commission.

No public comments were provided.

Motion made by Commissioner Metcalf to have the ordinance reflect the amendment as proposed, seconded by Commissioner DeVane and carried unanimously.

Motion made by Commissioner DeVane to accept the ordinance on first reading, to include the P&Z recommendations; seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried with a 5-0 vote.

CITY MANAGER'S REPORT:

- a) State Office Building Property/Memorandum of Understanding between the City, Winter Park Library and Valencia.

Planning Director Don Martin summarized the status of the disposal of the state office property. He commented that the appraisal of the property is about half completed and will then go to the Governor and Cabinet for action but did not have a time line. Mr. Martin stated that Mr. Shugart provided them information that was different from what the City lobbyist informed them of where he heard from the Department of Management Services that there was support for a conveyance of this property for little or no value to the City. He stated he was not able to confirm that report.

Mr. Martin stated based on Mr. Shugart's understanding of those assumptions, he advanced a Memorandum of Understanding to the Library and Valencia which is before the Commission. He stated that the City is on record to support moving forward with the partnership between the City, Valencia and the Library to move to a new facility on the State property for a City library to also serve Valencia. He explained this MOU also states the City will commit the funds from the sale of the old library to the construction of the new library and recognizes that Valencia will take the lead in securing state matching dollars in support of the project. He addressed the long term leasing of the property to Valencia that is part of the MOU. He stated the MOU is acceptable to staff.

Commissioner Storer commented that he has met with Dr. Prather, Dr. Shugart and Bob Melanson of the Library and that this MOU affirms what was agreed upon in the guiding principals.

Dr. Sandy Shugart, President of Valencia College, stated that no one can guarantee how the appraisal of the property will come back but it was indicated to him that the Department of Environmental Protection was persuaded to use a higher order of appraisal than normal, anticipating there would be no value in the improvements to the property. He stated the library will get a 80,000 square foot facility for their use at \$.50 on the dollar. He stated the college would match dollar for dollar as to what is brought to the table; they will receive the merging of some of their library resources which will enrich the on-line access that library users will have there; and will give a chance to lay off some of the cost for the operation of the facility because they would participate in the cost of operation of the total facility to work as an advantage for the library.

Dr. Shugart stated the City will receive what they believe will be a very attractive development at the intersection and expanded services for both the library and college. He addressed the significance that when the Cabinet acting as the Trustees of the Trust that holds all the State property disposes of that property, that they will have to have a compelling interest to dispose of property without securing market value. He stated the compelling interest is two fold: the way they acquired the property originally in the late 50's, but secondly that it is going to be put to a positive public use. He stated lastly, the college receives a 20,000 square foot expansion on that site which is not huge to them but is useful, particularly on a campus that is land locked. He stated there is not a great strategic interest for the college nor has no lust for the land; but that the interest is to be a good partner to Winter Park. He stated they would love to do that if it is in the best interest of the City.

Mayor Marchman stated he had a conversation with Mr. Shugart after he heard this may be put on a faster track where he indicated what news he had heard that it may come in at a lower valuation.

Lurline Fletcher, 790 Lyman Avenue, stated the only concern she has is if the library is a four story high building.

Sam Starke, Winter Park Chamber of Commerce, spoke in favor of the concept of the project and the partnerships between the three parties.

Commissioner DeVane stated that Valencia is a wonderful asset for the community and that the Winter Park Library is the best in the country. She asked if the Economic Development Advisory Board has looked at this site and determined any alternative uses. She stated she asked this because they now have a plan before them regarding the use of the Department of Motor Vehicle site and the development of that entire area. Economic Development Director Chip Weston stated the board is aware of this but has not taken a stand at this time. Commissioner DeVane stated she would like to hear their thoughts and also because the City may end up seeing a price tag which could be something the City is not ready to deal with. She recommended this go before them and then brought back to the Commission at the next meeting.

Commissioner Metcalf stated he has no great challenge with the concept of a Memorandum of Understanding but expressed his concerns with the idea of receiving matching funds because Valencia would have occupancy rights for a significant period of time but that the building and land will be owned by Winter Park.

Dr. Shugart stated for the state to expend public education capital outlay dollars on the property, they would need to have long term control of the property, i.e., 50 year ground lease. He stated as the building depreciates, it could be conveyed to the City for other uses. He stated that can be part of the planning once they know they have something to plan for. He stated the building would belong to the college and believed the City would want it to belong to the college to make this work. He stated the City could convey the property to them outright or the City could lease it to them for a long period of time – either of those give them long term control of the property and allows them to spend state education dollars to build a building.

Commissioner Metcalf asked if the college would be responsible for maintaining the building. Dr. Shugart replied affirmatively and would work out a business arrangement like a very low cost, long term lease to the library along with operating costs. He stated they would be the ownership landlord and the library would be the tenant for a long term agreement.

Commissioner Metcalf addressed the warm environment currently at the Winter Park Library and his concerns with mixing the current library environment and residents with people rougher in their style. He stated there needs to be an effort and agreement between the parties so when a state agency or public college takes over this facility and operates it, that it still contains the warm environment that keeps the residents of Winter Park engaged in the library and keeps the Library Board as motivated and interested in the facility's operations. He spoke about the possible clashing of cultures and while this may be a great partnership, the friction points will need to be worked on so that in the future when Valencia has expanded and fully utilizing the new space, that Winter Park no longer has a library that does not attract Winter Park residents.

Commissioner DeVane stated there is more than one way to accommodate both agencies and to serve the City by putting them together as one option. She stated another option is to switch locations; put Valencia into the state office building and give the City the Valencia building for the library. She addressed the review to develop the VoTech Center and plans for the DMV site. She stated the City has a unique opportunity with all the property to be redeveloped to do something spectacular.

Commissioner Storer spoke about the meshing of cultures that he has seen work and could be addressed very easily in the operation and design of the building. He commented about feeling

obligated to have the majority use of this property remain in the public sector. He agreed with the partnership before them between Valencia and the Library.

Nancy Shutts, 2010 Brandywine Drive, stated it would be wonderful to have the higher academic books in a shared public library and did not believe meshing cultures is a big issue. She spoke that it is important to move forward with the MOU so there is no confusion with the state to surplus the building. He expressed her concern with stepping back in the process at this point (after two years) and hoped to move forward.

Commissioner Eckbert addressed the need to have a good understanding of the use and expectations of the existing library location and intent for that site before this goes too far. He stated he has voiced his concern before that this new location is not as sheltered as the current location is from a user perspective. He stated he is excited about the opportunities to work with Valencia and to see how that can work, but wants to make sure we do not commit to something that we question later.

Mayor Marchman stated it makes sense to seek state education facilities matched dollars but wanted to know what comes along with that. He stated he is not ready to approve the MOU before them but was not sure how he wanted it changed. He stated he would like to see the library at the new location but wants the City to maintain ownership of the property on both land and building. He stated he would not have a problem with a long term lease for Valencia if that would qualify us for state dollars.

Attorney McCaghren suggested adding a statement to the MOU making it clear that it was not a formal, binding agreement between the parties but only a working arrangement and it would not be binding until a more definitive agreement was entered into. He stated you cannot commit to everything within the MOU because of the Charter without public hearings and ordinances.

Commissioner DeVane stated that we need to postpone making a decision tonight, ask for input from the EDAB, and explore better ways with staff to massage this MOU so everyone is comfortable with it. She stated we need more public input.

Motion made by Commissioner DeVane to table making a decision this evening and refer this to the EDAB for their review and advice at their next meeting, seconded by Mayor Marchman.

Commissioner Storer stated he will not support the motion because the primary driver for the property should not be economic development, but for public purpose.

The motion failed by a 3-2 vote with Mayor Marchman and Commissioner DeVane voting yes; Commissioners Storer, Eckbert and Metcalf voting no.

Commissioner DeVane clarified she is not suggesting to turn this property over to a developer but to review it in a broader picture with all the redevelopment that is occurring and the possibility of a better location.

Motion made by Commissioner Metcalf to approve the Memorandum of Understanding as proposed.

Commissioner Eckbert amended the motion to reflect a change in the last sentence, “A detailed partnership agreement will be developed between the City, the Library, and the College as to the development and operation, etc.” He stated this may be an overstatement to say that this MOU commits the City to a detailed partnership agreement but might if the intention of the MOU is to work towards a detailed partnership agreement. He stated he is not opposed to receiving input from the EDAB as well. **The motion was withdrawn by Commissioner Metcalf.**

Motion by Commissioner Eckbert to approve the MOU and to change the wording in the last sentence to read, “The intent of this Memorandum of Understanding is to work towards a detailed agreement between the City, the Library, and the College, etc.” and to delete, “A detailed partnership agreement will be developed between the City, the Library and the College, etc.” and to add the City Attorney comments as needed. Seconded by Commissioner Metcalf and motion carried unanimously.

- b) Winter Park Diamond Dawgs Florida Collegiate Summer League request for funding.

City Manager Williams commented that Mike and Sara Whiting have been working with their colleagues on the Diamond Dawgs Florida Collegiate Summer League. Mr. Whiting provided information regarding their baseball league and asked the City to donate \$2,000 to get them started.

Sean Connelly, unknown address, commented on the benefits of having a league such as this in the community.

Nancy Shutts, 2010 Brandywine Drive, asked about the league using the City’s fields that are already in use by other leagues. Parks Director Holland stated they will be using Winter Park High School fields and does not affect the use of City fields.

Commissioner DeVane left the meeting at 5:10 p.m.

John Evans, head fundraiser for Winter Park Little League, addressed the money they raised for scholarship opportunities for underprivileged children.

Mayor Marchman asked City Manager Williams where the City could locate available funds for this league. Mr. Williams stated the only funding available is from the Contingency Fund. Commissioner Eckbert spoke about the overage from the state dollars received that was used for United Arts that could be used. Mayor Marchman addressed the money that the City has paid out because of the storms and this is an area with more income coming in but is not an indication the City has money sitting there. Mayor Marchman stated he would prefer to budget and plan for this.

Motion made by Commissioner Metcalf to approve the \$2,000 expenditure for the league to come out of state dollars received as suggested by Commissioner Eckbert; seconded by Commissioner Eckbert and carried with a 3-1 vote with Mayor Marchman voting no and Commissioner DeVane being absent.

c) Legislative Report – Robert Hartnett.

City Manager Williams provided a copy of the legislative report received from Mr. Peebles and that Mr. Hartnett has asked to provide an update on what he has been doing in Tallahassee.

Mr. Bob Hartnett, 401 Lakewood Drive, summarized the actions of the legislature and provided a list of the bills before them. He stated he will keep the Commission apprised of which ones are passed and signed by the Governor. Commissioner Metcalf asked Mr. Hartnett about the funds proposed by the tax watch group to be vetoed and if any of those affect Winter Park. Mr. Hartnett responded that none of those are related to Winter Park. Commissioner Metcalf asked Mr. Hartnett which items on the list prepared by staff last year were items passed and funded in the legislature. Mr. Hartnett stated he did not have the list of projects that Winter Park wanted passed by the State because he was not working for the City as of June 1 last year. City Manager Williams responded that Mr. Hartnett had the list that had not changed.

Commissioner Metcalf asked about Mr. Peebles accomplishments. George Wiggins, City Building Official working with the lobbyists, updated the Commission regarding his work with Federal lobbyist Mr. Peebles. Commissioner Metcalf asked what was accomplished by Mr. Rancourt. Mr. Williams responded he is working on the state office building. Commissioner Metcalf stated it is critical to have an updated list of all the new ideas and areas where money is available and projects that can be worked on. He spoke about the need to be a part of the legislative process earlier on. He also wanted the lobbyists to report their accomplishments to the Commission to be sure the funding is well spent. City Manager Williams stated that he has already directed staff to provide their lists for the lobbyists. Commissioner Metcalf also stated we need to hold another strategic planning/long range session. Mr. Wiggins addressed the federal projects that are underway of being approved.

Bob Bailey, 1530 Bonnie Burn Circle, addressed the growth management legislation and its impact on Winter Park projects. He spoke of the importance of accelerating the projects of interest to the City. He spoke about DRI exemption clauses that could exempt projects having a cooperative working agreement with DOT so some of the large catalyst properties along Fairbanks or Denning may be exempted from some of the DRI projects that otherwise the City may have to do. He also addressed emergency response grants and is working with the state to determine how they will spend that money and how the counties and cities can participate in a more coordinated capacity around the state. He stated the chair of the Water Management District was present and that money will come to Central Florida related to regional water supply projects.

Commissioner Metcalf commented that the City needs to aggressively work to try and have City projects move forward into the 5 year legislative process.

d) City Manager Williams stated the City received a request from Ms. Kip Pepper to consider the purchase of property on Howard Drive for a park where a house was damaged in the storms. Mr. Williams stated it is presently being reviewed but that the property is selling for \$500,000 and that input is needed from the residents there regarding the creation of a park. He addressed past problems with public parks in residential areas where residents around the lakes objected to them being used as a public lake. Mr. Williams added there is not an identified public access to the lake but that the City treats the lake and is able to get to it.

Kit Pepper, 2225 Howard Drive, explained the house was flooded by sewage in September 2004 during Hurricane Jeanne. She stated she is not here on the owner's behalf and that the property is up for sale. She stated she has spoken with neighbors and Homeowner's Associations who spoke in favor of the City purchasing the land for a park. She stated there is no public access to or boating on the lake. She stated she is willing to donate \$50,000 toward the purchase if it would be used as a park.

Commissioner Eckbert suggested that other neighbors also contribute to the purchase. Ms. Pepper expressed concerns that the amount of time this would take to raise the funding in time to stop a private sale. Mr. Williams reminded the Commission that it would also include maintenance of the park. Mr. Williams was directed to review this and report back to the Commission.

NEW BUSINESS:

1. Nancy Shutts, 2010 Brandywine Drive, asked that a written plan be provided regarding the purchase of the holiday lighting. She addressed concerns with expending City funds by December 1 on a project that City staff does not know all the answers to. She asked that the motion made of May 9 be revised to reflect that a written proposal be submitted in writing now, have a staff person coordinate this project with the group, and to inform the public as to the makeup of the advisory board. It was explained that the May 9 minutes reflect what took place at that meeting and you cannot add comments to them for something that did not take place at that meeting. Attorney McCaghren stated Ms. Shutts is asking for clarification as to who is in charge and how it will be monitored and processed, etc.

Commissioner Storer agreed with Ms. Shutts' concern. He explained the lights were a suggestion of a citizen with a plan but that someone on staff needs to answer these questions and be sure there is accountability. City Manager Williams stated if this is to be correctly engineered, it will have to be done by City staff which will involve staff time and cost. He commented about the amount of money needed for the project and did not know if the project will move forward to the extent they want it to.

Motion made by Commissioner Storer that a staff person be proactive in this project with obtaining the details and providing an accountability measure, seconded by Commissioner Eckbert and carried unanimously.

Mr. Williams stated he will provide an status report to update everyone on the project.

2. Commissioner Eckbert addressed not-for-profit organizations purchasing property and being taken off the tax rolls. He asked about having an agreement with them that if they buy property that they will continue to pay ad valorem taxes to the City. He expressed concerns with protecting the City's tax base with the not-for-profit entities. Attorney McCaghren explained the law that they are exempt from ad valorem taxes and addressed the possibility of imposing a type of fee in lieu of taxes if the organization came to the City requiring other approvals or concessions. Mr. McCaghren stated you could ask but was not sure what the incentive would be for them to agree unless they need something from the City besides a building permit.

Mayor Marchman addressed the need for a resolution to adopt a policy statement so everyone involved in the process realizes the City has a concern about loss of ad valorem tax dollars and the City would want some way to be compensated for that. Commissioner Storer wanted to

ensure this would pertain to all not for profit organizations and not to single out anyone in particular. After other comments were made, Attorney McCaghren stated he would provide further information for the next agenda.

3. Commissioner Eckbert asked about appointing a citizens panel to review a policy for sex offenders in the City. He stated the children need to be assured they are protected and wanted to see what constitutional steps could be taken to provide the children the best protection they can.

Mayor Marchman stated the attorney needs to opine what the City can and cannot do and then decide whether or not to appoint a task force. Mayor Marchman stated Winter Park is already going over and above the notification requirements. Attorney McCaghren stated he has already held discussions with the police department about possible control.

Mayor Marchman adjourned the meeting at 6:20 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham