

CITY COMMISSION MEETING MINUTES
January 10, 2005

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

PRESENT: Mayor Kenneth "Kip" Marchman; Commissioners Douglas Storer, Douglas Metcalf and Barbara DeVane; City Manager James Williams; City Attorney Brent McCaghren and City Clerk Cynthia Bonham. Commissioner John Eckbert was absent.

The invocation was offered by Finance Director Wes Hamil, followed by the Pledge of Allegiance.

MAYOR'S REPORT:

- a) Presentation by the Chamber of Commerce to Winter Park schools of the funds raised by Leadership Winter Park from the annual Pancake Breakfast. Overview of the Chamber's 2004 year.

Winter Park Chamber of Commerce President Sam Stark provided a statistical analysis on the number of visitors to the Chamber and the amount of materials distributed in 2004. Chamber Vice President Debra Hendrickson presented the six area elementary schools with checks from the Leadership Winter Park Pancake Breakfast annual fund raiser to help with unbudgeted school costs. School Board member Joie Cadle thanked the Chamber for their support and addressed the upcoming meeting concerning school children and the dangers associated with traffic and transportation issues. She thanked the City for enforcing the speed school zones.

- b) Winter Park High School athletic program recognition.

Mayor Marchman asked that Winter Park High School Vice Principal Mike Brown come forward to acknowledge the athletes for their accomplishments during the last season. He spoke about the students excelling in girls volleyball, boys swimming and cross country. He asked that the girls volleyball team, the boys swim and cross country teams, along with their coaches, stand to be recognized. Mayor Marchman presented the school with a framed certificate recognizing the high school athletics program.

- c) Winter Park boat parade awards and recognition.

Mayor Marchman addressed the inaugural boat parade festival of lights and the success of the event. He asked event chair Janet Pino to come forward. He spoke about her efforts to make this event a success and the 35 boats that participated and hundreds of spectators that attended. He also thanked Committee President Bob Hartnett and Vice Chairman Dori Madison along with her IMK staff and the other committee members and volunteers that made the event possible. He also addressed the event judges and presented the awards for the best decorated boats: 3rd place - Virgil Schenck (God Bless our Troops decor); 2nd place - Coleman family (Jimmy Buffett's Christmas Boat); and 1st place - Kennedy family (Santa Sleigh Ride Nautique Being Pulled By His Raindogs).

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1888-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF GLENCOE AVENUE, FROM HAMPDEN PLACE TO STIRLING AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF GLENCOE AVENUE, FROM HAMPDEN PLACE TO STIRLING AVENUE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution by title and explained that the next five resolutions provide the notice of intent to place the special assessments on the tax rolls. No public comments were made.

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion unanimously carried with a 4-0 vote.

- b) RESOLUTION NO. 1889-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF HIBISCUS AVENUE, FROM AND INCLUDING ADDRESS 1600 TO AND INCLUDING ADDRESS 1698, TO LAKEMONT AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF HIBISCUS AVENUE, FROM AND INCLUDING ADDRESS 1600 TO AND INCLUDING ADDRESS 1698, TO LAKEMONT AVENUE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion unanimously carried with a 4-0 vote.

- c) RESOLUTION NO. 1890-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON A PORTION OF N. LAKEMONT AVENUE FROM PINE AVENUE, NORTH TO AND INCLUDING ADDRESS 1682 N. LAKEMONT AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON A PORTION OF N. LAKEMONT AVENUE FROM PINE AVENUE, NORTH TO AND INCLUDING ADDRESS 1682 N. LAKEMONT AVENUE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion unanimously carried with a 4-0 vote.

- d) RESOLUTION NO. 1891-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON SEMINOLE DRIVE FROM GEORGIA AVENUE TO PALMER AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON SEMINOLE DRIVE FROM GEORGIA AVENUE TO PALMER AVENUE; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion unanimously carried with a 4-0 vote.

- e) RESOLUTION NO. 1892-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ON VIA TUSCANY/CYPRESS LANE, FROM VIA DEL MAR TO VENETIAN WAY, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES OF THE INSTALLATION OF STREET BRICK ON VIA TUSCANY/CYPRESS LANE, FROM VIA DEL MAR TO VENETIAN WAY; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX

COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion unanimously carried with a 4-0 vote.

CONSENT AGENDA:

- a) Approve minutes of 12/13/04.
- b) Approve bids and purchases as follows:
 - 1) Reject all responses received for RFP-13-2004, Janitorial Services for Multiple Buildings. Approve a short term contract for 3 months with the present contractor Varsity Contractors to allow staff time to reissue a new Request for Proposal.
 - 2) PR 114639 to American Water Services Underground, from the Volusia County Contract 02-B-203BB to line various sanitary mains; \$456,594.00 (Budget: Utilities - CIP)
- c) Approve budget adjustments as follows:
 - 1) Carry forward \$6,426,723 in capital project budgets remaining from FY 2004 to FY 2005.
 - 2) Appropriate \$20,000 from St. Johns River Water Management District for the McKean Circle Stormwater Retrofit project.
 - 3) Rollover \$11,143,624.04 in open purchase orders outstanding (see list attached) at September 30, 2004 from FY 2004 to FY 2005. The largest purchase orders include \$4,704,909 for construction of electric substations and \$2,950,941 for water treatment plant design and construction.
- d) Approve the revised personal leave policy regarding Personal Leave and Long Term Medical Absence Leave policies and eliminating the current Vacation Leave and Medical Absence Leave policies.
- e) Approve the contract with ENCO Utility Services.
- f) Approve the renewal of the Cady Way Bike Trail interlocal agreement with Orange County.

No public comments were provided. Commissioner DeVane addressed comments she wanted to see included into the minutes. Commissioners were provided these changes.

Motion made by Commissioner Storer to approve the Consent Agenda with the amendments made to the minutes as presented, seconded by Commissioner Metcalf. The motion carried unanimously.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2614-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,

AMENDING AND RESTATING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2477-02, AS SUBSEQUENTLY AMENDED; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR FIRE SERVICE; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. Second Reading

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

Motion made by Commissioner Storer to adopt the ordinance, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion unanimously carried with a 4-0 vote.

- b) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING A FORMULA FOR THE TRANSFER OF FUNDS FROM THE ELECTRIC UTILITY TO THE GENERAL FUND; PROVIDING FOR CODIFICATIONS; PROVIDING FOR AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Assistant City Manager Knight explained the intent of the ordinance. Commissioner Metcalf stated he did not object to what is within the ordinance but did not believe the ordinance goes far enough. He stated he believed the ordinance was a short term fix rather than an ordinance that can be amended as needed and looks to the longer term. He addressed the importance of this issue being non-political, that it should be out of all current and future Commission's hands, and that the ordinance should be in effect for many more years. He stated he wanted to ensure that future Commissioners are not changing the ordinance after a short term without understanding the entire process the current Commission went through to make the decisions that it made. Discussion ensued regarding the length of time that other Commissioners believed the ordinance should be in effect, the need for this issue to remain non-political, and that this ordinance is one of several the City will have to adopt between now and June when the City takes possession of the utility system. Mr. Knight addressed the next step of

the governance issue. He expressed his preference of adopting this ordinance before February when the rating agencies meet. Commissioner Metcalf expressed the importance that the Commission not be required to make service disconnection decisions. He said those decisions should be made by the Board.

Commissioner DeVane concurred with the need for a long term policy but that this is the beginning of the process and that the five year window will give the City an idea of what kind of income the City will be making and what type of investment the City needs to make to bring it up to the standard that is appropriate for Winter Park. She stated the City currently operates a successful utility and noted that she does not want the electric utility to be a political one and did not believe that happens with the water utility. She stated that the water utility is working and that it can always be refined and improved as needed. She stated if this is needed to receive the bond rating, that we need this ordinance to move forward.

Commissioner Storer agreed that the Commission should not be involved in running the utility and concurred that we have been operating a successful water and sewer utility and have not been involved in its operation. He also stated the Commission needs to be careful to not create a board that is not accountable to anyone. He commented he is going to be very concerned with accountability with the new governance because the Commission is responsible for wrong decisions.

Mayor Marchman stated this ordinance needs to be adopted in some form quickly to keep moving forward. He believed five years would be a realistic review time. Mr. Knight stated that the sunset date can be deleted from the ordinance because any three Commissioners can change that at any time upon recommendation of the Utilities Advisory Board. Other suggestions were made regarding the ordinance and changes to be made before the second reading.

Joe Terranova, 700 Melrose Avenue, expressed his concerns with the ordinance that it is too loose and gives future Commissioners too much opportunity to access the fund.

John Melaugh, 1431 Cardinal Court, Chairman of Utilities Advisory Board, addressed concerns with waiting for 5 years before the ordinance is revisited. He pointed out that if the City takes over the utility June 1, and reviews the provisions of the transfer policy 6 months before the end of FY 2006, that it will be back next March. He stated he believed that was too soon because there will not be enough operational experience.

Mike Whiting, 405 Lakewood Drive, member of UAB, advised the Commission not to allow politics to play a part in operating the electric utility. He addressed the upcoming governance meeting. He spoke about the 5 year term being a little short and the 75% reinvestment being too low within the ordinance.

There was further discussion as to the percentage of revenue that would go back into the system and for how long. Mr. Knight commented that it would send a strong message to the rating agency that the City is serious about improving the system because no monies will be deducted from the fund for the first few years (whatever is decided upon). He stated it would be nice to have money going back into the general fund for the ratings of the general obligation bonds. Commissioner

Storer stated he would be in favor of 100% reinvestment if the City had a commitment to lower utility rates. Commissioner Metcalf stated he agreed with a 100% reinvestment for 2 years and then take a certain percentage each year to go into the General Fund. Commissioner DeVane suggested since it will take approximately 36 months to get a handle on it, to freeze it 100% for the first 3 years, come back 6 months prior to the end of 2007 to evaluate this, phase in the amount of percentage and review the ordinance itself in 2010. She also spoke of the obligation to reimburse the City's general fund for money spent.

Motion made by Commissioner Metcalf to amend the proposed ordinance to reflect leaving 100% of the revenues in the utility fund for 3 years, set up a schedule of payments to be directed at repaying the \$3 million owed to the General Fund until it is paid and then for fiscal year 2009 to reinvest 90%, reinvest 80% the following year and reinvest 75% of the excess net cash earned from the operations back into the electric distribution system for fiscal year 2011, and that we review this 3 months prior the end of the fiscal year.

Commissioner Storer asked when the \$3 million will be reimbursed and spoke about the need to repay this debt. **Seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote.**

Motion made by Commissioner DeVane to accept the ordinance on first reading as amended, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion unanimously carried with a 4-0 vote.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ESTABLISHING A FORMULA FOR THE TRANSFER OF FUNDS FROM THE WATER AND SEWER UTILITY TO THE GENERAL FUND; PROVIDING FOR CODIFICATIONS; PROVIDING FOR AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Assistant City Manager Knight explained the intent of the ordinance. No public comments were made.

Motion made by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion unanimously carried with a 4-0 vote.

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO ABANDONMENT OF A PORTION OF RIGHT-OF-WAY; ABANDONING THE NORTH 37 FEET OF THE RIGHT-OF-WAY OF LAKEMONT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; RESERVING A UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Planner Jeff Briggs explained the location of the property. He stated that the last 36' of the right-of-way is grass and is paved up to the 37 foot mark and that the property owner building a house to the west wanted to orient their garage so they can use the dead end of the road to come into the garage. He stated the garage does not meet the

setbacks. Mr. Briggs explained that after meeting with the property owner across the street the request was that the City abandon the north 37' that is not used. He addressed the easement agreement negotiated with Glen Haven and the property owner. Mr. Briggs then stated that staff believed that abandonment is not the proper technique here but that a license agreement to permit the building of the garage closer to the dead end street was proper. He stated they are recommending to postpone action until the January 24 meeting so they can bring back a license agreement to accomplish what the property owners wish to accomplish.

Item was postponed until January 24, 2005.

CITY MANAGER'S REPORT:

a) Respect of Florida - Quest - Contract.

Parks and Recreation Director John Holland stated the request is no reflection of Quest and that the City has been very happy with their work. He stated this is strictly a financial decision. He stated they renegotiated with Quest for the scope of work which included 6 park properties and they submitted another proposal for 3 parks for \$29,982 versus \$56,958 for 6 parks. He stated the reduction in scope does not affect them much because crews are established in some of the parks that are capable of cleaning the restrooms. He stated that the \$29,982 is still over what was budgeted. He presented options for consideration to include hiring a full time City employee.

No public comments were made.

Commissioner DeVane stated she would like to continue the contract with Quest because the City is exploring other opportunities where Quest's services could be utilized. She stated she would like the City to employ Quest in any way possible. Commissioner Metcalf agreed that we should utilize Quest but for this issue, he recommended to follow staff's recommendation to use a City employee. Mr. Holland addressed projects he will speak with Quest about that is already funded.

Motion made by Commissioner DeVane to postpone this issue for 30 days (February 11 meeting) to allow further discussion with Quest regarding their contract, seconded by Commissioner Storer and carried with a 3-1 vote with Commissioner Metcalf voting no.

b) Motor vehicle accident services fee.

Fire Chief Jim White presented this item. He stated this is a new opportunity to help maximize the amount of revenue the City can obtain from fees or services. He stated they have researched this potential revenue which has been used in other parts of the country. He provided details concerning imposing a Motor Vehicle Accident Services Fee (MCA fee) in cases of auto accidents within the City. He stated the current budget situation has been in a maintenance mode for several years and has not provided an opportunity to take advantage of outside training, improvement and acquirement of additional equipment with regards to auto accident training and equipment used to perform patient extrications and maintenance on this equipment. He stated he would like to develop and maximize the user fee system in place and what they do with such things as the fire inspection training fee they currently have in place to help offset those costs that they have had to cut over the last several years. He stated the fire department responds to 300-400 motor accidents within the City annually

and that 75% of those involve non-City residents. He addressed the extrication training that needs to happen on a regular basis.

Chief White stated the responsible party would have these charges imposed on their insurance policy and the City would then receive recoupment from them. He stated this is not widely used throughout Florida but there are a lot of jurisdictions throughout Central Florida that are very interested in what happens this evening. Chief White provided other statistics related to this issue. He addressed the levels of response and what is involved at each level, and the different fees associated. He addressed how the billing will be handled.

Commissioner DeVane asked Chief White to provide the actual cost to provide the services per incident so they look at the differences and possibly have a two tiered system for residents versus non-residents in terms of billing insurance companies. Commissioner Storer commented that the fee should apply to all cars involved in the accident.

No public comments were made. There was a consensus of the Commission to pursue this and move forward.

Recess

A recess was taken from 5:28-5:35 p.m.

c) Fire control services fee.

Fire Chief Jim White brought this back for further discussion to determine whether a consensus decision could be obtained to move forward with implementing a non-ad valorem assessment for fire protection. Commissioner DeVane asked if the same fee could apply for both residential and commercial. Camille Tharpe, Government Services Group, Inc. explained the cost differential associated with this fee and her fee for Phase 1 to move forward. She explained how they use the data collected from the study.

Mayor Marchman expressed concerns that he is not ready to move forward with this. Commissioner DeVane addressed tax exempt properties within cities. She suggested and encouraged to reduce the millage if this was considered to be fair to the tax payers in the City. The deadline of March 1 was addressed.

Upon further comments made by the City Attorney regarding the need for the Commission to determine how to handle the non-profit organizations (tax exempt) and other comments that the City would be assessing themselves and that only 10% of the bill would be paid by other organizations, there was a consensus not to further pursue this.

d) Early voting for the City of Winter Park 2005 election(s).

City Clerk Cindy Bonham addressed early voting for the upcoming election. She stated that she did not believe it to be justified because of low voter turnout at the polling places and steps she has

taken to improve the waiting times at the polls. She spoke about the charges for early voting and that absentee voting will still be an option. No public comments were made.

There was a consensus to eliminate early voting for the upcoming election and all future stand alone City elections.

e) Joint meeting with the Orange County School Board.

City Manager Williams addressed the tentative upcoming meeting with the school board. He asked if the Commission wanted to meet on January 18 from 4:00-8:00. Mayor Marchman spoke about the meeting he held with Chairman Shay and what was agreed upon to make the agenda. No public comments were made. There was a consensus that the Commission meet with the School Board on January 18. Commissioner DeVane asked that meeting with a staff member once again take place with the City on a regular basis.

f) Interim funding for Public Art Advisory Board projects.

City Manager Williams introduced Jan Clanton, Chairman of the Public Art Advisory Board. Ms. Clanton reported on the accomplishment of the Board that established their guidelines and recommendations. She spoke about their efforts to enhance public spaces with art and their first attempt at hanging the City's art collection in the Chambers, room 200 and the Public Safety Building. She stated the Board wishes to hire a registrar to catalogue the City's art collection; assess its condition; recommend any conservation if necessary; and appraise its value, as well as purchase software to keep records of the condition and location of the City's art.

Ms. Clanton also spoke about soliciting the loan of several outdoor sculptures for an exhibition from November 2005 through February 2006. She proposed an interim operating budget that would emphasize the importance of the City's art collection, its display, and to utilize funds to initiate the public display of art.

Motion made by Commissioner DeVane to approve the interim funding of \$25,000 and the proposed interim budget with funding to come from the Contingency Fund; seconded by Commissioner Storer and carried unanimously.

g) Central Park Technical Study.

Planning Director Don Martin addressed the work session that discussed the Central Park and Post Office properties and to move forward with technical studies for the vision plan for the expansion of Central Park. He stated the proposal brought this evening is to undertake a study of the technical aspects of the expansion which mainly looks at the feasibility of creating underground parking, the issues of retention and stormwater storage, park irrigation, public restrooms and any necessary public and/or parks building(s) to be included in the study. Mr. Martin further addressed the other aspects of the study. This issue will go before the Parks Board.

Paul Bryan, partner of Central Park Station Partners, 510 Jennifer Lane, Windermere, spoke about their intention to involve the City in every step as they perform the study.

NEW BUSINESS:

1. Commissioner DeVane spoke about her concerns with the safety of children going to and from school and the two (2) mile rule of busing children to school. She asked the Police Department to raise this issue at the upcoming meeting.
2. Commissioner Metcalf spoke about the need to keep restaurants on Park Avenue from blocking the sidewalks with their outside tables.

Mayor Marchman adjourned the Commission meeting at 6:33 p.m. The Commission convened as the CRA Agency.

CRA AGENCY SPECIAL MEETING:

- a) Approve proposal from PraX.es (John Cassio) to continue work related to development of the public private partnership between the City and Sprint to establish a new communications (infrastructure) future.

Planning Director Don Martin stated the applicant has withdrawn his request.

Chairman Marchman adjourned the CRA Agency meeting at 6:35 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham