

CITY COMMISSION MEETING MINUTES
August 9, 2004

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 Barbara DeVane, Douglas Storer, John Eckbert, and Douglas Metcalf (arrived at 3:40 p.m.); City Manager James Williams; City Attorney Brent McCaghren and Deputy City Clerk Tania Haas.

The invocation was offered by Building Official George Wiggins, followed by the Pledge of Allegiance.

CITIZEN'S BUDGET COMMENTS:

No comments were provided.

MAYOR'S REPORT:

- a) Presentation by Police Chief Ball of Certificate of Recognition to City employee Leo Parchment for assisting officers during a power outage.

Police Chief Doug Ball presented a Certificate of Recognition to City employee Leo Parchment for assisting officers at the intersection of Wymore Avenue and Lee Road following an afternoon thunderstorm that resulted in a power outage. A brief video of Mr. Parchment's assistance was viewed.

- b) Proclamation-International Association of Fire Fighters Appreciation Week and recognition of Winter Park Fire Department for their efforts on behalf of the Muscular Dystrophy Association.

Mayor Marchman read the proclamation. Fire Chief Jim White and representatives from the International Association of Firefighters and the Muscular Dystrophy Association expressed their appreciation of the fundraising efforts demonstrated by local firefighters.

- c) August 2004 Employee of the Month - Lori Hunt, Building Department.

Mayor Marchman presented the August 2004 Outstanding Employee of the Month award to Lori Hunt, Building Department.

- d) Board appointment - Tom McMacken to the Public Art Advisory Board.

Motion by Mayor Marchman to appoint Tom McMacken to the Public Art Advisory Board, seconded by Commissioner Storer. Motion carried unanimously.

- e) Presentation by Charles Clayton concerning wildflower grant.

Charles Clayton elaborated on the wildflower grant and the Think Beauty Foundation. Mr. Clayton provided copies of a video regarding this program to each Commissioner.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1877-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2580-04 OF THE CITY WHICH AUTHORIZED THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE CONSOLIDATED WATER AND SEWER SYSTEM OF THE CITY, PROVIDED FOR THE ISSUANCE OF NOT EXCEEDING \$45,000,000 WATER AND SEWER REVENUE BONDS, SERIES 2004, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF, AND PROVIDED FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM SUCH SYSTEM; BY MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH AND AUTHORIZING A NEGOTIATED SALE OF SUCH BONDS, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

City Attorney McCaghren read the resolution by title. He explained that the resolution deals with the City engaging in interest swap agreements and the additional covenants that the City has to make. Additionally, he said it also provides that the bonds will be sold at a negotiated sale. No public comments were provided.

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

- b) RESOLUTION NO. 1878-04: A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 1338, AS AMENDED AND RESTATED, OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ENTITLED "A RESOLUTION AUTHORIZING THE ACQUISITION OF A PRIVATELY-OWNED WATER AND SEWER SYSTEM BY THE CITY OF WINTER PARK, FLORIDA AND THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS THERETO; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$16,300,000 WATER AND SEWER REVENUE BONDS, SERIES 1981, TO FINANCE THE COST OF SUCH PROJECT; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; AND MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH."

City Attorney McCaghren read the resolution by title. He explained the resolution is a restatement of the old 1980 Water and Sewer Bond resolution which authorized the issuance of the bonds to acquire the water and sewer systems from General Waterworks. He said since these bonds will be issued as parity bonds with the old bonds, this resolution needs to restate the old resolution to bring the covenants up to date.

Discussion ensued regarding why the bonds were not bought out and reissued at a lower rate. Bond Counsel Judson Freeman provided an explanation of the 1981 bond issue. No public comments were provided.

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

ANNEXATIONS

Although not listed on the agenda, the following discussion ensued.

City Attorney McCaghren explained the discussion within the community about a possible initiative or referendum to amend the Charter and the annexation requirements. He stated the discussion is to require voter approval before additional properties are annexed into the City. Mr. McCaghren explained Florida Statute 171 prior to 1999, and the amendment made to the Chapter which removed the referendum approval provision. He said the state law no longer requires a referendum of the citizens. He explained that any annexation could be submitted for a referendum if the Commission chose to do so. He stated that the Florida Attorney General has opined that since Chapter 171 is intended to be an exclusive method for annexation, and since the area of annexation has been pre-empted by the state and the provisions Chapter 171 are to govern, such an attempt to impose an additional requirement would be invalid.

Discussion ensued regarding the option that the governing body has of whether or not to impose a referendum for annexations and whether such a requirement can be imposed on a governing body by its citizens. Commissioner Eckbert expressed his support of an ordinance that would favor a referendum for annexations over the 5% threshold. Mayor Marchman expressed his support for an ordinance related to this matter but noted his concern with committing to a Charter change. Mr. McCaghren spoke about opinions that have some support by previous court decisions involving annexations that say that such a citizen initiative to amend the Charter may not be binding on this Commission. Commissioner Eckbert commented that he would support a Charter review process. Mr. McCaghren clarified that if the Attorney General's opinion has validity, a Charter Review Commission proposed Charter amendment may not be a valid Charter provision.

Commissioner DeVane sought clarification on the Attorney General's opinion. She expressed her concern with annexations in the state of Florida. Commissioner Storer asked Mr. McCaghren to elaborate on whether the governing body has the option of accepting the results of any referendum. Commissioner DeVane asked that the City Attorney return with a draft ordinance that would require the citizens to vote on annexations with the inclusion of a 5% benchmark. Mr. McCaghren addressed binding future commissions with a blanket ordinance that would require voter approval on all future annexations over the 5% threshold.

Motion by Commissioner DeVane that the City Attorney return with a draft ordinance in generic form using the 5% benchmark, seconded by Mayor Marchman. Motion carried with a 4-1 vote. Commissioner Metcalf voted no.

CONSENT AGENDA:

- a) Approve minutes of 7/26/04.
- b) Authorize the Mayor to execute the Orange County Interlocal Funding Agreement for the Safe Neighborhood Program targeting northwest Winter Park and the development of a conceptual master plan for the Gay Road corridor.

- c) Approve RFP and Change Order as follows:
 - 1) Final ranking of firms and allow the Finance Director to begin negotiations with Cherry, Bekaert & Holland; HCO Moore Stephens Lovelace; Holland & Reilly; and Berman Hopkins & Moss for External Audit Services, RFP-9-2004, in order of their ranking.
 - 2) Change Order #2 to CH2M Hill which reduces the amount due to the removal of Owner Furnished Equipment, total amount of \$518,398.00. Change Order #3 reduces the contract value by \$254,704.52 due to shared contract savings between the City and CH2M Hill; total of reductions in contract amount \$773,102.52.
- d) Approve the City of Winter Park's Family Fall Festival scheduled for October 30, 2004, from 6:00 - 9:00 p.m. at Lake Island Field Rollins College Stadium.

Jeanette Wages, 1500 Hibiscus Avenue, spoke on item c (1) and their second place ranking in the External Audit Services selection process. Ms. Wages explained why her firm should be selected and suggested that the selection process include oral presentations.

Motion made by Commissioner Storer to approve the Consent Agenda with the exception of 'c (1)', seconded by Commissioner DeVane. The motion carried unanimously.

Commissioner Metcalf spoke on item 'c (1)'. As the appointed City Commissioner to the Auditor Selection Board, Commissioner Metcalf explained he was not informed of and did not attend the auditor selection meeting. Finance Director Wes Hamil spoke about the Audit Selection Committee and the selection process. He said the Commission could choose to begin negotiations with the number one ranked firm or reassemble the Audit Selection Committee to hear oral presentations from the three ranked firms or all of the firms. Mr. Hamil noted that the recommendation was based on the four written proposals received. Discussion ensued on whether oral presentations should be received from the top two firms.

Consensus was to reassemble the Auditor Selection Committee, provide Commissioner Metcalf timely notice of the meeting, and accept oral presentations from the top two firms. Mr. Hamil confirmed that the Auditor Selection Committee will return to the Commission with a recommendation after hearing the presentations. Commissioner Metcalf stated he will be available next week in the event a meeting is scheduled.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2594-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY LOCATED AT 225 EDINBURGH DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.
Second Reading

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

Motion made by Commissioner DeVane to adopt the ordinance, seconded by Commissioner

Storer. Upon a roll call vote, Mayor Marchman and Commissioners DeVane, Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 5-0 vote.

b) Request of Sydgan Corporation for property at 411 W. New England Avenue:

ORDINANCE NO. 2595-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF LIMITED COMMERCIAL (C-3A) DISTRICT TO CENTRAL BUSINESS (C-2) DISTRICT ON 411 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney McCaghren read the ordinance by title.

Phyllis Moore, 401 West New England Avenue, expressed her opposition to the zoning change request, the size of the proposed building being so close to her home, and the potential noise from the rooftop elements.

Harold Barley, 1671 Oakhurst Avenue, asked that the Commission consider Ms. Moore's request by preserving the residential character and allowing only appropriate commercial development in the Westside community.

Commissioner DeVane asked the Commission to consider the impact of the proposed rooftop cabana and summer kitchen patio area in terms of privacy and noise for adjacent neighbors from that rooftop location. She expressed her objection of the fourth floor that includes a cabana and the use of the roof as an entertainment/recreation area. She noted that it was an inappropriate use of the area and that this piece of the approval needs to be denied.

Motion by Commissioner DeVane to remove from the request the additional two-feet of height that would accommodate the rooftop structure and deny the Planned Development variance, seconded by Commissioner Storer for discussion purposes.

Planner Briggs spoke about the request and the compatibility issue with the surrounding properties. He said the Planning and Zoning Commission focused more on the long term evolution of New England Avenue rather than today's compatibility with the house next door. He confirmed that a 40' wall will be adjacent to the house next door but that the question is whether that will be a temporary or a long term scenario. Mr. Briggs noted that this is the first time that projects that include rooftop elements are seeking approvals and that the Planning and Zoning Commission may not have been sensitive to the fact that there could be some noise related problems from the proposed rooftop structures. Mr. Briggs reported that the Planning and Zoning Commission recommended approval of the request by a 5-0 vote.

Commissioner Storer stated that the real question deals with the rooftop use and granting of the variance. He asked if the noise issue was discussed at the Planning and Zoning level and whether appropriate ordinances are in place that would control resident activity on the rooftop. Mr. Briggs responded that the noise issue was not discussed at the Planning and Zoning level. He elaborated on the difficult nature of enforcing the current noise ordinance. Commissioner DeVane commented that the additional rooftop area should be calculated as floor area ratio. She expressed her concern

of creating a precedent with the proposed structure. She urged the Commission to approve the three-story building with the appropriate parking, the elevator to the roof but not the cabana or the summer kitchen.

Commissioner Eckbert asked that Mr. Briggs elaborate on and compare the height of the adjacent building. Mr. Briggs explained how the existing building located on the west is going to be a mirror image of the new building. Commissioner Metcalf inquired into the setback of the cabana structure. There was discussion on how summer kitchens or similar structures are regulated in the code. Commissioner DeVane commented on how the area in question is an extension of the living area of the apartment located below. She suggested an approval of the building without the rooftop structure. Mayor Marchman expressed his concern of the possible noise issue with the rooftop structure. Commissioner Storer commented on possible solutions.

Motion amended by Commissioner DeVane to approve the project without the Planned Development (PD) variance allowing the construction of the cabana on the roof and to direct staff and the Planning and Zoning Commission to begin discussion concerning rooftop open structures, seconded by Commissioner Storer.

Commissioner Metcalf expressed his concern of the compatibility issue with the adjacent property. Commissioner Eckbert sought clarification concerning the motion on the table. It was agreed that the height required for the elevator opening on the roof could occur for service of mechanical equipment but the structure providing shelter for the outdoor recreation/living/patio features and those amenities are not permitted. **Motion carried unanimously with a 5-0 vote.**

City Attorney McCaghren interjected that the better procedure was to adopt the rezoning ordinance first and then the conditional use. He clarified that any prior approval of the conditional use from the last Commission meeting was only of a preliminary conceptual nature since a conditional use cannot be legally approved until the zoning permitting the project is approved at second reading.

Motion by Commissioner Eckbert to adopt the rezoning ordinance for 411 W. New England, seconded by Commissioner Metcalf. Upon a roll call vote, the motion carried unanimously with a 5-0 vote.

Motion made by Commissioner DeVane to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission as follows: 1) That the final site plan, floor plans, civil engineering plans, landscape plans and architectural elevations, including building materials be approved by the Planning Commission; 2) That the project be deed restricted to residential usage only for the third floor; 3) That the applicant is to provide copies of a master cross-parking easements and agreements; and 4) inclusion of the prior action by the Commission regarding the rooftop structure, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners DeVane, Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 5-0 vote.

- c) Request of Sydgan Corporation for vacant Lots 5-7, 9-10, Block 55, Town of Winter Park bounded by New England and Hannibal Square East.

ORDINANCE NO. 2596-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3); GENERAL COMMERCIAL (C-3) AND LIMITED COMMERCIAL (C-3A) DISTRICT TO CENTRAL BUSINESS (C-2) DISTRICT ON 314 AND 320 HANNIBAL SQUARE, EAST AND 444, 450 AND 460 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney McCaghren read the ordinance by title.

Planner Briggs provided the staff report. He reported that this project also contains a rooftop element similar to the last item except that the rooftop area is proposed to be a laundry room and recreational space for 36 apartments. Mr. Briggs suggested that the Commission provide staff with the same direction that was approved in the last item which would result in an appropriate control of rooftop activities. Commissioner Metcalf inquired whether the noise issue was discussed at the Planning and Zoning level. Mr. Briggs responded that the noise issue was not discussed but there is a single family residential area located on Lyman Avenue behind the proposed project.

Commissioner Storer expressed his concern with the compatibility issue and the surrounding residential areas. Mr. Briggs noted that this project deals with a residential area that fronts on Lyman Avenue that is approximately 60' away from the proposed building. Mayor Marchman expressed his concern with the impact to the adjacent residential area. Commissioner Eckbert sought clarification into the use of the rooftop area. Mr. Briggs responded that the rooftop area is proposed to be an open-aired design that will contain the laundry room for the thirty-six apartments and an outdoor recreation area. Mr. Briggs explained how the area is proposed to be an amenity for the 36 tenants. Other aspects of the parking and building were discussed.

Phyllis Moore, expressed her opposition to the proposed project and believed it was not appropriate for the area.

Motion by Commissioner Eckbert to adopt the ordinance for 450 W. New England, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane voted no. The motion carried with a 4-1 vote.

Again, City Attorney McCaghren interjected that any prior approval of the conditional use from the last Commission meeting was only of a preliminary conceptual nature since a conditional use cannot be legally approved until the zoning permitting the project is approved at second reading.

Motion made by Commissioner Metcalf to approve the conditional use request for the project with the following Planning and Zoning conditions: 1) That the project be deed restricted to residential usage only for the second and third floors. (This deed restriction may be amended in the future to permit office on the second floor if adequate parking is provided.); 2) That the exterior architecture be revised per the City's design direction.

Those preliminary architectural plans should be reviewed by the Planning Commission at a regularly scheduled work session for conformity with the design direction. ; 3) That the final site plan, floor plans, civil engineering plans, landscape plans and architectural elevations, including building materials be approved by the Planning Commission.; 4) Deny variance request to allow 1.5 parking spaces per apartment unit for the one-bedroom units versus the code requirement of two spaces per unit.; 5) Approve the variance to allow an additional height two feet in height (52 feet) to the top of a flat roof.; 6) The applicant to provide copies of a master cross-parking easements and agreements; and 7)allow the construction of the laundry facility with time and use restrictions to be approved by the City prior to use and excluding any recreational space, furnishings or electrical/plumbing connections to provided for such usage; and direct staff and P&Z to begin discussion on rooftop open structures city-wide application; seconded by Commissioner Storer. Motion carried with a 3-2 vote. Mayor Marchman and Commissioner DeVane voted no.

Commissioner Storer emphasized the need to explore use guidelines for rooftop structures as these elements will continue to be proposed for future projects around the City.

- d) Request of Sydgan Corporation for Lots 7-10, Block 54, Town of Winter Park in the block bounded by New England, Pennsylvania, Lyman and Hannibal Square, East:

ORDINANCE NO. 2597-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO CENTRAL BUSINESS (C-2) DISTRICT ON LOTS 7-10, BLOCK 54 TOWN OF WINTER PARK, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

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

Planner Briggs provided the staff report. He said the proposed four-story building will be located south of the Dexter's building and will include retail on the ground floor and three floors of apartment units. He explained that the project will include four levels of garage that will contain an open fifth level. Mr. Briggs said the elevator will provide service to the fifth level of the garage and the other portion of the roof will contain the air conditioning compressor and mechanical equipment. He said this project does not have the rooftop issue that the previous two projects had.

Commissioner DeVane expressed her concern with the reduction of the parking from 2 spaces to 1.5 per unit. She stated that a parking problem exists currently in the area and that this reduction will only exacerbate the problem. Mr. Briggs explained that the applicant felt that the 1.5 parking space requirement is appropriate because the apartments are proposed to be 650 square feet, five apartments per floor, and that the applicant believed that most of the residents will be single person rentals. He said additional parking will be available on the ground floor at night when the retail shops are closed.

Motion by Commissioner DeVane to require parking at the two per unit city standard. Motion failed for lack of a second.

Motion by Commissioner Eckbert to adopt the rezoning ordinance, seconded by

Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane voted no. The motion carried with a 4-1 vote.

Motion made by Commissioner Storer to approve the conditional use with the following Planning and Zoning conditions: 1) That the project is deed restricted to residential usage only for floors two, three and four.; 2) That the final site plans, floor plans, civil engineering plans, landscape plans and architectural elevations including building materials be approved by the Planning and Zoning Commission.; 3) The applicant is to provide copies of a master cross-parking easements and agreements.; 4) The parking garage elevations on all sides must be similar to the quality of the SunTrust parking garage or Morse Boulevard/Pennsylvania Avenue project.; 5) Approve PD variances as follows: permit a four-story building in the C-2 zoning district, and allow 1.5 parking spaces per apartment unit for the one-bedroom units versus the code requirement of two spaces per unit, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane voted no. The motion carried with a 4-1 vote.

- e) ORDINANCE NO. 2598-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO ADD A NEW PLANNED DEVELOPMENT (PD) OVERLAY APPROVAL PROCESS, PROVIDING FOR APPLICATION AND SUBMITTAL REQUIREMENTS, PROVIDING FOR SITE DEVELOPMENT STANDARDS, PROVIDING FOR APPROVAL PROCEDURES, PROVIDING FOR REVIEW OF SUBSTANTIAL CHANGES AND EXPIRATIONS OF APPROVALS. 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 Storer. Upon a roll call vote, Mayor Marchman and Commissioners DeVane, Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 5-0 vote.

- f) ORDINANCE NO. 2599-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SO AS TO AMEND SUBSECTION 58-78 "PUBLIC AND QUASI-PUBLIC DISTRICT" TO PROVIDE FOR RESIDENTIAL USES AS A PERMITTED USE. 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 DeVane, Storer, Eckbert and Metcalf voted yes. The motion carried unanimously with a 5-0 vote.

CITY MANAGER'S REPORT:

a) Contract with City lobbyist Robert Hartnett.

City Manager Williams presented this item. Mr. Hartnett spoke about the legislative duties and the agencies that he has been working with on behalf of the City. Mayor Marchman explained that the City is currently working on the budget and will try to retain his services.

b) Update on electric utility.

Assistant City Manager Knight provided an update. He reported that the Utilities Advisory Board has invited the Commission and representatives from various municipal utilities to attend a meeting on August 25, 2004, at noon, at the old fire station to discuss the topic of governance. He also spoke about a letter from the Chairman of the Utilities Advisory Board where he expressed the board's concern of staying involved in the process. Discussion ensued regarding whether sunshine issues have been addressed.

c) Confirmation of Electric Utility Director.

City Manager Williams introduced and recommended Don McBride as the City's new Electric Utility Director. Consensus was to appoint Mr. McBride as the City's Electric Utility Director.

d) Reorganization of the Public Works Department and confirmation of Directors.

City Manager Williams explained the proposed reorganization of the Public Works Department and recommended to split the department into two departments; the Public Work Department and the Water and Sewer Utilities Department. He recommended the promotion of David Zusi as the Director of the Water and Sewer Utilities Department and Troy Attaway as the Director of the Public Works Department. Consensus was to approve the reorganization and the promotions.

City Attorney McCaghren spoke about how the Charter addresses Department Head positions. He recommended amending the code to implement the reorganization. Consensus was for the City Attorney to draft an ordinance that reflects the proposed changes.

e) Review of the budget article for the September/October "City of Winter Park Update."

City Manager Williams presented this item. Discussion and debate ensued regarding annexations as a revenue generator for the City. Each Commissioner expressed the changes they wanted made to the article. There was discussion whether information should be included in the article regarding Homestead Exemption and what percent of the City's residential is exempt. Commissioner DeVane asked that the City Manager try to obtain the exemption information from the Property Appraiser's Office. She expressed her preference of not delaying the distribution of the article in the event that obtaining the exemption information is difficult.

There was discussion regarding the deferment of critical needs that has occurred in the past and whether to include that information in the article. Commissioner Metcalf elaborated that expenses

have increased at a faster rate than revenues. Discussion ensued regarding the need to graphically illustrate the expense vs. revenues rate and the deferments of critical needs that have been made in the past to the citizens. Finance Director Wes Hamil explained that staff can create a bar graph that compares the growth of revenues vs. expenses but that it may be difficult to illustrate the amount of money that the City should have been spent over the past few years. Commissioner DeVane suggested a bar graph that illustrates the percentage increase in property taxes. Commissioner Storer commented on the need to define the discussion prior to presenting this information to the residents.

Consensus to forward the chart/graph issue to a sub-committee for further review. Additionally, the Commission appointed Commissioner Metcalf to work with the Finance Director to create a chart that illustrates the points expressed.

A recess was taken from 6:10 - 6:15 p.m.

f) Benchmark comparison.

City Manager Williams presented this item. Commissioner Storer commented on the importance of comparing services between municipalities. Commissioner DeVane suggested the use of this topic as a future article in the Winter Park Update.

g) Report on unfunded mandates.

City Manager Williams explained that the report shows the items requiring funding that the City does not receive revenue for. Commission consensus was to utilize the Winter Park Update to inform the citizens of this.

NEW BUSINESS:

1. Commissioner Storer commented on the e-mail he sent to citizens regarding the Winter Park High School issue. He spoke about the need for the City to be involved with the education in the community. Commissioners Eckbert and Metcalf commended the Mayor for the way he handled the Winter Park High School issue. Commissioner DeVane spoke about partnering with the Chamber of Commerce to help teachers with discretionary funds for school supplies. Commissioner Storer asked whether a response has been received from the School Board regarding the second letter and the status of the former Glenridge Middle School site and expressed his concern over the disposition of the property. He suggested that a resolution be adopted with the points expressed in his memo. Mayor Marchman suggested to invite School Board Member Joie Cadle to the next meeting to provide an update. Discussion ensued regarding the rezoning of public/quasi-public properties and the ordinance that was adopted earlier. Commission consensus was to provide Ms. Cadle with the points expressed in the memo and invite her to the next meeting.
2. Commissioner Eckbert spoke about rolling back millage rates and introducing a fire assessment fee.

The Mayor adjourned the meeting at 6:40 p.m.

BUDGET WORK SESSION

The Budget Work Session convened at 8:05 p.m. Commission consensus was to reschedule this meeting for August 16, 2004, 3:30 p.m.

The Mayor adjourned the work session at 8:10 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham