

**CITY COMMISSION MEETING MINUTES**  
**September 27, 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 Douglas Storer, Douglas Metcalf and Barbara DeVane; City Manager James Williams; City Attorney Brent McCaghren and City Clerk Cynthia Bonham. Commissioner Eckbert was not present.

The invocation was offered by Pastor Jim Book, First Christian Church, followed by the Pledge of Allegiance.

Prior to Mayor Marchman providing his report, he commended staff and everyone involved with the hurricane recovery process.

**MAYOR'S REPORT:**

- a) Recognition by Fire Station 64 in appreciation of a donation by Keller Outdoor for labor and materials to re-landscape the station.

Fire Chief Jim White recognized Rick Keller, a local business owner, for his contributions to the beautification of Fire Station 64 located on Howell Branch Road.

**CITY ATTORNEY'S REPORT:**

- a) RESOLUTION NO. 1885-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE BUILDING PERMIT FEE SCHEDULE OF THE CITY TO WAIVE FEES FOR HURRICANE REPAIRS ON ONE AND TWO FAMILY DWELLINGS.

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

**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 carried unanimously with a 4-0 vote.**

**CONSENT AGENDA:**

- a) Approve minutes of 8/16/04, 8/31/04 and 9/13/04.
- b) Approve the following bid and purchase order:
- 1) Bid WP-5-2004, Auxiliary Generator Service to CJ's Sales & Service, Inc., pricing as per attached list (Budget: Utilities Maintenance)
  - 2) PO #111397, after-the-fact, to Bennett Truck Equipment for the purchase of a demonstration Ford F550 diesel truck with service body and Dura-A-Lift bucket crane; \$82,963.00 (Budget: Vehicle Replacement for Facilities Management).
- c) Approve budget adjustments as follows:
- 1) Transfer \$2,547 from various accounts to Building Maintenance to consolidate budgeting for pest control.

- 2) Transfer \$2,660 from the Youth special project account to the Special Events division to provide scholarships for the summer recreation program.
  - 3) Transfer \$935 from the Duberry Scholarship special project account to the Special Events division to provide scholarships for the summer recreation program.
  - 4) Appropriate \$5,000 in state forfeiture revenues for the Parks and Recreation Summer Recreation Program.
  - 5) Transfer \$2,000 from Parks Maintenance to Building Maintenance to remodel the old Swoope Maintenance Building for Parks Maintenance use.
  - 6) Appropriate \$1,100 in CPR program revenues in excess of the original budget and transfer \$8,695 from the Fire rescue budget to the EMS program to cover costs incurred in that division.
- d) Approve the request to allow the Concours d' Elegance car show to hang banners along Park Avenue to promote the show.
- e) For Your Information - Parks and Recreation Board approval to relocate the Autumn Art Festival from Lake Island to Central Park.

Mayor Marchman asked for public comments. No comments were provided.

**Motion made by Commissioner Storer to approve the Consent Agenda, seconded by Commissioner DeVane. The motion carried unanimously.**

- a) ORDINANCE NO. 2604-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO MUNICIPAL ANNEXATION; PROVIDING A REQUIREMENT THAT A SEPARATE REFERENDUM BE HELD IN THE CITY WHEN THE PROPOSED ANNEXATION EXCEEDS A CERTAIN SIZE; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney McCaghren read the ordinance by title. Planner Briggs explained that the proposed ordinance limits the ability of the City to conduct annexations that exceed 5% of the City's area or population. He said in the last few years the City has undertaken two kinds of annexation initiatives per the direction of the City Commission; one that rounds off City boundaries by taking in islands and enclaves that allow the City to gain population and tax base without adding staff; and the other extends the City limits to the Fairbanks Avenue and Lee Road corridors. He reported on the 2001, 2002, 2003, and 2004 successful residential and commercial annexation referendums and the areas taken into the City. Lastly, Mr. Briggs elaborated on how the proposed ordinance would impact future annexation initiatives and the areas under consideration.

Commissioner Metcalf commented on the State law prior to 1999 that required a voter referendum if the annexation exceeded 5% of the physical area or the population. He confirmed with Mr. Briggs that the proposed ordinance re-establishes the rules that were canceled by the State. Mayor Marchman noted that under the current statutory requirements, the City would have to approve annexations by the adoption of a non-emergency ordinance which would require two public hearings before any annexation can occur. Attorney McCaghren further clarified that under state law and as a result of the 1999 amendments, the City Commission has the option of submitting the annexation to a vote of the citizens of the City as well.

Commissioner DeVane inquired into the number of homes that would have been annexed into the City if the Stonehurst initiative had been successful. Mr. Briggs responded that he believed it may

have been 22 homes. Mayor Marchman commented on the possibility of the state requiring that all enclaves eventually be annexed into a municipality.

Stockton Reeves, 1491 Mizell Avenue, spoke in opposition to the proposed ordinance and the City setting a cap on the number of properties and allowing existing residents the opportunity to vote. Dan Bellows, 533 West New England Avenue, supportive of the proposed ordinance explained how it positively impacts future development.

Lurline Fletcher, 790 Lyman Avenue, expressed her preference of placing limits on annexations.

Commissioner Metcalf elaborated on how the 'Save Our Homes' initiative and the cost for services has impacted the City and the reasons why commercial annexations have been considered.

Don Sondag, 433 Lakewood Drive, commented on areas under consideration for annexation and opposed the practice of aggressive annexations. He expressed his preference of strict limits on annexations.

Joe Terranova, 700 Melrose Avenue, expressed his concern with citizens not being able to provide their input on annexation initiatives. He suggested a lower limit than the 5% proposed.

Nancy Shutts, 2010 Brandywine Drive, expressed her concern with the 5% limit.

Bill Becker, 1821 Jewel Court, reported that the Waterbridge Homeowners Association is opposed to the 5% limit because he believed the percentage is too high.

John Murphy, 2221 Haywick Lane, expressed the equity in allowing votes from both existing residents as well as the ones being considered for annexation.

Mayor Marchman provided comments on the direction that was given to staff that led to the economic feasibility studies of the areas under consideration. He spoke of supporting benchmarks as limits and lowering the limit from 5% to 2%.

Commissioner DeVane explained the City's policy regarding annexation initiatives. She spoke of the aggressive annexation initiatives conducted by the City of Orlando that prompted the City to react. She said the number one priority the City looks at is whether the area fits the character of Winter Park and if the area can be developed in the future, not the amount of potential revenue that it may bring into the City. Commissioner DeVane explained that the proposed ordinance with the 5% cap reinstates the state law prior to the 1999 amendment. She agreed with the Mayor to reduce the 5% threshold to 2%. Additionally, she suggested changing the total area annexed during any one calendar year to a 12 month period.

Commissioner Storer expressed his appreciation with the input he had received from residents. He elaborated on the need to protect the City's borders and that any area under consideration needs to fit the character of the City. He said that he believed the 2% cap on both the cumulative land area and population is fair.

Commissioner Metcalf explained why he was supportive of annexations because of the need to

control the gateways into the City to improve traffic and the aesthetic quality of Fairbanks Avenue and Lee Road. He elaborated on the challenges faced by the City because it did not have a claim on any of the redevelopment surrounding the City. He said he would support the 2% on population and 5% on land.

Assistant City Manager Knight read comments e-mailed to him from Commissioner Eckbert. Commissioner Eckbert's comments are attached as part of the official minutes.

There was discussion on how much area comprises 2% of land area. City Attorney McCaghren explained the law prior to and after 1999 regarding this issue. He clarified that even if this ordinance or an amended ordinance is adopted, it does not bind this Commission or a subsequent Commission. Mr. McCaghren stated that a subsequent Commission is able to amend the ordinance again to provide for a higher percentage, and they can repeal, cancel or amend this ordinance. Lastly, he elaborated on Attorney General opinions related to annexations.

Commissioner DeVane clarified that the proposed ordinance deals with the total land area of the municipality and does not specify commercial property. She said one threshold is population and the other is total land area, with no distinction made between residential and commercial. She suggested a cap of 1% on both population and land mass.

**Motion made by Commissioner DeVane to amend the proposed ordinance to change the total land area and population of the municipality from 5% to 1% and to change the calendar year period to a 12 month rolling period, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners DeVane, and Storer voted yes. Commissioner Metcalf voted no. Commissioner Eckbert was not present to vote. The motion carried with a 3-1 vote.**

**Motion made by Commissioner DeVane to accept the ordinance as amended on first reading, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer and DeVane voted yes. Commissioner Metcalf voted no. Commissioner Eckbert was not present to vote. The motion carried with a 3-1 vote.**

Attorney McCaghren noted that under the City's Charter, the change is deemed a substantive change that requires a second reading of the ordinance which will be held on October 11, 2004. Commissioner Storer encouraged residents to attend the October 11<sup>th</sup> meeting for the second reading of the ordinance.

- b) ORDINANCE NO. 2605-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO ITS WATER AND SEWER UTILITY SYSTEMS; AMENDING SECTION 102-56 "RATES AND CHARGES" TO ADJUST THE MONTHLY RATES AND FEES FOR WATER SERVICE BOTH INSIDE AND OUTSIDE THE CITY; AMENDING SECTION 102-132 "SCHEDULE OF FEES" TO ADJUST THE MONTHLY RATES AND FEES FOR SANITARY SEWER SERVICE BOTH INSIDE AND OUTSIDE THE CITY; PROVIDING FOR ADMINISTRATIVE AUTHORIZATION FOR ADJUSTMENT OF READINESS TO SERVE CHARGES; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney McCaghren read the ordinance by title.

Keith Gardner, 2230 Cady Way, expressed his concern with the proposed increases. Mayor Marchman elaborated on the amount of work that is needed on the City's infrastructure that has been realized in the aftermath of the recent storms. Water and Wastewater Utilities Director David Zusi explained that the increases proposed are to cover the different needs of the City.

Lurline Fletcher, 790 Lyman Avenue, expressed her opposition to the proposed increases.

Commissioner DeVane commented that the City's overall water usage has decreased which has affected revenues and that the Federal Government has diverted back many financial obligations onto municipalities that have increased in costs. Commissioner Metcalf commented on government imposed mandates to municipalities that are never financially supported.

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

c) Schedule of fees and charges effective October 1, 2004.

Finance Director Wes Hamil explained that many of the changes proposed were needed to prepare a balanced budget for the upcoming fiscal year. No public comments were provided.

**Motion made by Commissioner Metcalf to approve the proposed schedule of fees and charges effective October 1, 2004; seconded by Commissioner Storer. The motion carried unanimously.**

d) Conditional Use Request to construct and operate a Hannibal Square Heritage Center on property located at the southwest corner of New England Avenue and Hannibal Square.

Planner Jeff Briggs provided the staff report. He addressed the request to build a Heritage Center on City owned property located on the corner of New England and Hannibal Square. He stated the City purchased the property in 1991 which became available from a tax deed sale. Mr. Briggs stated that the proposal is for a residential single family looking building to contain photo galleries that will depict the history of the westside community and provide classroom space for the Outreach Programs currently at the Crealde Art Center. He said the structure is intended to look like a home because it is adjacent to homes.

Mr. Briggs explained the concerns from the Planning and Zoning Commission with the precedent this project may create because it is a non-residential use of residential property located in the westside. He explained the Commission's concern with maintaining the residential nature of the westside community. Mr. Briggs noted that the project although not residential in nature, has the full support of the neighborhood because of its proximity to the Community Center and the amount of pedestrian activity in the Hannibal Square area that will draw people to the project. Mr. Briggs confirmed that the Planning and Zoning Commission recommended approval with the condition that the exact design layout return to them for approval.

Dan Bellows, 533 West New England Avenue, expressed how the project proposed is an

inconsistent use of property zoned single family.

Rudolph Scott, 750 Northwood Circle, said that the proposed project will provide a benefit and value to the westside community.

Lurline Fletcher, 790 Lyman Avenue, expressed her support for the project and the historical benefits it will provide to the community.

Nancy Shutts, 2010 Brandywine Drive, expressed her concern with building a separate building to create a museum and a history of a part of Winter Park when a historical building currently exists in close proximity to the proposed project.

Janie Baker, 650 Northwood Circle, spoke of the importance of preserving the heritage of the westside community.

Joe Terranova, 700 Melrose Avenue, spoke of the efforts of the CRA Advisory Board with this project and the community support.

**Motion made by Commissioner DeVane to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner Storer. The motion carried unanimously.**

Commissioner Metcalf spoke of the importance of fostering the Heritage Center and that it becomes part of the fabric of Winter Park. He suggested the creation of a cultural corridor of facilities that will attract people to the area.

- e) Conditional use request for All Saints Episcopal Church and approval/extension of Development Agreement to modify parameters of the previously approved Church Master Plan for the future Ministry Center building on Lyman Avenue and future new church sanctuary building at the corner of Interlachen and Fairbanks Avenues.

Planner Jeff Briggs stated the applicant is requesting to modify and extend the development agreement that was approved in 1996 for the church campus and the remote parking lot. He explained that a development agreement is a ten year contract that the City approves with phased projects. He continued that the church has completed approximately 50% of their master plan to redevelop the daycare/preschool facilities and the administration building and brand new sanctuary remains to be completed. He explained the proposed changes to the administration building and sanctuary. He confirmed that the proposal is consistent with the development agreement approved in 1996 and that the Planning and Zoning Commission recommended approval of the request.

Dan McIntosh, 810 Bonita Drive, as a representative of the applicant, recapped the four proposed changes.

**Motion made by Commissioner DeVane to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner Storer. The motion carried unanimously.**

- f) Conditional use request of Ole' Ole' International Restaurant for a liquor license in conjunction with the proposed 150 seat restaurant at 601 S. New York Avenue.

Planner Jeff Briggs explained the conditional use request for a new restaurant under construction at the corner of New York and Fairbanks Avenues. He continued that the applicant desires to serve alcoholic beverages in the proposed establishment which requires conditional use approval because it is within 300 feet of residential. He said this requirement is due to problems with prior establishments and the noise resulting from live entertainment. He continued that the restaurant proposed is a high quality international restaurant and the kind of fine dining establishment that Winter Park wants to attract. He noted that the Planning and Zoning conditions are restricted to this applicant and restaurant and if the restaurant is sold, another conditional use request will have to be applied for. No public comments were provided.

**Motion made by Commissioner Metcalf to approve the conditional use request with the conditions imposed by the Planning and Zoning Commission, seconded by Commissioner DeVane. The motion carried unanimously.**

**CITY MANAGER'S REPORT:**

- a) "Keep It Green" request for support of the Winter Park Live Oak Fund.

Mark Hagle spoke on behalf of the "Keep it Green" organization. He explained that the proposal is to help and supplement the City's existing tree program with a community effort to replace the live oak trees that have been diminishing over the last few years. Mr. Hagle said the organization proposes to set up a non-profit corporation to raise funds from residents and corporations in cooperation with the City and the Parks Department to replace the tree line. He said the joint agreement has to be finalized and would determine where and how the trees would be planted, and how they would be maintained and purchased. He reported the program is only for the replacement of live Oak trees. Mr. Hagle said the organization is requesting acknowledgment or endorsement from the City for the program to provide credibility to the program.

Parks and Recreation Director John Holland recommended approval of the request. He reported that some of the guidelines for the program still needed to be finalized. Discussion ensued regarding the root systems of Live Oak versus Laurel Oaks. No public comments were provided.

Commission consensus was to provide an endorsement for the program upon completion of a joint agreement.

- a) Petition from Northwood Circle seeking rebuilding of subdivision wall.

Building Official George Wiggins explained that this issue involves a subdivision wall approximately 4 to 4 ½ feet high located on a corner lot at the entrance of Northwood Circle and damaged during one of the recent storms. He continued that as a result of the damage, the rest of the wall was removed up to the corner, leaving only the corner sign and two pillars which support it. He provided a brief history on the privately owned property. He addressed the petition submitted asking that the City take action and force the rebuilding of the wall. Mr. Wiggins explained that because the wall is

on private property, the City can not force its removal. He said there is no easement within the subdivision plat and no condition that the wall must remain. He said the only condition that was placed on the approval in 1964 was that the wall around the perimeter of the subdivision be constructed of a light buff colored block. He explained that in the event the property is sold and a new request to split the property is requested, the erection of the wall can be a condition imposed by the Planning and Zoning Commission or City Commission.

Rudolph Scott, 750 Northwood Circle, as a party to the petition, provided a history of the completion of the Northwood subdivision and the wall in question. Mayor Marchman asked whether Northwood Subdivision has an active homeowners association. Mr. Scott responded that the subdivision was not developed with a homeowners association. Mayor Marchman asked whether the wall was developed as a common element and if it belonged to each individual homeowner. He explained that to clarify if it is owned by an individual homeowner or if it is an easement, there needs to be a review of the public records because easements have to be recorded in the official records. He continued that Mr. Scott can review the plats of individual lots and determine where the wall is actually positioned.

Mayor Marchman noted that the wall in question is not a city wall nor was it erected by the City. Discussion ensued whether it was a tree from the City's right-of-way that caused the damage after a recent storm.

Commissioner Storer elaborated on the issue of the wall being located on private property and whether a personal agenda was sought with its removal. He said the right-of-way tree issue should be reviewed.

Commissioner DeVane recommended that Mr. Scott meet to discuss this with the City Attorney. She also expressed that the main issues were whether the wall should be reconstructed and to prevent this from occurring in the future. Additionally, she suggested that Mr. Scott work with staff member Lindsey Hayes who works with the Neighborhood Council. She said Ms. Hayes can assist with developing a homeowners association that can develop guidelines and standards for the community.

Attorney McCaghren reported that at the request of City staff, a review of the public records related to this matter was conducted. Mr. McCaghren confirmed that the subdivision restrictions were located, that a homeowners association was never established and that the subdivision restrictions that were recorded and imposed did not create any type of wall easement over the property. He said the plat does not create a wall easement for this particular wall but showed a utility easement along Pennsylvania Avenue. Mr. McCaghren continued that staff located the approval from the City plat which contained the requirement that the wall be constructed of a light buff colored block. He said documentation was not located that mandated the construction of the wall, only a restriction on the type of construction if a wall was built. He said there was nothing that established an easement for the wall or a subdivision restriction which allowed the wall. Mr. McCaghren elaborated on the possible private rights the subdivision may have by reason of the wall existing for 40 years. Lastly, Mr. McCaghren disclosed that the property that the wall resided on was at one time in the past a client of one of the partners in Mr. McCaghren's law firm.

Frank Baker, 650 Northwood Circle, elaborated on what he believed to be an attempt to extend

Pennsylvania Place subdivision into Northwood subdivision which will require removal of the wall.

Legon Nelson, 620 Northwood Circle, spoke of the symbolic reference of the wall to the community.

Consensus was for staff to draft a letter to the property owner from the Commission requesting that the wall be replaced because of its historical significance to the community. Additionally, Mayor Marchman suggested that Mr. Scott seek private counsel regarding this matter. Commissioner Metcalf provided comments about funds available for community development for the formation of homeowners associations.

c) Acquisition of electric substation site.

Assistant City Manager Randy Knight identified the current substation site being owned by Progress Energy and located one block off of Aloma Avenue. Mr. Knight explained that the City has the opportunity to acquire vacant property located immediately north of the Aloma site which is owned by the Interlachen Country Club. He said the City can acquire the property to construct a substation once the City acquires the electric system. He spoke of the cost savings and the minimal disruption to the neighborhood if the vacant site is selected. He said the other option is to build it at the sewer plant site. He asked for Commission approval for staff to enter into a contract to acquire the vacant parcel. No public comments were provided.

**Motion made by Commissioner Metcalf to approve staff to enter into a contract for the acquisition of the vacant piece of property currently owned by the Interlachen Country Club for the electric substation site, seconded by Commissioner Storer. The motion carried unanimously with a 3-0 vote. Commissioner DeVane was not present to vote.**

d) Undergrounding issue

Although not listed on the agenda, the following item was discussed. Assistant City Manager Knight spoke of the interest in the community to accelerate the undergrounding program once the City acquires the electric system. He said the Utilities Advisory Board recommended disseminating a survey to gauge the interest in undergrounding and whether the preference is to use a property type bond issue or a raise in electric rates in order to accomplish undergrounding efforts.

Joe Terranova, 700 Melrose Avenue, inquired about the technical limitations that can be performed in a year and how this should be estimated to the distribution of the survey.

Commissioner Storer elaborated on the need to know the amount of revenues generated, and how the revenues will be spent and reinvested into the system because of the current perception within the community.

Discussion ensued regarding the information provided to the community and the need to obtain data that can be provided to the citizens regarding undergrounding. Mayor Marchman elaborated on the need to underground feeder lines first. Commissioner DeVane asked for information regarding the undergrounding plan for feeder lines and spoke of developing a policy on undergrounding neighborhood lines. Discussion ensued that the survey should contain questions with a certain amount of context in order to interpret the responses.

Consensus was that staff meet with the Utilities Advisory Board and develop a suggested survey for the Commission to review.

**NEW BUSINESS:**

a) Presentation by Ms. Susan Finnegan regarding the purchase of holiday decorations

Susan Finnegan presented a powerpoint presentation on this item. Ms. Finnegan explained that this is a three year master plan for holiday lighting for the City.

Discussion ensued regarding funding for the purchase of the decorations. Ms. Finnegan spoke of obtaining a portion of the funds from the City, Rollins College and the Morse Foundation. Discussion ensued to consider a shortfall once a contribution amount has been specified from the other contributing sponsors.

Commissioner Storer expressed his support but noted the need of involving private partners for funding. He suggested an endorsement of the concept.

Park Avenue Area Association President Debi Rodi spoke in support of the proposal.

Rosemary Gillard, 106 South Interlachen Avenue, explained how this concept can rejuvenate Park Avenue.

Attorney McCaghren reminded the Commission to review the City's purchasing policies. No public comments were provided.

Commissioner DeVane asked that staff look into making this a possibility this year. She expressed her preference of committing \$25,000 shared equally between the City and CRA and to use the old police facility as storage. Commissioner Storer stated he was willing to support \$15,000 toward the first year's cost of the concept contingent upon the remainder to come from the private sector. Commissioner DeVane suggested that Ms. Finnegan return to the next Commission with a estimated amount of the installation costs.

Consensus was to grant a conceptual approval of the plan contingent upon additional information on estimated installation costs and funding from private partnerships for funding.

b) Additional item:

Barbara Owens, 777 Halifax Avenue, asked for help with drainage and flooding issues that occurs on her property. Mayor Marchman explained that engineers have evaluated the situation and have expressed that the cause of the flooding does not result from surface drainage but seepage from high water levels and the elevation of the property.

**BUDGET PUBLIC HEARINGS:**

The following hearings of adopting the millage rate and the FY 2005 annual budget were heard simultaneously beginning at 7:10 p.m. Mayor Marchman provided introductory comments. Attorney McCaghren read both ordinances by title.



- a) ORDINANCE NO. 2606-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.654 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A .306 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2001, AND A .130 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2004. Second reading

Finance Director Wes Hamil provided a brief review of the budget as amended by the Commission. Commissioner Metcalf asked whether a funding amount could be calculated for salaries that the City Manager can use to fill open positions.

Nancy Shutts, 2010 Brandywine Drive, supportive of the proposed millage and budget ordinances, inquired into the funding amounts for the Historical Association, the Enzian Theater, the Contingency Fund, and the annual debt service for the Clayton property.

Blanca Treibolt, Old England Avenue, expressed her opposition to the millage increase.

Tom McMacken, 1331 Pelham Road, expressed his support for both ordinances.

Assistant City Manager Knight read comments e-mailed to him from Commissioner Eckbert related to the millage and budget ordinances. Commissioner Eckbert's comments are attached.

**Motion made by Commissioner Storer to adopt the millage ordinance, seconded by Commissioner DeVane. A roll call vote was taken with Mayor Marchman and Commissioners Metcalf, Storer and DeVane voting yes. Motion carried with a 4-0 vote. Commissioner Eckbert was not present to vote.**

- b) ORDINANCE NO. 2607-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005; APPROPRIATING FUNDS FOR THE GENERAL FUND, STORMWATER UTILITY FUND, AFFORDABLE HOUSING FUND, COMMUNITY REDEVELOPMENT FUND, LAW ENFORCEMENT TRUST FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, GOLF COURSE FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AS OF SEPTEMBER 30, 2004; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED WITHIN DEPARTMENTS SO LONG AS THE TOTAL DEPARTMENTAL APPROPRIATION SHALL NOT BE INCREASED THEREBY. Second Reading

**Motion made by Commissioner DeVane to adopt the budget ordinance, seconded by Commissioner Storer. A roll call vote was taken with Mayor Marchman and Commissioners Metcalf, Storer and DeVane voting yes. Motion carried with a 4-0 vote. Commissioner Eckbert was not present to vote.**

Additional items:

- a) Fire Chief Jim White reminded the Commission that the Pancake Breakfast will be held on

Saturday, October 2, 2004.

b) City Manager Williams provided a status report on the hurricane recovery process.

Mayor Marchman adjourned the meeting at 7:40 p.m.

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Mayor Kenneth R. Marchman

ATTEST:

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City Clerk Cynthia Bonham