

Response to Request for Additional Information

**Seminole County, Florida-
Petition for Waiver
OGC No.: 16-1342**

Submitted By:

Seminole County

November 4, 2016

Bulleted Item 1

- **Documentation to substantiate the County's representation that it has invested over \$6 million in the project effort**

The information requested is included in the following itemized spreadsheet listing the various County expenditures invested in the Jetta Point project (Exhibit 1-1).

Paragraph 6a states “Seminole County diligently pursued development of the Jetta Point project, investing over \$6 million in the effort.” The actual number is **\$6,373,811**.

Exhibit 1-1

COST ANALYSIS REPORT (LIFE TO DATE)

JETTA POINT PARK

UPDATED 11/02/16

VENDOR	EXPLANATION	EXPENDED TO DATE
PROPERTY ACQUISITION AND LAND		
Jetta Point LLC	Original Land Acquisition (2002)	\$4,349,193
American Acquisition	Additional Outparcel Purchases	\$702,802
Vistawilla Office	Vistawilla Reimbursement Agreement	\$11,959
Florida Realty Analysts	Property Acquisition Services	\$3,150
PBS&J	Property Acquisition Services	\$4,854
Pohl & Short	Legal Services	\$555
	Property Acquisition & Land:	\$5,072,513
PROFESSIONAL FEES		
PBS&J	Project Development Services	\$16,477
PBS&J	Site Planning/Preliminary Engineering	\$44,079
PBS&J	Planning Support (work order #41)	\$110,880
PBS&J	Architecture & Design (work order #1)	\$875,836
Sears Surveying	Surveyor	\$1,830
Southeastern Surveying	Surveyor	\$99,885
ZHA	Project Management	\$67,774
	Professional Fees:	\$1,216,761
PERMITTING & MUNICIPAL FEES		
City of Oviedo	Permit Fees	\$7,074
City of Winter Springs	Permit Fees	\$6,085
City of Winter Springs	Water/Sewer Connection Reservation	\$2,636
SJRWMD	Permit Fees	\$4,700
FDEP	Permit Fees	\$900
	Permitting & Municipal Fees:	\$21,395
TESTING		
Mactec Engineering	Asbestos Services	\$5,214
Nodarse & Associates	Subsurface Exploration	\$10,610
	Testing:	\$15,824
MISCELLANEOUS COSTS		
Decon Environmental	Abatement Contractor	\$4,055
Existing Structures Removal	Asbestos Removal; Structures Demolition	\$42,618
Advision Signs	Site Signage	\$435
Correct Flow	Hydrant Flow Test	\$210
	Miscellaneous Costs:	\$47,318
	Grand Total:	\$ 6,373,811

Bulleled Item 2

- **Documentation to substantiate the County's representation of wetland protection concerns raised by the St. Johns River Water Management District**

Seminole County's Response:

The attached formal conservation easement (Exhibit 2-1) was prepared in consultation with the St. Johns River Water Management District and amounted to an absolute "hands off" deed restriction on the southerly portion of Jetta Point Park. The County's earlier proposed version of a less restrictive conservation easement would have allowed an elevated boardwalk, educational signage and passive recreation and was in accordance with the proposed Management Plan for the Park. This version was flatly rejected by the Water Management District and replaced by the attached document. Subsequently, the Park's Management Plan was revised to reflect the removal of a proposed boardwalk from the development program.

The enclosed document was accepted by the Seminole County Board of County Commissioners but was never executed by the SJRWMD.

Also included is an internal review document by the Seminole County Attorney's Office clarifying the proposed conservation easement document, outlines some of the concerns and challenges that required resolution and the limits placed on the development of the Park. (Exhibit 2-2)

PREPARED BY AND
RETURN RECORDED COPY TO:
ARNOLD W. SCHNEIDER
ASSISTANT COUNTY ATTORNEY
SEMINOLE COUNTY SERVICES BLDG.
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771

Exhibit 2-1

CONSERVATION EASEMENT

THIS DEED OF EASEMENT is made this ____ day of _____, 2010, by and between SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771 hereinafter referred to as "GRANTOR" and the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a public body created pursuant to Chapter 373, Florida Statutes, whose address is 4049 Reid Street/Highway 100 West, Palatka, Florida 32177, and the FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, an agency of the State of Florida, whose address is 620 South Meridian Street, Tallahassee, Florida 32399-1600, hereinafter individually or collectively referred to as "GRANTEE" or "GRANTEES".

W I T N E S S E T H:

WHEREAS, GRANTOR is lawfully seized and possessed of the real property parcels described in Schedules "A" and "B" hereto (the "Properties"), situated in the County of Seminole, State of Florida which are part of Jetta Point Park, a passive and active recreational use facility operated by GRANTOR; and

WHEREAS, the Properties acquired by GRANTOR contain valuable wetlands and adjacent riparian habitat zones deemed important for perpetual preservation by virtue of their scenic beauty, open space, passive recreational potential as well as essential native plant and wildlife habitat; and

WHEREAS, GRANTOR is willing to grant conservation easements over said Properties thereby restricting and limiting the use of land and contiguous water areas of said Properties on the terms and conditions and for the purposes hereinafter set forth, and GRANTEES are willing to accept such conservation easements; and

WHEREAS, GRANTEES are also desirous of better assuring the protection of valuable wetlands and adjacent riparian habitat areas on the Properties against further development and intrusion from more active forms of public recreational or other uses;

NOW THEREFORE, in consideration of the St. Johns Water Management District's issuance of Permit No. 40-117-119848-1 and the mutual covenants, terms, conditions, and restrictions hereinafter set forth, GRANTOR hereby grants and conveys unto GRANTEES and their successors forever and in perpetuity an interest in the form of conservation easements for the purpose of best assuring the perpetual preservation and protection of valuable wetlands, adjacent riparian wildlife habitat and natural beauty of the Properties to the extent hereinafter set forth, said Properties owned in fee simple by GRANTOR and situated in the County of Seminole, State of Florida, more particularly described in Composite Schedule "A" attached hereto and fully incorporated herein by reference.

1. **Purpose.** The purpose of the conservation easements hereby conveyed is to assure that the Properties will be retained forever in their existing, natural condition and to prevent any use of the Properties that will impair or interfere with the environmental and aesthetic value thereof.

2. **Prohibited Uses.** Any activity on or use of the Properties inconsistent with the purpose of the conservation easements is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

(a) Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;

(b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;

(c) Removal or destruction of trees, shrubs, or other vegetation, except for the removal of Category I exotic and/or invasive species as defined by the Florida Exotic Pest Plant Council and such other destruction or removal as may be required to implement the maintenance plan specifically authorized by permits issued by the District pursuant to Part IV of Chapter 373, Florida Statutes;

(d) Excavation, dredging, or removing loam, peat, gravel, soil, rock or other material substances in such manner as to affect the surface;

(e) Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition;

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;

(g) Acts or uses detrimental to such retention of land or water areas;

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

3. **GRANTOR's Reserved Rights.** GRANTOR reserves to itself, and its successors and assigns, all rights accruing from its ownership of the Properties, including the right to engage in or permit or invite others in all uses of the Properties that are not expressly prohibited herein and are not inconsistent with the purpose of these conservation easements.

4. **Rights of GRANTEES.** To accomplish the purposes stated herein, GRANTOR conveys the following rights to GRANTEES:

(a) To preserve and protect the conservation values of the Property as defined in this conservation easement;

(b) To enter upon the Property at reasonable times and upon reasonable notice to the GRANTOR in order to engage in activities consistent with this conservation easement, to monitor GRANTOR's compliance with this conservation easement, and to otherwise enforce the terms of this conservation easement; provided that GRANTEES shall not unreasonably interfere with GRANTOR's use and quiet enjoyment of the Property; and

(c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this conservation easement, and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

5. **GRANTEES's Discretion.** Either GRANTEE may enforce the terms of these conservation easements at its sole discretion independently of the other or both GRANTEES may do so collectively, but if GRANTOR breaches any term of these conservation easement and GRANTEES do not exercise their respective rights hereunder, such forbearance shall not be construed to be a waiver by GRANTEES of such term, or of any subsequent breach of the same, or any other term of these conservation easements, or of any of GRANTEES' rights under the conservation easements. No delay or omission by GRANTEES in the

exercise of any right or remedy upon any breach by GRANTOR shall impair such right or remedy or be construed as a waiver. GRANTEES shall not be obligated to GRANTOR, or to any other person or entity, to enforce the provisions of the conservation easements.

6. **Expenses.** GRANTOR retains all responsibilities and shall bear all costs related to the ownership, operation, upkeep, and maintenance of the Properties, including the maintenance of adequate comprehensive general liability insurance coverage which may in the form of self insurance.

7. **Indemnification and Liability.** GRANTOR hereby assumes responsibility for all claims for personal injury, including death, and property damage arising from its own negligent or intentional torts or those caused by its elected or appointed officials, employees, officers, directors, contractors, agents or other persons under the control of GRANTOR. GRANTEES shall be responsible for all of their own negligent or intentional torts or those caused by their elected or appointed officials, employees, agents, officers, directors, board or committee members, and other persons under their control. Section 768.28, Florida Statutes, shall govern all aspects of sovereign immunity and the limitation of damages available against GRANTOR and GRANTEES and the parties to this instrument do not in any way waive any rights to sovereign immunity.

8. **Remedies.** If GRANTEES determine that GRANTOR or its successors are in violation of the terms of these conservation easements they may take any of the following actions, after 30-day written notice to GRANTOR or successors to correct the violation: 1) GRANTEES may correct the violation, including but not limited to restoration of any portion of the Properties affected to the condition that existed prior to the violation, and demand payment from GRANTOR for all documented costs associated with such action; 2) GRANTEES may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of these conservation easements, for specific performance, to temporarily or permanently enjoin the violation, recover damages for violation of the conservation easements, including but not limited to the costs of restoration, and any other damages permitted by law. GRANTEES' remedies shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. The foregoing notwithstanding, nothing contained in this easement document shall be construed to entitle GRANTEES to bring any action against GRANTOR for any injury to or change in the Properties resulting from causes beyond GRANTOR's control, including, without limitation, acts of war, terrorism, insurrection, fire, flood, storm and earth movement, or from any necessary action taken by GRANTOR under emergency conditions to prevent, abate or mitigate significant injury.

9. **Assignment.** GRANTEES agree that they will hold these conservation easements exclusively for conservation purposes and that they will not assign their rights and obligations hereunder except to another legal entity qualified to hold such interests under the applicable state and federal laws and committed to holding these conservation easement exclusively for conservation purposes. Not later than thirty (30) days after recording in the Public Records of Seminole County, Florida of an instrument transferring the title to the Properties, GRANTOR agrees to give written notice to GRANTEES of any transfer of GRANTOR's interest.

10. **Severability.** If any provision of this instrument or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this instrument including the conservation easements hereby granted and the application thereof to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

11. **Notices; References.** All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given as of the second business day after mailing if sent by United States certified mail, return receipt requested, or by overnight courier service (e.g. FedEx, UPS) addressed to the appropriate party or successor-in-interest, at the address above set forth or such new addresses as either party may in writing deliver to the other. References in this instrument to the GRANTOR or GRANTEES include their successors-in-interest.

12. **Venue.** This grant of conservation easements has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida.

13. **Amendment.** This instrument and the conservation easements herein granted may be amended, altered, released or revoked only by written agreement between the parties hereto, their legal successors or assigns.

14. **Subordination of Liens.** GRANTOR agrees that if the Properties are subject to any form of lien or security interest pertaining to the Properties, GRANTOR shall provide recorded or recordable documentation to verify that such lien or security interest is subordinate to the affected conservation easement(s). GRANTOR shall keep the Properties free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by GRANTOR.

15. **Recording.** GRANTOR shall be responsible for recording this instrument in timely fashion in the Official Land Records of Seminole County, Florida.

16. **Preserving Perpetual Rights.** Grantor must record a notice of the subject conservation easements once during the 30 year period beginning with the date this instrument is recorded and each 30 year period thereafter. Grantor must re-record the notice and provide a copy of the re-recorded notice to GRANTEES between the 28th and 29th year of each period. Said notice must satisfy the requirements of section 712.06, Florida Statutes.

TO HAVE AND TO HOLD unto GRANTEES, its respective successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with the conservation easements shall not only be binding upon GRANTOR but also its agents, personal representatives, heirs, assigns and all other successors to it in interest and shall continue as a servitude running in perpetuity with the Properties.

IN WITNESS WHEREOF, GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of said Board, the day and year aforesaid.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
BOB DALLARI, Chairman

Date: _____

Attachment:

Composite Schedule "A" - Legal Descriptions

SCHEDULE "A"

DESCRIPTION:


A PARCEL OF LAND LOCATED IN SECTIONS 4 AND 9, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N00°41'32"W, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, A DISTANCE OF 222.08 FEET; THENCE DEPARTING SAID WEST LINE, RUN N57°39'09"E, A DISTANCE OF 68.53 FEET; THENCE RUN S57°01'57"E, A DISTANCE OF 137.55 FEET; THENCE RUN S86°54'46"E, A DISTANCE OF 106.47 FEET; THENCE RUN S84°55'31"E, A DISTANCE OF 257.24 FEET; THENCE RUN S65°43'51"E, A DISTANCE OF 52.79 FEET; THENCE RUN S40°19'05"E, A DISTANCE OF 78.18 FEET; THENCE RUN S19°17'58"E, A DISTANCE OF 46.06 FEET; THENCE RUN S67°51'41"E, A DISTANCE OF 108.17 FEET; THENCE RUN S14°26'13"E, A DISTANCE OF 136.42 FEET; THENCE RUN S11°46'32"E, A DISTANCE OF 108.10 FEET; THENCE RUN S63°12'24"W, A DISTANCE OF 43.39 FEET; THENCE RUN S08°06'18"E, A DISTANCE OF 44.55 FEET; THENCE RUN S50°03'30"W, A DISTANCE OF 27.81 FEET; THENCE RUN N71°46'42"W, A DISTANCE OF 48.99 FEET; THENCE RUN N40°20'19"W, A DISTANCE OF 14.96 FEET; THENCE RUN S78°21'58"W, A DISTANCE OF 19.08 FEET; THENCE RUN S58°48'06"W, A DISTANCE OF 79.83 FEET; THENCE RUN S32°57'43"W, A DISTANCE OF 57.14 FEET; THENCE RUN S79°39'50"W, A DISTANCE OF 55.22 FEET; THENCE RUN S43°13'15"W, A DISTANCE OF 47.02 FEET; THENCE RUN N71°34'24"W, A DISTANCE OF 64.74 FEET; THENCE RUN S82°51'50"W, A DISTANCE OF 20.52 FEET; THENCE RUN N55°26'44"W, A DISTANCE OF 479.08 FEET; THENCE RUN N25°57'01"E, A DISTANCE OF 15.46 FEET; THENCE RUN N34°03'37"E, A DISTANCE OF 52.06 FEET; THENCE RUN N05°08'49"E, A DISTANCE OF 41.64 FEET; THENCE RUN N54°48'32"W, A DISTANCE OF 35.28 FEET; THENCE RUN N79°59'31"W, A DISTANCE OF 22.99 FEET TO A POINT LYING ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N01°18'28"W, ALONG SAID WEST LINE, A DISTANCE OF 27.74 FEET TO THE POINT OF BEGINNING.

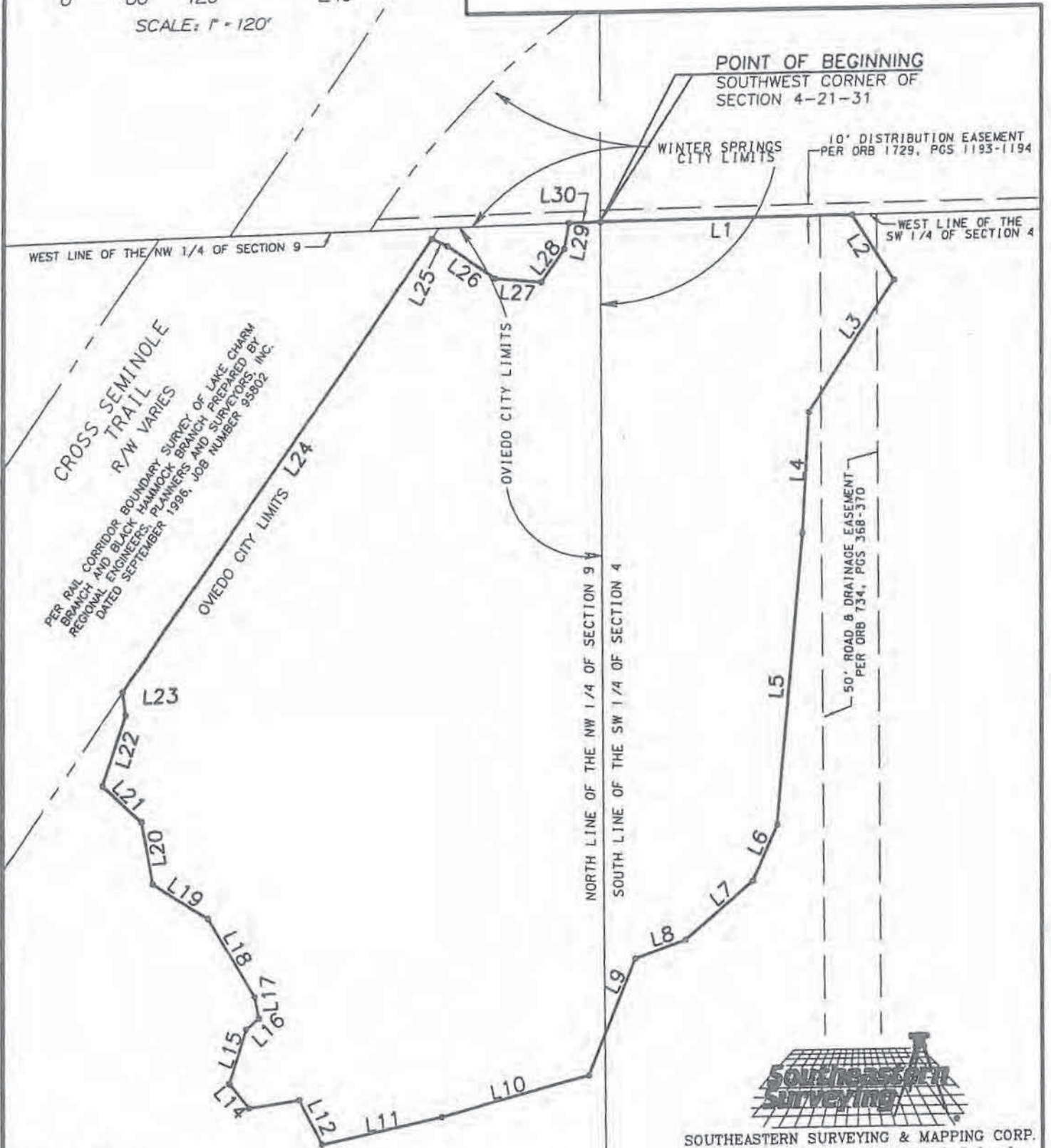
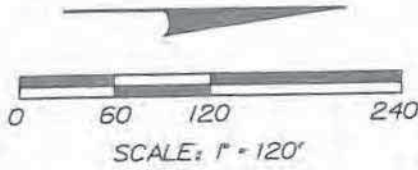
CONTAINING 8.30 ACRES, MORE OR LESS.

SURVEYORS NOTES:

1. Bearings shown hereon are based on West line of the Southwest Quarter of Section 4, Township 21 South, Range 31 East, Seminole County, Florida, being N00°41'32"W, referenced to NAD 1983(1990).
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
3. Not valid without the Signature and Raised seal of a Florida Licensed Surveyor and Mapper. 53107014.dgn

<p>DESCRIPTION</p> <p>FOR</p> <p>SEMINOLE COUNTY</p>	Date: 07-30-2009 JEM		<p>CERT. NO. LB2108</p>  <p>SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-8580 fax(407)292-0141 email: info@southeasternsurveying.com</p> <p><i>Gary B. Krick</i> GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4245</p>
	Job No.: 53107	Scale: 1"=120'	
	CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	NOT VALID WITHOUT SHEETS 2 & 3 SHEET 1 OF 3 SEE SHEETS 2 & 3 FOR SKETCH		

SKETCH OF DESCRIPTION



53107014.dgn
 JOB No. 53107
 Date: 07/30/2009
 Sheet 2 OF 3
 See Sheet 1 for Description
 See Sheet 3 for Line Table

NOT VALID WITHOUT SHEETS 1 & 3
THIS IS NOT A SURVEY



SOUTHEASTERN SURVEYING & MAPPING CORP.
 6500 All American Boulevard Orlando,
 Florida 32810-4350 (407)292-8580
 fax(407)292-0141
 email: info@southeasternsurveying.com
 CERT.NO. LB2108

SKETCH OF DESCRIPTION

LINE NO.	BEARING	DISTANCE
1	N 00° 41' 32" W	222.08'
2	N 57° 39' 09" E	68.53'
3	S 57° 01' 57" E	137.55'
4	S 86° 54' 46" E	106.47'
5	S 84° 55' 31" E	257.24'
6	S 65° 43' 51" E	52.79'
7	S 40° 19' 05" E	78.18'
8	S 19° 17' 58" E	46.06'
9	S 67° 51' 41" E	108.17'
10	S 14° 26' 13" E	136.42'
11	S 11° 46' 32" E	108.10'
12	S 63° 12' 24" W	43.39'
13	S 08° 06' 18" E	44.55'
14	S 50° 03' 30" W	27.81'
15	N 71° 46' 42" W	48.99'
16	N 40° 20' 19" W	14.96'
17	S 78° 21' 58" W	19.08'
18	S 58° 48' 06" W	79.83'
19	S 32° 57' 43" W	57.14'
20	S 79° 39' 50" W	55.22'
21	S 43° 13' 15" W	47.02'
22	N 71° 34' 24" W	64.74'
23	S 82° 51' 50" W	20.52'
24	S 55° 26' 44" E	479.08'
25	N 25° 57' 01" E	15.46'
26	N 34° 03' 37" E	52.06'
27	N 05° 08' 49" E	41.64'
28	N 54° 48' 32" W	35.28'
29	N 79° 59' 31" W	22.99'
30	S 01° 18' 28" E	27.74'

LEGEND

- ORB = OFFICIAL RECORDS BOOK
- R/W = RIGHT OF WAY
- PGS = PAGES
- NO. = NUMBER
- L1 = LINE NO.



SOUTHEASTERN SURVEYING & MAPPING CORP.
 6500 All American Boulevard Orlando,
 Florida 32810-4350 (407)292-8580
 fax(407)292-0141
 email: info@southeasternsurveying.com
 CERT.NO. LB2108

53107014.dgn
 JOB No. 53107
 Date: 07/30/2009
 Sheet 3 OF 3
 See Sheet 1 for Description
 See Sheet 2 for Sketch

NOT VALID WITHOUT SHEETS 1 & 2
THIS IS NOT A SURVEY



Exhibit 2-2

COUNTY ATTORNEY'S OFFICE
MEMORANDUM

To: Jim Duby, Natural Lands Program Manager

cc: Bryan Nipe, Manager, Greenways and Natural Lands
Joe Abel, Leisure Services Department Director
Ann Colby, Assistant County Attorney

From: Arnold W. Schneider, Assistant County Attorney /s/ARNOLD W. SCHNEIDER
Ext. 7254

Date: June 17, 2009

Subject: Proposed Conservation Easements for Jetta Point Park

I have reviewed both forms of proposed conservation easements, as supplied by the St. Johns Water Management District ("St. Johns") and the Florida Fish and Wildlife Conservation Commission ("FFWCC"). They are separately discussed below. Review of these documents is preliminary only; no final approval as to form and legal sufficiency can be made until the appropriate survey map and legal description for the conservation area have been reviewed and incorporated into the final documents. However, I do not recommend approval and execution of either version by the County unless and until the several concerns below are adequately addressed in subsequent drafts.

1. Comments regarding the St. Johns Easement.

The enactment clause (bottom of page 1) unequivocally states that the grantor, i.e., the County fully warrants title to the Property and will defend the same against any and all claims of all persons whomsoever. That clause should be deleted. Counties may not do that even in the context of conveying the fee interest according to the requirements of section 125.411, Florida Statutes (addressing the requirements for conveyances which must be done by county deed). Notably, county deeds do not contain general warranty of title clauses and the same principle should apply here.

Paragraph 6 (Grantor's Liability) is presently structured to accommodate an easement being given by a private landowner to St. Johns. Because two sovereign entities are involved, there cannot be unconditional indemnification by the grantor in favor of St. Johns. Instead, the language must be reworked to provide that each party shall be responsible for any injuries or damages caused by its own negligence or that of its elected or appointed officers, directors, employees or agents and that the limitations on damages imposed by section 768.28, Florida Statutes shall control.

As to paragraph 8 (Recordation), my belief is that the recording fee and documentary stamp tax should be paid by the party benefitting from the conveyance and to whom the instrument is given; however, this is not a legal requirement. My recommendation is based on consideration of the County's current financial situation and which party benefits from the conveyance. Also, the County will not hold the grantee harmless for payment of recording taxes or costs either; accordingly, that clause should be deleted.

With respect to the signature block, county conveyances do not require the conventional dual witnessing of each grantor's signature accompanied by notarization. Instead, it should be in the following form per the guidelines of section 125.411, Florida Statutes:

IN WITNESS THEREOF the GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of said Board, the day and year aforesaid.

ATTEST: BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of Seminole County, Florida

BOB DALLARI, Chairman

2. Comments regarding the proposed FFWCC Conservation Easement

This easement document is somewhat more burdensome on the County than its St. Johns counterpart. It also suffers from many of the same problems because of its being drafted for execution by private landowners. There are several major concerns as set forth below.

Section 5, expressly states that no right of access by the general public is conveyed with the easement. However, Jetta Point is a public park to begin with and the conservation area should not be off limits to the general public for passive recreational activities that are not inconsistent with the permitted uses of the property within the conservation area.

Paragraph 6, inter alia, discusses the County being responsible for payment of all taxes and assessments on the parcel. Counties are immune from taxation as a matter of law; thus, that language is inapplicable and should be deleted.

Paragraph 7 is unacceptable. The County should not agree to unconditionally assume liability for any and all attorneys' fees and costs associated with enforcement of the covenant.

Paragraph 8 (Liability) has the same defects as did the comparable section discussed with respect to the St. Johns easement and should be redrafted accordingly.

Paragraph 9 allows the grantee to avoid having to prove actual damages or the inadequacy of otherwise available remedies for alleged breach of the use restrictions. The County should not subject itself to judgment by fiat of the other party, especially where the same paragraph also waives any right to a jury trial. While the latter is legal, when taken together with the waiver of having to prove damages, the section is a virtual loss of most legal process and defenses the County might have. If the grantee does not need to even prove damages, there is not much left for a bench trial to do except find liability itself. Note also that paragraph 14 reiterates the waiver of jury trial.

Finally, the signature block is presently drafted for execution by private sector grantors. The same form of signature block illustrated above should be used in this instrument as well.

Please notify me when the legal description for the proposed conservation easement area becomes available. If you would prefer this office to draft a more acceptable form of easement or if I can be of any assistance in discussing the needed revisions with counsel for the regulatory agencies, please advise me. Thanks for the loan of your project files in connection with this review, they may be picked up from this office at any time.

Please don't hesitate to call me if and when I can be of further assistance.

Bulleted Item 3

- **Documentation to substantiate the County's representation that it received "increasing number of unanticipated community objections" and "intense neighborhood opposition to the project"**

Seminole County's Response:

The attached information constitutes just some of the public record documenting the "increasing number of unanticipated community objections" and "intense neighborhood opposition to the project" as described within the waiver petition. The following documents include:

Media Reports:

1. Seminole Voice – May 21, 2010 – “After years of park preparation, Seminole County ambushed by opposition.” (Exhibit 3-1)
2. Orlando Sentinel – June 18, 2010 – ‘Residents have attended both city and county meetings to oppose the project.’ (Exhibit 3-2)
3. Orlando Sentinel – June 23, 2010 – characterizes opposition as “[neighbors] have aggressively fought the project, attending multiple city and county meetings, sometimes leaving standing room only in the chambers.” (Exhibit 3-3)
4. Seminole Voice – July 2, 2010 – “by 2010 that the feeling among residents had changed [about the project].” (Exhibit 3-3)

Correspondence:

5. Letter – May 13, 2010 - Mayor of City of Winter Springs addressed to Acting County Manager, Seminole County – describes City Commission meeting attended by residents who were ‘unanimous and steadfast in their desire for the County to relocate the proposed park away from the Jetta Point site’. (Exhibit 3-5)
6. Letter – June 22, 2010 – Mayor of City of Winter Springs – describes BCC decision to “cease actions on development of the park on the Jetta Point site” as being “a clear expression of the will of our residents.” (Exhibit 3-6)

Public Meetings (Meeting Minutes provided in their entirety – highlighted sections indicate pertinent information to the Jetta Point project):

7. City of Winter Springs Commission Meeting Minutes – May 10, 2010 –public comment/ opposition (Exhibit 3-7)
8. City of Winter Springs Commission Meeting Minutes – May 24, 2010– public comment/ opposition (Exhibit 3-8)
9. City of Winter Springs Commission Meeting Minutes – June 14, 2010– public comment/ opposition (Exhibit 3-9)
10. City of Winter Springs Commission Workshop Meeting Minutes – June 21, 2010– public comment/ opposition (Exhibit 3-10)
11. City of Winter Springs Commission Meeting Minutes – June 28, 2010– public comment/ opposition (Exhibit 3-11)
12. City of Winter Springs Planning and Zoning Board/Local Planning Agency Meeting Minutes– July 14, 2010 – public comment/ opposition (Exhibit 3-12)



Seminole Voice



Splash time > 7

Summer is approaching, so brush up on your pool skills.



Shape up > 7

Breakthrough Fitness is not your average workout spot.



Knights win > 12

UCF heads into NCAA tournament.

www.SeminoleVoice.com

May 21 - June 3, 2010

Free!

Youth crime falling

KAREN McENANY-PHILLIPS
THE VOICE

Youth crime is decreasing in Seminole County, and the county sheriff said the county's focus on youth crime will snip adult crime in the bud too.

Seminole County Sheriff Don Eslinger's goal at the Seminole Youth Crime Conference, held May 7, was to increase awareness of the current programs and complexities of the juvenile justice system. Attendees included a wide range of educational, judicial, law enforcement and community leaders.

Of the 65,000 children in Seminole County schools, 1,901 entered the juvenile justice system last school year compared to 2,201 in 2005. Eslinger said at-risk youth — children 10-17 years of age — are responsible for most of the county's daytime burglaries.

He believes the key to solving adult crime is addressing youth crime.

"Every one of my 1,000 adult inmates didn't start these behaviors at age 18 — they had issues as children," Eslinger said. "Although not all truants become career criminals, every career criminal I've talked to admits they started with truancy."

Laura Bosco, Assistant

> turn to CRIME on PAGE 3



Red-light cameras get green light

ARCHIVE PHOTO BY ISAAC BABCOCK — THE VOICE

Some local cities already have red-light cameras, but a new law authorizing them may siphon money to the state level.

Crist signs law authorizing cameras, changing penalties and payouts

ISAAC BABCOCK
THE VOICE

While Gov. Charlie Crist's pen glided across the page making red-light cameras legal in Florida on May 13, local officials planned their next step in implementing the systems. For some, there isn't much of a plan at all.

"I just know we've asked

him not to sign it," Winter Springs Mayor John Bush said. His city had already implemented cameras at three intersections, and was waiting to see if they'd be made part of a state system that would funnel money outside of the jurisdictions where cameras are installed.

Others fretted about whether changes the law

would reduce revenue generated by cameras and possibly penalize red light runners less.

Revenue was a big element in the state legislature's bill, with estimates of nearly \$30 million being generated in the first year for the state by snapshots of license plates of cars that show drivers running red lights. The state esti-

mates that local governments could receive more than \$10 million in the first year.

Those large sums would come from hundreds of thousands of red light runners paying \$158 per violation, and paying it as a civil penalty that would not incur points on driver's

> turn to RED-LIGHT on page 6

Jetta Point project questioned

After years of park preparation, Seminole County ambushed by opposition

JENNY ANDREASSON
THE VOICE

A sports complex proposed for the corner of State Road 434 and Highway 417 was slammed by its Winter Springs neighbors, and now a county commissioner is considering giving them another chance to voice their concerns.

The county says the Jetta Point Park project will be an economic driver for the county and the city, bringing in sports leagues and fans from all over the state.

It's slated to have four softball fields, multi-purpose fields, a concession building, an equestrian area and a playground.

"With these tournaments and different events, those are dollars that would be going to other communities that will come right to Seminole County and specifically Winter Springs," Seminole County Commissioner Mike McLean said.

The Winter Springs residents at the May 10 meeting — and a workshop held at City Hall on April 28 —

agreed the project is a worthy one, but not one suited for their backyard.

"It was a park, a neighborhood park," said resident Kevin Cannon, "and suddenly Seminole County ... decided they could draw in NCAA tournament teams and bring in traveling ball leagues and high school leagues to draw in revenue. The idea is a nice idea, but the location stinks."

But McLean said tournaments and leagues in a

> turn to JETTA on page 2



1325-008-005
Publish or perish statement on page 1

What's goin' on?

The Oviedo Historical Society will host Music Fest on the Green from 11 a.m. to 3 p.m. on Saturday, May 22 to celebrate its new home.

Calendar > 10

INDEX

Celery Stalks	4
Stetson's Corner	5
Interests	7
Calendar	10
Letters	11
Young Voices	11
Athletics	12
Classifieds and Games	13



Cinema > Page 16

Shrek makes a deal with Rumpelstiltskin, but is tricked and sent to an alternate version of Far Far Away, where he must set things right!



THIS WEEK



THIS WEEK in history

May 27, 1937

San Francisco's Golden Gate Bridge opens and more than 200,000 pedestrians walked the bridge on the first day. It opened to vehicles the following day.

Coaching students for college

A local assistance program takes the stress out of finding and enrolling for higher education

KRISTY VICKERY
GUEST REPORTER

As high school graduation grows near so do the stress levels in 18-year-old graduating senior Christine Prevel's home, as she prepares for the long-awaited college admission process.

"The college process was all very overwhelming," Prevel said. "It just seemed like my school just threw me out to an open sea of colleges, and I just had to find one that worked for me."

But with the help of Melissa Bishop, an expert

College bound

A free informational seminar on expert college coaching services will be held Saturday, June 12, and Saturday, June 26 at 9 a.m., 11 a.m., and 1 p.m. at the Magnuson Grand Hotel in Altamonte Springs.

To register for this free event, call 321-352-9150 or for more information on college coaching visit www.expertcollegecoach.com.

college coach, Prevel was able to get the direction and guidance she needed during this stressful and confusing time.

As an expert college coach, Bishop offers a variety of assistive programs designed to troubleshoot and streamline the various aspects of the college application process, as well as a comprehensive coaching plan that guides each student from the beginning of the school year to college acceptance, beginning as early as seventh grade.

Prevel said that with the help of Bishop, she was done with the whole college admission process in just three months, and by November of her senior year she was at ease.

"Being done with everything by November was such a load off my back," Prevel said. "All my friends were still stressing like crazy when it came time for winter break, their Christmas holiday was basically spent writing essays, whereas I just got to relax."

Bishop's services are offered as either private in-home coaching or small group workshops that will be held July through August. She also offers online virtual counseling options.

"In addition to being an educator, I really want to

help students with this difficult transition," Bishop said. "The whole focus is getting the college application from the beginning to the end finished within the scope of the program. I want to give students the strategy to get them where they want to go."

She also said she hopes that her services will help make Florida students just as qualified as students in the Northeast applying for admissions to Ivy League colleges across the nation.

"I know that Florida students really tend to be underrepresented in top-tier schools, and in the Northeast and on the West Coast there are people who do this kind of college coaching... and so our students who are applying at places like this are up against many, many applicants who have had the strategic advantage of a college coach," Bishop said.

Perry Norflus, education program liaison for College Application Preparation Strategies (CAPS), starting working with Bishop after he realized they shared the same passion — to help Florida students have the same opportunities as kids in the Northeast.

"It's not fair that the kids in our state are being rejected... and are overlooked



PHOTO BY KRISTY VICKERY — THE VOICE
College coach Melissa Bishop, right, helps high school senior Christine Prevel to prepare to enroll in college. Coaches help to simplify the application process.

(from colleges), simply because the guidance counselors are overwhelmed," Norflus said. "It's not that these kids don't have the skills, they have the skills, but there's no one to give them the added edge that these kids in the Northeast are getting."

As Prevel gets ready to move to her newly found home at Wellesley College in Massachusetts, she hopes she can continue to rep-

resent Florida as an outstanding student in the vast ocean of students all competing for one thing — a good education.

"Students from Florida are just as capable, talented and special as anywhere else in the country," Bishop said. "But I think Florida's getting ignored, and Florida students should be on the playing field. I think they have a lot to offer."

JETTA | Seminole County is not sure if Amendment 4 would impact its plans

< continued from the front page

multi-modal facility was the vision from the start. "That's always been the concept of the Jetta Point project."

The residents claimed flooding problems in their area would worsen, traffic, noise and lighting would be unbearable, and that an eagle's nest, there for 27 years, would be disturbed. They suggested moving the project to Soldier's Creek Park, where it wouldn't back up to exclusive gated subdivisions.

"Our sister subdivision is

called Eagles Watch for a good reason," he said.

The environmental and impact concerns have already been addressed, McLean said, as the project has been in the works for five years. He said these residents are getting involved later in the process and the county may hold another education session to address concerns.

"Perhaps we didn't do a good job as we should have to address these concerns," he said. "We don't want to keep the appearance that we're running people over with this or it's something they're not com-

fortable with."

Seminole County's \$2-cent hotel bed tax is funding the \$10 million project. Originally, the county's general fund was supposed to pay for it. The county will pay to maintain the park through general revenue.

The 46-acres for the project are in unincorporated Seminole County as well as in parts of Winter Springs and Oviedo, said John Metsopoulos, U.S. 17-92 program manager for the county's growth management department.

Although Winter Springs isn't putting money into the project, its Commission

has to approve an aesthetic review, which the citizens at the meeting urged them not to do.

The County Commission will have to approve a land-use change to move forward, and they expect bidding for the project to begin in the fall, he said.

McLean said the county is not sure yet how the passage of Amendment 4 could affect the project. The amendment, also known as Hometown Democracy, would require voters to approve comprehensive plan changes.

"We don't know," McLean said. "The problem with

Amendment 4 is the legal debate that if it passes as written, what it means to land use. This is public land use." The county attorney is researching it, he added.

Winter Springs Mayor John Bush, when asked by a resident at the May 10 meeting, said citizens would have to vote on the park's land-use change if the amendment were in effect.

"This could be quite the coup for the pro-Amendment 4 people," resident Paul Huston said.

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City, county to discuss controversial sports park

June 18, 2010 | By Rachael Jackson, Orlando Sentinel

WINTER SPRINGS — Amid concerns from neighbors about lights, noise and traffic at a sports park proposed by the county, city commissioners last week requested a meeting with the Seminole County Commission. County officials expect economic and tourism benefits from softball fields that could host tournaments, but because the county-owned Jetta Point Park property is within Winter Springs, they need city approval. Residents have attended both city and county meetings to oppose the project. The city manager said he expects a joint meeting to be scheduled soon.

—Rachael Jackson

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Seminole County calls for delay of plan for sports park

June 23, 2010 | By Rachael Jackson, Orlando Sentinel

Seminole County commissioners called time out on a controversial sports park proposal on Tuesday so they can reconsider their options.

Commissioner Carlton Henley said he wants the county, which is pursuing Jetta Point Park in Winter Springs, to consider swapping land to find a site more suitable for the planned ball fields, play areas, equestrian area and multipurpose fields.

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The project, which county officials say will help the local economy by attracting tournaments, is planned for 46 vacant acres bordered by State Road 434 and State Road 417. The county owns the property, but needs Winter Springs's approval. On Tuesday, county commissioners decided to ask the city to withdraw the application related to the project.

Neighbors of the site worry that noise, traffic and bright lights will disrupt their communities. They have aggressively fought the project, attending multiple city and county meetings, sometimes leaving standing room only in the chambers.

A joint meeting between county and city officials is in the works.

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Jetta Point Park put on hold

July 2, 2010

By Carmen Carroquino
Guest Reporter

The Seminole County Commission is putting the Jetta Point Park project on hold, as it looks around for another site to build the sports complex.

The County Commission voted unanimously to withdraw their proposal for the project and investigate the possibility of a future land swap after strong opposition from nearby Winter Springs and Oviedo residents who say the traffic, noise and lights from a sports complex would affect their quality of life and their home values.

Winter Springs Mayor John Bush said he was happy to see the Commission take a step back.

"I applaud the efforts of the County Commission, our City Commission, and our residents to constructively work through a difficult set of issues and achieve a positive outcome," Bush wrote in a June 22 letter.

The complex, which was originally slated for county-owned property near State Road 434 and State Road 417 in Winter Springs and Oviedo, has been on the Commission's agenda for a decade. It includes multipurpose fields, an equestrian area, softball fields and playgrounds.

Commissioner Carlton Henley made the motion at the County Commission meeting on June 22 to withdraw the proposal because of "misinformation" residents in the area seemed to have about the project. He said some residents were falsely under the impression at a June 8 meeting that the sports complex would be used seven days a week until 10 p.m.

Henley said the reason for the land swap is because the county doesn't have the money to buy a new piece of land. The original Jetta Point site was partially bought with grant money from the state parks fund, he said.

Henley also said the sports complex is in no way committed to being built in Winter Springs, but that the county is looking for a piece of land to swap around 434 and 417 for easy access to sports teams in the area having to travel farther distances to practice.

"It's been a priority," he said. "The county is woefully lacking in sports complexes."

Commissioner Mike McLean said he wants to exhaust all possibilities of where to build a sports complex in the area in order to satisfy everyone involved, especially residents.

"There hasn't been — nor will there be — any meetings behind smoke-filled rooms," he said about the county making it's intention for the complex totally transparent to residents.

Both Henley and McLean said the county is still open to a meeting with Winter Springs city commissioners and residents.

Bush said in 2006, a meeting between residents and county and city commissioners took place to discuss the Jetta Point Park project. He said residents wanted it to happen, but that by 2010 that that feeling among residents had changed.

John Metsopoulos, U.S. 17-92 program manager for the county's growth management department, said the county will look at their land parcel inventory and see if there is another piece of land that was slated to become a park at some point. The county will then swap that new piece of land and make it the sports complex, and have the former Jetta Point Park site will revert to its previous usage plan.

To see full plans of the county's purposed sports complex, visit www.seminolecountyfl.gov.

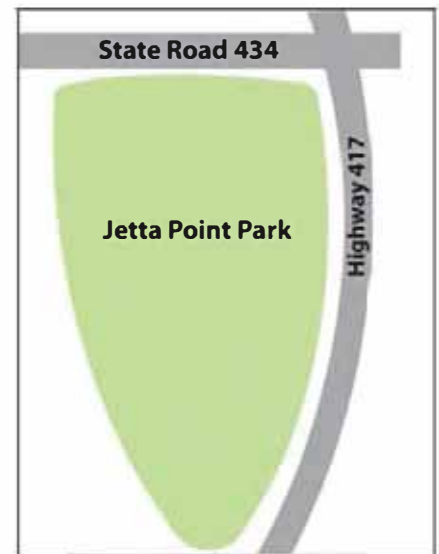


Exhibit 3-5



Kevin L. Smith
City Manager

CITY OF WINTER SPRINGS, FLORIDA

1126 EAST STATE ROAD 434
WINTER SPRINGS, FLORIDA 32708-2799
Telephone (407) 327-5957 Facsimile (407) 327-6686

May 13, 2010

Mr. Joe Forte, County Manager
Seminole County
1101 East First Street
Sanford, FL 32771

RE: Jetta Point Park

Dear Joe,

At this past Monday's (May 10, 2010) Winter Springs City Commission meeting, a large contingent of our residents attended to voice their strong opposition to the proposed *Jetta Point Park* project. Those attendees were unanimous and steadfast in their desire for the County to relocate the proposed park away from the Jetta Point site.

Their comments encompassed several areas of concern including hours of park operation, proposed park uses, noise and lighting pollution, traffic concerns, parking concerns, decrease in property values, protection of the eagle / loss of wildlife, burden on public safety, and drainage concerns.

Several questions were also raised, summarized as follows:

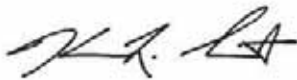
1. How has the park plan or concept changed through the years (i.e., has it "morphed" and was there a "bait & switch" relative to the design shown at the public meeting in 2006)?
2. Please detail the County's public notice efforts on the various meetings relative to the proposed *Jetta Point Park*. Were these notices required by law?
3. Was the specified number of meetings, previously represented by the County in 2006, with the area neighbors provided?
4. Is there a more appropriate location for this facility within the County's current park system or on other vacant lands owned by the County? Were any other locations considered for this facility?
5. What documentation exists or what analysis did the County conduct which led to the determination of the proposed facilities in the current plan?
6. What source of funds was utilized for the initial purchase of the subject property and are there any limitations on the use of the property based on that funding?
7. At any time, since the land purchase, has the property been considered for use as a "neighborhood park"?
8. What do studies indicate the property value impact to be to adjacent and nearby properties from this kind of facility?

9. How many homes are within a half mile radius of the proposed *Jetta Point Park*? How does this compare to other County ballfield complexes?
10. What accommodations have been made in the park design to address the effects of ballfield lighting and noise from the public address system(s) on the adjacent neighbors?
11. What is the connection, existing or proposed, between UCF and the proposed park relative to NCAA softball activities and tournaments?
12. How does the park design accommodate the eagle? Is there anything unique to the design that is included over what another development (i.e., commercial use) would include? Would a commercial use be less intrusive?
13. Are there any documented studies regarding various types of land use (in particular, sports facilities) and their long-term impact to eagles? Were these considered?
14. At any time during the development of the park plans, was the use of AstroTurf considered as an alternative? The current plans do not indicate the use of AstroTurf. Can the County affirm that AstroTurf will not be used?
15. A concern has been expressed that park patrons will be inclined to park at the trailhead and walk to the pedestrian access-way (located approximately ½ way south) along the trail. Can this access be locked at dusk when the trail officially closes?
16. What has been the County's experience with the degree to which the demand for police and other emergency services is increased by the presence of similar parks?
17. What are the post-development ramifications of what is already a perceived drainage problem for the existing residents?
18. Is adequate infrastructure (especially sewer) in place to serve the site?
19. What is the revenue that a NCAA tournament facility is expected to generate and how will that revenue affect the immediate area (Winter Springs)? What spin-off businesses might occur and how far away from the facility will the economic impact be felt? How does this compare to the tax or revenue that a commercial building would generate?

At the City Commission's direction, I am forwarding a copy of the verbatim minutes of that portion of the meeting concerning the above referenced public input and would ask that you please review this information and the questions above, and provide a response to those questions and concerns, accordingly.

If you have any questions, please give me a call.

Sincerely,



Kevin L. Smith
City Manager

cc: Mayor & City Commission
Andrea Lorenzo-Luaces, City Clerk
Anthony Garganese, City Attorney
Randy Stevenson, Community Development Director

ATTACHMENT

May 10, 2010 Winter Springs Commission Meeting Verbatim Minutes
(re: specific portion of the meeting regarding public input on the proposed *Jetta Point Park*)

Kevin Cannon, 174 Nandina Terrace, Winter Springs, Florida:

I thank you for giving us an opportunity to address some things of tremendous concerns to the members of our community. The procedure today is very different than the procedure that was followed on April the 28th, when the City and County put this sign that the trail had – which I had removed a few days later, was laying on it's side as trash, announcing an informational meeting. And after we left the informational meeting with Seminole County, the Applicants and some of the City Staff Members, we were told P&Z needs to meet. We walked out into that lobby and fifteen (15) minutes later, the P&Z Board finalized and approved the site plan. I am disappointed in the City, I am disappointed, extremely disappointed in Seminole County and the reason why I say that is I have an October 23, 2006 letter from the Manager of Seminole County to what was then Manager McLemore for the City of Winter Springs in which he said on October 2nd of 2006, they had one informational meeting, I am still trying to find out what citizens were at the informational meeting, but promising they would have two (2) more information meetings to seek information and feedback from the residents of my community before they would – as they went through the design phases. Mr. Mayor and members of the Commission, I am embarrassed to say it was shameful. They adopted final plans, they sat there and they told us very questions, there were many of the residents there. 'Yes, that is a very point you raised, we need to look into that'. Fifteen (15) minutes later after they said, 'Well, we got to go out into the lobby', they came before the P&Z Board and they finalized the site plan and engineering approval. With all due respect, shame on the City and especially shame on Seminole County. We elect people to represent us. What was represented to us and in looking back at the paperwork, Mr. Mayor, was a park. The preliminary sales job done in 2006 was that this was going to be a neighborhood park and suddenly, Seminole County decided that they could use tourism tax development dollars and they decided that they could get, they could draw in NCAA tournament teams traveling ball leagues and high school leagues for the express purpose of bringing additional revenue into Seminole County. The idea is a nice idea. The location stinks. It's next to an eagle's nest that Audobon has confirmed to me it's been in place for twenty-seven (27) years. It's adjacent within a half mile radius of nearly five hundred (500) homes. The tax base of which is over one (1) million dollars of property taxes for 2009. This is not the right location for this project."

MB: "Commission, I would like to give Mr. Cannon more time, is there any objection? Same thing for the other citizens who want to speak on this, it would be nice if you could keep it to three (3) minutes, but if you can't, be reasonable about it because we want to hear what people has to say."

KC: I have been asked by – I have been doing a lot of the homework and the legwork as I am sure you are aware to get some information. I am late to the meeting today because I left Seminole County looking at their public records – I left there at 5:20 p.m. and had to drive back. On May 12th of 2009, there was a press release done by Seminole County and UCF Sports, in which they announced and they characterized

Jetta Point as a 'Jetta Point Softball Complex'. Now, when I went back and looked through all the documentation going as far back as 2002, I never saw that characterization given to that and I would encourage any of the Board Members to ask any of the citizens that have lived in our community for about fifteen (15) years to ask if they were ever told that it was going to be a sports complex with a concession stand and two (2) cash registers with two hundred and fifty (250) person bleachers, with eight (8) parking spaces designed for commercial tour buses in addition to the two hundred and twenty (220) parking spaces. When I went to Central Winds Park, the Sunday following this meeting and I counted the parking spaces at Central Winds Park, I counted approximately, two hundred and thirty-five (235) including all of the grass spaces for parking. So essentially, you're going to have the equivalent amount of vehicles actually, a higher density when you look at these big tour buses on a park the footprint of which is probably one-fourth (1/4) of Central Winds Park. This is wrong. This is not the right location. When I was in Seminole County, I made some inquiries and I don't know if you've got an overhead projector that could be used. Do you? I would like to use it. You know, the Applicant in this project is Seminole County Government. This is not Mr. and Mrs. Smith who inherited an orange grove that has been in their family for fifty (50) years, they want to retire and this is the one piece of property they have to sell. Seminole County has parcels all over Seminole County that are better suited for this intensity of a sports complex. This is the Soldier's Field Complex and I have seen documents that the parcel is in excess of a hundred and forty five (145) acres, that facility. There is a huge track of land that Seminole County owns, and I see with interest that they already have soft ball fields on this track of land. I also see with interest when I look at Google Earth, that they don't have four (4) and five (5), and six hundred thousand dollar (\$600,000.00) homes and exclusive gated subdivisions right behind these softball fields, a more suitable location and I was disappointed in our Planning and Zoning Board when they made an inherent finding that it was a suitable location. Sylvan Lake Sports Complex is where Leisure Services Department for Seminole County maintains it's Administrative Offices and I just spent a few hours there. I'm looking at all the additional land here, that would be more than adequate to put four (4) of these tournament softball diamonds. What I also noticed that this facility is hemmed in on three (3) sides by various exclusive subdivisions, very similar in nature and value to ours. I don't think their residents would stand for the noise, the lighting, and the inherent disruption that would come from that type of an activity. I am disappointed that Seminole County would try to cram through this type of a large impact sports complex in the backyard of Winter Springs residents when they wouldn't attempt to do it on their own property. At the same time, they were getting state grant money for Jetta Point Park, they were also getting state grant money for Soldier's Creek, I think it's called. They were getting it at the same time. That's a more appropriate location. This is not about Seminole County and their decisions tonight, this is about the City of Winter Springs, you, our elected officials and the Staff of the City of Winter Springs, all of whom are paid by us taxpayers, protecting our property values, protecting the tax base and most importantly, protecting the quality of life that we enjoy in Winter Springs. When I left the meeting after the public hearing at the P&Z, one (1) of the engineers said these

are going to be NCAA compliant ball field and I walked out of there, scratching my head saying, 'There's no college university nearby, what's going on?' Well, I found the connection, and you know this Mayor Bush, I found the connection with Rene Gilispe, who's the head coach of the UCF woman's softball team, who in 2009 received an award from Seminole County as Tourism Ambassador of the Year, for her efforts in helping to promote large scale softball tournaments in Seminole County. Let them continue those efforts, if they want to expand, if the facilities that they used in 2008, when they drew more than four thousand (4,000) spectators to the Seminole County Complex, let them do it there. The name of our sister subdivision is called Eagle's Watch, for good reason. Because for over twenty-seven (27) years there's been active eagles nest. The next ??? of fifty (50), perhaps as many as a hundred (100) times in the last year, my son and I, other Scouts, I am a Scout Leader, neighbors, neighborhood children and other Seminole County residents have gone to see the eagles. Bald eagles last year, I personally witnessed a pair of nesting bald eagles, two (2) fledglings that hatched out last year and two (2) additional mature eagles, I saw six (6) eagles in one day, and I want to show you where these photos were taken by me. They were taken, right here, right where this plan for proposes to dig out and put these retention ponds. In the same pines, that right now, I almost guarantee tonight, as it draws near dusk, I can bring anyone of you out there and right in this vicinity, you will find those eagles that are nesting, right here, you see the retention pond where the three (3) way triangle is? Right in here, is where I have taken those photos and hundreds of other photos of eagles, which is where they are presently about eighty-five (85) to a hundred and ten foot (110') pines. They are going to dig the pines out and make retention ponds for all the water for the five hundred and twenty (520) parking spaces and for the astro turf, that's another thing. I have seen budgets for as much as two point two million dollars (\$2,200,000.00) for astro turf. I have been to a lot of community parks, my son has son has played sports, I have never seen two-hundred and fifty (250) person bleachers and I have never seen astro turf. If any of have, please come up and tell me where, I'll go get pictures of it. But, I've never seen it and I dare say none of you as Commissioners or you Mr. Mayor have ever seen it. It is a wantable thing for Seminole County to want to increase their tourism tax base and I have no qualms with that whatsoever. In the project, in terms of the contents of it and trying to promote a tournament facility, I have no qualms with that. What I object to and the many, many citizens of my communities that I've talked with in the last week object to nice, project wrong location. It is just the wrong location. And in a case like this, where you've got Seminole County as the property owner, that right now has other parcels of property that certainly have point forty-five (0.45) or less acres, that would be suitable for that type of a park, that's where it belongs. I would dare say in a perfect world, that Seminole and Orange County should joint venture with UCF on some of the abundant acreage that is still is undeveloped and what a beautiful thing it would be to have a college tournament facility right in close proximity to UCF. I think that would be a wonderful thing, I really do and I would hope that Seminole and Orange could work somehow in a joint venture with UCF to make that happen. Because when we join teams, they may come into Seminole County to play this day, but of course they are going to go to Orange County to the theme parks and so

forth. We expect more from the City of Winter Springs. I know that there has been from the timeline, there's been a big gap, but in the documents I received today, which I haven't yet been able to print, they were given to me on a disc, I am looking at the conceptual plans in the early conceptual sort of presentations that were given and they look nothing like this project. I've gone online and I have found Florida Forever Dollars through the State of Florida for environmentally sensitive projects and it appears to me that Seminole County has collected hundreds of thousands of dollars from the State under these programs and I'm confident that at the time they applied for those programs and more importantly at the time this project, Jetta Point was ranked out competitively against many other projects around the State, it would not have fallen in the ranking that it received had the State envisioned astro turf and this type of a project. I'm confident that that was not what was intended. Unlike many other instances, these beautiful residential subdivisions have been there for many years. They were before this park was ever proposed. And probably the best and final argument I am going to say in opposition to this park is that until this Board was asked to do a special pigeon hole amendment to its own land development regulations to permit this type of a government park facility in the commercial zoning district and until this Board had to change their own Zoning Ordinance to make this round peg fit into square hole or a square peg into a round hole, it was never even a permitted use to begin with. And I would just say that my experience has been when you start sort of monkeying with that and trying to do little spots and plug in little exceptions and sweetheart deals, nine (9) times out of (10) it comes back to haunt you. The tax and revenue base for this City would be greater, the probability of future expansion in that economic corridor that you are trying to promote there as part of that PUD would far better served without a commercial sports complex going in there. For the life of me, when I drive around Heathrow and other facilities, I do not see a mega softball sports complex in or around or promoting a Heathrow type of professional office environment. The type of buildings that would generate sustain revenue, I am told of at least three-quarters (3/4) of a million dollars (\$1,000,000.00) just for this parcel of land alone. So I am requesting that the Board strongly, strongly deny this and ask Seminole County to go someplace else. And if you look at the October 23rd, 2006 letter from the Seminole County – manager, to Manager McLemore from Winter Springs, they put right in there that if they get their four (4) softball fields and the overhead lighting, and the four (4) multi use fields, that they would withdraw their Application, they'll go someplace else. So they've kept the door open, please do the right thing for the citizen's of Winter Springs and reject this plan. It's gone to far as it is."

Jay Clay, 144 Peregrine Court, Winter Springs, Florida:

“This is one of those ‘nimby’ things, ‘not in my back yard’. You probably didn’t notice it on that picture that Mr. Cannon had up there, but that trail that leaves from the ball parks over to the Cross Seminole Trail, is to my back yard. When all the time they talked about this, they said, we are not going to impact on any previous agreements. One (1) of the previous agreements we had is that those trails were not going to be used after dark, after dusk, but they have this very nice trail coming over there. Problem I’ve got the trailhead, when the trail goes up and intersects with 434, is also the entry way to all these five hundred (500) parking spots they are suppose to be using for the ball fields. Now, I have a feeling that people are going to find it easier to use the trail head, come down Seminole Trail go in through that very nice walk way that they’ve planned to put in there for what reason, I have no idea, if it wasn’t designed to make it easier to get back an forth from that extra parking area. I was talking to the people with the meeting on the 28th and I just asked simple questions, ‘What’s that for?’ ‘Oh, we thought you’d like to have that.’ Did anybody raise their hand and say, ‘I’d like to have that?’ I don’t think so. And the problem I’ve always got is when you allow somebody to do something that is a little bit out of the ordinary, other people are going to come along behind it and start making that footprint bigger and bigger. So, if there is someway to deny their Application for a amendment to the comprehensive plan, and you have that power, I would encourage you to do that. Thank you very much.”

Tom Koza, 121 Goshawk Terrace, Winter Springs, Florida:

Jay is neighbor of mine and my wife Carol and I have been a member of the resident of Winter Springs for the last thirteen (13) years and we love the community. One (1) of the biggest things that we really were attractive with it was the fact of the eagles as was presented earlier. And it’s only been recently that they’ve come back after the 2004 hurricanes that came through. And the City ended up using that property for the devastation of a lot of trees, which I unfortunately had a couple of trees on our house because we do have the woods behind us. So, it’s a beautiful quiet community. But what’s been presented and so far accepted, I find it absolutely outrageous, just outrageous. You’re responsible for that and I am kind of ticked off. So, I am not going to say much more, other than the fact that it’s going to impact us, our tax base, our home values and down the road, our taxes, too. And, I hope you guys reconsider it, even if the county – you know it’s interesting too, is with the eagles and the fact that the state protects them. We couldn’t even build our house for a certain period of time because of the nesting of the eagles. Today, we are going to keep them up till ten o’clock, you going to be moving the eagles later, kids or whatever? This is bologna.”

Bill Tillmann, 119 Goshawk Terrace, Winter Springs, Florida, 32701:

Thank you Mr. Mayor, Commissioners. Going to implore you to represent us well in this matter. I can see from the nods, in response to the outstanding presentation, that my neighbor, Mr. Cannon presented this evening, that all of you have empathy for our situation. I am going to have to highly encourage you to use the talents, the skills that you have to bring about a cease and desist to this project. You've heard Mr. Cannon already, very clearly articulate other ways to bring about a good result in this matter that would satisfy Seminole County's desires to have this project move forward and to not impact your citizens. My wife and I have lived there four (4) years in Eagle's Watch. We tell all of our friends all the time what a magnificent community it is and it is and I congratulate you on the development of that project. But, if you allow this project to move forward, you already hearing what might come about as a result of that. All the of the disturbances, all of the lighting, the additional police presence that will be required in our perfectly sedate community that all of is enjoy hear. We don't want to loose that opportunity to continue to be able to be able to tell all our friends about how wonderful it is to live in Winter Springs, particularly in Tuscawilla, and so, would you please, please do all within your power to bring about an end to this. Thank you very much.

Donald Parker, 203 Nandina Terrace, Winter Springs, Florida:

Mr. Mayor, City Commissioners, thanks for taking the time to listen to my concerns. (introduced self) I have written recently, an email to all of you, so I really don't want to sit up here and re-hash it other than to reiterate, I hope you take my concern seriously. And I also sat here concerned early when you said you don't think there is much you can do about it and I think you are grossly under estimating your abilities as elected officials. You have a lot more power than you think you do in negotiations with Seminole County. They need your input on many projects that you do on a regular basis. They need your support on lots of things and partnerships. There is so much blighted space in Seminole County that would be ideal locations for this from a revitalization stand point. We have a golf course in Winter Springs down the street here that's blighted that's just sitting being overgrown. The front half of that is right along 434. I looked down 17-92 and look at other locations that are completely blighted. Run down shopping centers that have virtually no tenants, that could easily be renovated to accommodate these properties. As elected officials, you yourselves should sit there and say, 'You know what, this just isn't right. It's just not fair to the citizens who live in these really nice communities'. It's going to destroy the property values of our homes. Are all of you going to be happy with the reduction of tax revenue, because all of the sudden our properties are worth a third less? I don't think so. I know I'm not going to be happy with that. My daughter played close sports for years. I traveled all over the southeast United States attending her tournaments. The one thing that I always learned was when you sit there and plan for attendance, multiply it by five (5). It's never what you anticipate. If they're going to put five hundred (500) parking spaces there, I flat guarantee you, they'll need four thousand

(4,000). I looked at his land use map, which I also got online. You think that parking will be limited there? People will be parking along Vistawilla Boulevard in the grass, they will destroy the landscape. They will park in neighborhoods of Chelsea Woods and walk down the trail. They will park anywhere they can and close proximity and they will do destruction and damage to all the landscaping of the people's yards. It will be a burden on our police force. It will be burden on our emergency services. All of our police will be required to direct traffic. All of our police force will be required to be called into neighborhoods with people complaining constantly, 'There's a car in my yard. Would you please come ticket this? Would you please come tow it?' It's a ridiculous concept to even consider this at this location. Thank you for your time."

William Maish, 144 Nandina Terrace, Winter Springs, Florida:

"I appreciate you letting me speak. As it's been said before, this is just the wrong place. It's not big enough for it, what's proposed. It's going to effect property values, not just mine, but a lot of people. A lot of neighborhoods and it's going to tax the resources. But you know, when I came here from Chicago, I had a few criteria that I used when I picked the house, a beautiful neighborhood with a trail and wild life close by and good access to roads. We're going to loose the beautiful neighborhood. We're going to loose the eagles and it's just not sustainable. We can't handle a park with PA systems running till ten o'clock at night and the lights on and all the use that's going to be on that land. There are other places that are better. Thank you for considering it."

Rebecca Maish, 144 Nandina Terrace, Winter Springs, Florida:

"Thank you for being willing to listen to us this evening. One (1) of the things that we're talking about is the density of the activities that are going to be happening. And, we've lived at our location at 144, which backs up against the conservation land and then on the other side of that, after we moved in, the apartment buildings were built back there. We don't hear much from them, but I will say that it has impacted the wild life that we use to see. In the area, in the last over ten (10) years that we've lived there, we've seen the eagles of course. There are hawks, turtles, even tortoises and before the apartments were built, we had a female fox and her kits that we saw once in our backyard. After the apartments were built back there, we haven't seen anything like a fox there and that was probably eight (8) years ago now. So, I know that humans and the density of human activity does interfere with wild life activity. And that is one (1) of the reasons that we chose to live where we live is wildlife nearby, the trail nearby, which is only used daylight hours and – because it is limited access to it, a place that I feel safe walking with my dog or a friend or whatever. I can tell you that I would not feel safe with having that amount of people having access to that trail. And, it would make my quality of life go down and able to use the neighborhood amenities that we have available to us

now. Thank you and I do hope you consider finding another way to have this not built on that location.”

Terry Even, 106 Marsh Creek Cove, Winter Springs, Florida:

“I thank you for the time to address this issue with Jetta Point Park. I’m the current Vice President for the HOA of both Hollow Creek Reserve and Eagle’s Watch. I am here representing both of those communities. We have heard from a large number of our – residents, as you have well heard, all opposing the park and I am here to represent them on that. We strongly believe that a park of this magnitude is a good idea, but it’s the wrong location. I can go into a lot of details, but they’ve all been covered already, so there is no since in doing that. So, I would like to conclude with an opposition to the park. Thank you for your time.”

Jon Bean, 142 Peregrine Court, Winter Springs, Florida:

“One thing I haven’t heard address at all tonight is the flow of excess water, rain water. We did hear at the informational meeting two (2) weeks ago that there would be no more water going to our back yards than what already does. But what already goes into our back yards is excessive. During – Tropical Storm Fay, I had water about a foot and a half deep that I was able to divert around the side of my house so it didn’t come through the sliders. But the two (2) ditches that are there now, one (1) on either side, of the trail, the trailhead going out to the parking lot, are insufficient to carry the water away. When you add all the asphalt and now astro turf, I hadn’t hear that before, I’m really concerned that they don’t have the calculations to be able to understand how much water really comes off that. If you look at topographical map, it goes downhill from 417 all the way down to the creek. Whenever we have severe rains, two (2) weeks ago we had an inch and a half (1 ½”) the water perked through our lot for three (3) days with an inch and a half (1 ½”) of rain. You can imagine what happens when we have hurricanes and tropical storms. So, from a water stand point, I am really concerned that they don’t have a clue as to how much water is really already coming off that property. Something needs to be done to make sure that our houses aren’t flooded every time it rains. Last thing I would like to mention is that we need to make sure that from a public address system, if this goes through, that those speakers are aimed away from the houses totally. I mean, we are going to get a spillage of the noise, we hear as the wind blows from the east, so we get the traffic noise off of – 417 all the time. Add to that the noise from the announcements and all that kind of stuff, it’s not going to be a great thing. So, if we can have those speakers, if gotta have the park, let’s have them focus down or back to the east so at least they will be going against the wind. Thank you very much.”

Paul Houston, 170 Nandina Terrace, Winter Springs, Florida:

I have noticed in the history and current status of Jetta Point Park the item dated five-three (5-3) Application for large scale comprehensive plan amendment received from Seminole County. It sounds to me that they are still questing after permission to do this plan, to complete this project. One (1) just one (1) comment and I know Mr. Brown appreciates where I may be coming from on this subject because he has a sign in his front yard, about Amendment Four (4). If Amendment Four (4) were in effect today, my interpretation is that this would have to have a referendum. That the citizens of Winter Springs would have to Vote on it because it is in fact a change to the comprehensive plan, am I correct or incorrect?"

"Correct."

"So, this could be quite a campaign coo for the pro- Amendment Four (4) people, my point of view. But, I concur with everything else that has been said tonight. It's just this ill-conceived, very little foresight as to the consequences of what this project will be as a impact on the neighborhoods, ours and the Oviedo. Thank you."

Pam Carroll, 865 Dyson Drive, Winter Springs, Florida:

"I am speaking as a citizen, not as the President of the THOA. I've received some emails and concerns and have spoken on the phone and I admit, I haven't paid detailed enough attention to Jetta Park and how close it was to these neighborhoods. Having recently become more aware and not aware enough, it bothers me as a citizen, that our City of Winter Springs Police Department would have to police the activities at a park if we were to go there, a fight breaks out, Winter Springs Police Department has to respond. Our tax dollars are used to pay for the police support and their salaries and equipment with no reimbursement from the County and yet the County's reaping the rewards of the tax. They don't pay us taxes. It also bothers me that the City's looking at this in a different way. They're not being consistent with their own policies of parks in our area. The Sam Smith Park and Trotwood are only daytime use and I see this is going to go at ten o'clock at night, loud speakers, lights, traffic, voices, 'Hey, good night. It was a great game', etc, etc. To see our City not be consistent after we know the battles we've had with late night or too late or headlights trying to maintain soccer games at Trotwood Park a little bit later, a little bit later, soccer ball is coming over a fence. And it bothers me and I think you know, that I love nature, I have foxes still in my back yard. I have owls, I have eagles, but to see eagles disruptive would really be a shame. The impact on our residents seem negative, negative, negative and I behoove this Commission to go back to the County and say, 'This is not the right location'. Thank you."

Josh Peterson, 651 Saranac Drive, Winter Springs, Florida:

“I’m a licensed professional engineer, so I am not going to speak very well, being an engineer. I don’t know how this done, but I’m going to try to ask, if it’s alright, I would like to ask some questions after - I present my comments. I moved here from Sanford about a year ago, so I am a recent resident. The reason I moved here is because I have two (2) young children, two (2) and four (4) so, I’ve been very please and I want to thank you for everything you’ve done here in the City along the lines of parks. The park facilities are excellent and when heard there was going to be a new park up at Jetta Point Park, I thought ‘Great, I’ll take my kids to the park, it will be wonderful’. But I think what you are hearing today and I really would like to thank Mr. Cannon for doing all the research and legwork that he’s done is that we had a bait and switch basically from Seminole County and I think that has become very apparent that not only new residents, but older residents were not informed with of what kind of land use this was going to be. So, it’s not the right place. Eighty (80) foot high lights, noise coming from a big softball, athletic field. I – back up to 417 and my neighbors are very upset about 417 because it was built after the neighborhood. But, the noise that comes from that is nothing that compared to the Oviedo High School football games. So we are talking about putting a big athletic field much, much closer than the Oviedo High School is to the neighborhoods. That’s going to be a much greater amount of noise. I am not going to retread all those points. I guess what I would like to do is – one (1) other thing I wanted to mention is – I am the only one here from my neighborhood that I know of, but I speak for at least ten (10) other houses that I know couldn’t make it tonight. And, I think, just from looking around, this is a small percentage of the people that are going to be upset if this goes through. It’s going to be firestorm. Given, that I can see you nodding your heads, I feel like you are sort of realizing this is a bad idea, or at least that the public here feels that way, so I’d like to know what is possible to be done. You started the meeting by saying we can’t do anything. So where do we go from here?”

Mayor Bush: I don’t think that we can answer that question right now. I think the manager is going to have to do some research on this. My attitude is I think the Commission understands where everybody is coming from. I don’t think they doubt about that. But, what can we do about, I don’t know and I don’t think any of the Commissioners know either at this point. I think Kevin, our manager and our Attorney are going to have to look at this and see what can be done. What you can do, all of you is go to the County Commission, just like you came here. Because you convince three (3) of those people up there not to do it, and it’s dead. You don’t have to worry – I don’t know what we can do, but I know if you can convince three (3) County Commissioners that park will never go there because it takes three (3) of them to do anything. You’ve got to show up there, just like you did here.....

Sam Johnson, 679 Vistawilla Drive, Winter Springs, Florida:

"I would like to concur with everything that has been said tonight. I strongly oppose this action and implore you please whatever you can do politically, legally to stop this, I am requesting that you do so. One (1) issue that has not been addressed tonight and is a very concern to me is the infrastructure to support this kind of a project, particularly, the sewer. Where is this sewage going to go? Already you have communities on a sewer line that goes down Vistawilla Drive, they are on that line, that line was not designed to carry those neighborhoods that are already on there. When Vistawilla Drive use to deadline at the railroad, that's what that sewer line was designed to carry. Now that you have opened that up, added those neighborhoods, a shopping center, a gas station, office building, it's my understanding that all of these residences and businesses still go on this line that was designed for much, much less. I've talk to the City, they've told me, 'Yeah, you need a force main'. I've had some personal problems with the City cause it's caused me a problem and some of my other neighbors, a sewage problem and they say they can't do a force main for another eighteen (18) months cause that's for when it's budgeted for. How can you allow this to happen and over tax on infrastructure with the sewage, water, police, fire rescue, the additional wear and tear on our roads, it's not right. So please, do whatever that's in your power to stop this project. Thank you."

Greg Smith, 669 Saranac Drive, Winter Springs, Florida:

"Thank you very much for this opportunity to go ahead and speak tonight. Just a few points to reiterate, I think number one (1) is basically you all do have the power to go and oppose this park here. I think you've heard enough from the citizens today to go ahead and recognize that and do whatever you can and I think the county will – recognize that as a sign that they need to look elsewhere. Number two (2) – I've been at my resident for over twenty-two (22) years now. And every November, I've had the pleasure of having the eagles come back. What is really overlooked by the site plan is that from a permitting standpoint, the closest that any type of development can be from those eagles nest is three hundred and thirty (330) feet. The site plan actually shows that it would be roughly about a hundred and fifty feet (150). So, if they were actually going to go ahead and recognize those off-sets, they could actually go ahead and loose any where from one (1) to two (2) ball fields out there and I don't think that's been taken into account. Also, I want to emphasize what it would be like to have eighty (80) foot light towers in your backyard? Just imagine that. During the day time, there is quite a bit of road traffic. At night, it actually gets fairly dark and it gets very quiet. So, I would like to invite every one of you all to come to my house and imagine what it would be like to have lights and screaming patrons and loud speakers going on and imagine what that would do to your property values. Keep that in mind. It's not a good place. I had the pleasure of attending the October 2006 meeting. At that time, there was mention about subsequent meetings coming in place with more details. We never saw those meetings. And one (1) thing that Randy Morris mentioned at that meeting was that, 'If the citizens

didn't want the park there, they would go ahead and sell it for development'. To me that would be a win, win situation if it has to go that far. Basically, the County and the City get a tax base, we don't have the noise at night. We get a manageable situation. That's what I think we ought do is go ahead, have the county swap it, go ahead and sell the property, improve our tax base. In today's economic times, it doesn't make sense to have more non-taxable land on our rolls. Anyway, thank you for your time, I appreciate it very much."

Chip Komneski, 107 Golden Crest, Winter Springs, Florida:

I've lived in Winter Springs my whole life, I'm twenty-nine (29) years old. I was born in the Highlands – I grew up in the Ranchlands and I bought my home in Eagles Watch. One (1) of the reasons why I bought my home was because of this park and because of that trail. It's upsetting to me to find out that down the road, after we've gone through this process, this is morphed into a ball field, complex, a sports complex. This is not a park. I'm hoping to have children with my fiancé in the future and I would be upset to say that we can go right around the corner to the park that was suppose to be there and watch a NCAA softball game. Not that I have anything wrong with NCAA softball game, I just think that if this going to be proposed to be used by UCF and NCAA teams, why doesn't UCF contribute to this? Why isn't it closer to UCF? Why isn't it in a place where people can stay over night if they are going to be coming from out of town? Seminole County already had a softball complex, it's called 'Seminole County Softball Complex' and it's located in Altamonte, close to commercial venues, close to overnight staying, stuff like that. If you pull up Google Earth, or you pull up Google Maps and ask for softball complexes in Seminole County, six (6) locations come up. Lake Mary, Altamonte, Oviedo, all the places that have places to stay overnight. I don't know why this park would be placed less than a mile from Central Winds, where we have absolutely perfect parks that can retrofitted with maybe a quarter of the budget, to be used there to fund anything that you'd want to use there. I don't understand why that's not a concept. It's upsetting to me that Winter Springs feels as if we can't do anything about this, we can't. You have a financial responsibility to these citizens and also to the region that you live in, being the county. You're part of the county. So, you can stand up and say we have a perfect complex at Central Winds to be used. Oviedo, has two (2) locations. Out by UCF they have multiple places to be used. Altamonte, Lake Mary, all those places, they can be retrofitted with the money that's used for this project. Not to mention, this was not intended to be a sports complex. It's morphed from a around the corner land usage park for the benefit of the citizens of the community to now a sports complex that isn't going to be used by any of us. I am telling you right now that the NCAA regulation fields, they are not going just let you come and play around with your son or your daughter on those fields. They are going to be locked, all the time. They are going to be maintained astro turf, that's an expensive process. I've played college baseball, I know. The maintenance of these fields is going to be astronomical and the secondary effects to the community is outrageous. We've just had a gentleman up here

talking about the sewer, the water, the water runoff. Seminole County has a first picture to purchase this park. They're going to outlay the resources to pay for construction, but they're not going to look at the secondary effects it's going to come down the road, ten (10), fifteen (15), years. We are. We are. Thank you."

Exhibit 3-6



JOHN F. BUSH
Office of the Mayor

CITY OF WINTER SPRINGS, FLORIDA

1126 EAST STATE ROAD 434
WINTER SPRINGS, FLORIDA 32708-2799
Telephone (407) 327-1800
www.winterspringsfl.org

June 22, 2010

Re: Jetta Point Park Project

At its June 22, 2010 Commission meeting, the Seminole County Board of County Commissioners voted unanimously to withdraw its application to the City of Winter Springs relative to the Jetta Point Park Project. The County expressed its intent to cease all actions on development of the park on the Jetta Point site in Winter Springs and to pursue relocation of the park to an alternative site.

I applaud the efforts of the County Commission, our City Commission, and our residents to constructively work through a difficult set of issues and achieve a positive outcome. This is an example of the process at its best, full of discussion and debate, but ultimately resolved through a clear expression of the will of our residents.

Sincerely,

A handwritten signature in black ink that reads "John F. Bush". The signature is written in a cursive, flowing style.

John F. Bush
Mayor

CITY OF WINTER SPRINGS, FLORIDA



CITY COMMISSION

MINUTES

REGULAR MEETING MONDAY, MAY 10, 2010 - 5:15 P.M.

**CITY HALL – COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA**

Mayor John F. Bush
Commissioner Jean Hovey - Seat One
Deputy Mayor Rick Brown - Seat Two
Commissioner Gary Bonner - Seat Three
Commissioner Sally McGinnis - Seat Four
Commissioner Joanne M. Krebs - Seat Five

CALL TO ORDER

The Regular Meeting of Monday, May 10, 2010 of the City Commission was called to Order by Mayor John F. Bush at 5:15 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Mayor John F. Bush, present
Deputy Mayor Rick Brown, present
Commissioner Jean Hovey, present
Commissioner Gary Bonner, present
Commissioner Sally McGinnis, absent
Commissioner Joanne M. Krebs, present
City Manager Kevin L. Smith, present
City Attorney Anthony A. Garganese, present

The Pledge of Allegiance followed a moment of silence.

❖❖ **AGENDA NOTE: THE FOLLOWING AWARDS AND PRESENTATIONS WERE DISCUSSED FIRST, AS NOTED.** ❖❖

AWARDS AND PRESENTATIONS

Discussion followed on Leadership Seminole's Character Key Program. A video from Winter Springs High School was shown to those present. Mayor Bush then presented Proclamations to Winter Springs High School in recognition of their placing 2nd in Leadership Seminole's Character Key Video Contest.

The recipients of the Proclamations were: students Mr. Richard Burnett, Mr. Brandon Caskey, Ms. Angelie Denizard, Ms. Kathryn Halle, Ms. Zach High, Ms. Lauren Kopanski, Mr. Tyler Marino, Mr. Jason Manzo, Mr. Bronte Rammal, and their Faculty Sponsor, Ms. Dawn Wilkerson.

❖❖ **AGENDA NOTE: DURING DISCUSSION ON THE INFORMATIONAL AGENDA, INFORMATIONAL AGENDA ITEM "101" (AS OTHER INFORMATIONAL AGENDA ITEMS) WAS NOT DISCUSSED DURING THIS SECTION; HOWEVER, INFORMATIONAL AGENDA ITEM "101" WAS DISCUSSED LATER IN THE MEETING, AS SHOWN ON PAGE 4 OF THESE MINUTES.** ❖❖

INFORMATIONAL AGENDA

INFORMATIONAL

100. Community Development Department

REQUEST: Advising The City Commission Of The Status Of Various Current Planning Projects.

FISCAL IMPACT: There Is No Fiscal Impact Associated With This Agenda Item.

COMMUNICATION EFFORTS: No Communication Efforts Beyond The Advertising Of The Commission Agenda Are Necessary In Conjunction With This Agenda Item.

RECOMMENDATION: The City Commission Is Being Asked To Review And Accept The Information In This Agenda Item.

No discussion.

INFORMATIONAL

101. Land Design Innovations, Inc.

REQUEST: Land Design Innovations, Inc. (City Consultant) Is Presenting The Summary Report For Economic Development Activities From March 12, 2010 Through April 23, 2010.

FISCAL IMPACT: There Is No Fiscal Impact Associated With This Agenda Item.

COMMUNICATION EFFORTS: No Communication Efforts Beyond The Advertising Of The Commission Agenda Are Necessary In Conjunction With This Agenda Item.

RECOMMENDATIONS: The City Commission Is Being Asked To Review And Accept The Information In This Agenda Item.

There was no discussion on this Agenda Item at this particular time.

INFORMATIONAL

102. Office Of The City Manager And Finance Department

REQUEST: Transmitting The City's Fiscal Year 2010 2nd Quarter Financial Report.

FISCAL IMPACT: Revenues And Expenditures Are On Budget Through March 31, 2010. However, Development Services And The Water And Sewer Funds Will Be Monitored Closely Through 3rd Quarter To Determine If Corrective Actions Will Be Necessary In Fiscal Year 2010.

COMMUNICATION EFFORTS: Financial Statements Have Been Distributed To Directors, City Manager, Mayor And Commission.

RECOMMENDATION: It Is Recommended That The City Commission Receive The Attached Financial Report.

No discussion.

INFORMATIONAL

103. Office Of The City Manager And Finance Department

REQUEST: Providing The Investment Report For The Second Quarter FY (Fiscal Year) 2010 (Ending March 31, 2010) As Prepared By PFM Asset Management LLC.

FISCAL IMPACT: The Weighted Average Yield At March 31, 2010 Is 0.65%. The Weighted Average Yield At December 31, 2009 Was 0.67%.

COMMUNICATION EFFORTS: The Investment Report Will Be Posted To The Website Within A Week Of Acceptance.

RECOMMENDATION: It Is Recommended That The City Commission Receive The Attached Investment Report.

This Agenda Item was not discussed.

“MOTION TO APPROVE” (INFORMATIONAL AGENDA). MOTION BY DEPUTY MAYOR BROWN. SECONDED BY COMMISSIONER KREBS. DISCUSSION.

VOTE:

DEPUTY MAYOR BROWN: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER BONNER: AYE

COMMISSIONER KREBS: AYE

MOTION CARRIED.

❖❖ **AGENDA NOTE:** THE FOLLOWING DISCUSSION PERTAINED TO INFORMATIONAL AGENDA ITEM “101”, WHICH WAS HEARD NEXT AS DOCUMENTED, IN ADDITION TO WHAT WAS PREVIOUSLY NOTED ON PAGE 2 OF THESE MINUTES. ❖❖

INFORMATIONAL AGENDA

INFORMATIONAL

101. Land Design Innovations, Inc.

REQUEST: Land Design Innovations, Inc. (City Consultant) Is Presenting The Summary Report For Economic Development Activities From March 12, 2010 Through April 23, 2010.

FISCAL IMPACT: There Is No Fiscal Impact Associated With This Agenda Item.

COMMUNICATION EFFORTS: No Communication Efforts Beyond The Advertising Of The Commission Agenda Are Necessary In Conjunction With This Agenda Item.

RECOMMENDATIONS: The City Commission Is Being Asked To Review And Accept The Information In This Agenda Item.

Mr. John M. Jones, AICP, Senior Planner, Land Design Innovations, Inc., 1770 Fennel Street, Suite 200, Maitland, Florida: displayed a PowerPoint presentation on economic development incentives and provider information related to recruiting businesses.

Deputy Mayor Rick Brown asked Mr. Jones, “Businesses or developers in the area who want to take advantage of these, who should they contact for a comprehensive list or assistance?” Mr. Jones responded, “They can contact me directly.”

CONSENT AGENDA

CONSENT

200. Office Of The City Clerk

REQUEST: Requesting The City Commission Approve The April 26, 2010 City Commission Regular Meeting Minutes.

FISCAL IMPACT: There Is No Specific Fiscal Impact To This Agenda Item.

COMMUNICATION EFFORTS: These Minutes Have Been Distributed To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Commission Is Respectfully Requested To Approve The April 26, 2010 City Commission Regular Meeting Minutes.

There was no discussion on this Agenda Item.

CONSENT

201. Parks And Recreation Department

REQUEST: Requesting The City Commission To Accept The Proposal (Bid) Of Creative Pyrotechnics, LLC And Authorize The City Manager To Execute An Agreement With The Approved Proposal For A 15 Minute Fireworks Display On July 4, 2010.

FISCAL IMPACT: \$10,000.00 Acct. # 7260-54800-90100 – July 4th.

COMMUNICATION EFFORTS: Staff Has Already Began And Will Continue Notifying The Public Regarding The July 4, 2010 Event Through City Website, e-Citizen, Local Media, Etc. Staff Is Also Aggressively Seeking Sponsors And Vendors.

RECOMMENDATIONS: Authorization Of The City Manager To Enter Into An Agreement With Creative Pyrotechnics, LLC To Provide Fireworks For July 4, 2010, Celebration Of Freedom At A Cost Of \$10,000.00.

This Agenda Item was not discussed.

CONSENT

202. Community Development Department – Planning Division

REQUEST: Requests That The City Commission Adopt Resolution 2010-17 Supporting The Legislative Designation Of SeminoleWay.

FISCAL IMPACT: No Funding Required.

COMMUNICATION EFFORTS: Posted In City Hall And On City's Website.

COMMUNICATION EFFORTS: Posted In City Hall And On City's Website.

RECOMMENDATION: Staff Recommends That The City Commission Adopt Resolution 2010-17 Supporting The Legislative Designation Of SeminoleWay As An Important Action And Opportunity For The Planned And Intelligent Economic Growth And Development Of SeminoleWay And The Seminole County Region.

No discussion.

CONSENT

203. Office Of The City Clerk

REQUEST: Requests That The Mayor And City Commission Review And Approve Resolution Number 2010-21 Offering Their Appreciation And Gratitude For The Service Of Mr. Tom Waters As A Member Of The Board Of Adjustment.

FISCAL IMPACT: There Is No Fiscal Impact If Resolution Number 2010-21 Is Approved.

COMMUNICATION EFFORTS: Copies Or Access To This Agenda Item And Resolution Have Been Provided To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, Laserfiche, And The City's Server.

RECOMMENDATION: The City Clerk Is Requesting That The City Commission Review And Approve Resolution Number 2010-21. Upon Approval Of This Resolution, The City Clerk Will Then Contact Mr. Waters Regarding An Official Presentation By The Mayor And City Commission.

There was no discussion on this Agenda Item.

CONSENT

204. Office Of The City Clerk

REQUEST: Requests That The Mayor And City Commission Review And Approve Resolution Number 2010-22 Offering Their Appreciation And Gratitude For The Service Of Mr. Jack Taylor As A Member Of The Board Of Adjustment.

FISCAL IMPACT: There Is No Fiscal Impact If Resolution Number 2010-22 Is Approved.

COMMUNICATION EFFORTS: Copies Or Access To This Agenda Item And Resolution Have Been Provided To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Clerk Is Requesting That The City Commission Review And Approve Resolution Number 2010-22. Upon Approval Of This Resolution, The City Clerk Will Then Contact Mr. Taylor Regarding An Official Presentation By The Mayor And City Commission.

No discussion.

CONSENT**205. Office Of The City Clerk**

REQUEST: Requests That The Mayor And City Commission Review And Approve Resolution Number 2010-23 Offering Their Appreciation And Gratitude For The Service Of Ms. Linda Collins As A Member Of The Board Of Adjustment.

FISCAL IMPACT: There Is No Fiscal Impact If Resolution Number 2010-23 Is Approved.

COMMUNICATION EFFORTS: Copies Or Access To This Agenda Item And Resolution Have Been Provided To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Clerk Is Requesting That The City Commission Review And Approve Resolution Number 2010-23. Upon Approval Of This Resolution, The City Clerk Will Then Contact Ms. Collins Regarding An Official Presentation By The Mayor And City Commission.

There was no discussion on this Agenda Item.

CONSENT**206. Office Of The City Clerk**

REQUEST: Requests That The Mayor And City Commission Review And Approve Resolution Number 2010-24 Offering Their Appreciation And Gratitude For The Service Of Ms. Karen Paine-Malcolm As A Member Of The Board Of Adjustment.

FISCAL IMPACT: There Is No Fiscal Impact If Resolution Number 2010-24 Is Approved.

COMMUNICATION EFFORTS: Copies Or Access To This Agenda Item And Resolution Have Been Provided To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Clerk Is Requesting That The City Commission Review And Approve Resolution Number 2010-24. Upon Approval Of This Resolution, The City Clerk Will Then Contact Ms. Paine-Malcolm Regarding An Official Presentation By The Mayor And City Commission.

This Agenda Item was not discussed.

CONSENT**207. Office Of The City Clerk**

REQUEST: Requests That The Mayor And City Commission Review And Approve Resolution Number 2010-25 Offering Their Appreciation And Gratitude For The Service Of Mr. Howard Casman As A Recent Member Of The Board Of Adjustment.

FISCAL IMPACT: There Is No Fiscal Impact If Resolution Number 2010-25 Is Approved.

COMMUNICATION EFFORTS: Copies Or Access To This Agenda Item And Resolution Have Been Provided To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Clerk Is Requesting That The City Commission Review And Approve Resolution Number 2010-25. Upon Approval Of This Resolution, The City Clerk Will Then Contact Mr. Casman Regarding An Official Presentation By The Mayor And City Commission.

No discussion.

CONSENT

208. Information Services Department

REQUEST: Requests Authorization To Dispose Of Surplus Assets According To The Attached Disposition Sheets.

FISCAL IMPACT: There Is No Cost To Dispose Of These Surplus Assets. The City Receives Revenue Generated From Items Sold At Auction.

COMMUNICATION EFFORTS: A Copy Of The List Of Items To Be Disposed Of Has Been Posted On The City's Website Under Public Notices. Additionally, The Contact Information For The Vendor Conducting The Auction Has Also Been Provided On The Website.

RECOMMENDATION: It Is Requested That The City Commission Approve The Disposition Of The Attached List Of Surplus Assets.

There was no discussion on this Agenda Item.

"MOTION TO APPROVE" (CONSENT AGENDA). MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR BROWN. DISCUSSION.

VOTE:

COMMISSIONER BONNER: AYE

COMMISSIONER KREBS: AYE

DEPUTY MAYOR BROWN: AYE

COMMISSIONER HOVEY: AYE

MOTION CARRIED.

AWARDS AND PRESENTATIONS

AWARDS AND PRESENTATIONS

300. Not Used.

REPORTS

REPORTS

400. Office Of The City Attorney – Anthony A. Garganese, Esquire

No Report.

REPORTS

401. Office Of The City Manager – Kevin L. Smith

City Manager Kevin L. Smith commented, "I wanted to advise the Commission and ask for any direction or input that you may have – one of the things that you know we have been working on is increasing communications with our citizenry. That is spelled out in our Strategic Plan as Approved by this Commission and Staff is always looking for opportunities to do that better."

Manager Smith commented on the utilization of Podcasts to introduce Staff, City programs, and the benefits of communicating to the citizens. Continuing, Manager Smith stated, "I have had some conversation with George Colombo who actually has some expertise in this area and free of charge, he and I have been working with a few Staff members on putting something together that I would like to roll-out in what I call a 'Test Phase' at no cost to the City, put it up on the Website, and see what kind of interest we get."

Furthermore, Manager Smith added, "We could certainly implement a program similar to our Newsletter where anything goes to the Commission twenty-four (24) to forty-eight (48) hours before it's Posted; if that would be your desire."

Mayor Bush asked the City Commission, "Everybody okay with this?" Commissioner Gary Bonner replied, "I like it." Deputy Mayor Brown remarked, "You bet." There were no objections.

Mr. Randy Stevenson, ASLA, AICP, Director, Community Development Department suggested that a Workshop be held to discuss small irregular shaped lots in the Town Center. Mr. Stevenson stated, "Your direction was to bring that back to you in a Workshop after we worked with Mr. (Paul) Partyka and some of the other Applicants." Continuing, Mr. Stevenson added, "We are ready at this point to try to schedule a date for a Workshop for your consideration of any potential Text Amendments that we might undertake relative to this item and I do know your instructions to us were to bring it to you as a holistic effort rather than on a case-by-case, lot-by-lot basis and that's what we're trying to do at this point in time."

Manager Smith asked, "Would the Commission be willing to look at your calendars now or would you like me to ask the Clerk's Office to do a survey?" Mayor Bush responded, "Why don't you ask the Clerk to contact each of the Commissioners and find a suitable time." Manager Smith remarked, "Will do."

Lastly, Manager Smith commented on his schedule.

REPORTS

402. Office Of The City Clerk – Andrea Lorenzo-Luaces, MMC

Deputy City Clerk Joan Brown said, "No Report."

REPORTS

403. Office Of Commissioner Seat Two/Deputy Mayor – The Honorable Rick Brown

Deputy Mayor Brown noted his upcoming schedule.

REPORTS

404. Office Of Commissioner Seat Three – The Honorable Gary Bonner

Commissioner Bonner mentioned that he attended the April 28th (2010) County meeting on the proposed Jetta Point Park project, which was held at City Hall. Commission Bonner noted, "The Workshop happened to be timed coincidentally to occur just prior to Planning and Zoning's (Board/Local Planning Agency) Hearing on the same exact matter and I know that that was an unfortunate coincidence.

I stayed for the P&Z (Planning and Zoning Board/[Local Planning Agency]) Meeting and then had a chance to interact with some of the citizens and my suggestion for the future is that we make an effort that when there is such a matter of a Workshop, that we try to make sure that we don't immediately follow a Workshop where we receive a lot of feedback from our citizens, with a Hearing that addresses the exact same matter."

Lastly, Commissioner Bonner noted that he will be attending as a Vendor, the Florida City and County Managers Conference, being held in Orlando.

REPORTS

405. Office Of Commissioner Seat Four – The Honorable Sally McGinnis

Absent.

REPORTS

406. Office Of Commissioner Seat Five – The Honorable Joanne M. Krebs

No Report.

REPORTS

407. Office Of The Mayor – The Honorable John F. Bush

Mayor Bush spoke of the Winter Springs High School Women's Softball Team which was eliminated from a Tournament. Mayor Bush stated, "I did contact the school today and got the official word of what happened - and I will have the Clerk give you a copy of this. I am still going to go ahead and write a letter if the Commission has no objection..." Commissioner Krebs commented, "...Please do." No objections were voiced. Mayor Bush read an excerpt of an email from Mr. Ted Jones from the Athletic Department at Winter Springs High School. Further comments.

Regarding the proposed Jetta Point Park project, Mayor Bush stated, "I asked the Manager to put together some information about where, what has happened up to this point with that and..." Manager Smith responded, "...Staff has copies of that timeline Mayor with the current status. Anyone interested in getting a copy - Mr. Stevenson or someone with his Staff will have copies."

Mayor Bush added, "Jetta Point is a Park owned by Seminole County, not by the City of Winter Springs. So, we have very little control over that Park, other than it is in the City." Mayor Bush added, "What you have passed out - is also what is going to happen in the future, as well as what has already happened?" Manager Smith said, "Yes."

Commissioner Joanne M. Krebs suggested, "What we do quite often when there is a development is to have a Developer's Agreement and so - that is always the possibility, but saying 'No' probably isn't."

Deputy Mayor Brown commented on wanting to hear from all their citizens and added, "It did come before P&Z (Planning and Zoning Board/[Local Planning Agency]) so we do get an opportunity to express either our agreement or disagreement with what is going to come before us again, and I think based on what we hear tonight and based on what we hear at future Meetings, we should consider that very carefully before Voting an affirmative on what the P&Z (Planning and Zoning Board/[Local Planning Agency]) brings forward to us."

Commissioner Bonner also remarked about wanting to hear from the public.

With further discussion, Mayor Bush suggested, "You should also contact your County Commissioners because - they make the decision in this case, and it takes three (3) of them to do anything. The Commissioner who represents Winter Springs is Mike McLean - District 2. You can get his information off the County's Website. The Chair of the County Commission is Bob Dallari who lives in Oviedo."

Lastly, Mayor Bush commented about his upcoming schedule and hoped Deputy Mayor Brown or other Commissioners would attend any meetings that he is unable to.

REPORTS

408. Office Of Commissioner Seat One - The Honorable Jean Hovey

Commissioner Jean Hovey mentioned that she attended the last Council of Local Governments in Seminole County (CALNO) Meeting and noted that there has been an increase of students attending Seminole State College; and that the City of Sanford is considering having no Events next year. Commissioner Hovey then stated that the City of Casselberry is planning four (4) musical Events; and that Seminole County has set aside thirty-eight million dollars (\$38,000,000.00) for the Light Rail that will pay for the four (4) stops in our County.

Next, Commissioner Hovey remarked that Commissioner McLean had suggested a drop in the Millage rate by half a point for Seminole County without cutting services, and proposed taking money from their reserves.

◆◆ AGENDA NOTE: THE FOLLOWING ADDITIONAL REPORT WAS PRESENTED NEXT, AS DOCUMENTED. ◆◆

REPORTS

REPORTS

407. Office Of The Mayor – The Honorable John F. Bush

Mayor Bush commented on requests for Proclamations, and that he had received “A request from one of our local businesses, not the owner themselves, to do a Proclamation for their Sixth Anniversary. Well this business happens to be Tijuana Flats; and because – Deputy Mayor Brown, being on the Commission, I just wanted to make sure that the Commission has no problem with me doing this. And I would do it for any business that asked.” Mayor Bush asked, “Has anybody got any problem with this?” Commissioner Hovey remarked, “No.” There were no objections noted.

PUBLIC INPUT

Dr. Tina Calderone, 3206 Tala Loop, Longwood, Florida: stated, “I am pleased to introduce myself tonight as a Candidate for School Board District 5. I’m here to pledge my support for the City of Winter Springs in working cooperatively with each and every one of you and the citizens here. I have been in this community for over twenty (20) years; have been volunteering on numerous Boards and Directors since moving to Seminole County. I love this area. I have been in business for over thirty (30) years, both at national corporations and small business ownership and feel I have the talents to bring on to the School Board to hold harmless both our schools and our students. I think we all know the reason we chose to come to Seminole County, is our great school system and I want to hold that harmless.

I have a Doctorate in Educational Leadership. I served on the Foundation for Seminole County Public Schools for over four (4) years where I raised over four million dollars (\$4,000,000.00) for our classrooms. I love our students, I love our Teachers, I love this community and I look forward to serving with each and every one of you. Thank you.”

Mr. Dominic Gabello, 5911 Edsall Road, Alexandria, Virginia: commented, “Mr. Mayor, Council Members – Commission Members, and citizens of Winter Springs. I’m here today to talk about an issue in the Florida Legislature. I am with the ‘Florida Coalition For Safe Highways’ and the ‘Coalition Against Bigger Trucks’ and our organization opposes any increases in truck size or weight. We don’t want to see them get bigger or longer and there are a couple of reasons.

One (1), there is the safety of those trucks. If you’re adding weight to a truck you have to stack it higher vertically and that can help make it roll over a little easier but also, as that extra weight wears out the equipment on the truck more, the tires, the brakes, and when those brakes get out of adjustment, causes them to have longer stopping distances; but also, it damages our infrastructure; and there is a Bill in the Florida Legislature that passed both Houses, that had an Amendment snuck into it at the last minute that increases truck weights in Florida on non-Interstate roads so State and Local roads from 80,000 to 88,000 pounds.

The Florida Department of Transportation conducted a study a couple of years ago that checked a couple of different weights and 88,000 pounds was one of them and they estimated that it would cost State and Local governments an additional hundred and fifty million dollars (\$150,000,000.00) a year in the cost to infrastructure that they would have to pick up if - truck weight increased.

On top of that, the people who are shipping, the people who want these heavier trucks will be making an additional three hundred million dollars (\$300,000,000.00) a year. Doesn't seem right to put the increases of those bigger trucks on the back of taxpayers. So, I am here today to ask Members of the Commission and actually everybody of the City of Winter Springs to call the Governor. House Bill 1271 is the Bill that seeks to raise truck weights. It's in there, the Amendment is in there, that will raise it to 88,000 pounds. We're asking everybody to call the Governor and ask him to Veto and you can call his office at (850) 488-7146 – call tomorrow and you'll get his office and ask him to Veto House Bill 1271. If anybody has any questions, I'll be around after to talk to you. Thank you."

Mr. Brian Fields, P.E., City Engineer, Public Works Department commented on this issue.

Tape 1/Side B

Mayor Bush asked Mr. Fields, "Do you see this doing damage to roads in Winter Springs?" Mr. Fields replied, "It could. Larger vehicle loads do damage our streets."

Commissioner Bonner spoke of the design of road improvements. Mr. Fields stated, "Our roads are designed to current standards. Some of them are just resurfaced, not rebuilding the road from the bottom up. The roads that are re-built are actually on Wade Street, State Road 419, those are the current standards. I don't know if they're designed to handle the 88,000 pound load that this Bill would take it up to. That's something I would have to get back to you on."

Mr. Kevin Cannon, 174 Nandina Terrace, Winter Springs, Florida: stated, "That's the Howell Creek subdivision. I thank you for giving us an opportunity to address some things of tremendous concern to the members of our community. The procedure today is very different than the procedure that was followed on April the 28th, when the City and County put this sign at the Trailhead – which I removed a few days later, was laying on its side as trash, announcing an informational Meeting. And after we left the informational Meeting with Seminole County, the Applicants and also some of the City Staff members, we were told P&Z (Planning and Zoning Board/[Local Planning Agency]) needs to meet. We walked out into that lobby and fifteen (15) minutes later, the P&Z Board (Planning and Zoning Board/[Local Planning Agency]) finalized and Approved the Site Plan.

I'm disappointed in the City. I'm disappointed, extremely disappointed in Seminole County and the reason why I say that is I have an October 23, 2006 letter from the Manager of Seminole County to what was then Manager McLemore for the City of Winter Springs in which he said on October 2nd of 2006, they had one (1) informational meeting. I am still trying to find out what citizens were at the informational meeting, but promising they would have two (2) more information meetings to seek information and feedback from the residents of my community before they would – as they went through the design phases. And Mr. Mayor and Members of the Commission, I am embarrassed to say it was shameful. They Adopted Final Plans; they sat there and they told us very questions - there were many of the residents there, 'Yes, that's a very point you raise, we need to look into that'. Fifteen (15) minutes later after they said, 'Well, we got to go out into the lobby', they came before the P&Z Board (Planning and Zoning Board/[Local Planning Agency]) and they finalized the Site Plan and Engineering Approval.

With all due respect, shame on the City and especially shame on Seminole County. We elect people to represent us. What was represented to us and in looking back at the paperwork, Mr. Mayor, was a Park. The preliminary sales job done in 2006 was that this was going to be a neighborhood Park and suddenly, Seminole County decided that they could use tourism tax development dollars and they decided that they could get, they could draw in NCAA (National Collegiate Athletic Association) tournament teams traveling ball leagues and high school leagues for the express purpose of bringing additional revenue into Seminole County. The idea is a nice idea. The location stinks. It's next to an eagle's nest that Audubon has confirmed to me has been in place for twenty-seven (27) years. It's adjacent within a half mile radius of nearly five hundred (500) homes; the tax base of which is over one million dollars (\$1,000,000.00) of property taxes for 2009. This is not the right location for this project."

Mayor Bush commented, "Commission, I would like to give Mr. Cannon more time, is there any objection? And same thing for the other citizens who are going to speak on this - it would be nice if you could keep it to three (3) minutes, but if you can't, be reasonable about it - because we want to hear what people have to say."

Mr. Cannon said, "Thank you Mr. Mayor, and I have been asked by my - I've been doing a lot of the homework and the legwork as I am sure you're aware to get some information. I'm late to the Meeting today because I left Seminole County looking at their public records. I left there at 5:20 p.m. and had to drive back. On May 12th of 2009, there was a Press Release done by Seminole County and UCF (University of Central Florida) Sports, in which they announced and they characterized Jetta Point as a 'Jetta Point Softball Complex'.

Now, when I went back and looked through all the documentation going as far back as 2002, I never saw that characterization given to that and I would encourage any of the Board Members to ask any of the citizens that have lived in our community for about fifteen (15) years, to ask if they were ever told that it was going to be a sports complex with a concession stand and two (2) cash registers with two hundred and fifty (250) person bleachers, with eight (8) parking spaces designed for commercial tour buses in addition to the two hundred and twenty (220) parking spaces.

When I went to Central Winds Park, the Sunday following this meeting and I counted the parking spaces at Central Winds Park, I counted approximately, two hundred and thirty-five (235) including all of the grass spaces for parking. So essentially, you're going to have the equivalent amount of vehicles actually, a higher density when you look at these big tour buses on a park the footprint of which is probably one-fourth (1/4) of Central Winds Park. This is wrong. This is not the right location. When I was in Seminole County, I made some inquiries and I don't know if you've got an overhead projector that could be used. Do you? I'd like to use it. You know, the Applicant in this project is Seminole County Government. This is not Mr. and Mrs. Smith who inherited an orange grove that's been in their family for fifty (50) years; they want to retire and this is the one (1) piece of property that they have to sell.

Seminole County has parcels all over Seminole County that are better suited for this intensity of a sports complex. This is the Soldier's Field Complex and I've seen documents that the parcel is in excess of a 145 acres - that facility - there is a huge tract of land that Seminole County owns, and I see with interest that they already have softball fields on this tract of land. I also see with interest when I look at Google Earth, that they don't have four (4) and five (5), and six hundred thousand dollars (\$600,000.00) homes in exclusive gated subdivisions right behind these softball fields, a more suitable location and I was disappointed in our Planning and Zoning Board (Local Planning Agency) - would you flip to the next one please - when they made an inherent Finding that it was a suitable location. Sylvan Lake Sports Complex is where Leisure Services Department for Seminole County maintains its Administrative Offices and I just spent a few hours there. I'm looking at all of the additional land here, that would be more than adequate to put four (4) of these tournament softball diamonds. But I also noticed that this facility is hemmed in on three (3) sides by very exclusive subdivisions, very similar in nature and value to ours.

I don't think their residents would stand for the noise, the lighting, and the inherent disruption that would come from that type of an activity. I'm disappointed that Seminole County would try to cram through this type of a large impact sports complex in the back yard of Winter Springs' residents when they wouldn't attempt to do it on their own property. At the same time that they were getting State grant money for Jetta Point Park, they were also getting State grant money for Soldier's Creek, I think it's called. Is that the name - yes, Soldier's Creek. They were getting it at the same time. That's a more appropriate location. This is not about Seminole County and their decisions tonight, this is about the City of Winter Springs, you, our Elected Officials and the Staff of the City of Winter Springs, all of whom are paid by us taxpayers, protecting our property values, protecting the tax base and most importantly, protecting the quality of life that we enjoy in Winter Springs.

When I left the meeting after the Public Hearing at the P&Z (Planning and Zoning Board/[Local Planning Agency]), one (1) of the Engineers said these are going to be NCAA (National Collegiate Athletic Association) compliant ball fields and I walked out of there, scratching my head saying, 'There's no college or university nearby, what's going on?' Well, I found the connection, and you know this Mayor Bush, I found the connection with Renee (Luers-)Gillispie, who's the Head Coach of the UCF (University of Central Florida) Woman's Softball Team, who in 2009 received an Award from Seminole County as Tourism Ambassador of the Year, for her efforts in helping to promote large scale Softball Tournaments in Seminole County. Let them continue those efforts, if they want to expand, if the facilities that they used in 2008, when they drew more than four thousand (4,000) spectators to the Seminole County Complex. Let them do it there.

The name of our sister subdivision is called Eagle's Watch, for good reason. Because for over twenty-seven (27) years there's been active eagles nest. In excess of fifty (50), perhaps as many as a hundred (100) times in the last year, my son and I, other Scouts, I'm a Scout Leader - neighbors, neighborhood children and other Seminole County residents have gone to see the eagles. Bald eagles last year, I personally witnessed a pair of nesting bald eagles, two (2) fledglings that hatched out last year and two (2) additional mature eagles, I saw six (6) eagles in one day, and I want to show you where these photos were taken by me. They were taken, right here, right where this plan proposes to dig out and put these retention ponds. In the same pines, that right now, I almost guarantee tonight, as it draws near dusk, I can bring anyone of you out there and right in this vicinity, you will find those eagles that are nesting. No, excuse me, right here, right here. You see the retention pond where the three (3) way triangle is?

Right in here, is where I have taken those photos and hundreds of other photos of the eagles, which is where there are presently about eighty-five (85) to a 110' pines. They are going to dig the pines out and make retention ponds for all the water for the 520 parking spaces and for the Astro Turf, yes, that's another thing. I have seen budgets for as much as two point two million dollars (\$2,200,000.00) for Astro Turf. I've been to a lot - of community parks, my son has son has played sports, I have never seen 250 person bleachers and I've never seen Astro Turf. If any of have, please come up and tell me where, I'll go get pictures of it. But, I've never seen it and I dare say none of you as Commissioners or you Mr. Mayor have ever seen it. It is a wantable thing for Seminole County to want to increase their tourism tax base and I have no qualms with that whatsoever. In the project, in terms of the contents of it and trying to promote a tournament facility, I have no qualms with that.

What I object to and the many, many citizens of my communities that I've talked with in the last week object to nice project, wrong location. It is just the wrong location. And in a case like this, where you've got Seminole County as the property owner, that right now has other parcels of property that are certainly have point forty-five (0.45) or less acres, that would be suitable for that type of a park, that's where it belongs. I would dare say in a perfect world, that Seminole and Orange County should joint venture with UCF (University of Central Florida) on some of the abundant acreage that is still is undeveloped and what a beautiful thing it would be to have a college tournament facility right in close proximity to UCF (University of Central Florida).

I think that would be a wonderful thing, I really do and I would hope that Seminole and Orange could work somehow in a joint venture with UCF (University of Central Florida) to make that happen. Because when we join teams, they may come into Seminole County to play this day, but of course they are going to go to Orange County to - the theme parks and so forth. We expect more from the City of Winter Springs. I know that there has been from the timeline, there's been a big gap, but in the documents I received today, which I haven't yet been able to print, they were given to me on a disc; I'm looking at the conceptual plans in the early conceptual sort of presentations that were given and they look nothing like this project. I've gone online and I have found 'Florida Forever' dollars through the State of Florida for environmentally sensitive projects and it appears to me that Seminole County has collected hundreds of thousands of dollars from the State under these programs and I'm confident that at the time they applied for those programs and more importantly at the time this project, Jetta Point was ranked out competitively against many other projects around the State, it would not have fallen in the ranking that it received, had the State envisioned Astro Turf and this type of a project.

I'm confident that that was not what was intended. Unlike many other instances, these beautiful residential subdivisions have been there for many years. They were before this park was ever proposed. And probably the best and the final argument I am going to say in opposition to this park is that until this Board was asked to do a special pigeon hole amendment to it's own land development regulations to permit this type of a government park facility in the commercial zoning district and until this Board had to change their own Zoning Ordinance to make this round peg fit into square hole or a square peg into a round hole. It was never even a Permitted Use to begin with. And I would just say that my experience has been when you start sort of monkeying with that and trying to do little spots and plug in little exceptions and sweetheart deals, nine times out of ten it comes back to haunt you.

The tax and revenue base for this City would be greater, the probability of future expansion in that economic corridor that you're trying to promote there as part of that PUD (Planned Unit Development) would far better served without a commercial sports complex going in there. For the life of me, when I drive around Heathrow and other facilities, I do not see a mega softball sports complex in or around or promoting a Heathrow type of professional office environment. The type of buildings that would generate, sustain revenue, I am told of at least three-quarters of a million dollars (\$750,000.00) just for this parcel of land alone.

So, I'm requesting that the Board strongly, strongly deny this and ask Seminole County to go someplace else. And if you look at the October 23rd, 2006 letter from the Seminole County Chairman, to the Chairman of - or excuse me - from the Seminole County Manager, to Manager McLemore from Winter Springs, they put right in there that if they don't get their four (4) softball fields and the overhead lighting, and the four (4) multi-use fields, that they would withdraw their Application, and they'll go someplace else. So, they've kept the door open, please do the right thing for the citizens of Winter Springs and reject this Plan. It's gone too far as it is."

Mr. Jay Clay, 144 Peregrine Court, Winter Springs, Florida: commented, "This is one of those 'NIMBY' things, 'Not In My Back Yard'. You - probably didn't notice it on that picture that Mr. Cannon had up there, but that trail that leaves from the ball parks over to the Cross Seminole Trail, is to my back yard. When all the time they talked about this, they said, 'We're not going to impact on any previous agreements'. One of the previous agreements we had is that those trails were not going to be used after dark, after dusk, but they have this very nice trail coming over there. Problem, I've got the Trailhead, when the trail goes up and intersects with (State Road) 434, is also the entry way to all these 500 parking spots they're supposed to be using for the ball fields.

And, I have a feeling that people are going to find it easier to use the Trailhead, come down (Cross) Seminole Trail go in through that very nice walkway that they've planned to put in there for what reason; I have no idea, if it wasn't designed to make it easier to get back and forth from that extra parking area. I was talking to the people at the meeting on the 28th and I just asked simple questions. I said, 'What's that for?' 'Oh, we thought you'd like to have that.' Did anybody raise their hand and say, 'I'd like to have that?' I don't think so. And the problem I've always got is when you allow somebody to do something that's a little bit out of the ordinary, other people are going to come along behind it and start making that footprint bigger and bigger. So, I would - I would, if there is some way to deny their Application for an Amendment to the Comprehensive Plan, and you have that power, I would encourage you to do that. Thank you very much."

Mr. Tom Koza, 121 Goshawk Terrace, Winter Springs, Florida: stated, "Jay (Clay) is a neighbor of mine and my wife Carol and I have been a member of - or a resident of Winter Springs for the last thirteen (13) years and we love the community; and one of the biggest things that we really were attracted with it was the fact of the eagles as was presented earlier. And it's only been recently that they've come back after the 2004 hurricanes that came through; and the City ended up using that property for the devastation of a lot of the trees, of which I unfortunately had a couple of trees on our house because we do have - the woods behind us. So, it's a beautiful, quiet community.

But what's been presented and so far accepted, I find it absolutely outrageous, just outrageous. You're responsible for that and I am kind of ticked off. So, I'm not going to say much more, other than the fact that it's going to impact us, our tax base, our home values, and down the road, our taxes, too. And, I hope you guys reconsider it, even if the County wants – you know, it's interesting too, is with the eagles and the fact that the State protects them. We couldn't even build our house for a certain period of time because of the nesting of the eagles. Today, we're going to keep them up till ten o'clock. Are you going to be moving them - the eagles later, kids, or whatever? This is bologna."

Mr. Bill Tillmann, 119 Goshawk Terrace, Winter Springs, Florida: said, "Thank you Mr. Mayor, Commissioners. Going to implore you to represent us well in this matter. I can see from the nods, in response to the outstanding presentation, that my neighbor, Mr. Cannon presented this evening, that all of you have empathy for our situation. I'm going to have to highly encourage you to use the talents, the skills that you have to bring about a cease and desist to this project. You've heard Mr. Cannon already, very clearly articulate other ways to bring about a good result in this matter that would satisfy Seminole County's desires to have this project move forward and to not impact your citizens.

My wife and I have lived there four (4) years in Eagle's Watch. We tell all of our friends all the time what a magnificent community it is and it is and I congratulate you on the development of that project. But, if you allow this project to move forward, you're already hearing what might come about as a result of that. All of the disturbances, all of the lighting, the additional police presence that will be required in our perfectly sedate community that all of us enjoy here. We don't want to lose that opportunity to continue to be able to tell all our friends about how wonderful it is to live in Winter Springs, particularly in Tuscawilla; and so, would you please, please do all within your power to bring about an end to this. Thank you very much."

Mr. Donald Parker, 203 Nandina Terrace, Winter Springs, Florida: stated, "Mr. Mayor, City Commissioners, thanks for taking the time to listen to my concerns – in the Howell Creek Reserve subdivision and I have written recently, an email to all of you; so I really don't want to sit up here and re-hash it other than to reiterate, I hope you take my concern seriously. And I also sat here concerned earlier when you said that you don't think there is much you can do about it; and I think you're grossly under-estimating your abilities as Elected Officials. You have a lot more power than you think you do in negotiations with Seminole County. They need your input on many projects that you do on a regular basis.

They need your support on lots of things and partnerships. There is so much blighted space in Seminole County that would be ideal locations for this from a revitalization standpoint. We have a golf course in Winter Springs down the street here that's blighted, that's just sitting, being overgrown. The front half of that is right along (State Road) 434. I looked down (US Highway) 17-92 and look at other locations that are completely blighted. Run-down shopping centers that have virtually no tenants that could easily be renovated to accommodate these properties.

As Elected Officials, you yourselves should sit there and say, 'You know what, this just isn't right. It's just not fair to the citizens who live in these really nice communities'. It's going to destroy the property values of our homes. Are all of you going to be happy with the reduction in tax revenue, because all of a sudden our properties are worth a third less? I don't think so. I know I'm not going to be happy with that.

My daughter played club sports for years. I traveled all over the southeast United States attending her tournaments. The one thing that I always learned was when you sit there and plan for attendance, multiply it by five (5). It's never what you anticipate. If they're going to put 500 parking spaces there, I flat guarantee you, they'll need 4,000. I looked at his Land Use map, which I also got online. You think that parking will be limited there? People will be parking along Vistawilla Boulevard, in the grass, they will destroy the landscape. They will park in neighborhoods of Chelsea Woods and walk down the trail. They will park anywhere they can in close proximity and they will do destruction and damage to all of the landscaping of the people's yards.

It will be a burden on our Police force. It will be burden on our Emergency Services. All of our Police will be required to direct traffic. All of our Police force will be required to be called into neighborhoods with people complaining constantly, 'There's a car in my yard. Would you please come ticket this?' Would you please come tow it?' It's a ridiculous concept to even consider this at this location. Thank you for your time."

Mr. William Maish, 144 Nandina Terrace, Winter Springs, Florida: stated, "And I appreciate you letting me speak. As it's been said before, this is just the wrong place. It's not big enough for it, what's proposed. It's going to affect property values, not just mine, but a lot of people; a lot of neighborhoods and it's going to tax the resources. But you know, when I came here from Chicago, I had a few criteria that I used when I picked the house - a beautiful neighborhood with a trail and wildlife close by, and good access to roads. We're going to lose the beautiful neighborhood. We're going to lose the eagles and it's just not sustainable. We can't handle a Park with PA (Public Address) systems running till ten o'clock at night and the lights on and all the use that's going to be on that land. There are other places that are better. Thank you for considering it."

Ms. Rebecca Maish, 144 Nandina Terrace, Winter Springs, Florida: commented, "And thank you for being willing to listen to us this evening. One of the things that we're talking about is the density of the activities that are going to be happening. And, we've lived at our location at 144, which backs up against the conservation land and then on the other side of that, after we moved in, the apartment buildings were built back there. We don't hear much from them, but I will say that it has impacted the wildlife that we use to see. In the area, in the last over ten (10) years that we've lived there, we've seen the eagles of course. There are hawks, turtles, even tortoises and before the apartments were built, we had a female fox and her kits that we saw once in our backyard.

After the apartments were built back there, we haven't seen anything like a fox there and that was probably eight (8) years ago now. So, I know that humans and the density of human activity does interfere with wildlife activity. And that is one of the reasons that we chose to live where we live is wildlife nearby; the trail nearby, which is only used daylight hours and it is also - because it is limited access to it, a place that I feel safe walking with my dog or a friend or whatever. I can tell you that I would not feel safe with having that amount of people having access to that trail. And, it would make my quality of life go down and able to use the neighborhood amenities that we have available to us now. Thank you and I do hope that you'll consider finding another way to have this not built on that location."

Mr. Terry Even, 106 Marsh Creek Cove, Winter Springs, Florida: stated, "And I thank you for the time to address this issue with Jetta Point Park - and I am the current Vice President for the HOA (Homeowner's Association) of both Howell Creek Reserve and Eagle's Watch. I am here representing both of those communities. We have heard from a large number of our members, residents, excuse me, as you have well heard, all opposing the Park and I'm here to represent them on that. We strongly believe that a Park of this magnitude is a good idea, but it's the wrong location. I can go into a lot of details, but they've all been covered already, so there is no sense in doing that. So, I'd like to conclude with an opposition to the Park. Thank you for your time."

Mr. Jon Bean, 142 Peregrine Court, Winter Springs, Florida: remarked, "One thing I haven't heard addressed at all tonight is the flow of excess water, rain water. We did hear at the informational meeting two (2) weeks ago that there would be no more water go into our back yards than what already does. But what already goes into our back yards is excessive. During Hurricane or Tropical Storm Fay, I had water about a foot and a half (1½') deep that I was able to divert around the side of my house so it didn't come through the sliders. But the two (2) ditches that are there now, one (1) on either side of the Trail, the Trailhead going out to the parking lot, are insufficient to carry the water away. When you add all the asphalt and now Astro Turf, I hadn't heard that before, I'm really concerned that they don't have the calculations to be able to understand how much water really comes off that.

If you look at a topographical map, it goes downhill from (State Road) 417 all the way down to the creek. Whenever we have severe rains, two (2) weeks ago we had an inch and a half (1 ½") of rain, the water perked through our lot for three (3) days with an inch and a half (1 ½") of rain. You can imagine what happens when we have hurricanes and tropical storms. So, from a water standpoint, I am really concerned that they don't have a clue as to how much water is really already coming off that property; and something needs to be done to make sure that our houses aren't flooded every time it rains.

And the last thing I would like to mention is that we need to make sure from a PA (Public Address) system, if this goes through, that those speakers are aimed away from the houses totally. I mean, we're going to get a spillage of the noise we hear cause the wind blows from the east, so we get the traffic noise off of - (State Road) 419 all the time. Add to that - (State Road) 417, add to that, the noise from the announcements and all that kind of stuff, it's not going to be a great thing. So, if we can have those speakers, if we've got to have the Park, let's have them focus down or back to the east so that at least they'll be going against the wind. Thank you very much."

Mr. Paul Huston, 170 Nandina Terrace, Winter Springs, Florida: commented, "I have noticed in the history and current status of Jetta Point Park, the item dated 5-3 Application for a Large-Scale Comprehensive Plan Amendment received from Seminole County. It sounds to me that they are still questing after permission to do this plan, to complete this project. One, just one comment and I know Mr. Brown appreciates where I may be coming from on this subject because he has a sign in his front yard, about Amendment 4. If Amendment 4 were in effect today, my interpretation is that this would have to a Referendum. That the citizens of Winter Springs would have to Vote on it because it is in fact a change to the Comprehensive Plan, am I correct or incorrect?"

Mayor Bush stated, "Correct."

Mr. Huston continued, "So, this could be quite a campaign coup for the pro-Amendment 4 people, my point of view. But, I concur with everything else that's been said tonight. It's just this ill-conceived, very little foresight as the consequences of - as to the consequences of what this project will be as an impact on the neighborhoods, ours and Oviedo. Thank you."

Ms. Pam Carroll, 865 Dyson Drive, Winter Springs, Florida: remarked, "I'm speaking as a citizen, not as the President of the THOA (Tusawilla Homeowner's Association). I've received some emails and concerns and spoken on the phone and I admit I haven't paid as detailed enough attention to Jetta Park and how close it was to these neighborhoods. Having recently become more aware and not aware enough, it bothers me as a citizen that our City of Winter Springs' Police Department would have to police the activities at a Park if we were to go there; a fight breaks out, Winter Springs Police Department has to respond.

Our tax dollars are used to pay for the Police support and their salaries and equipment with no reimbursement from the County and yet the County's reaping the rewards of the tax. They don't pay us taxes. It also bothers me that the City is looking at this in a different way. They're not being consistent with their own policies of parks in our area. The Sam Smith Park and Trotwood are only daytime use and I see this is going to go at ten o'clock at night, loud speakers, lights, traffic, voices, 'Hey, good night. It was a great game', etc.

So, to see our City not be consistent after we know the battles we've had with late night or too late or headlights trying to maintain soccer games at Trotwood Park a little bit later, a little bit later, soccer balls coming over a fence. And it bothers me and I think you know, that I love nature, I have foxes still in my back yard. I have owls, I have eagles, but to see eagles disrupted would really be a shame. The impact on our residents seems negative, negative, negative and I behoove this Commission to go back to the County and say, 'This is not the right location'. Thank you."

Mr. Josh Peterson, 651 Saranac Drive, Winter Springs, Florida: stated he lived in the community of "Chelsea Woods, so I am glad to speak because I don't think we've had anyone here from our neighborhood yet - to introduce myself, I'm a licensed Professional Engineer; so I am not going to speak very well, being an Engineer. And I don't know how this is done, but I'm going to try to ask, if it's alright, I would like to ask some questions after we're done or after I present my comments.

I moved here from Sanford about a year ago, so I'm a recent resident. And the reason I moved here was because I have two (2) young children, two (2) and four (4); so, I've been very pleased and I wanted to thank you for everything you've done here in the City along the lines of parks. The park facilities are excellent and when I heard there was going to be a new Park up at Jetta Point Park, I thought 'Great, I'll take my kids to the Park, it will be wonderful'. But I think what you are hearing today and I really would like to thank Mr. Cannon for doing all the research and legwork that he's done, is that we had a bait and switch basically from Seminole County and I think that's become very apparent that not only new residents, but older residents were not informed of what kind of Land Use this was going to be. So, you know it's not the right place.

Eighty foot (80') high lights, sound, noise coming from a big softball, athletic field. I live right back - I back up to (State Road) 417 and my neighbors are very upset about (State Road) 417 because it was built after the neighborhood. But, the noise that comes from that is nothing that compared to the Oviedo High School football games, alright. So, we're talking about putting a big athletic field much, much closer than the Oviedo High School is to the neighborhoods. That's going to be you know a much greater amount of noise. So, I'm not going to retread all those points.

I guess what I would like to do is - one (1) other thing I wanted to mention is, like I said, I'm the only one here from my neighborhood that I know of, but I speak for at least ten (10) other houses that I know couldn't make it tonight. And, I think, just from looking around, you know this is a small percentage of the people that are going to be upset if this goes through. It's going to be firestorm. So, given, that I can see you nodding your heads, I feel like you are sort of realizing this is a bad idea, or at least that the public here feels that way, so I'd like to know what is possible to be done. You started the Meeting by saying we can't do anything. So what, where do we go from here?"

Mayor Bush replied, "I don't think that we can answer that question right now. I think the Manager is going to have to do some research on this - my attitude is I think the Commission understands where everybody is coming from. I don't think they doubt about that. But, what can we do about, I don't know and I don't think any of the Commissioners know either at this point. And I think Kevin (Smith), our Manager and our Attorney are going to have to look at this and see what can be done. What you can do, all of you is go to the County Commission, just like you came here. Because you convince three (3) of those people up there not to do it, and it's dead. You don't have to worry - I don't know what we can do, but I know if you can convince three (3) County Commissioners, that Park will never go there because it takes three (3) of them to do anything. But, you've got to show up there, just like you did here."

Further comments.

Mr. Sam Johnson, 679 Vistawilla Drive, Winter Springs, Florida: responded, "I would like to concur with everything that has been said tonight. I strongly oppose this action and implore you please, whatever you can do politically, legally to stop this, I am requesting that you do so. One issue that has not been addressed tonight and is a very concern to me is the infrastructure to support this kind of a project, particularly, the sewer. Where is this sewage going to go? Already you have communities on a sewer line that goes down Vistawilla Drive, they're on that line, that line was not designed to carry those neighborhoods that are already on there.

I mean when Vistawilla Drive used to dead-end at the railroad, that's what that sewer line was designed to carry. Now that you've opened that up, added those neighborhoods, a shopping center, a gas station, office building, it's my understanding that all of these ...

Tape 2/Side A

... residences and businesses still go on this line that was designed for much, much less. I've talk to the City, they've told me, that 'Yes, you need a force main'.

I've had some personal problems with the City cause it's caused me a problem and some of my other neighbors, a sewage problem and they say they can't do a force main for another eighteen (18) months - cause that's when it's budgeted for. You know - how can you allow this to happen and just over tax on infrastructure - with the Sewage, Water, Police, Fire and Rescue, the additional wear and tear on our roads, it's not right. So please, do whatever, what's in your power to stop this project. Thank you."

Mr. Greg Smith, 669 Saranac Drive, Winter Springs, Florida: commented, "Thank you very much for this opportunity to go ahead and speak tonight. Just a few points to reiterate. I think number one (1) is basically you all do have the power to go and oppose this Park here. I think you've heard enough from the citizens today to go ahead and recognize that and do whatever you can and I think the County will take - recognize that also as a sign that they need to look elsewhere.

Number two (2) is I would go ahead - and I've been at my residence for over twenty-two (22) years now. And every November, I've had the pleasure of having the eagles come back. What's really overlooked by the Site Plan is that from a permitting standpoint, the closest that any type of development can be from those eagles nest is 330 feet. The site plan actually shows that it would be roughly about a 150 feet. So, if they were actually going to go ahead and recognize those off-sets, they could actually go ahead and lose anywhere from one (1) to two (2) ball fields out there and I don't think that's been taken into account.

Also, I want to emphasize that, can you imagine what it would be like to have eighty foot (80') light towers in your back yard? Just imagine that. During the day time, there is quite a bit of road traffic. Okay, so we don't hear that, but at night, it actually gets fairly dark and it gets very quiet. So, I would like to invite every one of you all to come to my house and imagine what it would be like when they have lights and screaming patrons and loud speakers going on and imagine what that would do to your property values. Keep that in mind. It's not a good place. I had the pleasure of attending the October 2006 meeting. At that time, there was mention about subsequent meetings coming in place with more details. We never saw those meetings.

And one thing that Randy Morris mentioned at that meeting was that, 'If the citizens didn't want the park there, they would go ahead and sell it for development'. To me that would be a win/win situation if it has to go that far. Basically, the County and the City get a tax base, we don't have the noise at night. Okay. We get a manageable situation. And, that's what I think we ought do is go ahead, have the county swap it, go ahead and sell the property, improve our tax base. In today's economic times, it doesn't make sense to have more non-taxable land on our rolls. Okay? Anyway, thank you for your time, I appreciate it very much."

Mr. Chip Kaminski, 107 Golden Crest Court, Winter Springs, Florida: stated, "I've lived in Winter Springs my whole life. I'm twenty-nine (29) years old. I was born in the Highlands as you know Mrs. Hovey, I was born in the Highlands, I grew up in the Ranchlands and I bought my home in Eagles Watch. Okay, and one of the reasons why I bought my home was because of this Park and because of that trail. It's upsetting to me to find out that down the road, after we've gone through this process, this is morphed into a ball field, a complex, a sports complex.

This is not a Park. We can't take - I'm hoping to have children with my fiancé in the future and I would be upset to say that we can go right around the corner to the Park that was supposed to be there and watch a NCAA (National Collegiate Athletic Association) softball game. Not that I have anything wrong with a NCAA (National Collegiate Athletic Association) softball game, I just think that if this going to be proposed to be used by UCF (University of Central Florida) and NCAA (National Collegiate Athletic Association) teams, why doesn't UCF (University of Central Florida) contribute to this? Why isn't it closer to UCF (University of Central Florida)? Why isn't it in a place where people can stay overnight if they're going to be coming from out of town? Okay?

Seminole County already has a softball complex, it's called 'Seminole County Softball Complex' and it's located in Altamonte (Springs), close to commercial venues, close to overnight staying, stuff like that. Okay, if you pull up Google Earth, or you pull up Google Maps and ask for softball complexes in Seminole County, six (6) locations come up. Okay. Lake Mary, Altamonte (Springs), Oviedo, all the places that have places to stay overnight.

I don't know why this Park would be placed less than a mile from Central Winds, where we have absolutely perfect parks that can retrofitted with maybe a quarter of the budget, to be used there to fund anything that you'd want to use there. I don't understand why that's not a concept. And, it's upsetting to me that Winter Springs feels as if we can't do anything about this, we can. You have a financial responsibility to these citizens and also to the region that you live in, being the county. You're part of the County. Okay, so, you can stand up and say we have a perfect complex at Central Winds to be used.

Okay, Oviedo, has two (2) locations. Out by UCF (University of Central Florida) they have multiple places to be used. Altamonte (Springs), Lake Mary, all those places; they can be retrofitted with the money that's used for this project. Not to mention, this was not intended to be a sports complex. It's morphed from a around the corner land usage Park for the benefit of the citizens of the community to now a sports complex that isn't going to be used by any of us.

I'll tell you right now the NCAA (National Collegiate Athletic Association) regulation fields, they're not going just let you come and play around with your son or your daughter on those fields. They're going to be locked, all the time. They are going to be maintained Astro Turf. That's an expensive process. I've played college baseball, I know. The maintenance of these fields is going to be astronomical and the secondary effects to the community is outrageous. We've just had a gentleman up here talking about the sewer, the water, the water run-off. Seminole County has a first picture to purchase this Park. Okay, they're going to outlay the resources to pay for the construction, but they're not going to look at the secondary effects it's going to come down the road, ten (10), fifteen (15) years. We are. Okay, we are. Thank you."

Commissioner Krebs stated, "May I suggest with, of course, the agreement of the Commission that we have all the Minutes here – but, we have the ability to have verbatim Minutes taken for this and then to have the City Manager put it together in some type of document that is sent to the County with the questions, obviously some people believe that, and maybe it is true, that some of what we were told in the beginning has changed or their ideas have changed and actually, I would like to hear some responses from the County regarding those accusations."

Mayor Bush replied, "I think that is a good idea Commissioner, but I want to just say I think it may would be more important to see if there is anything that we can do to stop it." With further comments, Commissioner Krebs noted, "We are the closest to the people so if they have come to us and they want us to act on their behalf to see or talk to the County, at least we could put something in a document form and ask for some kind of answer back from them – maybe we could post it..." Mayor Bush added, "...I think what you are asking the Manager to do is to come up with a document of the questions that were asked and forward them to the County Manager and ask for a response. Is that correct?"

Deputy Mayor Rick Brown said, "I think they need to see the verbatim comments of all the citizens who have spoken here tonight and probably will speak again next Meeting. I think they need to see that first hand; if not, be provided an audio tape."

"I MAKE A MOTION THAT JUST AS WE HAVE DISCUSSED THAT WE HAVE THESE MINUTES VERBATIM AND THEN A DOCUMENT CREATED BY THE CITY MANAGER TO BE SENT TO THE COUNTY REGARDING THIS FOR A RESPONSE TO THESE QUESTIONS AS WELL." MOTION BY COMMISSIONER KREBS. SECONDED BY DEPUTY MAYOR BROWN. DISCUSSION.

MANAGER SMITH REMARKED, "OBVIOUSLY, I WOULD BE HAPPY TO DO THAT. I THINK THAT IS A FABULOUS IDEA. MAY I SUGGEST THOUGH OR ASK IF IT WOULD BE MORE EFFECTIVE COMING FROM THE MAYOR TO THE COUNTY CHAIR OR FROM THE CITY MANAGER TO THE COUNTY MANAGER?" MAYOR BUSH STATED, "DO BOTH."

COMMISSIONER KREBS STATED, "MY MOTION WILL INCLUDE THE COUNTY MANAGER AND THE COMMISSION."

VOTE:

COMMISSIONER BONNER: AYE

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR BROWN: AYE

COMMISSIONER KREBS: AYE

MOTION CARRIED.

Commissioner Hovey explained, "Once we find out from the City Manager and the City Attorney what we can and cannot do, it is up to you as citizens to contact your County Commissioners."

With further comments on contacting the Seminole County Commission, Deputy Mayor Brown asked Manager Smith, "In addition, you are going to come back to us with where we are in the process. I know that they have the Comp[rehensive] Plan change request."

Manager Smith stated, "The informational packet, that piece that we put out very succinctly summarizes that but it's very summary informed, but yes, we will be coming back. If it were to move forward for example, we'd still have to come to this Commission for Final Approval." Deputy Mayor Brown then added, "I also understand that there is an active gopher tortoise population on that property. Is that correct?" Manager Smith replied, "That is my understanding also." Deputy Mayor Brown then asked, "So, there has to be a large scale relocation?" Manager Smith said, "I do not have the details of that, but it would have to be appropriately handled, absolutely." Commissioner Krebs added, "They have to be relocated now. Yes."

Continuing, Deputy Mayor Brown stated, "When this came to light last week, I did put a call into Cynthia Sucher, (Oviedo-Winter Springs Regional Chamber of Commerce) who is not only the President of our local Chamber of Commerce but also the Associate VP (Vice President) of Public Relations at the University and asked her to do a little research to find out what the tie was between - the County and the University and what she came back and told me after doing some research is that the head of the Softball Department who was active in developing this field or giving consulting services back to developing this field, that did happen, but she got word directly from the head of the Government Affairs Division and also from the head of Athletics for UCF (University of Central Florida), that there are no current contracts either being discussed or active between the County and UCF (University of Central Florida) for the use of this field."

Deputy Mayor Brown asked, "Kevin (Smith), if you could get confirmation on that from the County..." Manager Smith replied, "...Yes Sir..." Deputy Mayor Brown continued, "...To find out exactly what their thought process is - the exact words were if a field was built, they may play one (1) or two (2) games out there, but there were no plans to use it as their primary competition field."

Mayor Bush added, "I did talk to - County Commissioner (Carlton) Henley today about this and asked that we have a representative from the County here at the Meeting." Mayor Bush then noted, "Hopefully, there is someone from the County who can take back - what has been said here; so, I hope they did in fact send somebody."

Commissioner Bonner asked Attorney Garganese about a Developer's Agreement. Attorney Garganese explained, "There is a Development Agreement in the works as most often as when the case when Development projects are Approved and those Development Agreements evolve over time as Applications proceed through the process."

The County currently has their Final Engineering Application as you know in the process so as issues come up, they get addressed in a draft Development Agreement which obviously is subject to the City Commission's discretion on whether or not you want to Approve it as the issues come out on any development project. So, that's - in the works as a matter of course, not as a matter of direction from the Commission at this stage."

Commissioner Bonner commented on verbatim Minutes, and suggested that a Workshop be held "And allow in a Workshop forum for our neighbors to maybe talk with us about alternatives and what might be a more appropriate use in their view as the neighbors of the land." Additionally, Commissioner Bonner noted, "I would love to attend such a Workshop and listen to their thoughts about the best use for that land or even if it were to continue forward as a Park, what the right Park would look like; so that we could have not only their concerns recorded but also have their ideas captured and recorded."

Mayor Bush spoke of SeminoleWAY and stated, "The greatest opportunity that Winter Springs has to affect its tax base is the development of the GreeneWay Interchange (District) which is (State Road) 434 and the GreeneWay (Interchange District). Mayor Bush added, "I think this might be a - point that we can bring up with the County Commission, because as the citizens said, 'There's got to be another place to put this Park'." Additionally, Mayor Bush suggested, "It might be an approach that each one of the Commissioners can take with the County Commissioners and that we can maybe start a dialogue with the County on that, because this benefits them too."

Manager Smith explained, "When you alluded to earlier and a lot of folks made comments about the City not having the 'Ability to do anything'; just to clarify, certainly there are some things we can do. But there are challenges that we face and that any government faces when you have a proposed Developer come in and do something on a certain piece of property."

Furthermore, Manager Smith added, "As long as the Developer meets those criteria, they have certain latitude to build certain projects. Now, what the City can do as we alluded to earlier, is to impose restrictions through Development Agreements and things such as that, and the City Commission certainly has the ability to come in and make certain restrictions and demand certain things. But, I think that - what the point that's being made on the dais here - is to be perfectly honest, the easier or the quicker route if you will to kill a project of this type, is to have the owner, the County decide not to do it and I think that is the Mayor is referring to when he says the Commission is going to speak to our County Commissioners; and Commissioner Krebs made the suggestion that we take your sentiments and we deliver them to the County so they hear from you; but to also hear directly from you, quite honestly, that's the kind of thing that can more quickly make a project like this not happen."

Commissioner Krebs remarked, "My thought is that if the County hears from us, the County hears from you, that they are going to know what challenges they are going to face, when they come before us."

Mayor Bush called a Recess at 7:10 p.m.

The Regular Meeting reconvened at 7:21 p.m.

PUBLIC HEARINGS AGENDA

PUBLIC HEARINGS

500. Community Development Department

REQUEST: Requests The Commission Consider The Aesthetic Review For The Brighthouse Site Renovation.

FISCAL IMPACT: Property Taxes Are Assessed On The Site And Should Increase With The Improvements. The City Collects Taxes From Various Utilities. Permit, Plan Review, And Impact Fees Will Be Collected.

COMMUNICATION EFFORTS: No Further Efforts Have Been Made For The Aesthetic Review, Beyond Those Routinely Done By The City Clerk's Office.

RECOMMENDATION: STAFF RECOMMENDATION: Staff Recommends That The City Commission Approve The Aesthetic Review Plans.

Mr. John Baker, AICP, Senior Planner, Community Development Department presented this Agenda Item for discussion.

Mayor Bush asked Mr. Baker, "Will the vegetation as we see it here, be maintained. In other words - they have got Reclaimed Water, are they going to use it to keep it green and looking decent. Is that in this Plan someplace that makes it so it is going to continue to look like this?" Mr. Baker responded, "They have to maintain it."

Attorney Garganese stated, "In the next Agenda Item when you are considering the Special Permit Order required for this to happen, we can probably augment paragraph 6. which of the Consent Order or Permit Agreement that requires the property owner to maintain the landscape appropriately and this Permit Order would give the additional obligations on the property owner which would be recorded with the land."

Mayor Bush opened the "Public Input" portion of the Agenda Item.

No one spoke.

Mayor Bush closed the "Public Input" portion of the Agenda Item.

"MOTION TO APPROVE ITEM '500'." MOTION BY COMMISSIONER KREBS. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

VOTE:**COMMISSIONER BONNER: AYE****COMMISSIONER HOVEY: AYE****DEPUTY MAYOR BROWN: AYE****COMMISSIONER KREBS: AYE****MOTION CARRIED.****PUBLIC HEARINGS****501. Community Development Department****REQUEST: Requests The Commission Consider The Special Permit For The Brighthouse Site Renovation.****FISCAL IMPACT: Property Taxes Are Assessed On The Site And Should Increase With The Improvements. The City Collects Taxes From Various Utilities. Permit, Plan Review, And Impact Fees Will Be Collected.****COMMUNICATION EFFORTS: A Substantial And Conspicuous Sign Has Been Erected At The Site To Notice The Public Hearing.****RECOMMENDATION: STAFF RECOMMENDATION: Staff Recommends That The City Commission Approve The Special Permit For The Brighthouse Site Renovation And Authorize The City Attorney To Make Any Necessary Modifications To The Special Permit Order Consistent With The Commission's Direction.**

Mr. Baker introduced this Agenda Item and stated, "We recommend Approval."

Mayor Bush asked Attorney Garganese, "Is this the change you made that you recommended, would come in?" Attorney Garganese responded, "Yes Mayor - under the 'CONCLUSIONS OF LAW' section, on page 3, paragraph 6., I would wordsmith that and require that the property owner maintain that landscaping appropriately. I would craft some language that would be acceptable there."

Mayor Bush opened the "Public Input" portion of the Agenda Item.

No one spoke.

Mayor Bush closed the "Public Input" portion of the Agenda Item.

"MOTION TO APPROVE '501' WITH THE ADDITION OF THE STATEMENT THAT ANTHONY (GARGANESE) IS GOING TO ADD FOR THE LANDSCAPE TO BE MAINTAINED AS WE HAVE BEEN SHOWN." MOTION BY COMMISSIONER KREBS. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

VOTE:**COMMISSIONER HOVEY: AYE****DEPUTY MAYOR BROWN: AYE****COMMISSIONER BONNER: AYE****COMMISSIONER KREBS: AYE****MOTION CARRIED.**

PUBLIC HEARINGS**502. Office Of The City Attorney And Office Of The City Clerk****REQUEST: Request That The City Commission Consider The First Reading Of Ordinance Number 2010-14, Which Revises Portions Of The City Code And Amends The Existing Uniform Requirements For City Boards And Committees.****FISCAL IMPACT: No Funding Requirements Are Tied To The Approval Of This Agenda Item. However, If This Ordinance Is Approved, For The Next Fiscal Budget, The City Will Save Approximately \$6,875.00 From Previous Years.****COMMUNICATION EFFORTS: The City Attorney And The City Clerk Have Corresponded With The City Manager And Staff On This Agenda Item. Copies And/Or Access To This Agenda Item Have Been Provided To The Mayor And City Commission, City Manager, City Attorney, City Clerk, Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Will Be Available On The City's Website, Laserfiche, And The City's Server.****RECOMMENDATION: The City Attorney And The City Clerk Request That The City Commission Consider The First Reading Of Ordinance Number 2010-14 And If Acceptable, Approve And Move It To A Second Reading Which Will Tentatively Be Scheduled For May 24, 2010.**

Mayor Bush asked, "Motion to read by 'Title' only?"

"SO MOVED." MOTION BY COMMISSIONER HOVEY. SECONDED BY DEPUTY MAYOR BROWN. DISCUSSION.

VOTE:**DEPUTY MAYOR BROWN: AYE****COMMISSIONER BONNER: AYE****COMMISSIONER KREBS: AYE****COMMISSIONER HOVEY: AYE****MOTION CARRIED.**

Attorney Garganese read the Ordinance by "Title" only.

Continuing, Attorney Garganese stated, "This Ordinance is coming to you based on your direction at the Board Workshop that we had. This Ordinance does several things. First, it repeals the twenty-five dollar (\$25.00) stipend for Board and Committee Members. This Ordinance also clarifies that each Board and Committee shall be comprised of at least five (5) Seats. Each City Commissioner will have one (1) Appointment based on Seat number and that that number will correspond with the City Commissioner's Seat. This Ordinance also increases the term for Boards and Committees from three (3) years to four (4). In addition, the Ordinance proposes a Term Limit on Board and Committee Members. The Term Limit would be three (3) consecutive full Terms of Office of any one (1) Board or Committee. And, this Ordinance also staggers the Term for the Board of Trustees."

Mayor Bush opened the "Public Input" portion of the Agenda Item.

No one spoke.

Mayor Bush closed the "Public Input" portion of the Agenda Item.

“MOTION TO MOVE (ORDINANCE 2010-14) TO SECOND READING.” MOTION BY COMMISSIONER HOVEY. SECONDED BY COMMISSIONER KREBS. DISCUSSION.

VOTE:

COMMISSIONER BONNER: AYE

COMMISSIONER KREBS: AYE

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR BROWN: AYE

MOTION CARRIED.

REGULAR AGENDA

REGULAR

600. Community Development Department

REQUEST: Requests That The City Commission Consider Brighthouse’s Final Engineering/Site Plan For Modifications To The Existing Brighthouse Facility On South Moss Road.

FISCAL IMPACT: Staff Believes That The Facility Contributes To The Winter Springs Economy And Will Contribute Even More When The Up-Grades Are Implemented.

COMMUNICATION EFFORTS: The Planning And Zoning Board Agenda Of April 28, 2010 And Commission Agenda Of May 10, 2010 Were Advertised In Accordance With City Clerk Policy Including Posting On The City’s Web Site And Laser Fiche. No Further Efforts Have Been Made For The Final Engineering/Site Plan, Beyond Those Routinely Done By The City Clerk’s Office. A Sign Was Posted At The Site To Notice The Public Of The Public Hearing For The Special Permit.

RECOMMENDATION: The Planning And Zoning Board And Staff Recommend Approval Of This Site Plan, Subject To Commission Approval Of The Special Permit Application.

Mr. Baker presented this Agenda Item and stated, “We the Staff and the P&Z (Planning and Zoning Board/[Local Planning Agency]) recommend Approval.”

“MOTION TO APPROVE.” MOTION BY DEPUTY MAYOR BROWN. SECONDED BY COMMISSIONER KREBS. DISCUSSION.

VOTE:

COMMISSIONER BONNER: AYE

COMMISSIONER KREBS: AYE

COMMISSIONER HOVEY: AYE

DEPUTY MAYOR BROWN: AYE

MOTION CARRIED.

REGULAR**601. Office Of The City Attorney**

REQUEST: Per The City Commission, The City Attorney Presents Information Regarding The Adoption Of A Uniform Method For The Levy, Collection And Enforcement Of Non-Ad Valorem Assessments For The Purpose Of Nuisance Abatement Reimbursement.

FISCAL IMPACT: The Seminole County Property Appraiser Has Indicated That It Does Not Charge Municipalities For Its Services With Respect To Non-Ad Valorem Assessments. Therefore, The City's Costs Would Be Limited To The Actual Costs Incurred By The Tax Collector, As Well As The City's Upfront Costs Incurred In Paying A Contractor For Nuisance Abatement Work (Which Should Be Reimbursed Through Collection Of The Non-Ad Valorem Assessments) And For Administrative Costs In Noticing Property Owners.

It Should Be Noted That, Like Ad Valorem Taxes, Non-Ad Valorem Assessments Are Subject To Statutory Discounts For Early Payment (For Example, Property Owners Receive A 4% Discount If They Pay In November, A 3% Discount If They Pay In December, A 2% Discount If They Pay In January, And A 1% Discount If They Pay In February, Per Section 197.162., Florida Statutes). The City Should Consider Accounting For Such Discounts So That If A Property Owner Pays Early And Receives A Discount, The City Is Reimbursed For The Full Amount It Paid The Contractor For Nuisance Abatement Services.

COMMUNICATION EFFORTS:

RECOMMENDATION: The City Attorney Recommends That The City Commission Provide Direction On Whether To Draft An Ordinance To Permit The City To Levy, Collect And Enforce Non-Ad Valorem Assessments For The Purpose Of Nuisance Abatement Reimbursement.

Attorney Garganese commented, "This is an item that the City Commission requested some information on. Just very generally as you know, the City from time to time must abate nuisances on private property when those situations occur.

The City incurs expenses, ordinarily after the City incurs the expenses, the City will bill the property owner for the cost that the City incurred in abating the nuisance and if the property owner doesn't pay, the City will record a Lien against the property. The City will recover funds generally when the properties are sold and the property owner needs the Lien released. You asked for alternative ways in which to collect that money. One alternative way is to adopt a Non-Ad Valorem Assessment and in the Agenda Item, I laid out generally what that process would be.

The City Commission would need to Adopt an Ordinance authorizing the levy of a Non-Ad Valorem Assessment for unpaid expenses the City incurred in abating a public nuisance. And, if the City must abate a public nuisance in any given year and the property owner doesn't reimburse the City for the expenses, the City will have to go forward and Approve a Non-Ad Valorem Assessment Roll for those specific properties that have unpaid Assessments only."

With further comments, Attorney Garganese noted, "It would be another hurdle for the City every year. We'd have to keep an ongoing list during the year and make sure come Assessment Roll time, that those unpaid Assessments are brought to you for Approval in a Public Hearing and then sent to the Tax Collector just like any other Assessment and would appear on the property owner's tax bill, when that tax bill is issued."

Mayor Bush asked, "Since you mentioned there is some bookkeeping involved, we are not going to be incurring more costs?" Attorney Garganese replied, "This is going to go on their tax bill." Lastly, Attorney Garganese added, "Generally, putting it on the tax bill is probably the most effective way that the City has to collect any money from property owners." Manager Smith added, "There would be some Staff time involved, but it is a cost benefit."

"I WOULD LIKE TO MAKE A MOTION THAT WE ASK THE CITY ATTORNEY AND THE CITY MANAGER TO COME BACK WITH AN ORDINANCE ENACTING THIS." MOTION BY DEPUTY MAYOR BROWN. SECONDED BY COMMISSIONER KREBS. DISCUSSION.

VOTE:

**COMMISSIONER KREBS: AYE
COMMISSIONER HOVEY: AYE
DEPUTY MAYOR BROWN: AYE
COMMISSIONER BONNER: AYE
MOTION CARRIED.**

◆◆ **AGENDA NOTE: THE FOLLOWING ADDITIONAL REPORT WAS HEARD NEXT, AS DOCUMENTED. ◆◆**

REPORTS

REPORTS


407. Office Of The Mayor – The Honorable John F. Bush

Mayor Bush asked if the upcoming Workshop on the Charter Review could possibly be re-scheduled. With further discussion on an option of Mayor Bush calling in, Mayor Bush summarized, "I will be on the phone next Monday."

ADJOURNMENT

Mayor Bush adjourned the Regular Meeting at 7:37 p.m.

*RESPECTFULLY SUBMITTED:
ANDREA LORENZO-LUACES, MMC CITY CLERK AND*



JOANA BROWN
DEPUTY CITY CLERK

APPROVED:


MAYOR JOHN F. BUSH

NOTE: These Minutes were approved at the June 14, 2010 City Commission Regular Meeting.

CITY OF WINTER SPRINGS, FLORIDA



CITY COMMISSION

MINUTES

REGULAR MEETING MONDAY, MAY 24, 2010 – 5:15 P.M.

**CITY HALL – COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA**

Mayor John F. Bush
Commissioner Jean Hovey - Seat One
Deputy Mayor Rick Brown - Seat Two
Commissioner Gary Bonner - Seat Three
Commissioner Sally McGinnis - Seat Four
Commissioner Joanne M. Krebs - Seat Five

CALL TO ORDER

The Regular Meeting of Monday, May 24, 2010 of the City Commission was called to Order by Mayor John F. Bush at 5:15 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Mayor John F. Bush, present
Deputy Mayor Rick Brown, present
Commissioner Jean Hovey, present
Commissioner Gary Bonner, present
Commissioner Sally McGinnis, absent
Commissioner Joanne M. Krebs, present
City Manager Kevin L. Smith, present
City Attorney Anthony A. Garganese, arrived at 5:19 p.m.

The Pledge of Allegiance followed a moment of silence. The National Anthem was performed by the Choices In Learning Charter School Choir, led by Ms. Kacie Whaley.

City Attorney Anthony A. Garganese arrived at 5:19 p.m.

INFORMATIONAL AGENDA

INFORMATIONAL

100. Community Development Department

REQUEST: Advising The City Commission Of The Status Of Various Current Planning Projects.

FISCAL IMPACT: There Is No Fiscal Impact Associated With This Agenda Item.

COMMUNICATION EFFORTS: No Communication Efforts Beyond The Advertising Of The Commission Agenda Are Necessary In Conjunction With This Agenda Item.

RECOMMENDATION: The City Commission Is Being Asked To Review And Accept The Information In This Agenda Item.

No discussion was noted related to this Agenda Item.

INFORMATIONAL

101. Public Works/Utility Department

REQUEST: Utility Department Providing The City Commission With A Copy Of The Consumer Confidence Report That Will Be Sent To All Residents.

FISCAL IMPACT: The Postage And Printing Cost For The CCR (Consumer Confidence Report) Is \$4,000.00 From The Utility Fund.

COMMUNICATION EFFORTS: The CCR (Consumer Confidence Report) Will Be Mailed To All Utility Customers In June.

RECOMMENDATION: For Informational Purposes Only.

There was no particular discussion on this Agenda Item.

INFORMATIONAL

102. Community Development Department – Arbor Division

REQUEST: Informing The City Commission Regarding Winter Springs Being Awarded National Status As A Tree City USA By The National Arbor Day Foundation.

FISCAL IMPACT: There Is No Cost To The City For Participation In The National Arbor Day Foundation's Tree City USA Program.

COMMUNICATION EFFORTS: The National Arbor Day Foundation's Tree City USA Program Is Promoted Throughout The Year To Residents In Winter Springs Through Various Arbor Publications Distributed By The City, The City's Website, And At The Annual Arbor Day Celebration Currently Held In City Hall.

RECOMMENDATION: The City Commission Is Being Asked To Review And Accept The Information In This Agenda Item.

This Agenda Item was not specifically discussed.

INFORMATIONAL

103. Community Development Department

REQUEST: Presenting A Summary Of The History, Current Status, And Outstanding Items Relative To The Jetta Point Park Proposal.

FISCAL IMPACT: There Is No Fiscal Impact Associated With This Agenda Item.

COMMUNICATION EFFORTS: No Communication Efforts Beyond The Advertising Of The Commission Agenda Are Necessary In Conjunction With This Agenda Item.

RECOMMENDATION: The City Commission Is Being Asked To Review And Accept The Information In This Agenda Item.

Commissioner Gary Bonner stated, "I want to thank Staff for putting together this history of the Jetta Point Park, based on the interaction that has occurred with the City up to this point, so I thank the Staff for that"

Further comments followed on citizen's comments related to the proposed Jetta Point Park project.

Deputy Mayor Rick Brown spoke about a Homeowners Association meeting he attended yesterday and then commented for the Record that he was not in support of the proposed Jetta Point Park project in its current state.

Commissioner Jean Hovey asked City Manager Kevin L. Smith if he had heard back from the Seminole County Manager. Manager Smith responded, "If I don't see anything by mid-week, I'll certainly make contact with him."

Commissioner Joanne M. Krebs said to Manager Smith, I would actually like to know the changes – what happened with what was discussed with us a few years ago, as to what is happening now – because clearly there is something that has changed. And how does that happen without it coming through us?"

Furthermore, Commissioner Krebs remarked, "I really would like to know why they have changed. If something has changed, what has changed, and why? And then I would like to invite them here, let the public know your County Commissioners are going to be here, and let them come." Deputy Mayor Brown added, "You are absolutely right."

Continuing, Commissioner Krebs suggested that the City of Oviedo Council could also assist with this effort and they could also contact the Seminole County Commission. Commissioner Bonner thought that possibly a Workshop with Seminole County could be held.

Discussion followed on the project from 2006; comments from a Seminole County Commissioner; that the public is always welcome to attend our City Commission Meetings and that the public should attend Seminole County Commission Meetings and voice their feelings; and that the property could possibly be re-purchased.

Mayor Bush suggested, "I think the first step is we wait for the response from the County Manager to the questions that were raised and then after that, then I think we need to sit down with County Commission and try to negotiate something that is more compatible to what the citizens want."

Additionally, it was recommended that citizens contact Seminole County and especially, Commissioner Bob Dallari who is the Chair of the Seminole County Board of County Commissioners.

Commissioner Krebs noted, "If we don't hear within a reasonable time, and Kevin (Smith) I would ask you what is a reasonable time - I think that we should start pursuing it; just keep hammering until they either come here and talk about it or..." Mayor Bush asked Manager Smith if the County Manager had responded yet. Manager Smith responded, "I will follow up in the morning." Manager Smith added, "It is easier for the County to pull the project as I said earlier, but that doesn't mean there may not be potential options available to this Commission. We're working through those and I'll let you know as soon as we have anything."

Next, Commissioner Hovey agreed with Commissioner Krebs and Commissioner Bonner on having a deadline and moving forward, and also that citizens should contact the Seminole County Commission.

Additionally, Commissioner Krebs suggested, "We could at some point always do a Resolution ourselves, and we could pass that also to Oviedo and get their support as well – I would like to wait to give the County the opportunity to respond, hopefully in a positive way. But again, we could as a Commission do a Resolution." Commissioner Bonner noted his agreement.

Discussion.

"MOTION TO APPROVE INFORMATIONAL" (AGENDA). MOTION BY DEPUTY MAYOR BROWN. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

VOTE:

DEPUTY MAYOR BROWN: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER BONNER: AYE

COMMISSIONER KREBS: AYE

MOTION CARRIED.

CONSENT AGENDA

CONSENT

200. Community Development Department – Urban Beautification Services Division

REQUEST: Requesting The City Commission Approve The Execution Of A Florida Division Of Forestry Grant Memorandum Of Agreement (#10A-130) For The Moss Road Tree Reforestation Project.

FISCAL IMPACT: Funding For The Moss Road Tree Reforestation Project Shall Be Revenue Neutral And Come From Fund Balance Of The Arbor Fund (110) In The Amount Of \$18,537.00. The City Will Be Reimbursed The Entire Project Cost Upon Acceptance Of The Project By The Florida Division Of Forestry. Maintenance Of The Project Will Be Performed By City Arbor Staff As Part Of The Regular Workload.

COMMUNICATION EFFORTS: The Beautification Of Winter Springs Advisory Board, The Oviedo-Winter Springs Regional Chamber Of Commerce, The Winter Springs Rotary Club, And Various Homeowner Associations Are Supporting This Community Improvement Project Through Planning, Letters Of Support And Various Volunteer Activities.

RECOMMENDATION: Staff Recommends That The City Commission Approve Execution Of The Attached Memorandum Of Agreement (#10A-130) By The City Manager Between The Florida Division Of Forestry And The City Of Winter Springs For The Moss Road Tree Reforestation Project. Staff Also Recommends That The City Commission Approve The Related Revenue Neutral Expenditure Of \$18,537.00 From Arbor Fund (110) Fund Balance To Install The Project.

No discussion was noted related to this Agenda Item.

CONSENT

201. Public Works Department

REQUEST: Requests The City Commission Approve A Site Development Permit Agreement With Meritage Homes Of Florida, Inc. For Limited Mowing And Grubbing Of Wetland Areas At Sonesta Pointe.

FISCAL IMPACT: No Funding Is Requested As Part Of This Agenda Item. Arbor Permit And Site Inspection Fees Will Be Collected For The Work To Be Performed Under The Site Development Permit Agreement.

COMMUNICATION EFFORTS: Before Any Work Is Performed Under The Site Development Permit, Staff Will Notify The Surrounding Residents In The Adjacent Subdivision To The North, St. Johns Landing. Staff Will Update The City Commission On The Status Of The Sonesta Pointe Project As Part Of The Community Development Department's Current Planning Project Status Informational Agenda Item.

RECOMMENDATION: Staff Recommends The City Commission Approve A Site Development Permit Agreement With Meritage Homes Of Florida, Inc. For Limited Mowing And Grubbing Of Wetland Areas At Sonesta Pointe And Authorize The City Manager And City Attorney To Prepare And Execute Any And All Applicable Documents.

There was no particular discussion on this Agenda Item.

CONSENT**202. Public Works Department – Stormwater Division**

REQUEST: Requests The City Commission Approve Task Order #4 To The Engineering Services Agreement With Camp Dresser & McKee Inc. To Provide Professional Engineering Services For The Piping Of Two Stormwater Ditches Near Edgemon Avenue And Lombardy Road In The Amount Of \$67,007.00.

FISCAL IMPACT: The Total Design Fee Is \$67,007.00 And The Project Is Funded By The Stormwater Fund, Consisting Of \$50,000.00 Budgeted For This Project And An Additional \$17,007.00 Through A Deferral Of A Total Maximum Daily Load (TMDL) Water Quality Project Not Scheduled For Construction This Year.

COMMUNICATION EFFORTS: Before Any Field Work Begins, Such As Surveying Or Geotechnical Investigations, Staff Will Notify All Abutting Residents With A Flyer That Will Explain The Project Scope, Schedule, And Provide Contact Information For Any Questions.

RECOMMENDATION: Staff Recommends That The City Commission Approve Task Order #4 To The Engineering Services Agreement With Camp Dresser & McKee Inc. In The Amount Of \$67,007.00 Funded From The Stormwater Fund (#3800-65000) And Authorize The City Manager And City Attorney To Prepare And Execute Any And All Applicable Documents.

This Agenda Item was not specifically discussed.

CONSENT**203. Office Of The City Attorney**

REQUEST: Presents Resolution 2010-26 To The City Commission, Dismissing The Winter Springs Ad Hoc Charter Review Committee And Commending The Committee For The Services It Provided To The City Of Winter Springs.

FISCAL IMPACT: None.

COMMUNICATION EFFORTS:

RECOMMENDATION: Approve Resolution 2010-26 Dismissing The Ad Hoc Committee And Commending It For Its Services To The City.

No discussion was noted related to this Agenda Item.

“MOTION TO APPROVE” (CONSENT AGENDA). MOTION BY DEPUTY MAYOR BROWN, SECONDED BY COMMISSIONER KREBS. DISCUSSION.

VOTE:

COMMISSIONER KREBS: AYE
COMMISSIONER BONNER: AYE
COMMISSIONER HOVEY: AYE
DEPUTY MAYOR BROWN: AYE
MOTION CARRIED.

AWARDS AND PRESENTATIONS

AWARDS AND PRESENTATIONS

300. Office Of The Mayor

Presentation Of A Certificate Of Recognition To CFK - Central Florida Kraze/Krush, Youth Sports Partner.

Mr. Chris Caldwell, Superintendent, Parks and Recreation Department assisted Mayor Bush with this presentation to Central Florida Kraze/Krush, Youth Sports Partner. Discussion.

Manager Smith recognized Chris (Caldwell) and Chuck (Pula) for "The work they do. Not just only the soccer partnerships but our other Babe Ruth, Grizzly partnerships – we save as a City a tremendous amount of money each year through those partnerships."

REPORTS

REPORTS

400. Office Of The City Attorney – Anthony A. Garganese, Esquire

Attorney Garganese noted he needs to have an Attorney-Client Session with the City Commission related to two (2) pending Cases. Attorney Garganese added, "I will work with the Clerk to schedule those at everyone's convenience."

Next, Attorney Garganese commented on the Annexation of Enclaves and explained, "As you know, Kevin (Smith) and I went up to Sanford and spoke with the County Manager and the County Attorney. I think we made a compelling argument regarding the use of some new Law to help the City eliminate these Enclaves. We still have not formally heard back from the County; so in order to expedite it with your permission, I've drafted a couple of Resolutions. One (1) for Winter Springs, one (1) for the County to invoke that new legal procedure for Annexation of Enclaves, and I would like to send a letter to the County Attorney along with the Resolutions to try to move this along."

Furthermore, Attorney Garganese noted, "I would like to send these Resolutions to the County Attorney along with the County Manager and see if we can get mutual agreement and then have the Resolutions Adopted. If not, they don't want to take any action, we'll bring it back to the Commission and the Commission can decide whether you want to unilaterally adopt the Resolution which is going to invoke that procedure we talked about."

Commissioner Krebs said, "That is fine with me." Deputy Mayor Brown was also in agreement. There were no objections.

REPORTS

401. Office Of The City Manager – Kevin L. Smith

Manager Smith mentioned correspondence the City Commission had received from a resident on a Code Enforcement action related to a garage sale.

Chief of Police Kevin Brunelle, Police Department briefed the City Commission on this matter.

REPORTS

402. Office Of The City Clerk – Andrea Lorenzo-Luaces, MMC

No Report.

REPORTS

403. Office Of Commissioner Seat Three – The Honorable Gary Bonner

No Report.

REPORTS

404. Office Of Commissioner Seat Four– The Honorable Sally McGinnis

Absent.

REPORTS

405. Office Of Commissioner Seat Five – The Honorable Joanne M. Krebs

Commissioner Krebs shared a copy of an article about a Senior Play Lot and suggested that this be considered for the City; and thought that businesses could possibly partner with the City on the purchase of equipment and a plaque could potentially be displayed identifying partnerships.

“MOTION TO GET THE CITY MANAGER TO GET WITH THE PARKS DIRECTOR AND BRING SOME MORE OF THIS INFORMATION FORWARD TO US - AND COME BACK TO US WITH SOMETHING THAT WE COULD MAYBE PUT TOGETHER IN OUR PARKS.” MOTION BY COMMISSIONER KREBS. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

MANAGER SMITH ASKED ABOUT THE TIMING OF THE REQUESTED INFORMATION AND THE BUDGET PROCESS. COMMISSIONER KREBS NOTED, “MY MOST IMPORTANT THING IS TO HAVE IT FOR BUDGET SO THAT WE CAN LOOK AT OPTIONS.” MANAGER SMITH ADDED “WILL DO.”

VOTE:

COMMISSIONER BONNER: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER KREBS: AYE

DEPUTY MAYOR BROWN: AYE

MOTION CARRIED.

REPORTS

406. Office Of The Mayor – The Honorable John F. Bush

Mayor Bush shared with the City Commission that he recently attended a Mayor’s Summit.

Tape 1/Side B

Next, Mayor Bush commented that he attended a LYNX event related to their Bio Diesel Fueling Station.

Continuing, Mayor Bush thanked Deputy Mayor Brown for attending some meetings for him. Mayor Bush also mentioned, "We do have another event – Deputy Mayor Brown cannot attend. It is the Mayors and Managers Meeting. Kevin (Smith), I know you would be going to that – tomorrow? But, regardless, you can check with the other Commissioners to see if anybody else can go." Commissioner Krebs stated, "What time is it?" Manager Smith remarked, "7:30 (a.m.) and we will get that information out to the Commissioners."

REPORTS

407. Office Of Commissioner Seat One – The Honorable Jean Hovey

Commissioner Hovey asked about a portion of the Ranchlands paving project. Brief discussion followed with Mr. Brian Fields, P.E., City Engineer, Public Works Department.

REPORTS

408. Office Of Commissioner Seat Two/Deputy Mayor – The Honorable Rick Brown

Deputy Mayor Brown commented on his schedule.

Discussion followed about a meeting being held at 10:00 a.m. tomorrow related to the One Cent Sales Tax with the School Board and the Seminole County Commission.

PUBLIC INPUT

Mr. John Horan, 1612 Wood Duck Drive, Winter Springs, Florida: commented on his interest in running for Seat 2 on the Seminole County Commission; and spoke in opposition to the proposed Jetta Point project.

Mr. Drew Knisel, 1009 Chokecherry Drive, Winter Springs, Florida: as the President of the Oak Forest Homeowners Association, Mr. Knisel commented on an Easement related to lot 248 and showed some photographs of this property.

With discussion, Attorney Garganese said he and Staff were working on this issue.

Discussion followed on a drainage Easement.

Manager Smith asked the City Commission to let Staff look into this and that they would either solve this matter or report back to the City Commission. Mayor Bush said to Manager Smith, "You will keep Drew (Knisel) informed?" Manager Smith stated, "Absolutely."

Mr. Doug Hamilton, 126 Peregrine Court, Winter Springs, Florida: as a property owner whose property is adjacent to the proposed Jetta Point project, Mr. Hamilton commented that he thought this was a money-making project for Seminole County; noted he was opposed to the planned project; and appreciated the Consensus.

Mr. Jim Bradley, 132 Redtail Place, Winter Springs, Florida: commented on American History, Rights as stated in the Constitution, and destroying domestic tranquility.

Ms. Susan Wilson, 235 Nandina Terrace, Winter Springs, Florida: appreciated the City Commission's support; that she was opposed to the proposed Jetta Point project; and spoke of concern with traffic, noise, and pollution.

Ms. Giuliana McNicholas, 113 Nandina Terrace, Winter Springs, Florida: commented on seeing eagles in the area; and noted that she was opposed to the proposed Jetta Point project.

Ms. Sharon Sheehan, 211 Heatherwood Court, Winter Springs, Florida: explained that she had just found out about the proposed Jetta Point project; was opposed to this project; noted her concerns with traffic and the Trail; and appreciated the City Commission listening to their residents.

Mayor Bush mentioned accessibility to City Records on the City's Website, and said that if Ms. Sheehan had any problems, to get with the City Manager.

Ms. Janet Altenhoff, 104 Redtail Place, Winter Springs, Florida: thought the proposed Jetta Point project should be relocated to a less residential area; and thanked the City Commission for being so accountable.

Mr. Jim Matthews, 1824 Seneca Boulevard, Winter Springs, Florida: representing the Chelsea Woods community, Mr. Matthews commented on their concern with the size of the "Destination venue" known as the proposed Jetta Point project; and their distress over noise, traffic, and declining real estate values as a result of this project.

Ms. Judy Tillmann, 119 Goshawk Terrace, Winter Springs, Florida: said she was proud of the City Commission for their stance against the proposed Jetta Point project; and commented on increased crime and her concern with eagles and environmental issues.

Mr. Paul Huston, 170 Nandina Terrace, Winter Springs, Florida: asked about Seminole County applying for a Large Scale Amendment to the Comprehensive Plan related to the proposed Jetta Point project.

Discussion followed with Mr. Randy Stevenson, ASLA, AICP, Director, Community Development Department who stated, "We have received an Application for a Comp(rehensive) Plan Amendment. I will stress that everything as you see – your outstanding items, none of these have been agended and none of them are going to be agended until we resolve the issue. The Comp(rehensive) Plan Amendment is simply for designation of the property as 'Open Space and Recreation' - it is a 'Housekeeping' item." Mr. Stevenson added, "I stress that no Applications of any kind are moving forward at this point in time."

Mr. Don Morrison, 670 Saranac Drive, Winter Springs, Florida: thought that the proposed Jetta Point project did not belong in Winter Springs; and that the City Commission should stop this project. Mr. Morrison also felt this project would ruin the community.

Mr. Lee Jensen, 134 Nandina Terrace, Winter Springs, Florida: spoke as a representative of the Howell Creek Reserve and Eagles Watch communities; commented on email addresses for the Seminole County Commission and suggested that both the Seminole County Elected Officials and their Assistants should be contacted. Mr. Jensen also spoke of aspects of the proposed Jetta Point project; that this venue did not belong in the City; and commented on potential issues related to noise and traffic.

Mr. Keith Shiflett, 653 Saranac Drive, Winter Springs, Florida: noted that he can hear events at Oviedo High School; and that the proposed Jetta Point project will cause traffic issues and demands on Law Enforcement.

Ms. JoAnn Durnell, 535 Crimson Lane, Winter Springs, Florida: as a resident of Jesup's Reserve, Ms. Durnell said that Jesup's Reserve had just been sold and hoped the City would help preserve their unique look.

Ms. Larry Rouleau, 123 Goshawk Terrace, Winter Springs, Florida: remarked about Winter Springs being a great community and did not want the City to go in the wrong direction.

Tape 2/Side A

Ms. Cheri Hulke, 538 Crimson Lane, Winter Springs, Florida: as another resident of Jesup's Reserve, Ms. Hulke commented on the merits of this community and hoped the property would be kept the same and asked that the City "Watch over us".

Mr. Jay C. Clay, 144 Peregrine Court, Winter Springs, Florida: commented on a recent newspaper article; thought that the press should be impartial; and that he would keep contacting the Seminole County Commissioners and suggested others do also.

Commissioner Hovey suggested that Mr. Clay write a letter to the Editor.

Mr. Tom Koza, 121 Goshawk Terrace, Winter Springs, Florida: spoke in opposition to the proposed Jetta Point project; that he does appreciate what Seminole County has done with many of their natural parks; and mentioned potential problems with the Cross Seminole Trail.

Ms. Carol Koza, 121 Goshawk Terrace, Winter Springs, Florida: did not address the City Commission, but Mayor Bush stated, "Carol Koza - is also opposed."

Deputy Mayor Brown commented on the large number of attendees tonight and expressed how the City Commission appreciates the public's input and comments.

Ms. Kevin Cannon, 174 Nandina Terrace, Winter Springs, Florida: thought there would be many more attendees at the next Meeting, and asked that the documents he is going to submit be made part of the Record; and commented on documents that address Seminole County's suggested upgrades to the originally proposed Jetta Point project.

Ms. Pamela Carroll, 865 Dyson Drive, Winter Springs, Florida: commented on changing the designation of the proposed Jetta Point project parcel.

Brief discussion.

Mr. Mark Wylie, 654 Cayuga Drive, Winter Springs, Florida: spoke about previous issues in Winter Springs; noted that he had not heard much about the proposed Jetta Point project; and asked the City Commission to deny the proposed Jetta Point project.

Mr. Ed Coughlin, 115 Nandina Terrace, Winter Springs, Florida: commented on the proposed Jetta Point project and the City Commission was accountable; and spoke for the Record that this is not a neighborhood project and that he was opposed to it.

Mr. Wayne Nelson, 106 Shell Flower Cove, Winter Springs, Florida: thanked the City for their efforts in the Nadia Bloom rescue; said that he had lost faith in the previous City Commission and Staff; commented that he was opposed to the proposed Jetta Point project; and that he appreciated the current City Commission for their efforts in trying to stop this project from going forward.

Mayor Bush added, "We appreciate the comments you have made about the City Commission but also I think our City Manager deserves a lot of that credit as well. He has got a tough job."

Ms. Connie A. Hicks, 116 Goshawk Terrace, Winter Springs, Florida: did not address the City Commission, but Mayor Bush stated, "Opposed."

Miss Anna Rehnstrom, 105 Golden Crest Court, Winter Springs, Florida: thought that if the proposed Jetta Point project goes through, that the eagles will leave.

Mayor Bush closed Public Input.

Mayor Bush called a Recess at 7:15 p.m.

The Regular Meeting reconvened at 7:32 p.m.

PUBLIC HEARINGS AGENDA

PUBLIC HEARINGS

500. Community Development Department

REQUEST: Presents To The City Commission The Districting Commission's Recommendation For The City Commission District Boundaries, Reflecting The January 31, 2010 Population, And Requests The City Commission Approve Second Reading And Adoption Of Ordinance 2010-12.

FISCAL IMPACT: The Only Impact Will Be New Maps, Staff Time, The City Attorney's Time To Draft Ordinance No. (Number) 2010-12, And Payment To The Committee Members.

COMMUNICATION EFFORTS: No Communication Efforts Beyond The Advertising Of The Agenda Are Necessary In Conjunction With This Agenda Item.

RECOMMENDATION: The Districting Commission And Staff Recommend That The City Commission Accept The Districting Commission's Proposed Districting Map With The Proposed District Boundaries And Approve The Associated Ordinance No. (Number) 2010-12.

Attorney Garganese read the Ordinance by "Title" only.

Mayor Bush opened the "Public Input" portion of the Agenda Item.

No one spoke.

Mayor Bush closed the "Public Input" portion of the Agenda Item.

"MOTION TO APPROVE (ORDINANCE 2010-12) ON SECOND READING." MOTION BY DEPUTY MAYOR BROWN. SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

VOTE:**COMMISSIONER KREBS: AYE****COMMISSIONER HOVEY: AYE****DEPUTY MAYOR BROWN: AYE****COMMISSIONER BONNER: AYE****MOTION CARRIED.****PUBLIC HEARINGS****501. Office Of The City Attorney And The City Clerk****REQUEST: Request That The City Commission Approve And Adopt Ordinance 2010-14 On Second Reading, Which Revises Portions Of The City Code And Amends The Existing Uniform Requirements For City Boards And Committees.****FISCAL IMPACT: No Funding Requirements Are Tied To The Approval Of This Agenda Item. However, If This Ordinance Is Approved, For The Next Fiscal Budget, The City Will Save Approximately \$6,875.00 From Previous Years.****COMMUNICATION EFFORTS:****RECOMMENDATION: The City Attorney And The City Clerk Request That The City Commission Approve And Adopt Ordinance 2010-14 On Second And Final Reading.**

Attorney Garganese read the Ordinance by "Title" only.

Mayor Bush opened the "Public Input" portion of the Agenda Item.

No one spoke.

Mayor Bush closed the "Public Input" portion of the Agenda Item.

Discussion ensued on how Term Limits would affect current Board/Committee Members and how this would be handled. Attorney Garganese noted, "With respect to Term Limits, the Ordinance would act perspectivevely and the way it reads right now, each Board Member would be limited to three (3) consecutive full Terms of Office on any one (1) Board or Committee. So, if you have an individual that is finishing up a third term on a particular Board or finishing up a fourth term on a particular Board, this Ordinance would prohibit the Reappointment to that Board, unless the City Commission wants to provide more direction on that particular issue."

Continuing, Commissioner Bonner commented on the status of current Board or Committee Members for all of the City's Board or Committees and whether there might be a large amount number of vacancies. Commissioner Bonner then asked Manager Smith to research that for them; to which Manager Smith responded, "Absolutely. Be happy to."

Discussion followed on how Seat numbers could be assigned to the Code Enforcement Board.

MOTION "TO ADOPT (ORDINANCE 2010-14) ON SECOND (READING), BUT I WOULD LIKE SOME KIND OF CLARIFICATION ON HOW – WE GO ABOUT ASSIGNING THOSE CURRENT MEMBERS ON THE CODE BOARD." MOTION BY COMMISSIONER KREBS.

ATTORNEY GARGANESE SAID, "WE MAY HAVE TO GO BACK ADMINISTRATIVELY AND TAKE A LOOK AT THAT ROSTER ISSUE." ON BOARDS WITH MORE THAN FIVE (5) SEATS, ATTORNEY GARGANESE ADDED, "BOARD MEMBERS WOULD STILL HAVE TO BE APPOINTED BY THE COMMISSION."

COMMISSIONER KREBS REITERATED HER MOTION AND STATED, "I WOULD LIKE TO MAKE A MOTION TO ADOPT THIS ORDINANCE 2010-14." SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

VOTE:

COMMISSIONER HOVEY: AYE
COMMISSIONER KREBS: AYE
COMMISSIONER BONNER: AYE
DEPUTY MAYOR BROWN: AYE
MOTION CARRIED.

REGULAR AGENDA

REGULAR

600. Office Of The City Manager

REQUEST: Requests That The City Commission Consider A Request From The Seminole League Of Women Voters Asking That The City Of Winter Springs Host A Candidate Forum In The City. If The City Commission Agrees To This, This Agenda Item Is Then Also Requesting The City Commission Agree On A Date For A Candidate Forum.

FISCAL IMPACT: If The City Commission Agrees To The City Of Winter Springs Hosting A Candidate Forum, The Related Fiscal Impact Would Involve Staff Time While The Building Where The Candidate Forum Is Being Held Is Open, Along With Other Basic Facility Operational Charges. Depending On Where A Candidate Forum Is Held, Such Costs Could Be Up To Approximately \$350.00 And Would Come Out Of The Office Of The City Clerk Line Code 1210-51214 (Overtime Salaries) If City Hall Is Used; Or From Parks And Recreation Line Code 7250-51214 Should The Senior Center Or The Civic Center Be The Selected Venue.

COMMUNICATION EFFORTS: Ms. Carole Gilbert With The Seminole League Of Women Voters Has Been Contacted On This Matter And Was Also Invited To Attend The May 24, 2010 City Commission Meeting. Additionally, This Agenda Item Has Been Distributed To The Mayor And City Commission, City Manager, And City Attorney; Placed In Press Packets; Placed In The Lobby Binder; And Will Be Available On The City's Website, Laserfiche, And The City's Server.

Future Communication Efforts If The City Commission Wishes To Proceed With A Candidate Forum - The Mayor And City Commission May Select All Or Any Of Their Following Preferences:

1. Electronic Sign In Front Of City Hall
2. Website (Home Page)
3. Upcoming "Insider" Newsletter
4. e-Alerts/e-Citizen
5. Press Release From Mayor And City Manager
6. Flyer/Postcard/Invitation Sent Out To All Businesses
7. Flyer/Postcard/Invitation Emailed To The Oviedo-Winter Springs Regional Chamber Of Commerce Businesses

8. **Flyer/Postcard/Invitation Emailed To The Seminole County Chamber Of Commerce Businesses**
9. **Flyer/Postcard/Invitation Emailed To All Homeowner's Associations**
10. **Flyer/Postcard/Invitation Emailed To Local Schools/PTA (With Assistance From Commissioner Hovey)**
11. **Flyer/Postcard/Invitation Emailed To All Local Publications:**
 - a. **Tuscawilla Today**
 - b. **Oak Forest**
 - c. **Highlands Herald**
 - d. **Seminole Chronicle**
 - e. **Oviedo Voice**
 - f. **Orlando Sentinel**
12. **Flyer/Postcard/Invitation Available At/Posted:**
 - a. **City Hall Building (Outside Bulletin Board)**
 - b. **City Hall Lobby**
 - c. **Tuscawilla Country Club Golf Club Pro Shop Bulletin Board**
 - d. **Highlands Clubhouse Bulletin Board**
 - e. **Hacienda Village Bulletin Board (2 Locations)**
 - f. **Tennis Villas Club House Bulletin Board**
 - g. **Parks And Recreation Office**
 - h. **Police Station**
 - i. **Utility Office**
 - j. **Area Businesses**
13. **Flyer/Postcard/Invitation Emailed/Mailed To All Advisory Board And Committee Members**
14. **Flyer/Postcard/Invitation Mailed Out In All Utility Bills**
 - a. **Cycle 1**
 - b. **Cycle 2**
 - c. **Cycle 3**
 - d. **Cycle 4**
15. **Information Included At Bottom Of All Utility Bills**
16. **Banner At Corner Of State Road 434 And Tuskawilla Road**

RECOMMENDATION: The Mayor And City Commission Are Being Asked To Consider Whether They Would Like The City To Assist The Seminole League Of Women Voters In Hosting A Candidate Forum? If This Is Agreed To, The City Commission Is Asked To Note Their Choice For A Location, And Any Date Preferences.

Discussion followed on a possible venue, staff time, and the suggested Candidate Forum.

"I WILL MAKE A MOTION TO APPROVE TO HAVE THE LEAGUE OF WOMEN VOTERS BE SUPPORTED BY US TO ORCHESTRATE A CANDIDATE FORUM ON LOCAL CITY RACES – AT THE SENIOR CENTER." MOTION BY COMMISSIONER BONNER. SECONDED BY DEPUTY MAYOR BROWN. DISCUSSION.

MANAGER SMITH SAID, "I WILL ALSO WORK TO SCHEDULE THIS WITH ANDREA (LORENZO-LUACES). WE WILL WORK TO SCHEUDLE THIS SOMETIME IN THE PROBABLY OCTOBER TIMEFRAME AND WE WILL ALSO LOOK TO MINIMIZE THE OVERTIME COSTS TO THE BEST OF OUR ABILITY."

ON THE ISSUE OF ADVERTISING AND COMMUNICATING THIS EVENT, MANAGER SMITH REFERENCED THE EXTENSIVE ADVERTISING OPPORTUNITIES AND REMARKED, "WE'LL UTILIZE ALL THAT HAVE NO ADDITIONAL COSTS TO THE CITY, FIRST AND FOREMOST."

VOTE:

DEPUTY MAYOR BROWN: AYE
COMMISSIONER BONNER: AYE
COMMISSIONER HOVEY: AYE
COMMISSIONER KREBS: AYE
MOTION CARRIED.

◆◆ **AGENDA NOTE: THE FOLLOWING ADDITIONAL REPORT WAS ADDRESSED NEXT, AS DOCUMENTED.** ◆◆

REPORTS**REPORTS****405. Office Of Commissioner Seat Five – The Honorable Joanne M. Krebs**

Commissioner Krebs noted the previous senior fitness opportunities discussion, and suggested that everyone consider looking into this, do some research, consider having a couple of pieces of equipment at each City Park as an option, and to help us be on the "Cutting edge."

Mayor Bush stated, "I think it is a great idea." Deputy Mayor Brown agreed and commented on similar recreation stations in Winter Park "On the back end of Showalter Field."

With further discussion, Deputy Mayor Brown stated, "I really like the idea of it being scattered throughout the various Parks in the City..." Commissioner Krebs added, "...I do too..." Continuing, Deputy Mayor Brown said, "...Instead of concentrated at one (1) location."

ADJOURNMENT

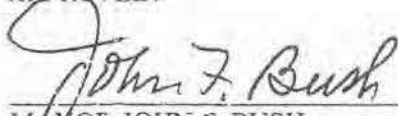
Mayor Bush adjourned the Regular Meeting at 7:42 p.m.

RESPECTFULLY SUBMITTED:



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:



MAYOR JOHN F. BUSH

NOTE: These Minutes were approved at the June 14, 2010 City Commission Regular Meeting.

CITY OF WINTER SPRINGS, FLORIDA



CITY COMMISSION

MINUTES

REGULAR MEETING MONDAY, JUNE 14, 2010 – 5:15 P.M.

**CITY HALL – COMMISSION CHAMBERS
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA**

Mayor John F. Bush
Commissioner Jean Hovey - Seat One
Deputy Mayor Rick Brown - Seat Two
Commissioner Gary Bonner - Seat Three
Commissioner Sally McGinnis - Seat Four
Commissioner Joanne M. Krebs - Seat Five

CALL TO ORDER

The Regular Meeting of Monday, June 14, 2010 of the City Commission was called to Order by Mayor John F. Bush at 5:15 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Mayor John F. Bush, present
Deputy Mayor Rick Brown, present
Commissioner Jean Hovey, present
Commissioner Gary Bonner, present
Commissioner Sally McGinnis, present
Commissioner Joanne M. Krebs, present
City Manager Kevin L. Smith, present
City Attorney Anthony A. Garganese, present

The Pledge of Allegiance followed a moment of silence.

INFORMATIONAL AGENDA

INFORMATIONAL

100. Community Development Department

REQUEST: Advising The City Commission Of The Status Of Various Current Planning Projects.

FISCAL IMPACT: There Is No Fiscal Impact Associated With This Agenda Item.

COMMUNICATION EFFORTS: No Communication Efforts Beyond The Advertising Of The Commission Agenda Are Necessary In Conjunction With This Agenda Item.

RECOMMENDATION: The City Commission Is Being Asked To Review And Accept The Information In This Agenda Item.

No discussion.

INFORMATIONAL

101. Land Design Innovations, Inc. – City Consultant

REQUEST: Presenting The Summary Report For Economic Development Activities From April 24, 2010 Through May 14, 2010.

FISCAL IMPACT: There Is No Fiscal Impact Associated With This Agenda Item.

COMMUNICATION EFFORTS: No Communication Efforts Beyond The Advertising Of The Commission Agenda Are Necessary In Conjunction With This Agenda Item.

RECOMMENDATION: The City Commission Is Being Asked To Review And Accept The Information In This Agenda Item.

This Agenda Item was not discussed.

“MOTION TO APPROVE” (INFORMATIONAL AGENDA). MOTION BY COMMISSIONER McGINNIS. SECONDED BY DEPUTY MAYOR BROWN. DISCUSSION.

VOTE:

COMMISSIONER BONNER: AYE

COMMISSIONER HOVEY: AYE

COMMISSIONER McGINNIS: AYE

COMMISSIONER KREBS: AYE

DEPUTY MAYOR BROWN: AYE

MOTION CARRIED.

CONSENT AGENDA

CONSENT

200. Information Services Department

REQUEST: Requests Authorization To Dispose Of Surplus Assets According To The Attached Disposition Sheets.

FISCAL IMPACT: There Is No Cost To Dispose Of These Surplus Assets. The City Receives Revenue Generated From Items Sold At Auction.

COMMUNICATION EFFORTS: A Copy Of The List Of Items To Be Disposed Of Has Been Posted On The City's Website Under Public Notices. Additionally, The Contact Information For The Vendor Conducting The Auction Has Also Been Provided On The Website.

RECOMMENDATION: It Is Requested That The City Commission Approve The Disposition Of The Attached List Of Surplus Assets.

There was no discussion on this Agenda Item.

CONSENT

201. Information Services Department

REQUEST: Requests Commission Approve The Addendum To Professional Services Agreement With PRIDE Enterprises, Inc., For Imaging Services And The Expenditure Of Up To \$50,000.00 Utilizing State Contract 991-470-96-P; And Authorize The City Manager And City Attorney To Prepare And Execute Any And All Applicable Documents.

FISCAL IMPACT: \$50,000.00. This Project Is Budgeted In Information Services Department 1342.

COMMUNICATION EFFORTS: No Extra Communication Efforts Are Necessary At This Time.

RECOMMENDATION: Information Services Requests Commission Approve The Addendum To Professional Services Agreement With PRIDE Enterprises, Inc., For Imaging Services Utilizing State Contract 991-470-96-P And The Expenditure Of Up To \$50,000.00 For The Purposes Of Document Imaging Services; And Authorize The City Manager And City Attorney To Prepare And Execute Any And All Applicable Documents.

No discussion.

CONSENT

202. Utility Department

REQUEST: Requesting Authorization To Hire Reynolds Inliner, LLC To Perform Sanitary Sewer Line Rehab By Piggybacking Off Of The City Of Orlando Florida Contract Number BI09-2570, Cured- In-Place Pipe Rehabilitation.

FISCAL IMPACT: The Utility Department Budgeted \$250,000.00 In The Renewal And Replacement Fund For Sewer And Manhole Relining. The Project Cost Of \$126,175.00 Will Be Paid From This Fund. Funds Will Be Expended Over The Next 90 (Ninety) Days.

COMMUNICATION EFFORTS: The Adjacent Residents Are Notified By Door Hanger When Work Is Being Performed In Their Area.

RECOMMENDATION: It Is Recommended That Authorization Be Granted To Piggyback Off The City Of Orlando Contract No. BI09-2570 With Reynolds Inliner, LLC For Rehabilitation Of Sanitary Sewer Lines And Manhole Reconstruction A Cost Of \$126,175.00 Payable From The Utility Renewal And Replacement Line Code (3610-65000-30030).

This Agenda Item was not discussed.

CONSENT

203. Office Of The City Manager

REQUEST: Requesting The Commission Approve The Proposed Communication Plan For A Proposed "Town Hall" Budget Workshop.

FISCAL IMPACT: None. The Recommended Communication Efforts Result In No Additional Costs.

COMMUNICATION EFFORTS: Recommended Communication Vehicles Are Listed Below. These Items Represent Those That Have Been Successfully Utilized In The Past.

1. Message On Electronic Sign In Front Of City Hall
2. Invitation/Message On City Website
3. Invitation/Message Via eAlerts/eCitizen
4. Article In Upcoming "Insider" Newsletter
5. Invitation Emailed To All Homeowner's Associations
6. Invitation Emailed To Local Schools/PTA (With Assistance From Commissioner Hovey)

7. **Press Release/Invitation Emailed To All Local Publications:**
 - a. Tuscowilla Today
 - b. Oak Forest
 - c. Highlands Herald
 - d. Seminole Chronicle
 - e. Oviedo Voice
 - f. Orlando Sentinel
8. **Invitation Available At/Posted:**
 - a. City Hall Building (Outside Bulletin Board)
 - b. City Hall Lobby
 - c. Tuscowilla Country Club Golf Club Pro Shop Bulletin Board
 - d. Highlands Clubhouse Bulletin Board
 - e. Hacienda Village Bulletin Board (2 Locations)
 - f. Tennis Villas Club House Bulletin Board
 - g. Parks And Recreation Office
 - h. Police Station
9. **Invitation Emailed/Mailed To All Advisory Board And Committee Members**
10. **Invitation Included In All Utility Bills As A Text Line On Bill (Optional Depending Upon Date)**

RECOMMENDATION: The City Manager Recommends That The City Commission Approve The Proposed Communication Plan For An Upcoming Town Hall Budget Workshop.

There was no discussion on this Agenda Item.

CONSENT

204. Police Department

REQUEST: Requests The Commission To Approve The Division Of The City's Portion Of 2010 Edward Byrne Justice Assistance Grant Funds Totaling \$25,600.00 And The Expenditure Of Said Funds For Law Enforcement Programs As Outlined Below.

FISCAL IMPACT: There Is No Impact To The General Fund Budget To Participate In These Programs Via This Proposal.

COMMUNICATION EFFORTS: Posting Of Agenda Item Via City Transmittal And To Message Boards In Communities Throughout The City.

RECOMMENDATION: Approve The Consent Request Of The City's Portion Of 2010 Edward Byrne Grant Funds Totaling \$25,600.00.

No discussion.

CONSENT

205. Office Of The City Clerk

REQUEST: Requesting The City Commission Approve The May 10, 2010 City Commission Regular Meeting Minutes.

FISCAL IMPACT: There Is No Specific Fiscal Impact To This Agenda Item.

COMMUNICATION EFFORTS: These Minutes Have Been Distributed To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Commission Is Respectfully Requested To Approve The May 10, 2010 City Commission Regular Meeting Minutes.

This Agenda Item was not discussed.

CONSENT

206. Office Of The City Clerk

REQUEST: Requesting The City Commission Approve The May 17, 2010 City Commission Workshop Minutes.

FISCAL IMPACT: There Is No Specific Fiscal Impact To This Agenda Item.

COMMUNICATION EFFORTS: These Minutes Have Been Distributed To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Commission Is Respectfully Requested To Approve The May 17, 2010 City Commission Workshop Minutes.

There was no discussion on this Agenda Item.

CONSENT

207. Office Of The City Clerk

REQUEST: Requesting The City Commission Approve The May 24, 2010 City Commission Regular Meeting Minutes.

FISCAL IMPACT: There Is No Specific Fiscal Impact To This Agenda Item.

COMMUNICATION EFFORTS: These Minutes Have Been Distributed To The Mayor And City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Commission Is Respectfully Requested To Approve The May 24, 2010 City Commission Regular Meeting Minutes.

No discussion.

CONSENT

208. Office Of The City Clerk

REQUEST: Requesting The City Commission Approve The June 3, 2010 City Commission Special Meeting Minutes.

FISCAL IMPACT: There Is No Specific Fiscal Impact To This Agenda Item.

COMMUNICATION EFFORTS: These Minutes Have Been Distributed To The Mayor and City Commission, City Manager, City Attorney, And Department Directors; Placed In Press Packets; Placed In The Lobby Binder; And Are Available On The City's Website, LaserFiche, And The City's Server.

RECOMMENDATION: The City Commission Is Respectfully Requested To Approve The June 3, 2010 City Commission Special Meeting Minutes.

This Agenda Item was not discussed.

"MOTION TO APPROVE" (CONSENT AGENDA). MOTION BY COMMISSIONER MCGINNIS, SECONDED BY COMMISSIONER HOVEY. DISCUSSION.

BRIEF DISCUSSION ON TOWN PARKE APARTMENTS AS NOTED ON CONSENT AGENDA ITEM "100".

VOTE:

**DEPUTY MAYOR BROWN: AYE
COMMISSIONER MCGINNIS: AYE
COMMISSIONER HOVEY: AYE
COMMISSIONER BONNER: AYE
COMMISSIONER KREBS: AYE
MOTION CARRIED.**

AWARDS AND PRESENTATIONS

AWARDS AND PRESENTATIONS

300. Office Of The Mayor

Presentation Of Resolution Number 2010-21 Expressing Appreciation To Tom Waters For His Service As A Member Of The City Of Winter Springs' Board of Adjustment.

Mayor Bush presented a Resolution of Appreciation to Mr. Tom Waters for his service on the Board of Adjustment.

Commissioner Joanne M. Krebs said to Mr. Waters, "I personally appreciate your service." Commissioner Krebs then commented on Mr. Water's excellent attendance and added, "I really do hope that you apply for another Board." Commissioner Sally McGinnis added, "I certainly support that. I hope you do too."

Mayor Bush then thanked all of Board of Adjustment Members and apologized that each of the Board of Adjustment Members were not personally advised before the word got out, and noted "In no way does it detract from what you all have done."

AWARDS AND PRESENTATIONS

301. Office Of The Mayor**Presentation Of Resolution Number 2010-25 Expressing Appreciation To Howard Casman For His Service As A Former Member Of The City Of Winter Springs' Board of Adjustment.**

Mayor Bush presented a Resolution of Appreciation to Mr. Howard Casman for his service as a recent Member of the Board of Adjustment.

REPORTS

REPORTS

400. Office Of The City Attorney – Anthony A. Garganese, Esquire

No Report.

REPORTS

401. Office Of The City Manager – Kevin L. Smith

No Report.

REPORTS

402. Office Of The City Clerk – Andrea Lorenzo-Luaces, MMC

No Report.

REPORTS

403. Office Of Commissioner Seat Four– The Honorable Sally McGinnis

Commissioner McGinnis mentioned that a representative from “Compassionate Friends of Orlando” was here tonight and wanted to address the City Commission on wanting to do something for our City.

Ms. Jean Dacre, 320 Starke Avenue, Orange City, Florida: representing Compassionate Friends of Orlando, Ms. Dacre advised the City Commission that they were bereaved parents who offered support to those in need and were interested in having four (4) to six (6) benches placed in Central Winds Park. Ms. Dacre also mentioned an event they hold every year on Memorial Day.

With further comments, Ms. Dacre noted, “We agree that we will be forming a Committee to have quarterly maintenance of the benches to make sure that they’re kept up nicely; to make sure that we have plants or flowers planted around them; and we also agree that should there ever be any damage to the benches - we would certainly not hold Winter Springs responsible for that.”

Continuing, Mayor Bush suggested, "What you need to do next is talk to Kevin Smith who is our City Manager right there. Coordinate with him."

Commissioner McGinnis then commented on the merits of the City's Dog Park "Hound Ground" and said to Mr. Chuck Pula, Director, Parks and Recreation Department, "I understand the SPCA (Society for the Prevention of Cruelty to Animals) has approached us to do an Event at the "Hound Ground". Mr. Pula stated, "I will be in contact with her and do everything we can to work out an Event there."

REPORTS

404. Office Of Commissioner Seat Five – The Honorable Joanne M. Krebs

Commissioner Krebs addressed the previous topic related to "Compassionate Friends of Orlando" and their benches offer and suggested it be, "Brought to the City Manager and brought back to us as an Agenda Item."

REPORTS

405. Office Of The Mayor – The Honorable John F. Bush

Mayor Bush mentioned that Manager Smith and Brian Fields, P.E., City Engineer, Public Works Department had met with some people from Greenspointe in the Highlands and stated, "I just want to commend both Kevin (Smith) and Brian (Fields) for the great job they did in working with the citizens on their concerns" related to the golf course and surrounding water. Mayor Bush added that Mr. Fields would be preparing some information for the City Commission; and regarding the excellent job that Manager Smith and Mr. Fields did, Mayor Bush said, "We're fortunate to have two (2) people like that who can work with citizens and explain things in such a way they can understand it. So - good job Kevin (Smith) and pass that on to Brian (Fields)."

Next, Mayor Bush mentioned an email which was complimentary to the City.

On a similar note, Commissioner McGinnis stated, "Some months ago, Brian (Fields) and his staff person Zynka (Perez, Stormwater Utility Manager, Public Works Department) did another outstanding job for the Highlands and they addressed the same issue, the Ponds and they went to great lengths to meet and do a site visit and- they have been very consistent with this, and their work is so professional!" Mayor Bush agreed.

REPORTS

406. Office Of Commissioner Seat One – The Honorable Jean Hovey

No Report.

REPORTS

407. Office Of Commissioner Seat Two/Deputy Mayor – The Honorable Rick Brown

Deputy Mayor Rick Brown commented on the Banner program and asked about the status of a related Contract. City Attorney Anthony A. Garganese stated, "There is a Policy Resolution that we're putting the finishing touches on. I anticipate that it is going to be on the next Commission Agenda."

Deputy Mayor Brown added, "So, it will be done at the next Meeting?" Attorney Garganese responded, "Definitely." Deputy Mayor Brown then asked, "How will we advertise that to other businesses in the City?" Manager Smith said, "We will take a look at all the communication vehicles that we currently use." Manager Smith added, "I will report back to the Commission and let you know all our advertising strategies."

REPORTS

408. Office Of Commissioner Seat Three – The Honorable Gary Bonner

Commissioner Gary Bonner commented on a recent Homeowner's Association meetings he attended regarding concerns with the proposed Town Parke Apartments Complex and the proposed Jetta Point Park project, and noted that based on discussions he has had with citizens, "We probably need to have some form of a sit-down with our County Elected Officials, possibly creating some sort of Workshop opportunity or some way for us to have a Meeting between the Elected bodies."

With further comments, Commissioner Krebs mentioned she had suggested the same thing to Seminole County Commissioner Mike McLean and added, "Our City Manager might want to get in touch with their County Manager and try to work out a Meeting of some sort – where we all can get on the same page."

Mayor Bush then said, "Commissioner Krebs I think is recommending we have a sit-down with the County Commission, or a Workshop or something to that effect – Commissioners, all in agreement with that, and let Kevin (Smith) try to organize that through the County Manager?" Deputy Mayor Brown stated, "With all haste."

Manager Smith remarked, "I have already been in contact with the County and we're working out finalizing the terms and dates and what not; and will report back to the Commission as soon as I have something that we can all work with, post haste."

Deputy Mayor Brown asked if this Meeting could be held before June 29th, 2010. Mayor Bush suggested it be held the last week in June which would work with all schedules. Deputy Mayor Brown added, "I would rather do it here so the citizens can come as well."

Commissioner Bonner also mentioned this project was to come before the City's Planning and Zoning Board/Local Planning Agency Meeting in early July. With discussion, Manager Smith noted that the County "Had requested that we move forward with that item. So, that is the reason it was scheduled – at the County's request, we moved forward. However, in light of this Meeting, obviously I think the most appropriate thing to do is to hold off on any such meeting until we can have this organizational meeting with everyone." Commissioner Bonner stated, "I agree with that."

Commissioner Krebs suggested, "In response to that, and in light of one of the letters from Mr. Forte, perhaps we should send back – that there will be no moving forward with P and Z (Planning and Zoning Board/Local Planning Agency) or anywhere until we have this Meeting. And if they don't want to have the Meeting, then we don't move."

Mayor Bush asked, "Everybody in agreement with that?" Commissioner McGinnis said, "Yes." With no objections voiced, Mayor Bush commented to Manager Smith, "You will take care of that?" Manager Smith responded, "Absolutely."

Attorney Garganese explained, "Because it is a Comprehensive Plan Amendment, the Land Planning Agency, P and Z (Planning and Zoning Board/Local Planning Agency) has to be involved in the process and make a recommendation to the Commission."

PUBLIC INPUT

Mr. Chris Dulakis, 833 Leopard Trail, Winter Springs, Florida: mentioned he wanted to possibly purchase a building from Mr. Donald Weaver of the Black Hammock near a cabinet shop business and commented on future plans which might involve Re-Zoning.

Mayor Bush asked Mr. Dulakis, "Have you talked to the Manager about this, or anybody else on Staff?" Mr. Dulakis stated, "The only person that I have spoken to is Eloise (Sahlstrom, Senior Planner, Community Development Department) and she basically told me to – bring it before the Commission and get the ball rolling that way."

Mayor Bush said to Mr. Dulakis, "You need to talk to our Manager; and he will be able to answer your questions; and if something needs to come back to the Commission, he will do it for you."

Ms. Pamela Carroll, 865 Dyson Drive, Winter Springs, Florida: as the President of the Tusawilla Homeowner's Association, Ms. Carroll read from a Resolution that they had put together in opposition to the proposed Town Parke Apartment project; advised the City Commission that their Board of Directors voted to make a donation to the City of Winter Springs to provide five (5) weeks of tuition to Camp Sunshine and would present a check to the City. Ms. Carroll also commented that the Tusawilla Homeowner's Association was going to co-sponsor a Candidate Night for Winter Springs Candidates to be held on September 28, 2010; and stated that they were opposed to the proposed Jetta Point Park project related to their concerns with additional Law Enforcement costs, and various other issues with the proposed project.

Ms. Carol Pliner, 215 Heatherwood Court, Winter Springs, Florida: commented on her concerns with the intensity of the proposed Jetta Point Park project and did not feel this proposed project did not belong in this area.

Ms. Carla J. Walter, 1707 Fox Glen Court, Winter Springs, Florida: Mayor Bush stated, "Carla Walter also is opposed to both Atlantic Housing and Jetta Point and indicated she does not wish to address the Commission."

Mr. Chuck Burns, 1771 Seneca Boulevard, Winter Springs, Florida: voiced his opposition to the proposed Jetta Point Park project, and referenced a Report from the University of Texas which noted "A negative impact on property values". Mr. Burns commented that there were issues with the Traffic Study; the suggested lighting; environmental issues; that there was no noise study and issues with economic impacts on neighboring properties; and concerns with protecting Eagles. Mr. Burns also said that he thought that there were not enough facts presented.

Mr. Jim Mathews, 1824 Seneca Boulevard, Winter Springs, Florida: commented on concerns with the proposed Jetta Point Park project; and suggested that this proposed location had none of the amenities that are offered in Osceola County; and that it did not belong in this residential area. Mr. Mathews also addressed economic and technological opportunities in the area and thought that these options would be better for this property.

Mr. Jay C. Clay, 144 Peregrine Court, Winter Springs, Florida: spoke about a 2006 meeting; the merits of living in this area; potential problems with Law Enforcement and traffic should the proposed Jetta Point Park project go through; and noted his opposition.

Ms. Maureen Smith, 130 Peregrine Court, Winter Springs, Florida: commented that she was opposed to the proposed Jetta Point Park project; thanked Commissioner Bonner for his support and attendance at local meetings; and asked the City Commission for their assistance.

Mr. Tom Koza, 121 Goshawk Terrace, Winter Springs, Florida: commented on the proposed Jetta Point Park project.