

**REGULAR MEETING MINUTES
CITY COMMISSION**

December 11, 2003

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

PRESENT: Mayor Jack Quesinberry, Commissioners John Harriman, Theo Graham and Mildred Dixon (arrived at 6:53 p.m.)

ABSENT: Commissioner John Rees

Also Present: City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Police Chief Jimmie Yawn, City Planner Mark Cechman, Utilities Director Charlie Tinch, Public Works Director Bob Smith, Senior Planner Kelly Randall and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of November 13, 2003. **Motion by Commissioner Graham to approve the minutes as submitted. Seconded by Commissioner Harriman and carried unanimously 3-0.**

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 03-03: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 2 OF ARTICLE VI OF THE CITY CODE BY REQUIRING CERTAIN FILINGS WITH THE CITY MANAGER OR HIS DESIGNEE AND PROVIDING FINANCIAL ASSISTANCE TO NEEDY SENIOR CITIZENS ON THEIR MONTHLY UTILITY BILLING UP TO A MAXIMUM OF \$35.00 PER MONTH; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-03 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-03. Seconded by Commissioner Graham and carried unanimously 3-0.**

B. **Ordinance 03-53: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 00-02 WHICH REZONED**

APPROXIMATELY 1/2 ACRE OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 9TH STREET AND STORY ROAD FROM CITY R-1B TO CITY PCD; PROVIDING FOR SPECIFIC CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Collins)

Assistant City Attorney Rubio read Ordinance 03-53 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-53. Seconded by Commissioner Graham.** City Manager Holden stated that as of this date the lot owner, Mr. Collins, has been advised that the improvements he has installed are non-conforming related to the retention pond, fencing, and other issues and that an occupational license will not be issued until the property complies with the City's Code. Commissioner Graham asked if Mr. Collins submitted his plans for installing the retention pond. Mr. Holden replied that Mr. Collins did submit three to four sets of plans over the past 18 months, but what he is having installed does not meet our code. **Motion carried unanimously 3-0.**

- C. **Ordinance 03-54: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .29 ACRES LOCATED AT 41 W. MORGAN STREET AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Wright)**

Assistant City Attorney Rubio read Ordinance 03-54 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-54. Seconded by Commissioner Graham and carried unanimously 3-0.**

- D. **Ordinance 03-55: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS .29 ACRES OF LAND LOCATED AT 41 W. MORGAN STREET AS CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE (Wright)**

Assistant City Attorney Rubio read Ordinance 03-55 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-55. Seconded by Commissioner Graham and carried unanimously 3-0**

- E. **Ordinance 03-56: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A .29 ACRE LOT LOCATED AT 41 W. MORGAN STREET MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY RESIDENTIAL DISTRICT TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Wright)**

Assistant City Attorney Rubio read Ordinance 03-56 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-56. Seconded by Commissioner Graham and carried unanimously 3-0.**

F. **Ordinance 03-57: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-922 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO MAXIMUM DENSITY FOR PUD DEVELOPMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-57 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-57. Seconded by Mayor Quesinberry.** City Planner Cechman stated that this Ordinance relates to the proposed Ordinances later in the agenda for the Garden South Apartments. **Motion carried 2-1; Commissioner Graham was opposed.**

G. **Ordinance 03-52: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 118-1404 AND 118-1431 OF ARTICLE IX OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES, SAID CHAPTER BEING PART OF THE LAND DEVELOPMENT CODE, BY PROVIDING FOR REVISED DEFINITIONS OF "NEW DEVELOPMENT" AND "SUBSTANTIAL MODIFICATION" UNDER SECTION 118-1404 AND BY CREATING AN ACT OF GOD PROVISION FOR EXEMPTED SIGNS UNDER SECTION 118-1431 OF ARTICLE IX OF CHAPTER 118; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-52 by title only. Mayor Quesinberry opened the public hearing.

Mr. Bill Curtis with the law firm of Brigham Moore, 2963 Dupont Avenue, Suite 3, Jacksonville, Florida, stated that he is requesting that an additional provision be included that will allow the owners some relief from the overlay requirements for any changes that may be caused by future acts of eminent domain.

Hearing no other comments, the public hearing was closed.

Motion by Commissioner Harriman to approve Ordinance 03-52. Seconded by Commissioner Graham and carried unanimously 3-0.

H. **Ordinance 03-43: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .52 ACRES LOCATED AT 1402 BEULAH ROAD AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY**

**BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY;
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Lincoln)**

Assistant City Attorney Rubio read Ordinance 03-43 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed.

Motion by Commissioner Harriman to approve Ordinance 03-43. Seconded by Commissioner Graham and carried unanimously 3-0.

I. **Ordinance 03-44: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 0.52 ACRES OF LAND LOCATED AT 1402 BEULAH ROAD AS RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE (Lincoln)**

Assistant City Attorney Rubio read Ordinance 03-44 by title only. Mayor Quesinberry opened the public hearing.

Ms. Shirley Smith, 21 W. Crest Avenue, Winter Garden, Florida, asked what the current zoning is because the business next door did belong to the house. City Planner Cechman stated that the County zoning is residential and the proposed zoning in the City is a similar zoning.

Hearing no other comments, the public hearing was closed.

Motion by Commissioner Graham to approve Ordinance 03-44. Seconded by Commissioner Harriman and carried unanimously 3-0.

J. **Ordinance 03-45: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING AN APPROXIMATELY .52 ACRE LOT LOCATED AT 1402 BEULAH ROAD, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-1 TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Lincoln)**

Assistant City Attorney Rubio read Ordinance 03-45 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed.

Motion by Commissioner Harriman to approve Ordinance 03-45. Seconded by Commissioner Graham and carried unanimously 3-0.

K. **Ordinance 03-50: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 173 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF CR545 AND STONEYBROOK WEST PARKWAY AND MORE SPECIFICALLY DESCRIBED HEREIN FROM COUNTY A-1 TO CITY PUD AND CITY PCD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Phillips)**

Assistant City Attorney Rubio read Ordinance 03-50 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. City Planner Cechman stated that the applicant has entered into an agreement with Orange County Public Schools to address the educational facility capacities. The Planning and

Zoning Board reviewed the application on October 6, 2003, and they also recommend approval. **Motion by Commissioner Harriman to approve Ordinance 03-50. Seconded by Commissioner Graham and carried unanimously 3-0.**

- L. **Ordinance 03-51: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 14.14 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF THE TURNPIKE AND EAST OF CR535 AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY C-2 TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (West Orange Business Center)**

Assistant City Attorney Rubio read Ordinance 03-51 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-51. Seconded by Commissioner Graham and carried unanimously 3-0.**

- M. **Ordinance 03-14: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 32.3 ACRES OF LAND LOCATED WEST OF CR535 AND APPROXIMATELY 2,000 FEET SOUTH OF THE FLORIDA TURNPIKE FROM ORANGE COUNTY RURAL, ORANGE COUNTY CONSERVATION AND CITY COMMERCIAL TO CITY MEDIUM DENSITY RESIDENTIAL WITH A CONSERVATION OVERLAY, PROVIDING FOR AN EFFECTIVE DATE (Triple S Townhomes)**

Assistant City Attorney Rubio read Ordinance 03-14 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. City Planner Cechman stated that state law allows anyone wishing to receive notices from the State Department of Community Affairs, will need to sign-up with Kelly Randall, Senior Planner. Also, he stated that the proposed Ordinance contains a 120-day sunset provision that allows staff time to work with the applicant on the rezoning. **Motion by Commissioner Harriman to approve Ordinance 03-14. Seconded by Commissioner Graham and carried unanimously 3-0.**

- N. **Ordinance 03-15: AN ORDINANCE AMENDING THE FUTURE TRANSPORTATION MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-15 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 03-15. Seconded by Commissioner Harriman and carried unanimously 3-0.**

Commissioner Dixon arrived at 6:53 p.m.

- O. **Ordinance 03-20: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN**

ADDITIONAL LANDS GENERALLY DESCRIBED AS 32.5 ACRES LOCATED SOUTH OF STONEYBROOK WEST PARKWAY AND NORTH OF LAKE ROBERTS AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Bronson East)

Assistant City Attorney Rubio read Ordinance 03-20 by title only. Mayor Quesinberry opened the public hearing.

Idamae Picheco, 2030 Roberts Point Drive, Windermere, Florida, (Waterford Pointe Subdivision in the County) stated that the residents in her subdivision have several unresolved issues with the developer, Mr. Kribs. She stated that she does not understand how an annexation can occur while their grievances are still unresolved.

Commissioner Dixon arrived at 6:53 p.m.

City Manager Holden stated that it is his understanding that at one point the subject property was to be an additional phase of the Waterford Pointe Subdivision, however, the undeveloped property is currently under contract to be sold to Mr. Keating and it will not become a part of the Waterford Pointe Subdivision.

Darleen Frotten, 12918 Water Point Boulevard, Windermere, Florida, (Waterford Pointe Subdivision in the County) stated that the residents of Waterford Pointe have been in a constant battle with their developer/owner, Mr. Kribs, who has changed their covenants to state that the Homeowner Association (HOA) would not transfer to the residents until the project is built out to 90 percent. This proposed annexation will leave just enough vacant land that the lot owners will not be able to gain control of their HOA. Mrs. Frotten asked why the strip of land along Lake Roberts is not also being annexed into the City because without it, the control of their HOA will remain with Mr. Kribs. Mr. Keating arrived at this time and clarified that he is also purchasing the subject lots along Lake Roberts and in the future, he would like to annex that property as well into the City. Mrs. Frotten stated that annexation of the lakefront lots would solve their problem. Assistant City Attorney Rubio stated that regardless of who owns what property, the HOA documents remain as they are and the issue before the Commission is the annexation.

Mike Picheco, 2030 Roberts Point Drive, Windermere, Florida, (Waterford Pointe Subdivision in the County) asked if there would be another meeting to discuss the development plans of the new owner, Mr. Keating. Mayor Quesinberry stated yes and City Manager Holden stated that those meeting notices will be published in the West Orange Times.

Hearing no other comments, the public hearing was closed.

Motion by Commissioner Graham to approve Ordinance 03-20. Seconded by Commissioner Harriman and carried unanimously 4-0.

- P. **Ordinance 03-21:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 32.5 ACRES OF LAND LOCATED SOUTH OF STONEYBROOK WEST PARKWAY AND NORTH OF LAKE ROBERTS FROM ORANGE COUNTY RURAL SETTLEMENT 1/1 AND CONSERVATION TO CITY SUBURBAN DENSITY RESIDENTIAL WITH A CITY CONSERVATION OVERLAY; PROVIDING FOR AN EFFECTIVE DATE (Bronson East)

Assistant City Attorney Rubio read Ordinance 03-21 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-21. Seconded by Commissioner Graham and carried unanimously 4-0.**

- Q. **Ordinance 03-18:** AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY PROVIDING A MEDIUM / HIGH DENSITY RESIDENTIAL FUTURE LAND USE CLASSIFICATION; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 03-18 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-18. Seconded by Commissioner Dixon and carried 3-1; Commissioner Graham opposed.**

- R. **Ordinance 03-19:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 45.23 ACRES OF LAND LOCATED WEST OF CR535 AND DIRECTLY SOUTH OF THE FLORIDA TURNPIKE FROM CITY LOW DENSITY RESIDENTIAL, CITY COMMERCIAL, AND CITY CONSERVATION OVERLAY TO CITY MEDIUM / HIGH DENSITY RESIDENTIAL WITH A CITY CONSERVATION OVERLAY; PROVIDING FOR AN EFFECTIVE DATE (Garden South)

Assistant City Attorney Rubio read Ordinance 03-19 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. Commissioner Graham asked how much acreage is allocated for the children's playground. The applicant, Mr. Cavanaugh, stated that there will be 5-7,000 square feet, not including the green/open area surrounding the playground. Commissioner Graham stated that he is opposed to the proposed change that will allow 16 additional units. **Motion by Commissioner Harriman to approve Ordinance 03-19. Seconded by Commissioner Dixon and carried 3-1; Commissioner Graham opposed.**

- S. **Ordinance 03-58:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 45.23 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF CR535 AND SOUTH OF THE

FLORIDA TURNPIKE AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY C-2 TO CITY PUD; PROVIDING FOR SPECIFIC PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Garden South)

Assistant City Attorney Rubio read Ordinance 03-58 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 03-58. Seconded by Commissioner Harriman.** Commissioner Graham stated that the summary page in the agenda package reflects that this project will have an impact on the schools that are already at capacity. City Manager Holden stated that the new schools of Stoneybrook West, West Orange, and Apopka High Schools are scheduled to open around 2005. City Planner Cechman added that staff is trying to meet with Orange County Public School staff to identify new school locations because the land is going quickly in our area. **Motion carried unanimously 4-0.**

3. **REGULAR BUSINESS**

- A. **Resolution 03-11:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR ALL OPENING AND CLOSING SERVICES AND CERTAIN OTHER MATTERS AT THE WINTER GARDEN CEMETERY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Resolution 03-11 by title only. City Manager Holden stated that Quality Vault still has the best rates and the new rates reflect their increase on their expiring contract. **Motion by Commissioner Harriman to approve Resolution 03-11 and authorize the agreement for services from December 15, 2003 through December 14, 2006. Seconded by Commissioner Dixon and carried unanimously 4-0.**

- B. **Resolution 03-15:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR COMMERCIAL SOLID WASTE AND RECYCLING SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Resolution 03-15 by title only. City Manager Holden stated that the new rates being proposed are the pass-through costs based upon the annual Consumer Price Index (CPI) adjustment effective January 1, 2004. **Motion by Commissioner Harriman to approve Resolution 03-15. Seconded by Commissioner Dixon and carried unanimously 4-0.**

- C. **Recommendation to approve an amended West Orange Narcotics Task Force agreement between Orange County, Ocoee, and Winter Garden**

Police Chief Yawn stated that this agreement amends the original agreement by adding a police officer and the related funding. **Motion by Commissioner Graham to approve the amended West Orange Narcotics Task Force Agreement between Winter**

Garden, Orange County, and Ocoee. Seconded by Commissioner Dixon and carried 4-0.

D. Recommendation to approve awarding contract for North Boyd Street Reconstruction Project

Public Works Director Smith stated that three bids were received with Barracuda Building Corporation being the lowest bidder. Staff checked their references on the comparable projects that they performed in Deland and Kissimmee, and they came highly recommended. Therefore, staff is recommending that the contract be awarded to Barracuda Building Corporation headquartered in Gotha. Staff also recommends that a contingency amount of five percent be approved, in addition to the bid price. **Motion by Commissioner Graham to award the contract for reconstructing North Boyd Street to Barracuda Building Corporation for \$334,085.34 with a five percent contingency. Seconded by Commissioner Harriman and carried 4-0.**

E. Recommendation to approve Preliminary Plat for Avalon Reserve, Villages 2 and 4

City Planner Cechman stated that staff recommends approval with conditions submitted in the agenda package. **Motion by Commissioner Graham to approve the Preliminary Plat for Avalon Reserve Villages 2 and 4, with staff's recommendations (see attached). Seconded by Commissioner Harriman and carried 4-0.**

4. **MATTERS OF CONCERN FROM CITIZENS - None**

5. **MATTERS FROM ASSISTANT CITY ATTORNEY - None**

6. **MATTERS FROM CITY MANAGER**

A. Financial Statement for October 2003

Stated that the City finances are as expected at the beginning of the fiscal year because we are waiting for the tax revenues.

- Stated that he received a phone call from a marketer with Pat Summerall Productions about Winter Garden participating in the "Champions of Small City Management" competition that would require the City to pay \$24,000 for a two-minute video. He recommended that the City not participate. **Motion by Commissioner Harriman to not participate in the competition. Seconded by Commissioner Graham and carried unanimously 4-0.**
- Stated that he has been approached by a potential buyer of the property directly across from City Hall to build an office building. In order for the City to consider any offers to purchase, the City Commission would have to declare the property surplus and authorize the open bid process. **Motion by Commissioner Dixon to offer for sale, by competitive bid, 252 W. Plant Street. Seconded by Commissioner Graham and carried unanimously 4-0.**

- Stated that Finance Director Mike Bollhoefer has been critically ill with a ruptured appendix. He is making a full recovery and should return on Monday.
- Stated that staff has been shown a presentation of a potential development project that covers approximately 300 acres. It would be located in both the Town of Oakland and Winter Garden with approximately 670 units spanning from Lake Apopka to State Road 50. Because the project would be in both cities, staff would like to schedule a joint workshop or individual workshop after the first of the year. He stated that he will let the Commission know more when he has more information. Mayor Quesinberry asked if Winter Garden would be providing water to the project and Mr. Holden stated yes.
- Advised the Commission that he has narrowed the candidates for Police Chief to five and he will be interviewing the candidates in early January, with his final selection and request for approval to the Commission the first part of February.

7. MATTERS FROM MAYOR AND COMMISSIONERS

Mayor Quesinberry:

- Stated that the West Orange High School baseball team has asked the City for support by purchasing a field sign for \$350. The Commission already supports the football team in this manner. **Motion by Commissioner Harriman to approve the purchase of a baseball field sign for \$350. Seconded by Commissioner Dixon and carried unanimously 4-0.**

A. Participation in the Relay For Life New Year's Eve Event

Mayor Quesinberry stated that the American Cancer Society's Relay for Life is holding a non-alcohol fundraiser at Tanner Hall and he recommended that the City purchase two tables. **Motion by Commissioner Harriman to purchase two (2) tables for the New Year's Eve fundraiser. Seconded by Commissioner Dixon and carried unanimously 4-0.**

• Appointment to the Metroplan Citizens Advisory Board

Mayor Quesinberry stated that Don Miller's term has expired and Mr. Miller has expressed an interest in being reappointed unless there are other nominations. **Motion by Commissioner Harriman to reappoint Don Miller to the Metroplan Citizens Advisory Board for a 4-year term expiring in November 2007. Seconded by Commissioner Graham and carried unanimously 4-0.**

Commissioner Graham:

Stated that he has noticed articles in the Florida League of Cities Magazine regarding downtown improvements to cities and he asked if Winter Garden could submit an article. City Manager Holden stated that he would check into that possibility.

Stated that at the last Friends of Lake Apopka (FOLA) meeting, a retention pond for Lulu Creek was discussed and it is apparent to FOLA that the City needs to pursue making this happen. City Manager Holden stated that the property owner is aware of the need, but has not indicated any willingness to cooperate. Commissioner Graham stated that staff needs to work with FOLA, or others such as the State and County, to rectify the situation because the creek is a tributary to the lake, which will have the levels monitored. City Manager Holden stated that he will be glad to explain all the intricacies related to this project with each Commissioner.

Commissioner Dixon:

Stated that she was late arriving to the meeting because she was accepting an award for her contributions as a Director of the Greater Orlando Area Legal Services, Inc., which is now dissolved, but it originally started in Winter Garden.

Stated that vandals have been tearing down fences in the east Winter Garden area and that the West Orange Task Force is operating again and it plans to deal with these types of problems.

Stated that Martin Luther King Jr.'s birthday is in January and a committee is being formed to make arrangements for an event to support non-violence either in January or February, before the Police Chief retires.

Stated that the Maxey Center computer teacher still needs to be paid and therefore, she will be contacting the Finance Director. All the volunteers at the Maxey Center are appreciated and anyone else who can assist will also be appreciated.

The meeting was adjourned at 7:56 p.m.