

**REGULAR MEETING MINUTES  
CITY COMMISSION**

October 28, 2004

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, Bill Thompson, Theo Graham, and Mildred Dixon

**Also Present:** City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Golden, City Planner Mark Cechman, Assistant to the City Manager Marshall Robertson, Utilities Director Fernand Tiblier, Public Works Director Bob Smith, Trailer City Manager Hughlan Martin, Information Technology Director Bob Reilly, Finance Director Mike Bollhoefer, Police Chief George Brennan, Building Official Jake Wright, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of October 14, 2004. **Motion by Commissioner Dixon to approve the minutes as submitted. Seconded by Commissioner Harriman and carried unanimously 5-0.**

*Dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:31 p.m.*

**Members Present:** Jack Quesinberry, John Harriman, Theo Graham, Mildred Dixon, Bill Thompson and Larry Cappleman

**Members Absent:** County Commissioner Teresa Jacobs

2. **Reappointment of Larry Cappleman to a four-year term and Oath of Office**

**Motion by Agency Member Harriman to reappoint Larry Cappleman to the CRA. Seconded by Agency Member Graham and carried unanimously 6-0.** Mr. Larry Cappleman came forward and took the Oath of Office at this time.

*The Community Redevelopment Agency adjourned and reconvened as the City Commission at 6:33 p.m.*

3.

### **CEREMONIAL MATTERS**

- Fire Chief Williamson introduced new Battalion Chiefs Ken Holton, Brian Sanders (unable to attend) and Jimmy Swope; new Lieutenants Kenny Wood, Bill Rosenfeld, and David Doyno; new Engineer Tim Belt

City Manager Holden took this opportunity to share that he can't say enough about the leadership provided by the Fire and Police Chiefs through the hurricanes this year. The employees of both departments made great sacrifices to protect the citizens while the citizens were in their homes and he wanted the Chiefs to know just how much he respects them and how he appreciates serving as their City Manager. Police Chief Brennan thanked the City Manager for his very kind comments.

- Police Chief Brennan presented and administered the Oath of Office to the newest police officers Terrence Demps and Magdalia Morales

### **4. FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 04-75:** PROVIDING FOR THE CLOSING, ABANDONMENT, VACATION AND DISCONTINUANCE OF RIGHT-OF-WAY GENERALLY DESCRIBED AS BEING APPROXIMATELY 422.89 FEET SOUTH OF ROPER ROAD ALONG DANIELS ROAD, SAID LANDS LYING AND BEING IN WINTER GARDEN, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-75 by title only. **Motion by Commissioner Dixon to approve Ordinance 04-75 with the second reading and public hearing on December 9, 2004. Motion was seconded by Commissioner Graham and carried unanimously 5-0.**

- B. **Ordinance 04-76:** GRANTING TO LAKE APOPKA NATURAL GAS DISTRICT, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE OR FRANCHISE TO MANUFACTURE, IMPORT, TRANSPORT, SELL AND DISTRIBUTE GAS FOR HEATING, ILLUMINATING AND OTHER PURPOSES IN THE CITY OF WINTER GARDEN, FLORIDA, AND TO USE THE STREETS, AVENUES, BRIDGES, EASEMENTS, ALLEYS AND OTHER PUBLIC PLACES OR WAYS THEREOF FOR THE PURPOSE THEREOF; PROVIDING FOR AUTHORIZATION FOR THE EXECUTION OF A FRANCHISE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-76 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-76 with the second reading and public hearing on November 11, 2004. Motion was seconded by Commissioner Dixon.** Commissioner Graham asked if both Apopka and Clermont have already renewed their agreements. Mr. Fred Crabtree, Manager of Lake Apopka Natural Gas, stated that both Apopka and Clermont have renewed their agreements within the past year and a half. Commissioner Graham asked if their agreements are the same as Winter Garden's. Mr. Crabtree stated they are exactly the same and there is a clause that states that if any municipality in the district gets a better franchise rate, then Winter Garden is entitled to the same immediately. All the current franchise rates are at six percent and the

language varies a little as to the peculiarities to each community. **Motion carried unanimously 5-0.**

- C. **Ordinance 04-77:** AMENDING SECTION 18-57 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO AMENDMENTS TO THE BUILDING CODE BY CREATING SUBSECTION (e); PROVIDING FOR THE SURFACE TREATMENT OF MASONRY WALLS AND STRUCTURES; PROVIDING FOR SEVERABILITY, CODIFICATION, TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION, AND AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-77 by title only. **Motion by Commissioner Graham to approve Ordinance 04-77 with the second reading and public hearing on November 11, 2004. Motion was seconded by Commissioner Thompson.** City Manager Holden stated that the Building Official is present to answer any technical questions and advised that Winter Garden is probably the lead city to take action to enforce applying a masonry wall treatment to protect its citizens against leakage into their new homes, which is a serious problem everywhere. If passed, this Ordinance will be enforced effective tonight by the Building Department and if any stricter guidelines are established in the future by the ABA and the Building Officials come up with a different approach to sealing homes, then staff will bring a recommendation to rescind this Ordinance and propose a new Ordinance for adoption. **Motion carried unanimously 5-0.**

## 5. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 04-23:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.44 ACRES LOCATED AT 1250 WEST PLANT 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 AND AN EFFECTIVE DATE (Oaks at Brandy Lake)

Assistant City Attorney Lionel Rubio read Ordinance 04-23 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-23. Motion was seconded by Commissioner Graham.** Commissioner Thompson asked if the eagle on the property had been resolved. City Manager Holden stated yes, he has his own reserved area. **Motion carried unanimously 5-0.**

- B. **Ordinance 04-24:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 2.611 ACRES OF LAND LOCATED AT 1250 WEST PLANT STREET AS COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE (Oaks at Brandy Lake)

Assistant City Attorney Lionel Rubio read Ordinance 04-24 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 04-24. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

- C. **Ordinance 04-25:** REZONING APPROXIMATELY 54 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF STORY ROAD AND PLANT STREET AND WEST OF HYDE PARK FROM CITY R-2 TO CITY PUD AND CITY PCD; PROVIDING FOR CERTAIN PUD AND PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Oaks at Brandy Lake)

Assistant City Attorney Lionel Rubio read Ordinance 04-25 by title only. Mayor Quesinberry opened the public hearing. Mr. John Rinehart with Glatting Jackson stated that he was available for any questions and advised that the project was delayed in order to address the eagle and keep him in a protected zone. Hearing no other comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-25. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

- D. **Ordinance 04-60:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.65 ACRES LOCATED AT 15650 WEST COLONIAL DRIVE, 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 (Voss)

Assistant City Attorney Lionel Rubio read Ordinance 04-60 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 04-60. Motion was seconded by Commissioner Thompson and carried unanimously 5-0.**

- E. **Ordinance 04-61:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 0.65 ACRES OF LAND LOCATED AT 15650 WEST COLONIAL DRIVE AS COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-61 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-61. Motion was seconded by Commissioner Thompson and carried unanimously 5-0.**

- F. **Ordinance 04-62:** REZONING APPROXIMATELY 0.65 ACRES LOCATED AT 15650 WEST COLONIAL DRIVE MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY A-1 TO CITY C-2; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Voss)

Assistant City Attorney Lionel Rubio read Ordinance 04-62 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-62. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

- G. **Ordinance 04-63:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY GENERALLY DESCRIBED AS 1,008

SQUARE FEET OF LAND LOCATED AT 30 9<sup>th</sup> STREET FROM INDUSTRIAL TO COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-63 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-63. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

- H. **Ordinance 04-64:** REZONING 1,008 SQUARE FEET OF REAL PROPERTY GENERALLY LOCATED AT 30 9<sup>th</sup> STREET AND MORE SPECIFICALLY DESCRIBED HEREIN FROM I-2 TO CITY C-2; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-64 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-64. Motion was seconded by Commissioner Thompson and carried unanimously 5-0.**

- I. **Ordinance 04-65:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY GENERALLY DESCRIBED AS 2.4 ACRES OF REAL PROPERTY LOCATED AT 979 AND 971 EAST PLANT STREET FROM INDUSTRIAL TO COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-65 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-65. Motion was seconded by Commissioner Harriman.** Commissioner Graham asked if the cement plant is on this property. City Manager Holden stated no. **Motion carried unanimously 5-0.**

- J. **Ordinance 04-66:** REZONING APPROXIMATELY 2.4 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 979 AND 971 EAST PLANT STREET MORE SPECIFICALLY DESCRIBED HEREIN FROM I-2 TO CITY C-2; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-66 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Thompson to approve Ordinance 04-66. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

- K. **Ordinance 04-67:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY GENERALLY DESCRIBED AS 1.26 ACRES OF LAND LOCATED AT 970 EAST PLANT STREET FROM INDUSTRIAL TO COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-67 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-67. Motion was seconded by Commissioner Dixon and carried unanimously 5-0.**

- L. **Ordinance 04-68:** REZONING 1.26 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 970 EAST PLANT STREET AND MORE SPECIFICALLY DESCRIBED HEREIN FROM I-2 TO CITY C-2; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-68 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Thompson to approve Ordinance 04-68. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

- M. **Ordinance 04-69:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 9.45 ACRES LOCATED 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 AND AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-69 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 04-69. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

- N. **Ordinance 04-70:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 9.45 ACRES OF LAND LOCATED NORTH OF LAKE ROBERTS AS SUBURBAN RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-70 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 04-70. Motion was seconded by Commissioner Harriman.** Commissioner Thompson asked exactly where this property is located. City Planner Cechman stated it is located north of Lake Roberts and County Subdivision Waterford Pointe, and south of Stoneybrook West Parkway. **Motion carried unanimously 5-0.**

- O. **Ordinance 04-71:** REZONING APPROXIMATELY 48.05 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LAKE ROBERTS FROM ORANGE COUNTY R-CE TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Lionel Rubio read Ordinance 04-71 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-71. Motion was seconded by Commissioner Harriman and carried unanimously 5-0.**

- P. **Ordinance 04-72:** VACATING THE SOUTHERLY 7 FEET OF THE TWELVE FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE NORTHERNMOST PROPERTY LINE, LESS 6 FEET ON THE WESTERN AND

**EASTERN PROPERTY LINES OF 2520 PRAIRIE VIEW DRIVE; PROVIDING FOR AN EFFECTIVE DATE**

Assistant City Attorney Lionel Rubio read Ordinance 04-72 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-72. Motion was seconded by Commissioner Thompson and carried unanimously 5-0.**

**Q. Ordinance 04-74: AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2003-2004 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

Assistant City Attorney Lionel Rubio read Ordinance 04-74 by title and read the total for revenues and expenses equal \$2,863,116. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-74. Motion was seconded by Commissioner Graham and carried unanimously 5-0.**

**6. REGULAR BUSINESS**

**A. Request for two donations by the West Orange High School Choral Department for Bel Canto and Concert Choir**

Ms. Phyllis Eury distributed a packet of choir information to the Commission. She noted there are now over 300 members in four choirs. The sheet music alone costs \$8,000 to \$10,000 a year. The students conduct many fundraisers to supplement the costs. Bel Canto and Concert Choir have been invited to perform this spring in San Francisco to participate in the Festival of Gold. They will then fly to Tennessee to perform in Memphis, and from there they will board busses to perform in Atlanta, then onto FAMU for their final concert of the tour. Commissioner Harriman asked what the total cost to each student is. Ms. Karen Nice replied that it is \$1,200 per student and chaperone. The students will also be performing at the Light Up Winter Garden event. **Motion by Commissioner Harriman to approve \$750 to the Bel Canto and \$750 to the Concert Choir at West Orange High School from the special donation account. Seconded by Commissioner Dixon and carried unanimously 5-0.**

**B. Request to conduct open-air tent sale of Christmas Trees in the Winter Garden Regional Shopping Center next to AmSouth Bank from November 25, 2004 until December 24, 2004**

Mr. William Shannon Ireland, 880 Sugar Drive, Santa Rosa Beach, Florida, stated they are ready to sell their trees as they have done for about the past 10 years. Mayor Quesinberry noted that all the required documentation has been received. **Motion by Commissioner Graham to approve the request for an open-air tent sale of Christmas tree from November 25 through December 24, 2004. Seconded by Commissioner Harriman and carried unanimously 5-0.**

C. **Accept three resignations for the Planning and Zoning Board and consider appointments to fill the unexpired terms**

City Planner Cechman stated the City has received resignations from Joe Morabito, John Connell, and Freddie Anderson (effective December 31, 2004).

- **Motion by Commissioner Thompson to appoint Bea Desario to the seat vacated by Mr. Morabito to expire October 2008. Seconded by Commissioner Harriman and carried unanimously 5-0.**
- **Motion by Commissioner Harriman to appoint Tina Aldrich to the seat vacated by Mr. Connell to expire October 2008. Seconded by Commissioner Thompson and carried unanimously 5-0.**
- **Motion by Commissioner Graham to appoint William Burch to the seat to be vacated by Freddie Anderson effective December 31, 2004 and to expire October 2005. Seconded by Commissioner Thompson and carried unanimously 5-0.**

D. **Recommendation to approve Continuing Engineering Services Contracts**

Finance Director Bollhoefer stated that at the last City Commission meeting the Commission approved for staff to negotiate contracts with four firms: Professional Engineering Consultants, GAI Consultants, Hartman & Associates, and Boyle Engineering for Continuing Engineering Services Contracts. Over the past week, the contracts have been negotiated and they have reached agreement with all four firms. Therefore, staff recommends approval. Commissioner Graham asked if the proposed contracts will come back to the City Commission for approval as they build, or will they be continuous. Mr. Bollhoefer stated that the contracts will be continuous over a five-year period and at the end of five years they can be extended for one more year. Commissioner Graham asked about what projects are included. Mr. Bollhoefer stated that generally these are the smaller projects, which he believes are up to \$50,000 for consulting services or any construction job that does not exceed \$1 million. Anything exceeding those amounts must go out for Request for Qualifications and Request for Bid. **Motion by Commissioner Harriman to approve a continuing engineering services contract with Professional Engineering Consultants, GAI Consultants, Hartman & Associates, and Boyle Engineering. Seconded by Commissioner Thompson and carried unanimously 5-0.**

7. **MATTERS OF CONCERN FROM CITIZENS**

**Lori Nassofer**, 1015 B South Dillard, Winter Garden, Florida, stated that she is present to complain about her neighbor, Clemons Produce, that is continually blocking the alleyway behind Big Lots which means fire, ambulance, and police cannot get through. The driveway is blocked most of the time and she distributed photographs showing different trucks obstructing access. Ms. Nassofer stated she has contacted City departments and has waited almost another year and it is still going on so she is here to get the problem on public record. According to City Code Section 74-43 it is considered a fire lane on private property and asked the City to do what it can. City Manager Holden stated staff will look into the situation.

**Burt Valdes**, 255 Temple Grove Drive, Winter Garden, Florida, stated that he is a partner in the Plant Street Grille and asked the City Commission to consider allowing the permitted sidewalk cafes to sell alcohol because the customers are confused as to why they can drink inside and not outside at their tables as they can in Orlando and Winter Park. **City Manager Holden** stated that this request has also been made by JR's Attic. The current Code does not allow alcohol outside the business and any change to allow alcohol would require amending the Ordinance. **Commissioner Graham** stated there was discussion at the time the current ordinance was adopted about who owned the sidewalk and it was understood, the City has jurisdiction over the public right-of-way which is not owned by the business. The City Commission approved the outside eating area, but not drinking or bringing any alcoholic beverages outside. **Mayor Quesinberry** stated that the City controls the sidewalks and the number of tables in order to make sure the sidewalk is kept clear for access reasons. **Commissioner Thompson** asked if they are asking for a marked off space. **City Manager Holden** stated that some businesses already have a permit for tables and have a specific boundary so they cannot obstruct pedestrian traffic by maintaining an open five-foot path in accordance with the ADA requirements. The current Ordinance does not specify a rail or barrier for the eating area. **Commissioner Thompson** asked how many tables Plant Street Grille has. **Mr. Valdes** replied four. **City Manager Holden** stated JR's Attic has two or three tables. **Assistant City Attorney Rubio** stated that Mr. Valdes and the City Manager are asking for direction to staff. It could be a direction made under the City Commission agenda item. **Mayor Quesinberry** stated that this issue will be addressed at a later point in the agenda. **Commissioner Graham** noted that he did not consent to any action that would allow alcoholic beverages to be served on the sidewalks.

**Sonya Yost**, 644 South Vineland Road, Winter Garden, Florida, thanked the City for lowering the drain. Her second issue has to do with the elevation of her neighbor's lot and she is going to continue to deal with that issue. Her third complaint is against 637 Vineland Road, which is a non-occupied commercial piece of property. It continues to have large sheets of unsecured metal and the rusted roof has begun to curl. It is a hazard to all buildings in that area. The owner knows about the problems and for five weeks has done nothing. Most of the damage to her residence was from this building. Someone needs to get the owner to secure the hazardous loose material. Ms. Yost submitted a complaint letter to the City Clerk regarding the property at 637 Vineland Road.

#### 8. **MATTERS FROM ASSISTANT CITY ATTORNEY**

Mr. Rubio requested guidance from the City Commission regarding the requests made by Mr. Valdes and JR's Attic. Commissioner Graham asked about the City Attorney bringing up this issue versus a Commissioner. Mr. Rubio stated that a Commissioner can bring it up, but staff is asking for direction at this time. **Motion by Commissioner Harriman to direct staff to bring back an Ordinance to permit the sale of alcoholic beverages as a part of the sidewalk café permit. Seconded by Commissioner Dixon.** Commissioner Graham stated that this issue was brought up by the attorney and noted that he has served on the Commission for 18 years and he has never heard an attorney bring up something to be drawn up for them to consider. **Motion carried 4-1; Commissioner Graham opposed.**

## 9. MATTERS FROM CITY MANAGER

### A. Financial Statement for September 2004

Stated that the City has finished the Fiscal Year in excellent shape and he or the Finance Director is available to answer any questions.

- Advised that the Fire Department has six surplus computer monitors that could be donated to the Maxey Center for their computer-training program. **Motion by Commissioner Harriman to declare six computer monitors in the Fire Department as surplus and donated to the Maxey Center computer class. Seconded by Commissioner Graham and carried unanimously 5-0.**

### B. Request for a joint Planning and Zoning Board and City Commission workshop to discuss a proposed shopping village at Fowler Groves

Stated that the Sembler Corporation has been meeting with all the homeowners associations located to the south and the CRA Advisory Board and, he believes, the merchants. A public workshop is scheduled for November 16, 2004 at 7:00 p.m. at Tanner Hall to address all their questions. Subsequent to the public workshop, staff would like to conduct a joint workshop with the City Commission and the Planning and Zoning Board to answer any questions either may have. Staff proposes a workshop date of November 18, 2004, at 6:30 p.m. at City Hall Commission Chambers. It was the consensus of the City Commission to conduct the joint workshop as recommended.

- Shared that he attended the production of “Man of La Mancha” by the West Orange Drama Club and the talent of the young high school students was exceptional.

## 10. MATTERS FROM MAYOR AND COMMISSIONERS

### Commissioner Dixon:

Reminded everyone about the upcoming Community Action Board recognition dinner on November 12, 2004.

Welcomed and thanked the audience for attending tonight’s meeting.

### Commissioner Graham:

Stated that he has observed dead oak tree limbs hanging over the roads that need to be trimmed. **City Manager Holden** stated that staff has been waiting for the limbs to die so they would know which ones to remove. Reported that staff is about finished with debris burning and has completed picking up the debris. The County does not appear to have started their debris pick up from Hurricane Charley within the County enclave areas.

*Commissioner Dixon left at 7:58 p.m.*

### Commissioner Thompson:

Announced that Andy Bruns’s wife is recovering from cancer and is doing well.

**Mayor Quesinberry:**

Announced that Winter Garden has a resident, Thelma Frye, who is turning 100 on Sunday and he has issued a Proclamation in her honor, which he will be presenting to her.

Reminded everyone about the Halloween Festival this Saturday from 6 to 10 p.m.

**Commissioner Graham:**

Announced the Town of Oakland's Heritage Day this Saturday from 9 am to 4 p.m. They also have the Oakland Nature Preserve that has a walkway that is 2/3 of a mile and cost over \$500,000 dollars to build so it is something to see.

The meeting was adjourned at 8:01 p.m.