



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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REGULAR MEETING MINUTES

CITY COMMISSION

December 8, 2005

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:30 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor Jack Quesinberry, Commissioners Theo Graham, Rod Reynolds, Mildred Dixon, and Carol Nichols

Also Present: City Manager Mike Bollhoefer, City Clerk Kathy Golden, City Attorney Dykes Everett, Assistant to the City Manager Marshall Robertson, City Planner Mark Cechman, Utilities Director Fernand Tiblier, Police Chief George Brennan, Trailer City Manager Johnny Clark, Building Official Willie Herbert, Fire Chief John Williamson, Information Technology Director Bob Reilly, Public Works Director Bob Smith, Human Resources Director Frank Gilbert, City Engineer Art Miller, Senior Planner Kelly Randall, Assistant City Clerk Angee Grimmage, West Orange Times reporter Michael Laval, Orlando Sentinel reporter Sandra Mathers

1. **APPROVAL OF MINUTES**

Motion by Commissioner Dixon to approve the regular meeting minutes of November 10, 2005. Seconded by Commissioner Nichols and carried unanimously 5-0.

Motion by Commissioner Dixon to postpone minutes of November 22, 2005 until the next regular meeting of December 22, 2005. Seconded by Commissioner Nichols and carried unanimously 5-0.

2. **PRESENTATION**

Utilities Director Tiblier recognized Assistant Utilities Director Bart Patria and Water Conservation Officer Dennis Jones and Mayor Quesinberry presented them with an Award of Excellence for their Public Outreach Program and an Award of Merit for Excellence in Construction in the Expansion of the Wastewater Treatment Plant.

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 05-44:** REZONING APPROXIMATELY 112.16 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHWEST AND NORTHWEST

CORNERS OF THE AVALON ROAD AND TILDEN ROAD INTERSECTION FROM COUNTY A-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Alexander Ridge PUD)

City Attorney Bedell read Ordinance 05-44 by title only. **Motion by Commissioner Dixon to approve Ordinance 05-44 with the second reading and public hearing being scheduled for January 12, 2006. Seconded by Commissioner Nichols.**

Commissioner Graham stated that the Engineer has referenced the Wekiva Protection Act whereby they are not to cover more than 65 percent of the land, but the map shows they are proposing to cover 21 percent to the south and 25.6 percent to the north. **City Planner Cechman** clarified that there are two related items being worked on; one is the Wekiva Comprehensive Plan Amendment approved for second reading after it is returned from the State. The second is the stormwater ordinance later in this meeting. **City Engineer Miller** stated that the proposed requirement under the Wekiva Protection Rule will be 35 percent but it is currently at 20 percent until our Land Development Code is changed. When they submit their preliminary plat and final construction drawings, they will have to meet our impervious surface requirements. The Commission is looking at that item later in this meeting. **Commissioner Graham** stated that he was hoping the City plan for stormwater would be in effect by the time they come back with their other plans so they would fall under the 35 percent requirement. **Mr. Miller** stated that they will be and the difference is that one is on the overall development requirement and the other one is for a lot-by-lot impervious surface ratio requirement. This is where the 65 percent for a PUD comes in on a lot-by-lot basis.

Commissioner Reynolds asked why the Commission is even considering annexing and rezoning, what does it do for the City. **City Planner Cechman** responded that the landowner petitioned the City to consider the annexation, comprehensive plan amendment, and rezoning. The reason they want to come into the City is because the City is the provider of utilities. The Joint Planning Area Agreement amendment number six with the County has been approved with some conditions. **City Manager Bollhoefer** responded that the philosophy behind what an annexation does for the City is that without annexation the City actually has no control over the development. The County will control it and receive all the impact fees and taxes, which allows the County to spend it anyway they like. The City will receive all the burdens the development will put on the schools and roads, but not receive any of the resources to deal with those issues. Historically, the City is more efficient at utilizing the resources to handle the growth and impact it brings. **Commissioner Reynolds** stated that whether the County gets the money or not is not going to guarantee road or school concurrency. Based on history, CR 545 is already well over traffic concurrency. **Mr. Bollhoefer** stated that developers coming in are being made aware of the fact that they will have to be part of the road solution. This developer has agreed in principle to any super impact fee / pay-as-you-go to put the road financing in place. He anticipates that CR 545 will need to be four laned in five to six years. **Commissioner Reynolds** stated impact fees via SB360 are only going to be at best a million dollars. **Mr. Bollhoefer** stated that he is convinced that pay-as-you-go is not sufficient to build the roads, but the plan staff is looking at for super

impact fees should be sufficient with all related parties involved. **Commissioner Reynolds** stated that the City lacks an interlocal agreement with Orange County for whatever reason to get cooperation from them to pick up their fair share. If we take the impact fees from this developer, we are obligated to pave that road according to 360. **Mr. Bollhoefer** replied that this is not correct, a pay-as-you-go is a separate funding source and a super impact fee will not fall under a pay-as-you-go. All that has to be demonstrated for paying impact fees is what is called a rational nexus test, to be spent in a reasonable proximity and in a reasonable time. Impact fees would not have to be obligated to CR 545. However, that being said it is important that if developers are going to pay impact fees and their impact is on CR 545, dedicating the money to build CR 545 is a wise choice. This will ensure growth pays for those roads that it most impacts and the City would have control over the fees. **Commissioner Reynolds** stated that he is looking at it from the standpoint that the City owes it to the builders, developers and citizens to make sure we don't have a situation where we have a road that needs to be paved and the County is not going to help. The responsibility falls onto the City to get it done and the money is not there. **Mr. Bollhoefer** stated that the developer has agreed to follow the plan staff is devising. **Commissioner Reynolds** stated there is still a significant deficit between what it will take to get the road done and lumping together impact fees and super impact fees, it does not add up. **Mr. Bollhoefer** stated he is not sure how Commissioner Reynolds has determined the figure because staff has not provided any figures. Staff has met with the County who has agreed to pay a large portion for CR 545. **Commissioner Reynolds** stated he would let staff get their plan together. **Commissioner Graham** stated that CR 545 is a County road and whatever the City does to help them with funding would benefit the County for making it four lanes. He feels it is wise to annex the property. **Commissioner Nichols** stated that she agrees it is good idea to annex them except relying on the County to come through with roads has not shown much success such as in the case of 535 and the City is not even in the three to five year plan for SR 50 as it should be by now. **Mr. Bollhoefer** stated he would not count on the County. He has studied the failures of 535 and that is why a written agreement with the County is important for CR 545.

Commissioner Nichols asked what the difference was between Orange County Village and City Low-Density Residential zonings. **Mr. Cechman** replied that traditionally Orange County Village is a much higher density than City Low-Density Residential that is six units per acre.

Hearing no more discussion, Mayor Quesinberry called for the vote. **Motion carried unanimously 5-0.**

- Ordinance 05-63:** AMENDING ORDINANCE 05-51, THE CITY OF WINTER GARDEN FISCAL YEAR 2005-2006 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE
City Attorney Bedell read Ordinance 05-63 by title only. **Motion by Commissioner Dixon to approve Ordinance 05-63. Seconded by Commissioner Graham.** **Commissioner Nichols** asked if the second page of exhibit 1 about halfway down shows land at \$497,000 for right-of-way at Story and 9th Street was for all four sides of the

intersection. **Assistant to the City Manager Robertson** stated that this is the money for the right-of-way improvements for Story Road and 9th of the three improved parcels. **Commissioner Nichols** asked if this was a solid projection. **Mr. Robertson** replied that he hopes it will be less. **Commissioner Nichols** stated that the only reason she brought it up was that there was previous talk of eminent domain. **Mr. Bollhoefer** stated that when dealing with right-of-way budgeting, it is not always an exact science because land prices can change rapidly. **Commissioner Nichols** stated she just wanted to make sure we were not tied into a specific amount. **Mr. Bollhoefer** replied that if more were needed, staff would come back to the Commission with an agreement and a recommendation to increase the budget by Ordinance. **Motion carried unanimously 5-0.**

3. **Ordinance 05-64:** AMENDING CHAPTER 66, TAXATION, ARTICLE IV OCCUPATIONAL LICENSE TAX SECTION 66-93 OCCUPATIONAL LICENSES - DATES DUE AND DELINQUENT; PENALTIES; CHAPTER 82, VEHICLES FOR HIRE, ARTICLE II TAXICAB, DIVISION I GENERALLY, SECTION 82-28 OCCUPATIONAL LICENSE REQUIRED, TO BE SOLD BY THE BUILDING OFFICIAL; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE
City Attorney Bedell read Ordinance 05-64 by title only. **Motion by Commissioner Nichols to approve Ordinance 05-64. Seconded by Commissioner Graham and carried unanimously 5-0.**

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

- A. **Ordinance 05-57:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 36.79 ACRES LOCATED AT 355 SOUTH NINTH 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 (Dreyfus/355 9th St. Annexation)

City Attorney Bedell read Ordinance 05-57 by title only. Mayor Quesinberry opened the public hearing. Hearing and seeing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 05-57. Seconded by Commissioner Graham and carried unanimously 5-0.**

- B. **Ordinance 05-61:** AMENDING SECTION 106-2, SECTION 106-16 AND SECTION 106-17, AND ADDING SECTION 106-18 TO CHAPTER 106 ENTITLED STORMWATER MANAGEMENT, OF THE CODE OF THE CITY OF WINTER GARDEN; CHANGING THE REQUIREMENT FOR A NPDES NOTICE OF INTENT TO CONSTRUCT FROM 5.0 ACRES TO 1.0 ACRE PURSUANT TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RULES; PROVIDING ADDITIONAL NON-STORM DISCHARGES ALLOWED TO DISCHARGE INTO THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM PURSUANT TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION RULES; PROVIDING FOR MAXIMUM IMPERVIOUS SURFACE RATIOS FOR NEW DEVELOPMENT AND REDEVELOPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE

City Attorney Bedell read Ordinance 05-61 by title only. Mayor Quesinberry opened the public hearing. Hearing and seeing no comments, the public hearing was closed.

Motion by Commissioner Graham to adopt Ordinance 05-61. Seconded by Commissioner Dixon and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Resolution 05-24:** AUTHORIZING THE CONVEYANCE OF IMPROVEMENTS UPON THAT CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS BEING LOCATED AT 160 WEST PLANT STREET, WINTER GARDEN, FLORIDA, AND THE GRANTING OF A GROUND LEASE THEREON; PROVIDING FOR THE TERMS THEREOF; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Bedell read Resolution 05-24 by title only. City Manager Bollhoefer asked the Commission to postpone this item to the second meeting in January to ensure there has been sufficient public notice. **Motion by Commissioner Reynolds to postpone Resolution 05-24 until the first meeting in January 2006. Seconded by Commissioner Nichols and carried unanimously 5-0.**

- B. **Recommendation to approve an agreement between the City of Winter Garden and The Sembler Corp. for the design, permitting, right-of-way, construction of Daniels Road, including the Turnpike Bridge, commencing from a point approximately 450 feet south of the south right-of-way line of the Florida Turnpike to the intersection of existing State Road 50**

City Manager Bollhoefer stated that there was a recent advertisement in the West Orange Times in which the Department of Community Affairs (DCA) announced that they have denied our Development of Regional Impact Report (DRI) and our Comprehensive Plan Amendment. He provided the Commission with a copy of some of the reasons, which were primarily technical reasons. The two primary issues are: 1) they want The Sembler Corporation to reach an agreement with the Florida Department of Transportation (FDOT) on Highway 50, and 2) they want the City to reach an agreement with The Sembler Corporation for Daniels Road. They also have some other technical items where they want the two agreements as certain documents and minor things like a Map H. The recommended remedial actions are listed on the fourth page under item B to correct the deficiencies. **Commissioner Reynolds** asked if the mention of FDOT is for County or State. **Mr. Bollhoefer** responded that is the State. The Sembler Corporation has to reach an agreement with the State on paying for their impact on Highway 50. It has nothing to do with the County. **Commissioner Reynolds** asked if they are asking for pay-as-you-go compliance of concurrency. **Mr. Bollhoefer** stated that it will be a pay-as-you-go and he believes they are currently negotiating the amount. **Commissioner Nichols** asked if the meeting requested by Ms. Hubbard has taken place and if it is premature for the Commission to be acting on this item. **Mr. Bollhoefer** responded that staff has met with Hubbard Construction and this action is not premature because it needs to be addressed. If they do not come to an agreement with the State then this will become moot because all the other agreements are based on getting approval of the Comprehensive Plan Amendment. Hubbard Construction has agreed to extend their contract and there are ongoing conversations regarding this issue. **Assistant to City Manager Robertson** stated that this is basically the same agreement that the City approved in 2003 with the County before The Sembler Corporation announced their intentions to build a mall. The County and Sembler have negotiated, the numbers have changed, and who is paying for it. The 2003 agreement had the County paying for it and now The Sembler Corporation

is paying for it all. There is also an impact fee credit section. Other than that, it is basically the same thing we did before. The plans are done, the permits are in hand, the bids have been opened and our engineering firm has recommended the low bidder, Hubbard Construction. Hubbard Construction has agreed to extend their contract an additional 60 days until The Sembler Corporation closes on the property and funds are available. **Commissioner Reynolds** asked if the County previously obligated themselves to doing a certain portion and has since withdrawn. **Mr. Robertson** responded that the County at one time verbally agreed to pave all of CR 535 in three sections, in three different time periods. The County paid for the section that goes through the M/I Homes subdivision and turned it over to the City at completion. In 2003, it was agreed that the City would obtain the right-of-way, do the design and permit and the County would build the road. It was on the County's agenda for a Tuesday in November and on Thursday night Sembler announced to the City Commission that it intended to buy that property and build a mall. It was then removed from the County Commission agenda on Friday so it never went to the County Commission. He and the former City Manager met with County Commissioner Jacobs and the County Administrator and the topic was that somebody is going to build a big commercial project, so maybe they should help pay for the road. Now The Sembler Corporation has agreed to pay for all of the northern end and not pay for anything at the southern end. **Motion by Commissioner Graham to approve the agreement as submitted between the City of Winter Garden and The Sembler Corporation. Seconded by Commissioner Dixon. Commissioner Nichols** stated that the letter was available on November 30th yet it was not in the agenda package and she hopes that in the future these types of things can be included in the agenda package as she would like to have an opportunity to read it. **Mr. Bollhoefer** stated that he did not actually receive it until today and that is why he brought it to the meeting tonight. **Motion carried unanimously 5-0.**

6. **MATTERS FROM CITIZENS**

Ed Lynch, 660 Home Grove Drive, Winter Garden, FL thanked the Commission for giving District 4 a voice on the Planning and Zoning Board and commended Commissioner Nichols for her continuing efforts to manage growth in Winter Garden. He stated that he has two specific safety issues to bring to the Commission's attention. He lives in Phase 1 of the Regency Oaks Subdivision of Stonecrest and he is concerned that as traffic builds on Daniels Road as the result of the Sembler mall, traffic speeding will also increase on these residential roads where many small children live. He noted that Regency Oaks is not gated and he is concerned about traffic building up on Daniels Road where drivers will speed through Regency Oaks to get around the backup or to expedite a turn onto Roper Road. One possible solution would be to close the Roper Road entrance, speed humps, or other traffic abatement tools. He stated he wanted to bring Home Grove Drive and Grove's End Lane to the attention of the Commission. The other issue is the northwest corner of Daniels and Roper Road where KB Homes and HLD Development is building homes. They are planning to develop something commercial on the corner of Daniels and Roper. Whether it is just a convenience store or gas station, he wanted to weigh in now against this plan. He was told today by the Planning and Zoning Department that the land is zoned R-1 residential, and he believes it should stay residential. Stonecrest and Regency Oaks will have plenty of

problems to deal with as a result of Sembler's mall to our south and we do not need another adjacent commercial development to the north.

Annabelle Clossan, 749 E Palm Valley Dr, Oviedo, Florida stated that she is the State Board Director for the Federation of Manufactured Homeowners and she came because she was informed that there might be some questions on the prospectus for Trailer City. She referred the Commissioners to Florida State Statute Section 723.059 that addresses the rights of the purchaser of a home in any mobile home park. As far as she can find, a second prospectus has never been sent to the State. A second prospectus would only be done in relationship to improving, moving or adding to the community. She also addressed issues relating to minimum age requirements of the tenants and some exemptions. She stated she is bringing this to the attention of the Commission because she has heard there is a new prospectus being given out to new owners that buy homes in Trailer City, which is not allowed unless you tell them there is an old one they should look at first.

James Balderrama, 14315 Hampshire Bay Circle, Winter Garden, Florida asked if he could receive the rest of the DCA response letter. *City Manager Mike Bollhoefer handed him a copy.* He stated this is an opportunity to rethink the Sembler Mall. Traffic is still a mess on CR 535. The Sembler website shows a list of low-end stores as opposed to the high-end ones residents we were told of and he feels duped. He submitted a computer disk of photographs taken the day after the Sembler rezoning hearing showing that there were no hearing signs posted in the 20-plus photos. He has several witnesses if the City is willing to look into it before the issue goes to the Florida Department of Law Enforcement or the FBI. He handed a copy of the disk with photos to the City Attorney and would like to have a response to his allegations within 30 days. He would like to know who put the signs up, what the signs stated, a copy of the signs, and what time and date they were posted because he has witnesses that they were never posted.

Mike Walsh, 16065 Sandhill Road, Winter Garden, Florida stated that he is the Director on the Avalon Home and Property Owners' Association and lives in the Lake Avalon rural settlement. He stated he wanted to remind the City of the partnership development with the City of Winter Garden over the last four years regarding properties such as Alexander Ridge that are situated around their border. They have been discussing with Winter Garden since 2001 regarding some of the approaches that will be used in the some of the surrounding areas and to have a nice strong partnership not only with Winter Garden, but with the developers of Alexander Ridge to try to give them the best impression possible of what good rural living is. He encouraged adoption of the "dark sky" lighting approach in some of the new developments that everybody seems to be embracing these days. He encouraged everyone to visit the Belle Meade area to see the lighting and for Winter Garden to embrace this concept as their normal approach for lighting in new developments.

Shirley Smith, 21 West Crest Avenue, Winter Garden, Florida stated that she thinks downtown Winter Garden looks beautiful and all the merchants and visitors are making compliments on what a beautiful town it is. She stated that she still has a major concern about the four-sided signs that she would like to see painted on our wheelchair ramps that

state, “no bicycles, no skateboards, and no rollerblades” because somebody is going to get hurt.

Ward Britt, 1219 Kelso Blvd, Winter Garden, Florida stated that the City of Winter Garden and the Winter Garden Heritage Foundation had a great day today as they have met with the Director of the Morse Museum of Winter Park who agreed to a four-day Tiffany exhibit in February. The Railroad Museum at Plant and Main will be emptied and filled with Tiffany exhibits. The high school children will see it the first day and then it will be open to the public. He stated that it is going to be a great exhibit.

7. **MATTERS FROM CITY ATTORNEY** Had no items.

8. **MATTERS FROM CITY MANAGER**

A. **Discussion on amending Trailer City Mobile Home Park tenant prospectus**

Advised that the language will be changed to eliminate phrases about closing the park and it will be brought back to the next Commission meeting.

- Provided the Commission with a letter from Maxey Center Director Mr. Risper regarding the Commission’s \$500 donation that purchased turkeys and hams for 50 needy families.

B. **Reclassification of Assistant to the City Manager to Assistant Manager**

He stated that the job description for Assistant to the City Manager and Assistant City Manager are exactly the same. In effect, when Mr. Robertson was made the Assistant to the City Manager years ago, he was really made the Assistant City Manager. He believes it is important to reclassify him to the appropriate classification that matches what he actually does. Mr. Robertson will be taking the lead on many of our projects, some done by the City and others by outside contractors. Mr. Robertson’s 36 years of experience speaks to his knowledge of all areas of government and he is an asset to the City. The Charter does not require the City Manager to bring this change to the Commission but he wanted to bring this to their attention as a courtesy and it is something he believes should have been done some time ago. **Commissioner Nichols** asked if the two positions always existed. **Mr. Bollhoefer** replied no, it has only been one position and when he looked at other cities, Assistant to the City Manager is more limited and administrative in nature. He stated that what Mr. Robertson does is much more varied and important than his current classification. **Commissioner Reynolds** asked if Assistant to the City Manager position is being eliminated. **Mr. Bollhoefer** stated that he is not technically eliminating the position, it is a reclassification, so there is no new position created. **Motion by Commissioner Dixon to approve reclassifying Assistant to the City Manager to Assistant City Manager. Seconded by Commissioner Graham.** **Commissioner Reynolds** stated that he thought Mr. Robertson would be excellent at the assistant’s job. Also, for future reference he would like to see a directive made for career paths that will specify a job’s requirements and qualifications to avoid the appearance of any type of unfairness or accusations of discrepancy or prejudice. He would like to see someone come in at the entry level for the City and for him or her to know what his or her goals are for aspiring to a higher position. **Mr. Bollhoefer** stated that at his last department head meeting he directed them to submit to him a career-tracking path for all

their employees that will be combined into one major career tracking. There is already one in place in the Police Department and the Fire Department has submitted theirs. **Commissioner Reynolds** stated that when that is completed, an employee or perspective employee should be able to sit down and see what is expected if they want to qualify for a certain position. **Mr. Bollhoefer** stated that they will also know what they need to do to qualify for raises. **Commissioner Reynolds** stated this is an excellent idea and commended Mr. Bollhoefer for instructing staff to have this done. **Mayor Quesinberry** stated that he thinks Mr. Robertson's title change is something that needs to be done. **Motion carried unanimously 5-0.**

C. **Discussion on City Attorney applications**

Mr. Bollhoefer stated that he has provided the Commission with five resumes selected by the pre-selection committee after deciding who was most qualified and they almost unanimously decided on the same candidates. Candidate Jerry Clark has withdrawn his name because he has found other employment, leaving four remaining attorneys. He stated he has included a late submittal from attorney Kristy Crosslack. He and Human Resources Director Gilbert have reviewed the resume and found Ms. Crosslack to have the necessary skills and asked the Commission if they would like to add the applicant to the short list or stay with the four selected by the committee. Mayor Quesinberry stated that he felt that he would rather stay with the four. **It was the consensus of the Commission to stay with the four resumes recommended by the pre-selection committee.** Mr. Bollhoefer stated that the next decision would be on how to proceed. He recommended having each candidate appear before the Commission to answer questions publicly. **It was the consensus of the Commission to tentatively hold a special meeting on January 10, 2006 to interview the four attorney applicants.**

● **Code Enforcement Case #03-186 against Patrick Barnes**

Mr. Bollhoefer stated that the City has a Code Enforcement case on a house the City condemned and demolished. Fines were levied and two liens were placed on the property. Now they are trying to sell the property and need to address their liens. The total amount due is \$35,235.65. He thinks a fair settlement to recoup our expenses and the interest would be \$18,235.45. **Commissioner Nichols** asked how long has this been going on. **Mr. Bollhoefer** replied that the process began on October 22, 2003. **Commissioner Nichols** stated that she personally does not feel they should be exonerated from the entire fine. **Commissioner Dixon** noted that the Commission, in the past, has settled for less and all the City really wants is for them to bring the house up to code and \$18,000 would cover City expenses. **Commissioner Reynolds** asked if the City had followed the Code in this case. He recalls a case that had the fines reduced because the owner was not properly notified that fines were still accruing. He asked the attorney what is the status of this case. **City Attorney Bedell** replied that there was proper notification, procedural due process was given, and the fines were upheld. The only reason that there was any delay was because there was a church involved and there were some legal issues that were resolved on May 18, 2005. **Mayor Quesinberry** asked about settling for \$20,000. **Commissioner Reynolds** asked what the interest rate is. **Mr. Bollhoefer** replied that the simple per annum interest rate is 12 percent. **Commissioner Graham** asked how large is the lot, pointing out it may not be worth the settlement

amount. The Commission has reduced other fines and feels it only fair to reduce this case. **Motion by Commissioner Dixon to approve the settlement of lien for \$20,000. Seconded by Commissioner Graham and carried unanimously 5-0.**

9. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Nichols

Asked if there is any problem with her attending Commissioner's Reynolds's Town Hall meeting Monday as a citizen of District 1. Commissioner Reynolds stated it is not a problem if it is advertised and posted. Commissioner Nichols asked if she could attend as long as it is advertised posted, and they do not personally discuss anything that they are going to vote on. City Attorney Bedell asked if he could look into the question and get back to them. Commissioner Nichols stated that in order to be timely, she asked Mr. Bollhoefer to post the meeting notice at City Hall that says that Commissioners may be in attendance. Mr. Bollhoefer stated that in his opinion, the Sunshine Law states that if two Commissioners ever meet and discuss any issue that may come before the Commission, it is a Sunshine Law violation. Technically, if a Commissioner is in the audience and not communicating with a fellow Commissioner, it is generally not a discussion. It is always advised that the Commissioner do their best to avoid those situations whenever possible. City Attorney Bedell stated that he would get back to the Commissioners on this issue.

Commissioner Dixon

The East Winter Garden Community Development Group (EWGCDG) is currently using a County building that closes at 8:00 p.m. and sometimes it does not allow enough time for them to conclude their business. Therefore, the EWGCDG needs a meeting location and she knows that the old Masonic Lodge on the east side may be available but she thinks it may have been condemned by the City and just needs to be refurbished. She asked the Assistant City Manager to share what he found out about the building. Mr. Robertson stated that the building belongs to a non-profit organization that has since disbanded and is no longer an active group. We would need to research back to see how they incorporated through the state and look at their recorded charter to find how they can dispose of the land. This is what we did in the case of the Youth Center next to the Police Department. In some cases, someone could still be alive that has the authority to sign over the property. Mayor Quesinberry shared that someone could check back to when Julian Revels was a Commissioner because he was present at the dedication of laying the cornerstone.

Commissioner Dixon commended Commissioner Reynolds on conducting a Town Hall meeting.

Commissioner Dixon stated that in January she wants to hold an event honoring Dr. Martin Luther King, Jr. and non-violence and advertise it as Diversity Day in the City. She welcomed all those who want to be on the committee.

Encouraged working with Homes in Partnership to build 24 homes in East Winter Garden and she looks forward to meeting with the City Manager and Lewis Keller to discuss this further.

Commissioner Graham

Complimented the city employees who worked on Light Up Winter Garden and working right up until the time the program started. He also complimented Recreation Director Conn and the Stewarts for the parade that turned out so well.

He attended the dedication of Ocoee High School today; their band has a lot of pep and has adopted the slogan "It's O.K."

Commissioner Reynolds

Commissioner Reynolds also complimented staff on the Light Up Winter Garden and the Christmas Parade.

The Florida League of Cities publication recommends that any town or city in the hurricane belt be self-sufficient for six to seven days without any FEMA help. He stated he has brought this up in the past and wants to know what the status is in preparing an action plan to know what to expect for the citizens if the City is rendered without power and for maintaining the water supply, etc. **Mr. Bollhoefer** stated that staff is in the process of working on the entire Emergency Plan and his goal is to have it in place before the next hurricane season.

Asked what the status is on the lobbyist because the City is going to need some money for roads. He would also like to have a letter sent to County Commissioner Teresa Jacobs asking for her assistance in representing West Orange County more diligently to get road funding. **Mr. Bollhoefer** stated that staff has just finished the last interview of three applicants yesterday afternoon and references are being checked.

He asked if moving Mr. Robertson to Assistant City Manager was to centralize all the projects in all the different areas. **Mr. Bollhoefer** responded yes, to work with the three divisions on large projects. **Commissioner Reynolds** stated that he would again like to address the centralized purchasing issue. He thinks it would compliment the centralization of projects being coordinated through one person as would centralized purchasing. **Mr. Bollhoefer** stated that he has spoken with the Finance Director on this subject and a purchasing policy is almost complete. The Finance Director is in the process of adding some items and once the policy is completed, staff will bring it to the Commission. Staff is reviewing existing staff because he is still not convinced that a new position has to be created, he thinks it can be done with existing staff, but it is still being reviewed. **Commissioner Reynolds** asked if he meant designating an existing person as Purchasing Agent, with proper training. **Mr. Bollhoefer** replied that the City has an employee who is going for their certification and actually works on a lot of those types of items now.

Commissioner Dixon stated that the staff is doing a good job. She is not in favor of creating too many positions. She stated that the City Manager critiques what he needs but she doesn't like all the new positions when she is not getting anything for her district.

Mayor Quesinberry

Also complimented staff on Light Up Winter Garden that was attended by at least 2,500. Everyone appreciated that new stage and it was beautiful to see everyone holding up his or her candles. He thanked the staff for their hard work and the 110,000 lights. The Parade gets bigger every year and it is nice to see everyone.

The meeting adjourned at 8:15 p.m. to the next regularly scheduled meeting on December 22, 2005 at Tanner Hall.