



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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WINTER GARDEN, FL 34787

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REGULAR MEETING MINUTES

CITY COMMISSION

October 27, 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 Frank Bedell, Assistant to the City Manager Marshall Robertson, City Planner Mark Cechman, Utilities Director Fernand Tiblier, Assistant Police Chief Jon Johnson, Recreation Director Jay Conn, Trailer City Manager Johnny Clark, Building Official Willie Herbert, Finance Director Brian Strobeck, Fire Chief John Williamson, Information Technology Director Bob Reilly, Public Works Director Bob Smith, West Orange Times reporter Michael Laval and Orlando Sentinel reporter Sandra Mathers

1. **APPROVAL OF MINUTES**

Motion by Commissioner Dixon to approve the regular meeting minutes of September 21, 2005 as submitted. Seconded by Commissioner Nichols and carried unanimously 5-0.

2. **PRESENTATION**

Ms. Victoria Laney thanked the City of Winter Garden for issuing a Proclamation observing National Family Week October 29 – November 5, 2005 and provided copies of their activity calendar. Ms. Laney stated that Winter Garden may want to be included in their activity calendar next year with events such as the Halloweenfest or a story time at the library. She looks forward to future family weeks and Winter Garden's participation.

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **ORDINANCE 05-40:** AMENDING CHAPTER 102 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA, RELATING TO SIGNS BY ADDING SECTION 102-5, SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH AND BY ADDING SECTION 102-6,

SEVERABILITY; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 05-40 by title only. **Motion by Commissioner Graham to approve Ordinance 05-40 and to schedule the second reading and public hearing on November 22, 2005. Seconded by Commissioner Nichols.** Commissioner Graham asked the City Attorney to give a brief explanation of this item. Mr. Bedell stated that this item was actually drafted based on a recommendation made by the Florida League of Cities and it relates to billboard cases being filed, which if adopted may insulate the City from future litigation **Motion carried unanimously 5-0.**

- B. **ORDINANCE 05-41:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES BY LIMITING THE HEIGHT IN THE R-1A, R-1, R-1B, R-2, R-3, R-NC, C-1, C-2, C-3, C-4, I-1, I-2, PUD, PCD, AND PID ZONES TO 35 FEET TO INCLUDE ALL ARCHITECTURAL EMBELLISHMENTS AND FACADES TO INCLUDE ANY PORTIONS OF ROOF PITCH OR ANY ARCHITECTURE DECORATION; PROVIDING FOR AN EXEMPTION FOR ANNEXED PROPERTY; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 05-41 by title only. City Manager Bollhoefer gave a PowerPoint presentation (*see attached*), and stated that height restrictions if in the right place, correctly drafted, and for the right reasons can work. One of the first steps to be taken is to carefully consider the economic and aesthetic affects a building height restriction would have. He believes it is also important to have the input of all the stakeholders whenever an ordinance is passed that affects them. Therefore, staff recommends denial.

Commissioner Nichols stated that this was her idea but what she had in mind was to ask staff to look into this and had she known this was going to be presented, she would have had her rebuttals ready. The existing buildings that already exceed the 35 feet would not have to be changed. Also, anything that is built can come under a special exception such as a steeple on a church. Plans that have already been approved cannot have a law applied retroactively. The proposed changes in this ordinance are not what she had in mind. This ordinance relates to land usage and does include something about a 40 foot height limit but this is not the proper ordinance for this particular issue. For the City Manager to say this issue is arbitrary and capricious then why are we complaining about 30 feet, at what height does it stop-120, 10, or 20 stories? That is what she wants to put some control on. She only tossed out the idea of 30 feet. She did not know how tall the Edgewater Hotel was and only was suggesting that nothing be taller than that building. They can put as many embellishments they want as long as they keep it no taller than the Edgewater Hotel. Special exceptions could be granted for a ten-story condo on SR 50 or affordable housing that is six stories high. She is not asking to apply the control to any building that already exists or any changes. This requirement would be for buildings coming in the future. If we don't preserve the character of this city, it will be lost as will the city we all love now. She is not trying to control progress, change is going to come, let's just make sure someone doesn't come in and ruin it. She is asking that whenever a

developer comes in that they be made aware of our controls on how tall the buildings can be without a special exception. She had asked that staff look into this further and that is what she still wants staff to do. Coming back with this ordinance at this time does raise a lot of questions. No, she will not vote in favor of the ordinance the way it is currently proposed because it is not right. If 30 feet isn't correct, then why are 40 or 50 feet correct? She has seen too many towns in Florida ruined because they put in the big buildings.

Mr. Bollhoefer responded that staff was given direction to draft the ordinance as presented and was directed look into a building moratorium. The reason for including the existing buildings in his presentation was not to say we would do anything to change them, it was to give an example of what could not be built under the proposed regulations such as the Meadow Marsh. **Commissioner Nichols** stated that it could be built with a special exception, which is her point. **Mr. Bollhoefer** stated that staff does suggest that any height restrictive ordinance include a special exception process. If this is the Commission's intent, he recommends there be a careful analysis to determine what a reasonable height in each zoning is. **Commissioner Nichols** stated that is what she would like to see done because the current ordinance has 40 feet, so what is the difference between the 10 feet. Just because no one has submitted a tall building plan, does not mean it is not coming. **Commissioner Dixon** stated that everything in East Winter Garden seems to have to have a variance. She would vote against anyone trying to enact limits right now. She wants some existing areas fixed up now. When a plan is submitted, each is taken on an individual case basis. It is premature to propose a building moratorium ordinance when there are more important issues to be addressed. **Commissioner Reynolds** stated that he has done some research on the challenges facing the city and he has some concepts from other cities that include an Architectural Review Board (ARB) with a community awareness requirement incorporated into it that has basically eliminated any need for height restrictions. The reason it works so well is because the community is able to make the decisions and get it into compliance with what the surrounding neighbors feel is going to be aesthetically pleasing to the community before the plans get to Planning and Zoning. They have had a 98 percent success rate with this approach. His recommendation is to do a study along these lines to meet the challenge to manage the growth and to create aesthetically pleasing buildings that will follow the landscape of Winter Garden. **Commissioner Nichols** asked if an ordinance would be necessary to delegate the authority to an ARB. **Mr. Bollhoefer** replied yes, and before this particular ordinance was drafted, the Community Redevelopment Area Advisory Board was discussing an ARB and looking at architectural standards. This is the direction staff was going until the Commission gave direction regarding this ordinance. Staff agrees that an ARB is the preferred avenue. **Commissioner Reynolds** stated that cities have given Winter Garden an open invitation to meet with them to look at their process. **Mr. Bollhoefer** stated that staff has actually visited some cities and has seen that it does work.

Motion by Commissioner Dixon to deny Ordinance 05-41. Seconded by Commissioner Reynolds and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. **Request by the Historic Downtown Winter Garden Merchants Guild to close Plant Street for a fall festival November 19 – 20, 2005**

Mrs. Tina Aldrich stated that this is a request for the second annual arts festival that she has been coordinating with Recreation Director Conn. They are asking for support in the form of patrol officers, emergency medical presence, public works to barricade the necessary streets, assist with operation of the public address system, and put a dumpster next to her floral shop. The event is being handled by an outside company who will be providing port-o-lets, trash receptacles, liability insurance, clean-up and after-hours security. The only thing different this year, at the request of residents, is that there would be music in the gazebo from 6:00 until 10:00 p.m. She apologized for it being on an agenda so late, but the Commission has been very busy since she made her request in June. Commissioner Reynolds asked if there is an advertising budget. Mrs. Aldrich stated that the events company is handling everything. The merchants are having banners made to put on the light poles and they will need to be mounted next week. **Motion by Commissioner Graham to approve the request as submitted. Seconded by Commissioner Dixon and carried unanimously 5-0.**

B. **Request for sponsorship by West Orange High School Concert Choir**

Choir member Sofia Troncoso stated that she is returning as requested at the last City Commission meeting and just wanted to reiterate that their choir program is a jewel in the community and they are the number one choir in the nation. She is asking for a sponsorship to help fund their trips to Virginia and Italy to compete in a worldwide competition. It will cost each student \$2,500 and she is asking the City to support her and her choir. Mayor Quesinberry pointed out that the City Commission can donate to the high school but not to any one individual. There are two donation applications and he asked if the other choir member was present. Commissioner Dixon stated that the other applicant's father is ill. Mr. Bollhoefer clarified that if \$1,000 is donated, each would be getting \$500. **Motion by Commissioner Dixon to approve a donation of \$1,000 to the West Orange High School Concert Choir. Seconded by Commissioner Nichols and carried unanimously 5-0.**

C. **Recommendation to approve and sponsor the annual Spring Fever in the Garden in Historic Downtown April 8, 2006 by the Bloom N Grow Garden Society**

Recreation Director Conn stated that this request is for the sixth festival and is a signature event in Winter Garden. Staff recommends approval as provided in the agenda package. Commissioner Reynolds asked how the event is promoted. Mr. Conn stated that the committee of 40+ handles their own promotions. **Motion by Commissioner Graham to approve the request as submitted. Seconded by Commissioner Dixon and carried unanimously 5-0.**

D. **Resolution 05-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) FOR USE DURING ALL**

INCIDENT MANAGEMENT OPERATIONS WITHIN THE CITY OF WINTER GARDEN, FLORIDA

City Attorney Bedell read Resolution 05-20 by title only. Fire Chief Williamson stated that this item is a homeland presidential directive and there are federal funds connected to adopting the MIMS system. **Motion by Commissioner Graham to approve Resolution 05-20. Seconded by Commissioner Nichols and carried unanimously 5-0.**

E. **Appointments to the Planning and Zoning Board to fill four seats whose terms are expiring**

City Clerk Golden read the names of the applicants. **Mayor Quesinberry** stated that the four members (Larry Bedsole, Richard Mask, Jerry Carris, and William Burch) have each requested reappointment and he supports their reappointment. **Commissioner Reynolds** asked if the applicants should be addressed as a group or individually. **Mr. Bollhoefer** stated that it can be handled either way.

Motion by Commissioner Dixon to reappoint the four members. Seconded by Mayor Quesinberry. Commissioner Reynolds stated that he feels that with the growth, the number of highly qualified applicants, and in an effort to bring the city together in providing equal opportunity for all areas to be represented, he would like to see new individuals appointed. It is not good to place the task on the same people over and over again when there are other people willing to serve and give their input. It will give the board someone with a fresh, new look and it would encourage participation from any citizen who feels they have something to contribute. He has nothing against the current board because they have done well for the City, they have been diligent and loyal. But there are people asking for a chance to serve, some for a long time, and so they should be allowed the opportunity to serve. **Mayor Quesinberry** stated the board has seven members and if four were replaced the City would lose a majority of their experience. **Commissioner Reynolds** stated that it should be fine with the two ex officio members and the three remaining members. **City Manager Bollhoefer** stated that another member will be resigning by the next Commission meeting, so in effect the appointment would be for five members and while he believes having new members is good, it is also dangerous to replace a majority of the membership and lose valuable experience. The terms should also be better staggered. **Commissioner Dixon** stated it will be her call to replace the fifth member. Planning and Zoning Board member Tina Aldrich interjected by stating that the two remaining members, she and Bea Deariso, only just came on the Board last November. **Motion failed by a vote of 2-3; opposed by Commissioners Reynolds, Nichols and Graham.**

Commissioner Graham stated that he thinks the Chairman has the most experience on the board and has done a good job. **Motion by Commissioner Graham to reappoint Larry Bedsole. Seconded by Commissioner Nichols and carried unanimously 5-0.**

Commissioner Nichols stated that she would like to nominate someone who will represent District 4. **Motion by Commissioner Nichols to appoint Colin Sharman. Seconded by Commissioner Reynolds and carried unanimously 5-0.**

Commissioner Reynolds stated that Mr. McKinney was a Building Director and in Code Enforcement for the City of Winter Garden and he would be an asset. **Motion by Commissioner Reynolds to appoint Millard (Mac) McKinney. Seconded by Commissioner Graham and carried 4-1; opposed Mayor Quesinberry.**

Motion by Mayor Quesinberry to appoint Bob Buchanan. Seconded by Commissioner Graham and carried 3-2; opposed Commissioners Nichols and Reynolds.

Mayor Quesinberry thanked those who have served on the Planning and Zoning Board. Commissioner Graham stated that two of the departing members were originally recommended by him and they have done a good job and he also appreciates their service. Commissioner Reynolds asked if they would receive any type of appreciation for their service. Mayor Quesinberry replied yes, they will.

5. MATTERS FROM CITIZENS

Larry Cappleman, 54 W. Plant Street Winter Garden, Florida stated that he serves as the Chairman of the CRA Advisory Board and as a member of the CRA Board and is present to address the proposed height ordinance. He is pleased to see it rejected but he does encourage the City to approach future development with care and not allow runaway development. He thinks that an Architecture Review Board can serve a function. The CRA Board adopted the latest Community Redevelopment Plan in 2004 and part of that plan encourages infill projects to cover vacant lots within the CRA area. The CRA Board will try to encourage zoning, development, and architectural items that will encourage people to build in those areas. They are looking at positive ways to control what is being done, doing a better job of encouraging growth and infill, while controlling what goes in. One reason to encourage infill is to increase the foot and shopping traffic in our recently renovated downtown area. He encouraged a meeting between the CRA and CRAAB to discuss where we are going in relationship to economic progress.

Rodney Jolley, 12901 W. Colonial Drive, Winter Garden, Florida applauded the City Commission for passing on the height ordinance at least for now. He thanked the Commission for what has been done downtown. He is part of the group redeveloping the lot across from City Hall that is architecturally similar to what the City wanted. A height restriction would overly burden and, to some degree, hurt downtown. He thinks that an Architectural Review Board for downtown would probably be an excellent idea.

James Balderrama, 14315 Hampshire Bay Circle, Winter Garden, Florida first thanked Commissioners Reynolds, Nichols and Graham for their appointment to the Planning and Zoning Board from District 4. Roads are over capacity. We need some relief and some type of moratorium on the building. We need to look at some other land uses such as parks, which they have none. District 4 is mostly gated communities and they pay for their own streets, streetlights, etc., and based on their home values are probably the highest City tax base. They are not asking the City to spend a lot of money on them, but they are asking the Commission not to forget them. He agrees that an Architectural Review Board will work.

Carol Saviak, 924 Bungalow Avenue, (no city given), Executive Director of the Coalition for Property Rights, stated that their mission is to educate the public and elected officials regarding the importance of property rights and to defend these rights against increased erosion. In reference to the height moratorium, this is a clear restriction on the property rights of the owner and is unnecessary. A quality community and great place to live is never determined by the height of the buildings, but by the type of people who live there and whether or not they have a welcome mat on their front porches and whether they are good to their neighbors. She encouraged that as they look at any ordinances that would restrict the use of property to understand it is not necessary for the public health, safety, and welfare, and might be outside of their jurisdiction of authority. It could take away the opportunity for businesses to come and thrive in Winter Garden. She thanked the City Manager for his well-balanced presentation. Considering a growth moratorium is a restriction on property rights and she warned the Commission to tread carefully.

Colin Sharman, 312 Duff Drive, Winter Garden, Florida thanked the City Commission for retaining the Planning and Zoning Board Chairman. He thinks that his appointment to the Planning and Zoning Board will give him the opportunity to help East Winter Garden as well as the rest of Winter Garden.

6. **MATTERS FROM CITY ATTORNEY** – Frank Bedell had no items.

7. **MATTERS FROM CITY MANAGER**

A. Provided the Commission with the Financial Statement for September 2005.

B. **Update on growth moratorium (see attached)**

In closing, he stated that first and foremost, it must be determined is why it is being done and it must be for a very defined reason.

Commissioner Nichols stated that she doesn't know how this presentation was changed from her original idea into being about no growth. Her suggestion had nothing to do with no growth. All she was asking for was a very short period of time having a moratorium to readdress why we are constantly changing our land use plan. The other reason is because, from what she heard at the time, the Planning Department was so inundated that they couldn't keep up with the work but had since caught up. She wanted the City to take a short period of time, which would not in any way impact any project that had already been approved or had already been started, it would only affect anything new coming in on whatever day was designated. This would allow the Commission to sit back and readdress the plan for growth and that is all. **Mr. Bollhoefer** stated that his presentation is not to say that is what Commissioner Nichols was asking for but to cover the related issues in general. For the two reasons stated by Commissioner Nichols, they would probably not be sufficient reasons to legally impose a moratorium. **Commissioner Nichols** stated that she does have other reasons but she was not prepared. She does not see why the City would be labeled anti-development when she is speaking only to a very short time to address the City's growth plan. **Commissioner Dixon** stated that she is trying to get some building done on the east side and to start a moratorium would need to

have the specific areas designated but do not stop the building going towards 429. She also wants the parks done on the east side before there are any parks elsewhere. **Mr. Bollhoefer** stated that he is not saying it should not be done, but it is a significant action that should not be done lightly and the negatives need to be considered prior to the next step being taken. Staff was not given the reasons for a building moratorium so staff is reporting on what can happen. **Commissioner Reynolds** stated that for discussion purposes, when the mall was approved and from what he recalls, the traffic count would be maxed out for any new development on SR 50 until it is widened. The infrastructure has to be handled correctly in order to support the growth and that is this Commission's interest. One question to consider is how can it be managed or throttled to make it possible to drive in a safe manner. That is the challenge he sees. He doesn't believe the Commission is interested in throwing a blanket on the fire of Winter Garden but he does believe people want concurrency for schools and roads. **Mr. Bollhoefer** stated that it is his understanding that next Monday there will be an announcement regarding moving SR 50 up on the projects list. Staff is building a Currency Management System that will estimate the traffic influence of each possible project as if they are built and then determine what is needed in roads to handle the traffic along with an engineer's cost estimate. Then impact fees are assessed to see if there are enough funds to build the roads. If there is a deficit, staff will look at how to make that up and one way is to go to the County for their roads. If not, some other system has to be implemented to pay as you go to build the roads. There are no real issues with sewer and water infrastructure. **Commissioner Graham** stated that when someone comes to build in Winter Garden the only problem we are having are the roads and traffic. We have the sewer and water capacity. About the mall, the road was planned before it was known that the mall was being proposed. As he understands the mall impact, if Daniels Road is widened to four lanes with turn lanes onto SR 50, we will not increase the back up any more than we have right now. **Mr. Bollhoefer** replied that is correct, the study showed us that it would maintain the same level but the level maintained is not a good level. **Commissioner Graham** stated that five to six years ago the City, as builders were building, did get the necessary right-of-way on 545 to accommodate the widening for twenty years ahead. He believes that in ten years 545 will be a four lane road. He has been working on Marsh Road for three or four years and he thinks that when Lake County installs four lanes up to the County line, we should have a four lane out to 545. **Mr. Bollhoefer** pointed out that 535 is a county road and that we have been trying to get the County to live up to their responsibilities for years. They have continued to back off improving the road. **Commissioner Reynolds** asked if the pay as you go program is doing what was hoped it could do. How does the City Manager propose any sort of concurrency plan that may be enacted that will work any better than what is currently in place by the State. **Mr. Bollhoefer** replied that it will work because the City will do it better than the State. In reviewing the State system, it is not a good system. **Commissioner Reynolds** asked Mr. Bollhoefer if what he is saying is that it is all about funding and not so much getting into compliance. **Mr. Bollhoefer** replied that the needs must first be determined, good estimates need to be made, and then find out what funding there is and find a way to fund any shortfalls. **Commission Dixon** recalled discussing concurrency and it looks like to her that the City should get with the County and that people should pay as they go. If ten developers decide they want to build in Winter Garden, then they should be asked about

where is the school. Why is the City picking up after they build which is what got us in a mess in the first place? We don't need a moratorium to do it and it can't be settled tonight. We don't need a bunch of splinter groups when we have the CRA and the CRAAB. Let the public see the plan. **Commissioner Nichols** asked if someone can suggest an alternative to a moratorium to achieve this end. **Commissioner Reynolds** stated that time is of the essence and asked the City Manager when he could have a rough draft presented. **Mr. Bollhoefer** stated that staff has been working on this for a couple of months and he thinks he could bring something back on a Concurrency Management System in a couple more months. Staff is also looking at the whole planning and development process, which includes software to link the planning, building, and engineering departments. **Commissioner Graham** stated that he would hate to say 60 days when a lot of things have been neglected because of all the meetings over the mall. If staff would have been able to work on current projects, we would have the streets prioritized for repaving and some of the work done on infrastructure for sewer and water that we have neglected this year. Let's not say 60 days or put a specific date, let staff do some of the work they need to be doing and if there is spare time, get into the Concurrency Management System. **Mr. Bollhoefer** suggested letting him work with staff to see where they are in the process and he will report back at the next meeting with a proposal. There are new positions coming on board that will make a big difference in bringing staff up to speed. *No objections to his suggestion were noted.*

Status of 848 Plant Street and the old Rainbow Grocery

The City-owned property at 848 Plant Street is currently going through Phase 2 of the Brownfield process and we are obtaining grant money. Staff wants to create the design criteria for the Rainbow Grocery site and then advertise it in order to allow investors and developers to submit their proposals. It is located in the CRA and the Commission does not have to select a project based on cost, but can select that which they think is best for the community.

Parks

Staff has been working on purchasing one small piece of land by SR 429 from the OCEA for a pocket park. He does not see the south area as one giant park but as a network of parks of various sizes. One solution may be to use some of the property next to the cemetery, which will not be needed for 100 years. Staff wants to wait until the master plan is done, which will be a six to nine month process, before any decisions are made. **Commissioner Dixon** asked what ever happened to asking the State for assistance with a park. **Mr. Bollhoefer** responded that the 20+ dry acres are still available but the owner is not open to selling it at this time. She has indicated that when she is open to sell it, she may sell it to the City or the County.

City Positions

The Economic Development position is down to two candidates. Several resumes have been received for the City Attorney position and the Commission needs to decide on a committee to short-list the applicants and he asked the Commission to bring back their suggestions at the next Commission meeting.

Update on Waveland, Mississippi relief efforts

Fire Chief Williamson reported that after talking with the other Florida cities assisting Waveland, it was decided that next Monday, Winter Garden will send Utility Department staff to assist Waveland with their lift stations as well as take them the goods donated. The air packs will go to a city in Jefferson County. Mr. Bollhoefer reported that the Police Chief and four officers are assisting in South Florida. It is an opportunity to help others and get the related training.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Graham

Motion by Commissioner Graham to sponsor two tables for the Mayor's luncheon on November 9, 2005 at Tanner Hall. Seconded by Commissioner Dixon and carried unanimously 5-0.

Commissioner Dixon

Stated that she has extra tickets available to the annual Community Action Board volunteer awards dinner next Wednesday and offered them to the residents of Trailer City, who can contact the City Clerk.

Commissioner Nichols

Asked if there has been a response to the two complaint letters addressed to Mr. Bollhoefer from Mr. Balderrama. City Attorney Bedell indicated he has seen the letters and in accordance with the City Code, it is up to the City Manager to determine whether or not to take further action. Mr. Bollhoefer replied that no action is required on either letter. Commissioner Nichols asked if Mr. Balderrama had been informed of this decision. Mr. Bollhoefer replied no, but he will.

Mayor Quesinberry

Recommended participating in the 2006 Relay for Life, as the City has done in the past, by sponsoring two teams. **Motion by Commissioner Graham. Seconded by Commissioner Nichols and carried unanimously 5-0.**

The meeting adjourned at 8:38 p.m. to a regular meeting on November 10, 2005 at 6:30 p.m.