



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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REGULAR MEETING MINUTES

CITY COMMISSION

August 10, 2006

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Graham 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 Pro Tem Theo Graham, Commissioners H. Gerald Jowers and Colin Sharman

Absent: Mayor Jack Quesinberry and Commissioner Mildred Dixon

Also Present: City Manager Mike Bollhoefer, City Clerk Kathy Golden, City Planner Mark Cechman, Utilities Director Charlie Tinch, Recreation Director Jay Conn, Police Lt. Jon Johnson, Fire Battalion Chief James Swope, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Information Technology Director Bob Reilly, Trailer City Manager Johnny Clark, Public Works Director Bob Smith, Building Official Willie Herbert, Economic Development Director Shelly Weidenhamer, Senior Planner Kelly Randall, and Assistant City Engineer Mike Kelley.

1. **APPROVAL OF MINUTES**

Regular Meeting of July 27, 2006. **Motion by Commissioner Jowers to approve the regular meeting minutes of July 27, 2006 as submitted. Seconded by Mayor Pro Tem Graham and carried unanimously 3-0.**

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

City Planner Cechman opened with a presentation (see attached) regarding Ordinances 06-32, 06-33, and 06-34. He stated that these were first readings and have been advertised as public hearings.

A. **Ordinance 06-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED R-4; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE R-4 ZONE; ESTABLISHING PORTIONS OF LAND GENERALLY DESCRIBED AS EAST OF SOUTH WEST CROWN POINT ROAD AND WEST OF BETHUNE AVENUE AND SPECIFICALLY IDENTIFIED HEREIN AS R-4; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Manager Bollhoefer read Ordinance 06-32 by title only. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 06-32 with the second reading and public hearing being scheduled for August 24, 2006. Seconded by Commissioner Sharman and carried unanimously 3-0.**

- B. **Ordinance 06-33:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED R-5; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE R-5 ZONE; REZONING PORTIONS OF LAND GENERALLY DESCRIBED AS THE BAY STREET PARK SUBDIVISION WHICH IS GENERALLY LOCATED SOUTH OF EAST BAY STREET, NORTH OF THE CROWN CORK & SEAL CO. USA INC., WEST OF EAST BAY ESTATES, AND EAST OF 11TH STREET AND SPECIFICALLY IDENTIFIED HEREIN FROM CITY R-2 TO CITY R-5; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Manager Bollhoefer read Ordinance 06-33 by title only. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 06-33 with the second reading and public hearing being scheduled for August 24, 2006. Seconded by Commissioner Sharman and carried unanimously 3-0.**

- C. **Ordinance 06-34:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED RNC-2; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE RNC-2 ZONE; REZONING PORTIONS OF LAND BOUNDED BY NORTH STREET, 9TH STREET, 11TH STREET, AND 85 FEET SOUTH OF KLONDIKE STREET, AND SPECIFICALLY IDENTIFIED HEREIN FROM CITY R-NC TO CITY RNC-2; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Manager Bollhoefer read Ordinance 06-34 by title only. Mayor Pro Tem Graham opened the public hearing. Commissioner Sharman stated that Planning and Zoning Board member Jerry Carris noticed page 12 of the document states the Planning Director may grant exceptions to this standard. He stated that he would like to have the wording changed to that of any of other special exception, to be approved by the Planning and Zoning Board, striking the reference to the Planning Director. **Motion by Commissioner Sharman to approve Ordinance 06-34 with the second reading and public hearing being scheduled for August 24, 2006, striking out the last sentence in section 2(d) on page 12, Part 2. Seconded by Commissioner Jowers.** City Manager Bollhoefer stated that staff did discuss this issue at the Planning and Zoning Board meeting and there was a 5-1 vote in favor of leaving it in. Staff has no objection either way. **Motion carried unanimously 3-0.**

- D. **Ordinance 06-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 106-18 OF THE CODE OF THE CITY OF WINTER GARDEN;

PROVIDING FOR MAXIMUM IMPERVIOUS SURFACE RATIOS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN THE R-4, R-5, AND RNC-2 ZONING CATEGORIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE

City Manager Bollhoefer read Ordinance 06-38 by title only. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none, closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 06-38 with the second reading and public hearing being scheduled for August 24, 2006. Seconded by Commissioner Sharman and carried unanimously 3-0.**

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

A. **Ordinance 06-20:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, GRANTING THE PETITION OF SOUTHSTAR DEVELOPMENT PARTNERS, INC. FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING HICKORY HAMMOCK COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE

City Manager Bollhoefer read Ordinance 06-20 by title only. Mayor Pro Tem Graham opened the public hearing.

Cheryl Stewart, with the law firm of Hopping Green and Sams, 123 S. Calhoun Street, Tallahassee, Florida stated that she was present on behalf of the petitioner and for the record presented proof of publication of the notices for this public hearing to the City Clerk, as well as copies of the testimonies of witnesses in support of their petition. She stated that the purpose of the hearing is to consider the establishment of the community development district. **Mayor Pro Tem Graham** asked for information on what this community entails. **Ms. Stewart** explained that the Community Development District (CDD) is a special purpose taxing district, with approximately 400 in the state of Florida. This project would have a CDD over approximately 246 acres in Hickory Hammock, only affecting those lands within that project. The CDD as a special purpose government would have the power to provide certain public infrastructure that would serve this district. She stated that these improvements were imposed upon this district by the City and went on to explain some of those improvements. She stated that the district would be involved in providing the infrastructure and assessing the cost of implementation. She further explained that CDDs were created by the legislature to be authorized by cities and counties to help growth pay for itself. **Mayor Pro Tem Graham** asked if one of the biggest advantages is to sell the bonds so they can you get them cheaper. **Ms. Stewart** responded that they would get access to the municipal bond market at a pretty favorable rate. She stated that the benefit to the residents is that the costs can be lowered by the cheaper financing. **Mayor Pro Tem Graham** asked if the people buying a home will be under an obligation to help pay for this. **Ms. Stewart** stated yes and they will have notices and the petitioner has a variety of disclosure requirements to comply with. **Commissioner Sharman** asked Ms. Stewart to give a scenario of the time for turning it over and the requirements to the residents. **Ms. Stewart** responded that all CDDs by law transition in a specific way. In a district of this size, six (6) years from the date of the

establishment they count to see how many registered voters they have living in the district. If at that time there are at least 250 registered voters living in the district, the board begins to transition it to registered voters living in the district. She stated that this is an election run by the County Supervisor of Elections office. **Mayor Pro Tem Graham** closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 06-20. Seconded by Commissioner Jowers and carried unanimously 3-0.**

- B. **Ordinance 06-27:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$13,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF WINTER GARDEN, FLORIDA SALES TAX REVENUE BONDS, SERIES 2006, TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW CITY HALL COMPLEX; PLEDGING MONIES RECEIVED BY THE CITY FROM THE LOCAL GOVERNMENT HALF-CENT SALES TAX AND CERTAIN OTHER FUNDS TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON BONDS ISSUED HEREUNDER; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF BONDS ISSUED HEREUNDER; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH BONDS ISSUED HEREUNDER; AUTHORIZING THE AWARDED OF SAID SERIES 2006 BONDS PURSUANT TO A PUBLIC BID; DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER FOR THE AWARD OF THE SERIES 2006 BONDS AND THE APPROVAL OF THE TERMS AND DETAILS OF SAID SERIES 2006 BONDS; APPOINTING THE PAYING AGENT AND REGISTRAR FOR SAID SERIES 2006 BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT TO SUCH SERIES 2006 BONDS; AUTHORIZING THE USE OF AN OFFICIAL NOTICE OF SALE AND THE PUBLICATION THEREOF OR A SUMMARY THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE FOR THE SERIES 2006 BONDS; AUTHORIZING MUNICIPAL BOND INSURANCE FOR THE SERIES 2006 BONDS; AUTHORIZING A RESERVE ACCOUNT INSURANCE FACILITY WITH RESPECT TO THE SERIES 2006 BONDS; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE

City Manager Bollhoefer read Ordinance 06-27 by title only. Finance Director Strobeck stated that this is for the new City Hall project and this is the second reading of the proposed ordinance. Bond counsel and the financial advisor are available for questions. Mr. Bollhoefer stated that part of the process is that the City had to get a new rating and we are now rated A+. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 06-27. Seconded by Commissioner Sharman and carried unanimously 3-0.**

- C. **Ordinance 06-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; ELIMINATING EXTRA DUTY OR SPECIAL PAY AS PART OF SALARY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

City Manager Bollhoefer read Ordinance 06-28 by title only. Police Lt. Johnson stated that at the current time the City's off-duty and special duty pay is paid directly to the off-duty coordinator. The problem is that sometimes the City does not receive their appropriate share and the officers are responsible for filing their own 1099. It also keeps track of the officers who work off-duty and ensures that no off-duty is taking priority over normal shift duty. He stated that by doing this we ensure that the City receives their money, the officers no longer have to file their own 1099, it goes through the City, and most importantly any entity that fails to pay is monitored and the special duty or off-duty is not continued. Mayor Pro Tem Graham asked if when they work off-duty this change would not be considered part of their total salary for pension purposes. Lt. Johnson stated yes, this is the reason for the change being considered, it was adding into the retirement and it will not be now. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 06-28. Seconded by Commissioner Jowers and carried unanimously 3-0.**

4. **REGULAR BUSINESS**

A. **Request to conduct street events in the Downtown Historic District the second Saturday of each month from 6 p.m. to 10 p.m.**

Todd Nichols, 202 S. Lakeview Avenue, Winter Garden, Florida stated that he is a business owner downtown and President of the Merchants Guild. Part of the purpose of the Merchants Guild is to make sure that there is always something going on downtown. In August the merchants will be supporting Richard Hudson's car show; in September they are looking to start a second Saturday type event where there will be a concert, another car show, and some children's activities. City Manager Bollhoefer stated that the City has been working closely with the Merchants Guild and they have become much more active in the City. They are trying to bring in a farmers market. He explained some of the events currently planned and stated that the Merchants Guild would like to have these types of events on the months when there is nothing already planned by the City. Mr. Nichols stated they are asking for the City Commission's support and to provide staff assistance and to waive the \$1,000 fee. Commissioner Sharman asked if this would be waived every time they wanted to have an event. Mr. Bollhoefer stated yes because these events are generally in partnership with the City and these events are for the benefit of the downtown and the downtown merchants. There was discussion on increased sales for the merchants who take advantage of this opportunity reviving the downtown social gatherings. There was also discussion in favor of renewing evening activities to the downtown area once again and also a challenge by Commissioner Sharman to bring a variety of new events. **Motion by Commissioner Jowers to approve the request to conduct street events in the Downtown Historic District the second Saturday of each month from 6 p.m. to 10 p.m. that do not conflict with other scheduled events and waive the \$1,000 permit fee. Seconded by Mayor Pro Tem Graham and carried unanimously 3-0.**

B. **Resolution 06-14:** CORRECTING A SCRIVENER'S ERROR IN RESOLUTION 06-02, WHICH DETERMED THE NECESSITY TO IMPROVE AND CONSTRUCT A PUBLIC ROADWAY AND AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY

LOCATED WITHIN ORANGE COUNTY, FLORIDA TO BE USED FOR THE PUBLIC PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE PUBLIC ROADWAY KNOWN AS "STORY ROAD/NINTH STREET INTERSECTION", TO CORRECT AND RESTATE THE PARCEL NUMBERS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Manager Bollhoefer read Resolution 06-14 by title only. Assistant City Manager Robertson explained that the error was in the parcel numbers and at the direction of the City Attorney and drafted by the City Clerk, this resolution is being presented to the City Commission. **Motion by Commissioner Jowers to approve Resolution 06-14. Seconded by Commissioner Sharman and carried unanimously 3-0.**

5. **Reappointment of Commissioner Graham as trustee on the General Employees Pension Board**

Mayor Pro Tem Graham stated that his term on the pension board is expiring and he is requesting to continue on the General Employees Pension Board. **Motion by Commissioner Sharman to reappointment Commissioner Graham as a trustee on the General Employees Pension Board. Seconded by Commissioner Jowers.** Commissioner Sharman asked Mayor Pro Tem Graham to explain what he does on this board. Mayor Pro Tem Graham stated he has served on this board since 1999 and as the chairman for the last three (3) years. The meetings are held quarterly and they review pension reports. He explained that the City has a good retirement plan and the board is doing the employees a good service. **Motion carried unanimously 3-0.**

6. **MATTERS FROM CITIZENS**

William Spurlin, 17309 Marsh Road, Winter Garden, Florida stated that he lives in the County and wanted to know if his property will be annexed into the City and whether or not there are plans to four-lane Marsh Road. City Manager Bollhoefer explained that part of Marsh Road is in the City and a good portion is not within the City's Joint Planning Area (JPA), therefore it currently could not be annexed. Staff will be presenting to the City Commission amendment number 6 to the JPA that could bring Mr. Spurlin's property into the JPA that would give the City the option of annexing his property but it does not necessarily mean that the City will. The section as you approach CR 545 will definitely be four-laned at some point. There are no plans in the near future to four-lane the road where Mr. Spurlin lives. He stated that he would have to assume that with all the growth in that area that the county may plan to four-lane at some future time. Mr. Spurlin stated that it has been said that it would be four-laned in 2009. Mr. Bollhoefer replied that he has been in some meetings with Orange County and there has been talk back and forth, but as far as he knows there are no plans for a four-laning at Mr. Spurlin's location. Mr. Spurlin stated that Lake County has already appropriated funds to four-lane two miles on their side. Mr. Bollhoefer agreed and stated that in doing so, it will necessitate four-laning the rest of that road. Mr. Bollhoefer stated that he would speak with Mr. Spurlin to explain what he knows about the plans for his location.

7. **MATTERS FROM CITY ATTORNEY** – Absent.

8. **MATTERS FROM CITY MANAGER**

A. **Car Show of August 19th**

Mr. Bollhoefer asked for a waiver of the fees by the Commission for this event. **Motion by Commissioner Jowers to waive the permit fees for the August 19, 2006 car show. Seconded by Commissioner Sharman and carried unanimously 3-0.**

● **Charter Review Committee meeting location change**

Mr. Bollhoefer stated that the Charter Review Committee has agreed to move all their future meetings to City Hall Chambers. He stated that there has not been a significant amount of public attending and they do not need the hall to conduct their meetings. This will free up Tanner Hall for rentals so the City will not lose that revenue. The committee discussed it and they were all in agreement.

● **Update of Impact Fees**

Mr. Bollhoefer stated that in speaking with a consultant who has done our impact fee studies in the past, the City needs to move very fast with updating impact fees for fire, police and recreation. This money was not put in the interim budget and should have been. He will move quickly to bring back an ordinance to add it to the budget. He stated that it will be about \$25,000 to do the study which is a very small amount of money considering the differences the City will bring in with increased impact fees. He stated that the price of land and construction has increased so much that it is necessary to do it again. Commissioner Sharman agreed and asked how quickly the study can be completed so that the City can reap the benefits. Mr. Bollhoefer stated that the study could be back in about one to two months. He stated that the down side is that the legislature passed a new rule requiring 90 days notice to everyone before it can be increased, so we still would have to wait the 90 days. **Motion by Commissioner Sharman to approve an impact fee study as requested. Seconded by Commissioner Jowers and carried unanimously 3-0.**

● **848 E. Plant Street**

Mr. Bollhoefer stated that the City received two (2) bids and neither of the bids met the requirements. The City needs to re-advertise and go through the process again. A motion is needed to reject the two (2) ineligible bids that were submitted. **Motion by Commissioner Jowers to reject the two bids submitted and re-advertise the sale of 848 E. Plant Street. Seconded by Commissioner Sharman and carried unanimously 3-0.**

● **Clancy & Theys Construction Co. and C.T. Hsu**

Mr. Bollhoefer stated that the Commission previously directed staff to negotiate with Clancy & Theys Construction Co. and C.T. Hsu for building the new City Hall and part of that process included obtaining a guarantee that they could build City Hall for an amount not to exceed \$10,200,000.00. They have certified that they can build the new City Hall for that amount and he asked the Commission to approve moving forward with the construction and acceptance their contract. **Motion by Commission Sharman to approve the contract with Clancy & Theys Construction Co. and C.T. Hsu to move forward with building a new City Hall. Seconded by Commissioner Jowers and carried unanimously 3-0.**

- **Acquisition of property to four-lane Daniels Road**

Mr. Bollhoefer advised that the City required property from Burger King that resulted in litigation for the amount. Assistant City Manager Robertson was in mediation whereby they were originally asking \$1.2 million and the City's initial offer was zero. There has been a stipulated settlement offered of \$562,500 plus payment of Burger King's costs. Mr. Bollhoefer stated that if the City does not accept this offer, the City may have to go to court and not know what the final amount will be. The City's Attorney thought this was a good settlement offer as eminent domain is their specialty. There were some minor items such as granting Burger King an easement, another access and a maintenance agreement. These were small matters that do not affect the City in any way but does allow Burger King to continue operating their business. Mayor Pro Tem Graham asked if this offer took into consideration the fact they would have to be closed for a certain amount of time. Mr. Bollhoefer replied yes, part of the amount did factor in temporarily lost revenues and projected permanent revenues lost by certain people who stop going to Burger King and may never go back. Assistant City Manager Robertson stated that staff will be receiving an official document from our attorney that will require approval by the City Commission.

- **Cultural Keepers**

This organization works to get scholarships for low income families and graduating seniors of West Orange County schools. They hold an annual event at Tanner Hall and previously the City Commission waived the hall fees because it is a non-profit event. The fees amount to approximately \$510 and they are asking if the City would again waive these fees. Commissioner Jowers asked if this was ongoing. Mr. Bollhoefer stated that this is the second year they have requested the waiver of the fees. Mayor Pro Tem Graham asked if they had that many people attend. Recreation Director Conn stated that he was not sure of the exact attendance but he believes they had approximately 150 people attend. Commissioner Sharman asked what costs are associated with leasing out the hall. Mr. Conn stated that the renters are required to clean the hall after use. Commissioner Jowers asked if a paid City employee would have to be present at the event. Mr. Conn responded yes, the City would have to absorb that cost at their hourly rate but that would be our only direct cost other than running the utilities. **Motion by Commissioner Jowers to waive the Tanner Hall fee for the next annual Cultural Keepers fundraiser banquet. Seconded by Commissioner Sharman and carried unanimously 3-0.**

- **Homes In Partnership and Orange County**

Mr. Bollhoefer stated that in a previous meeting it was agreed that the City would work with Homes In Partnership and the County to use the land at the old dump site for affordable housing. The County has concerns about the possible contamination at the dumpsite. He is not sure if this project will move forward but the City did get an estimate of how much it would cost the City to have the site soil analyzed to see if there really are any issues. He stated that it may behoove us to find out if this land is usable and give us an idea of any value to the land. Andreyev Engineering has given an estimate of \$9,000 for this study. If we were to go forward with this study we would know what we can or

cannot use this land for. Commissioner Jowers asked if this had been done before. Mr. Bollhoefer stated that a preliminary study was done by the OOCEA. Assistant City Manager Robertson added that a limited study was done when they were building SR 429 but only on five acres the City gave to them. **Motion by Commissioner Jowers to conduct the study.** Mayor Pro Tem Graham asked if we were going to give this away to Homes In Partnership. Mr. Bollhoefer replied that at the prior meeting the Commission agreed to give the land to Homes In Partnership only if homes were going to be built. Mr. Robertson stated that it involves CDBG funds for the infrastructure and Homes In Partnership building houses. It would be a partnership between the City furnishing the land, the County installing the infrastructure and Homes In Partnership building the homes. **Motion seconded by Mayor Pro Tem Graham and carried unanimously 3-0. Mayor Pro Tem Graham explained his hesitation in this vote by stating that the \$9,000 the City is paying for the study could have probably been paid for through the grant.**

- **Charter Review Changes**

Mr. Bollhoefer stated that the Commission indicated their desire to submit proposed Charter changes in a special referendum in December and the Charter Review Committee has asked to make a presentation to the Commission to go over what they have thus far and answer any questions the Commission may have. He stated that he would provide the Commission with a package of what the Committee has done thus far.

- **Resolution 06-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE FOUR (4) CONSECUTIVE ABSENCES OF DISTRICT 3 CITY COMMISSIONER MILDRED L. DIXON AS EXCUSED**

Mr. Bollhoefer stated that Commissioner Dixon has been absent for several meetings due to her health problems and as required by the City Charter in order for her absences to be excused, a resolution must be passed. Therefore, Resolution 06-15 was submitted for their consideration. Commissioner Sharman stated that Commissioner Dixon has served the City for 20 years and he personally feels that it would be an injustice not to excuse her absences. **Motion by Commissioner Sharman to approve Resolution 06-15. Seconded by Commissioner Jowers and carried unanimously 3-0.**

- **Mayors Luncheon**

There was discussion regarding attending the Mayors' Luncheon and the purchase of a table for this event. **Motion by Commissioner Sharman to purchase a table for the annual Mayors' Luncheon. Seconded by Commissioner Jowers and carried unanimously 3-0.**

- **Sunshine Law**

Mr. Bollhoefer stated that there has been a recent circuit court ruling regarding the interpretation of the Sunshine Law that dramatically changes how it has been interpreted in the past. He stated that he will be distributing copies to the City Commission and will ask the City Attorney to brief the Commission on his interpretation. It appears that two

Commissioners are allowed to discuss issues with each other because two members do not constitute a quorum.

9. **MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS** – There were no items.

The meeting adjourned at 7:35 p.m.

APPROVED:

/S/

MAYOR JACK QUESINBERRY

ATTEST:

/S/

City Clerk Kathy Golden, CMC