



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

November 10, 2011

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Harold L. Boulter, Bob Buchanan, and Colin Sharman

Absent: Commissioner Kent Makin

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Community Development Director Ed Williams, Public Services Director Don Cochran, Finance Director Robin Hayes, Human Resources Director Frank Gilbert, Deputy Police Chief Bill Sullivan, Fire Chief John Williamson, Building Official Skip Lukert, Parks and Recreation Director Jay Conn, Information Technology Director Bob Reilly, and Economic Development Director Tanja Gerhartz

At this time the Winter Garden Community Choir came forward and sang America the Beautiful.

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting of October 27, 2011 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.

2. **PRESENTATION**

A. Presentation to individuals who performed by-stander CPR in Winter Garden saving two lives

Fire Chief Williamson stated there were two notable cardiac events in Winter Garden that the American Heart Association refers to as the Chain of Life. He shared that there are multiple links in this chain that starts with early detection of someone going down, early CPR, early access to a defibrillator, calling of 9-1-1, rapid transport to the hospital and finally catheterization to take care of the problem. The individuals involved in the first case were Leslie Stephens and Mark Rosa of the YMCA, Chris Coulter a Strategic Portfolio Manager with the Heathrow Group, and Daniel Mercado an ICU Registered Nurse with the Orlando Regional Healthcare System. He recognized Van Carter who was the recipient of the Chain of Life event and shared what happened which brought about the reason for this recognition.

Mayor Rees read the certificates and with the City Commission presented them to the recipients.

Mr. Van Carter thanked those involved in saving his life and stated that he is very grateful for their heroic efforts that day.

Chief Williamson recognized Luis Sabot who has been in the EMS community here in Orange County for many years as a teacher for many of the EMT's in Central Florida. Mr. Williamson shared the story of Mr. Sabot's crisis and recognized Jennifer Sabot, Mr. Sabot's daughter, for her administering CPR to her father.

Mr. Luis Sabot spoke of his life changing event and stressed the importance of educating the public in administering CPR.

Mayor Rees read the certificate and with the City Commission presented Jennifer Sabot with a certificate of recognition.

Chief Williamson stated that the City of Winter Garden's Fire Department has been teaching CPR in the community for at least three or four years. He announced that CPR classes will be offered every other month at the Jessie Brock Center and the opposite months will be offered in Ocoee.

Mr. Williamson thanked the City Commission and City Manager for providing the Fire Department with the tools so they can provide the increased level of care they perform for the citizens.

3. **FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 11-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 75.94 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) AT 16851 AND 17001 MARSH ROAD, FROM CITY NZ TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Waterside on John's Lake PUD)

City Attorney Ardaman read Ordinance 11-35 by title only.

Community Development Director Williams stated that this is a 75.9 acre parcel located on the north side of Marsh Road and the south side of John's Lake east of the county line and west of Avalon Road.

Mr. Williams explained how in 2007 approximately 650 acres were annexed into the City and at that time the City did not rezone the property as staff felt that it was best to get the comprehensive plan designations resolved before rezoning the property. Staff requested that the property owners come in with planned developments for the property rather than straight zoning. There was a great deal of community input during that annexation process, which was then followed with the update of the comprehensive plan that

designated this area for development within the City. He noted that under the county's designation the development would have been allowed up to ten dwelling units per acre. The City established a cap of four units per acre. He added that the community gave a great deal of input.

Mr. Williams stated this project has a great deal of support from the local community and the concerns addressed by the community were traffic issues with Marsh Road being at capacity, school concurrency, and the impact to the environment.

There has been multi-jurisdictional agreement that Marsh Road will remain a two-lane road. Alternate access should be developed between Highway 27 and the State Road 429.

The next issue is school concurrency, which has generated a capacity enhancement agreement between the school board and developer that will not go to the School Board until the middle of December. This will push our second reading of the ordinance to the first meeting in January 2012.

The next issue is the environmental impacts. This area is in the environmental resource overlay area of the City and is controlled by the Wekiva Act. They have special drainage requirements and have to retain more water; this is the prime recharge area within the City of Winter Garden. There are karst features (sink holes) on the property or adjoining properties that are also regulated by the Wekiva Act. Also, there is John's Lake which is a major environmental concern with the amount of shoreline.

Mr. Williams stated that the next major issue was the quality of the development. Staff spent time reviewing the developments of Centerline Homes. He noted that their other projects have not had problems and are a very high quality development.

Mr. Williams stated that the next issue was the density. The City allows four units per acre and this project is designed with a mixture of 70 foot and 90 foot lots at a density of 2.25 units to the acre, a little more than half of what is allowed. He addressed the buffers and shoreline swales affecting the density. The property is being proposed for the development of 172 lots.

Mr. Williams stated that staff began their analysis by comparing this proposal to the comprehensive plan; it is consistent with the designation of four units per acre in the area, consistent with policies in the comprehensive plan regarding the Wekiva protection, consistent with policies on extending sewer and water, and consistent with policies on transportation. Staff proposes a series of large roundabouts at the entrances to control how traffic comes out and how the through traffic uses the road. He noted that these roundabouts would make it less attractive as a bypass for Lake County. Construction of a road from Highway 27 to SR 429 will also reduce the traffic on Marsh Road. He noted that one of the biggest concerns of the residents is that Marsh Road would become a four lane road.

Mr. Williams recognized the developer to make their presentation and also asked that there be a time for public comments.

Tom Sullivan with Lowndes Law firm, 215 North Eola Drive, Orlando, FL, on behalf of Centerline Homes, agreed with Mr. Williams' assessment of the quality of their homes. He voiced his appreciation of staff and the Planning and Zoning Board for their recommendation on this project. Mr. Sullivan recognized Mike Holbrook and their Planner Boyer Singleton to speak to the City Commission regarding some of the planning features associated with the project. He also noted that Robert Hudson of Centerline Homes and their Civil Engineer Scott Sterns were available if the City Commission should have any questions.

Michael Holbrook with Singleton and Associates, 520 S Magnolia, Orlando, Florida, stated that he has been involved with this project for the last six months and has worked with the City staff. He stated that they do concur with staff's recommendations. He stated that part of this process is to develop a community consistent with the neighborhood. He referred to the exhibits noted in the agenda packets. He spoke of the open space and buffering along Marsh Road that includes a ten foot pathway that would become part of the West Orange Trail system. Also, great care has been taken to preserve along the lake's edge and the trees along the lake's edge.

Robert Hudson, Principle for Centerline Homes, 1511 State Road 434, Winter Springs, FL, shared their company's vision and information about themselves. He noted that last year they built 400 homes in central and south Florida. This year they have moved into Charlotte, North Carolina. Last year they were builder number two in revenue growth in the country and have had success through this difficult economic time. He spoke of Keene's Pointe and Eagle Creek as examples of their that work they are proposing to build in Winter Garden.

Community Development Director Williams stated that the interconnection is extremely important. The property to the west, which belongs to Maurice "Maury" Boyd, was proposed by Castle and Cook to be the urban village that is a mixture very similar to that of Oakland Park. It was to have a commercial center, variety of housing sizes, institutional uses, churches, and schools. He noted that is still part of the plan although Castle and Cook will no longer be a part of that project. This property and several of the other properties in that area are smaller; they will not have the urban village component. Therefore their interconnection to Maury's property and the commercial center is critical.

Mr. Williams noted that in the quality issue this is not to be a walled community. This will be berms, a substantial amount of landscaping and a ten foot pedestrian trail along Marsh Road that will interconnect with other trails throughout this area that will set a nice tone for the area.

Mayor Rees noted that this is not a public hearing but allowed public comment at this time.

Patricia Tice, a transportation engineer and planner with Crews, LLC, stated that she represents an adjacent property owner who has serious concerns about this particular PUD. She shared her concern with the comprehensive plan itself that was just created last year. The plan specifically states that the zoning classifications consistent with urban village land use designation is the urban village PUD and institutional. An urban village PUD is not a land use that the City actually has at this point. There were reasons that, when this particular land use was created, that a specific urban village PUD was stated, not a City PUD, which is the application before the City Commission. The entire project was to work as a cohesive whole with multiple developers for this entire future land use. Without an urban village PUD category, there is no assurance that the overall urban standards would be carried through the rest of this project or even carried within this specific project. She shared her concerns about the City creating precedence by allowing this project to go through as a City PUD and allowing others to ask for the same PUD designation. The proposed project is beautiful, but not urban; this is a suburban project. Ms. Tice defined the difference between an urban and suburban.

Ms. Tice addressed issues relating to connectivity within the community, not just from one community to the next. The City PUD is not a permissible zoning based on the land use designation. She also addressed pedestrian/bicycle usage, variances such as front porches and traffic issues. She stated she wants to get some firmer numbers and will be addressing additional concerns at the public hearing.

Claire Ashington-Pickett, with the Kirwin Norris law firm, stated that she is present on behalf of Ivan and Mala Linzey whom are adjacent property owners to this development. Ms. Ashington-Pickett stated the ordinance on the proposed development is not consistent with the Comprehensive Plan. The Comprehensive Plan designates this property as Urban Village future land use which only allows two classifications; Urban Village PUD and institutional. **Mr. Williams** confirmed there is not an ordinance pending on Urban Village designation. **Ms. Ashington-Pickett** noted that not only does the required zoning not exist, but the application is not seeking of the proper zoning.

Ms. Claire Ashington-Pickett commented on the Sixth Amendment to the Joint Planning Agreement (JPA) and waivers that have been requested regarding front porches and garage side setbacks. The application requested by a notation on the site plan for waivers from the JPA Six but the JPA does not provide any mechanism for waivers. She feels that this should be postponed until this is clarified. She addressed whether or not the County has been notified due to the City of Winter Garden and Orange County being signatory to JPA agreement.

Mark Griffith, President of Cra-Mar Groves, which is the adjacent property owner, stated that he has seen the plans that Centerline Homes has presented and they are happy to see the program come in and hopes the project will move forward.

Community Development Director Williams clarified some points that were brought up by stating that this project is not premature because the City has sewer and water capacity, school capacity, and all the services required to develop this area. In setting a precedent, this board reviews every project on its own merits. There is a legal concept of precedence and if you were to use this project as precedence; he would have no problem with that whatsoever. This is probably the best precedent for protection of the natural systems and environment. He stated that they have gone the extra yard to protect the lake, the prime recharge areas, and protect the karst feature.

Mr. Williams stated that he believes Ms. Tice misspoke when she said that the only connection between this project and the village property, which is Maury Boyd's property, is a driveway that is a two lane road. He noted that there will be pedestrian connections and vehicular connections between the projects, and pedestrian access way within the project to get to the exterior trails. At this level of the concept plan, details such as the width of the sidewalks and those trails are not appropriate and not required until the next step which is subdivision stage.

Mr. Williams addressed the following matters as brought up by some of the speakers. The need for waivers on porches and garages and those types of issues; waivers can be granted in planned unit developments and the County is notified of these zoning hearings and any of those waivers and issues. Regarding the style, size of the homes, and lot sizes also plays into it. He noted that he does not believe there is any County or City rule/regulation against the City taking into consideration the need for porches and the ability for the neighbors to get outside and interact with each other with the proposed lot sizes and house styles. The concern about the connector / reliever road not being built for nine years is that this project does not need the reliever road, but the reliever road or roads at some point in time will help the situation. He noted that the problem on the road is not the local traffic, but the through traffic. Mr. Williams addressed comments about the urban PUD, which they have said has not been developed yet, and the City PUD. There is no City PUD; it is the planned unit development. He noted that if you make a finding that this PUD is consistent with the intent of the comprehensive plan and all the policies, goals, and objectives; then it is an urban planned unit development consistent with that urban designation. He noted that more importantly this is a PUD that protects the natural environment in a quality manner. Staff and the Planning and Zoning Board recommend approval unanimously.

City Manager Bollhoefer stated that the overall area to be developed is defined by its shape which limits what can be done with the urban type of structure. He noted the water cutout area and stated that the City has worked with the developer and made it very pedestrian and bicycle friendly based on the shape of the land.

Mr. Bollhoefer noted the issue of the porches and shared that this requirement was placed in the JPA to help define the quality of the homes, not just for social interaction. Mr. Bollhoefer noted that he does not think it sets precedence, but if it does it is because of its

shape which lends itself to that type of development. He also noted that with 172 homes, the roads will still meet traffic concurrency.

Commissioner Sharman asked about the parcel being part of the Castle and Cook project or was it sold. **Mr. Williams** responded no, this was under the present owner's ownership. At that time there was no connection between the properties; they were all to be separate and distinct. They have now seen the benefits of interconnecting them to the maximum extent possible. He stated that they were not planned that way, but they are now.

Commissioner Sharman noted that this is less dense than most urban projects and in his mind that is an improvement. **Mr. Williams** responded yes and even an urban development should not have all 30, 40, and 50 foot lots. You need a mixture and with the lake front, he would insist that they do not have those tiny lots.

City Manager Bollhoefer commented that Orange County Commissioner of District 1 is very familiar with this project.

Motion by Commissioner Boulter to approve Ordinance 11-35 with the second reading and public hearing being scheduled for January 12, 2012. Seconded by Commissioner Sharman and carried unanimously 4-0.

- B. **Ordinance 11-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 7.497 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF ROPER ROAD AND DANIELS ROAD, FROM CITY R-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Serenades by Sonata PUD)

City Attorney Ardaman read Ordinance 11-36 by title only.

Community Development Director Williams stated that this is a request to rezone approximately a 7.5 acre parcel at the corner of Roper Road and Daniels Road. The rezoning is from R-1 to City PUD for the Serenades by Sonata, which is an Alzheimer's memory care facility.

Mr. Williams stated that when the project was first proposed there was concern in the neighborhood that it was a commercial project trying to come in again at close proximity to the mall. The residential subdivisions in that area have a great deal of concern about any more commercial developments on vacant properties in the area. They scrutinize those properties very closely. Citizens were wholeheartedly in support of this proposal once they came to the meeting, heard the presentation on the type of care facility, its anticipated impact on traffic, as well as other potential impacts.

Mr. Williams stated that this property provides care for Alzheimer and dementia patients and is divided into three segments/levels of care. He noted that staff has physically reviewed another property built in Longwood, Florida that is a very high quality project. He noted that it is on a very large site, there will be a second phase to this project, and there is additional land that is available for development. They have committed, in this ordinance that the expansion will be of this use or other similar uses for medical offices on the remaining property. The neighbors were satisfied with this condition on the project. He noted that because it is a small facility on a large lot, the landscaping and open spaces make it an extremely attractive site.

Mr. Williams noted that staff has added conditions beyond the standard conditions, such as very limited signage. He noted that there is a potential to have Roper Road extended to their north and lined up with the piece that is to the east; should this occur, there is a condition that requires them to tie into and use that road to which they have agreed.

Tom Sullivan of Lowndes, Drosdick, Doster, Kantor and Reed, P.A., stated that they are in agreement with the staff's report and recommendations. He recognized Stuart Bebe to address the City Commission with their company's vision for this project.

Stuart Bebe, President and CEO of Sonata Healthcare, 301 East Pine Street, Orlando, Florida, stated that they formed the company three years ago and their first initiative was to design a state of the art purpose built facility to care for individuals suffering from Alzheimer and dementia. They have come up with a prototype community that they feel is needed in many communities across the country. Mr. Bebe described some of the building and safety features proposed for the new facility.

Motion by Commissioner Buchanan to approve Ordinance 11-36 with the second reading and public hearing being scheduled for December 8, 2011. Seconded by Commissioner Sharman and carried unanimously 4-0.

- C. **Ordinance 11-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING AND REVISING CHAPTER 78, ARTICLE IV OF THE WINTER GARDEN CODE OF ORDINANCES PERTAINING TO UNIFORM REQUIREMENTS FOR PUBLICLY OWNED TREATMENT WORKS, INDUSTRIAL WASTE HANDLING, AND TREATMENT OF WASTEWATER IN ACCORDANCE WITH THE CLEAN WATER ACT AND RULE 62-625 OF THE FLORIDA ADMINISTRATIVE CODE AND OTHER APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-38 by title only.

Public Services Director Cochran stated that in July of this year, the Florida Department of Environmental Protection required the City to amend its sewer usage ordinance to

make minor mandated changes. The state has now come back a second time with more minor changes as indicated in the ordinance.

Motion by Commissioner Boulter to approve Ordinance 11-38 with the second reading and public hearing being scheduled for December 8, 2011. Seconded by Commissioner Sharman and carried unanimously 4-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve the Request-for-Qualifications rankings for Professional Engineering Services for retrofitting wastewater treatment plant #2 (old Louis Dreyfus Citrus Plant) and authorize staff to negotiate a contract for engineering design services with CPH Engineering**

Public Services Director Cochran stated that several years ago the City purchased the Louis Dreyfus Citrus Plant wastewater treatment facility that we refer to as the Dreyfus line. The City currently utilizes those two lines with our reuse system. A couple years ago the City adopted an industrial pretreatment ordinance for which the Louis Dreyfus Citrus plant was the only such industry in town. Staff felt that it was in the City's best interest, as the owners of the plant, to take over operation of the plant to make sure we comply with all the State's rules and regulations, which the City has done. After initially visiting the plant and seeing its condition of the dilapidated equipment, a group of engineers were sent in to evaluate the plant. The engineers brought back a feasibility study that showed most of the equipment was unusable, but the tanks were salvageable. Mr. Cochran displayed photos of these tanks, which now used to treat the wastewater that comes from the citrus plant and then goes to the City's wastewater facility. Mr. Cochran noted plans to demolish a fourth tank.

Mr. Cochran stated that after evaluating the facility and realizing that part of it could be used, staff looked at the Capital Improvement Plan (CIP) for the next five years and found several projects that could fit into this facility, which would be a savings to the City. A request for qualifications was sent out for engineers to bring back a proposal to utilize the existing tanks and infrastructure to accomplish some of the capital projects within the five year CIP. Mr. Cochran noted some of the five year CIP projects.

Mr. Cochran stated three engineering firms have been short listed with CPH being the best proposal and most feasible for saving the City quite a bit of money. CPH proposed taking the two large tanks and turning them into reuse tanks. The small brown tank will then be used for the citrus wastewater and will be diluted with our wastewater from the City's sewer system, then pumped into the City's wastewater facility on Crest Avenue, and then fully treated there. These tanks would be covered with domes so there will not be an odor problem.

Mr. Cochran noted that the proposed equalization tank at the Crest Avenue facility will allow the extension of the life of the existing plant up to year 2027. He stated that prior proposal was at expanding the plant in about 2014 for about \$2.5 million. This proposed

plant will be about \$3.6 million to extend the life of the treatment plant to the year of 2027. Mr. Cochran explained that along with constructing two tanks, the City will build a pipeline that will tie in to Trunkline C, thereby allowing the City to get reuse water out to several subdivisions as well as irrigation to the downtown area.

Mr. Cochran stated that staff is asking authorization to negotiate a contract to begin the design of revamping this (Dreyfus) facility. There will be no construction at this time and will follow the same schedule that is in the existing CIP.

Mayor Rees asked about the difference on the initial page that shows the estimated construction cost at \$5.8 million, but the detail on the back page notes it as \$3.6 million.

Mr. Cochran responded that on the original CIP the equalization tank was included at \$200,000.00, which was much smaller than what the engineer recommended. Their recommendation was about \$300,000.00 between the smaller tank that the City originally planned and the larger tank that was recommended.

Mayor Rees asked if once this is done, there will not be any odor issues.

Mr. Cochran responded that the Dreyfus tanks will be covered and should not have any odor issues.

Motion by Commissioner Sharman to approve the Request-for-Qualifications rankings for Professional Engineering Services for retrofitting wastewater treatment plant #2 (old Louis Dreyfus Citrus Plant) and authorize staff to negotiate a contract for engineering design services with CPH Engineering. Seconded by Commissioner Buchanan and carried 4-0.

B. Recommendation to authorize the City Manager to enter into an election agreement with Orange County Supervisor of Elections for the 2012 election cycle

City Clerk Golden noted that this agreement is identical to the last election agreement with the County, so there are no changes. The agreement allows the City to conduct its election in March and a run-off if necessary.

Motion by Commissioner Sharman to authorize the City Manager to enter into an election agreement with Orange County Supervisor of Elections for the 2012 election cycle. Seconded by Commissioner Buchanan and carried unanimously 4-0.

C. Appointments to fill two vacancies on the election Canvassing Board

City Clerk Golden noted that one of the appointees needs to be designated as the regular member and the other as the alternate.

Motion by Commissioner Buchanan to appoint Jerry Carris as a regular member on the Canvassing Board with Moriama "Mimi" Ortiz as the alternate. Seconded by Commissioner Sharman and carried unanimously 4-0.

5. **MATTERS FROM CITIZENS**

Theo Graham, 213 Tilden Avenue, Winter Garden, Florida, approached the City Commission about the meeting for closing the downtown Winter Garden Post Office.

City Manager Bollhoefer read a meeting cancellation notice issued today as follows: *“The discontinuance study regarding the Winter Garden downtown station is being discontinued. The complete closing of this branch has been determined to be not feasible at this time. I should mention that given the dynamic state of affairs in the postal service, the study could be reopened at a later date.”*

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman asked the City Commission to authorize serving a \$700,000.00 offer of judgment in the DeWitt Excavating, Inc. versus the City of Winter Garden litigation case.

Motion by Commissioner Boulter to authorize the City Attorney to serve a \$700,000.00 offer of judgment in the DeWitt versus City of Winter Garden litigation case. Seconded by Commissioner Buchanan and carried unanimously 4-0.

7. **MATTERS FROM CITY MANAGER**

A. City Survey presentation was postponed until the next meeting.

• **Ninth Street Lift Station Odor**

City Manager Bollhoefer stated that the Public Services Department is still reviewing the odor issue on Ninth Street and are looking into our options that will be brought back to the City Commission.

B. **Discussion on Lake Cove Pointe Drainage**

City Manager Bollhoefer stated that a couple of years ago the City Commission approved of a study being done on the issues at this location. Those issues are still there and are still significant. Estimates have been done on the cost to repair it and the estimated costs are approximately \$210,000.00. The initial developer has not wanted to make any repairs and the City has not found a legal way to require them do so. Staff has been working for some time to find some type of solution for this neighborhood. Staff has worked with the developer who wants to come in and build Phase 2. The developer has agreed to install all the drainage systems and rain gutters on the houses in Phase 2 and the items missing in Phase 1, plus contribute \$70,000.00, to fix Phase 1. Part of the deal would be that the City would contribute \$70,000.00 from the Stormwater Fund and the residents would have to pay the other \$70,000.00.

Mr. Bollhoefer stated that staff recommends this solution because this is probably the best chance to fix this and it is a public safety and health issue within the neighborhood.

Mr. Bollhoefer stated that if the City Commission approves this item tonight, staff is having a public meeting with them next Tuesday and this offer could be given to the

residents and then it would be their choice. If they so decided not to go with this option, they would then be responsible for dealing with this issue.

Commissioner Sharman asked what happens if not enough community residents get approval from the Home Owners Association. Mr. Bollhoefer responded that the approval from the Home Owners Association will be easy because the votes are owned by the developer because of so many vacant lots. Mr. Bollhoefer stated that what is more important is that even though the City will not need homeowner approval, the majority of the home owners should approve it.

Commissioner Buchanan stated that there are so many reasons that this should go forward with one of the major reasons being the home owner's hands are tied until they can get this subdivision away from the developer, who still has complete control.

There was discussion that the bank is the true owner of the subdivision and that the vote will not be an issue.

Motion by Commissioner Buchanan to approve the City Manager offering a contribution of \$70,000.00 from the Stormwater Fund to remedy the drainage problems in the Lake Cove Pointe Subdivision. Seconded by Commissioner Sharman and carried unanimously 4-0.

- **Light Up Winter Garden and Christmas Parade**

City Manager Bollhoefer announced the Light Up Winter Garden event will be from 6:00 to 9:00 p.m. on December 2, 2011, and the Christmas Parade will be on December 3, 2011.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman noted that the City has done a good job bringing quality projects to the City during some tough economic times.

Commissioner Buchanan stated that the City has an opportunity to enhance our bike trails with the redevelopment of State Road 50. He would like to see the bike trails continue around the City and proposed that staff review the area near the Turnpike underpass and the feasibility that the south side/Tucker Ranch connect with the trail system.

City Manager Bollhoefer stated staff will continue to look at this issue but noted that when it comes to State Road 50 you have to think about how many millions is the City willing to spend. A primary goal of the bike trail is get across State Road 50.

Mayor Rees announced a program at the Church of Christ on Ninth Street honoring Pastor Snell on Sunday December 4, 2011 at 3:00 p.m.

The meeting adjourned at 8:19 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC