

CITY OF WINTER SPRINGS, FLORIDA
MINUTES
CITY COMMISSION
REGULAR MEETING
NOVEMBER 24, 2008

CALL TO ORDER

The Regular Meeting of Monday, November 24, 2008 of the City Commission was called to Order by Mayor John F. Bush at 5:00 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Mayor John F. Bush, present
Deputy Mayor Donald A. Gilmore, present
Commissioner Robert S. Miller, present
Commissioner Rick Brown, present via telephone
Commissioner Sally McGinnis, present
Commissioner Joanne M. Krebs, present
City Manager Ronald W. McLemore, present
City Attorney Anthony A. Garganese, arrived at 5:01 p.m.

The Pledge of Allegiance followed a moment of silence.

City Attorney Anthony A. Garganese arrived at 5:01 p.m.

AWARDS AND PRESENTATIONS (PART I)

AWARDS AND PRESENTATIONS

300. Office Of The City Manager

Presentation On The "CDARS" (Certificate Of Deposit Account Registry Services) Program By Mr. Michael C. Stewart, Vice President, Gardnyr Michael Capital, Inc.

City Manager Ronald W. McLemore introduced this Agenda Item for discussion.

Mr. Michael C. Stewart, Vice President, Gardnyr Michael Capital, Inc., 2281 Lee Road, Suite 105, Winter Park, Florida: stated, "So you have seventeen million dollars (\$17,000,000.00) coming due in early December; those funds can be moved any place you all would like to move them to. Our firm, other than putting together a bid list for Securities is not involved in making a profit on this transaction.

I'm here independently because of Ron (McLemore), my relationship with the City, to come in and give you some advice and input and ask for questions - if I was acting as your Financial Advisor, I would say to look hard at the 'CDARS' (Certificate Of Deposit Account Registry Services) program, get a couple of bids, get the money out of the reserve, and then space those monies out over the period of three (3), six (6) and twelve (12) months - this way you're rolling those maturities, whether you are doing it in treasuries or in the 'CDARS' (Certificate Of Deposit Account Registry Services), but the 'CDARS' (Certificate Of Deposit Account Registry Services) program is going to allow you to maximize earnings and still be very safe, because you are still going to have the government guarantee."

Continuing, Mr. Stewart noted, "On the 'CDARS' (Certificate Of Deposit Account Registry Services) program side, you have penalty risk if you were to try to liquidate early; like any CD (Certificate Of Deposit) you would have in any bank, and then you also had a minor risk that one of the banks that you went into went under, and in today's world, obviously that has happened. The research that I have done from the folks that have given me 'CDARS' (Certificate Of Deposit Account Registry Services) information is, it's only happened one time, the Certificate of Deposit from the bad bank went to a good bank, so it was just basically a transfer of the funds, so your risk really is minimal, because you wouldn't be putting more than two hundred fifty thousand dollars (\$250,000.00) in any one bank.

So, in essence, your risk is similar either way. The one differential is if you went in on a 'CDARS' (Certificate Of Deposit Account Registry Services), your risk is liquidating early and having a penalty; on a treasury bill, it's liquidating early and you have an interest rate risk. So, with the rolling of the amount of funds you have I see both of those risks being minimized, and the real key is to you all is deciding how much money do we want to make and do we want to be in direct treasuries, or in a program that is still backed by the FDIC (Federal Deposit Insurance Corporations)?"

Discussion.

Manager McLemore inquired about the time period to facilitate this transaction. He also stated that Mr. Stewart would be willing to facilitate the transaction with very little money involved. Mr. Stewart stated, "I've said that I'll do it, just based on the fact that we've work with the City before, so I'm not charging the City for something that we have done."

Commissioner Sally McGinnis asked Manager McLemore about the timeline for retaining the services of a Financial Manager? Manager McLemore said, "The RFP (Request for Proposals) are out in the market place, and I suspect you would do that right after the first of the year."

Continuing, Commissioner McGinnis commented, “So considering that - this has so many pluses to consider, the ‘CDARS’ (Certificate Of Deposit Account Registry Services) program, in your opinion, Mr. Stewart, do you think it would be prudent for us to wait until we have that Financial Manager?”

Mr. Stewart answered by saying, “From your - perspective, I’m sure you would like to have another voice telling you what - he thinks that you should do. From my perspective, I think the ‘CDARS’ (Certificate Of Deposit Account Registry Services) program has a lot of benefits and the interest rate so outweighs bills and notes in the marketplace, that the monies - on the ‘CDARS’ (Certificate Of Deposit Account Registry Services) side, I think the rates will stay similar to where they are, I can’t tell you what treasury security yields are going to do; I mean it’s been such a volatile market, and there’s been such a demand, so that when you see where literally three (3) month bills are down to one (1) basis point, that’s crazy.

In your case, if you all were to buy bills or notes, you wouldn’t be buying three (3) month bills, you’d probably push out the yield a little more, because why buy anything, and not make any money whatsoever, other than have the direct treasury. My recommendation would be the ‘CDARS’ (Certificate Of Deposit Account Registry Services) program, and do it as soon as the money comes out of the Reserve, that way you are locking the funds in, and you can start budgeting for it and know that you’ve got that additional earnings going through over the next year. That would be my recommendation.”

With discussion, it was suggested that the City Attorney would review any document before the City entered into it.

Mayor Bush commented, “The other issue, Commissioners, is ‘CDARS’ (Certificate Of Deposit Account Registry Services) is not listed in your Investment Policy as a vehicle, so you would have to modify the City’s Investment Policy I believe to do this.”

Manager McLemore said, “That is in your Policy.” Further, Manager McLemore remarked, “I think it’s covered under federally insured instruments but the City Attorney could look at that and we could do it by Resolution.”

Mr. Stewart added, “The rates that you will quote from different banks are going to vary from the day they quote them, so once again, if you were to go with ‘CDARS’ (Certificate Of Deposit Account Registry Services), I would suggest you go with two (2) to three (3) banks and get quotes from them, and then the ones with the best maturities, you would put chunks of money in those;, and you may end up doing a ‘CDARS’ (Certificate Of Deposit Account Registry Services) program with more than one (1) bank.”

With further discussion, Mr. Stewart continued, “If you decided to go out with it, you would put a literal RFP (Request for Proposals) together and you would send out that to two (2) or three (3) banks and then you would get their rate and they would know that they were going out against some other folks.”

Mr. Tim Slattery, SVP, Bank Sales Manager, Citizens Bank of Florida, 156 Geneva Drive, Oviedo, Florida: addressed the City Commission on related financial matters.

Commissioner McGinnis stated, “Since we are in the process - we are going to get our own Financial Advisor, that we should wait and this would be on the Agenda with that person immediately - on the other hand, I surely don’t want to jeopardize any financial returns that we could utilize.”

Mayor Bush recommended, “I think the first thing we have to do is modify the Investment Policy to include ‘CDARS’ (Certificate Of Deposit Account Registry Services) as an instrument, officially.” Commissioner McGinnis added, “I suggest doing that anyway.”

Mr. Stewart then remarked, “Just because I’ve given you three (3), six (6) and twelve (12) month maturities, doesn’t mean you couldn’t do a thirty (30) or forty-five (45) day CD (Certificate Of Deposit) to get you to your next advisor on-line; and still have that come due, and then go through the process - in a different way. So, once again, I have given you, as we discussed on a conference call with Staff, a staggering of your maturities and investment ones, but, you could easily do one (1) short term investment, and put it all in a thirty (30) day CD (Certificate Of Deposit), which would be - anywhere between one to two percent (1-2%), which is a lot better than bills; and then when it comes due in early January, or whenever that might be, you could then roll it and decide what to do once that new Advisor is on board.”

Mayor Bush asked when we would be able to hire the investment person? Manager McLemore answered, “They are coming in on December 17th, [2008], so, it’s probably going to be your first meeting in January.” Mayor Bush added, “Or we could have a Special Meeting just for that purpose.”

Commissioner Joanne M. Krebs asked for more time to do research and noted, “I do think our job is to protect our money, not necessarily to make - the greatest amount of interest on it, so, with that in my thoughts, I just would feel a little more comfortable - with ‘CDARS’ (Certificate Of Deposit Account Registry Services), and even possibly waiting for the new - person that comes along.”

Further discussion.

“I MOVE THAT WE MODIFY OUR POLICY - THAT WOULD INCLUDE ‘CDARS’ (CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SERVICES), SO THAT IS READY IF WE DECIDE WE WANT TO IMPLEMENT THAT.” MOTION BY COMMISSIONER McGINNIS. SECONDED BY DEPUTY MAYOR GILMORE. DISCUSSION.

ATTORNEY GARGANESE ADDED, “ANY AMENDMENT TO THE INVESTMENT POLICY WOULD HAVE TO BE DONE IN WRITING, SO, IT WOULD HAVE TO COME BACK TO YOU.”

MAYOR BUSH INQUIRED, “COULD THAT BE AT THE FIRST MEETING IN DECEMBER?” ATTORNEY GARGANESE RESPONDED, “SURE.”

COMMISSIONER McGINNIS SAID, “JUST BECAUSE WE’RE INCLUDING THIS, WE MAY NEVER USE IT; BUT, IT WOULD BE READY WHEN WE HAVE OUR NEW FINANCIAL ADVISOR, IF IT IS DEEMED PRUDENT TO UTILIZE THIS PROGRAM.”

VOTE:

COMMISSIONER McGINNIS: AYE

COMMISSIONER MILLER: AYE

COMMISSIONER KREBS: AYE

DEPUTY MAYOR GILMORE: AYE

COMMISSIONER BROWN: AYE

MOTION CARRIED.

Discussion followed on evaluating the proposals. Manager McLemore explained, “Normally, what the Staff would do is go through and evaluate them and break them down or get them down to five (5) or six (6) that best conform to the RFP (Request for Proposals); and we’ll follow whatever direction you give us.”

Mayor Bush asked the City Commission, “Is that scenario acceptable?” Commissioner McGinnis stated, “Yes, that is about what I thought it would be.” Mayor Bush continued, “So, Staff would bring them down to five (5) or six (6) who they believe meet the criteria of the RFP (Request for Proposals); and then as soon as that is done, then you would notify - us, so we could call a Meeting to make a decision then.”

Manager McLemore, “Sure; and we just review for compliance with the criteria that is set out, and then - bring those to you and say ‘Here is what we think are the best ones’, then you choose which ones you want.”

Further, Mayor Bush inquired of the City Commission, “Is everyone in agreement with that scenario?” Commissioner McGinnis stated, “Yes.” With no objections noted, Mayor Bush summarized, “Okay, that is what we will do then.”

INFORMATIONAL AGENDA

INFORMATIONAL

100. Community Development Department Advising The City Commission Of The Status Of Various Current Planning Projects.

No discussion.

INFORMATIONAL

101. Parks And Recreation Department Wishes To Inform The City Commission Regarding Proposed Fee Increases To Be Paid By Individuals Or Groups For Use Of City Facilities And Program Participation.

Deputy Mayor Donald A. Gilmore asked, "If we accept this tonight, is this the schedule that will be adopted by the Parks and Recreation?" Mr. Chuck Pula, Director, Parks and Recreation Department said, "This is just an Informational that will be coming back at your next Meeting, December 8th [2008] in Resolution form, unless you have any questions or concerns regarding this." Deputy Mayor Gilmore noted, "By just approving it as an Informational, we have not blessed it and said, 'Go start charging'." Mr. Pula responded, "That's correct."

Furthermore, Deputy Mayor Gilmore asked about the costs related to Youth Flag Football, and suggested that when the Agenda Item is brought back, that it is better further defined for clarity. Mr. Pula said, "We can do that." Deputy Mayor Gilmore added, "We need to tell the people what they are paying for."

Commissioner McGinnis commented on the Splash Pad and that she did not feel that the increase from one dollar (\$1.00) to fifteen dollars (\$15.00) was reasonable; suggested increments over time; and also thought it was excessive for families with several children. Discussion.

Additionally, Commissioner McGinnis inquired as to how to best get the word out on scholarships. Mr. Pula commented, "We could always again review the scholarship fund." Commissioner McGinnis suggested, "We could change the criteria - that I would ask you to do and I am sure there are some simple ways you could do that without being demeaning or invasive, but asking some simple questions." Commissioner McGinnis asked, "Can you do that?" Mr. Pula answered, "Yes, I can look at that."

Deputy Mayor Gilmore noted, “What Commissioner McGinnis talked about has some merit, however you mentioned that the TLBD [Tusawilla Lighting and Beautification District] contributes to the scholarship fund and I don’t believe it’s the TLBD [Tusawilla Lighting and Beautification District], I think it is the THOA [Tusawilla Homeowner’s Association.]” Mr. Pula stated, “Yes, you are correct.”

Commissioner Krebs commented on family costs and Non-County residents. Mayor Bush suggested that we charge for a family membership, rather than a per child membership.

Mr. Pula explained, “Yes, we can put that in place, it will just lower our projections regarding revenue and when we discussed this during the Budget process, we discussed trying to maximize the revenue to pay for all the expenses of it.” Mayor Bush added, “Why don’t you consider that and bring it back as your proposal for the next Meeting.”

“MOVE TO APPROVE (INFORMATIONAL AGENDA).” MOTION BY COMMISSIONER MCGINNIS. SECONDED BY DEPUTY MAYOR GILMORE. DISCUSSION.

VOTE:

DEPUTY MAYOR GILMORE: AYE

COMMISSIONER MILLER: AYE

COMMISSIONER MCGINNIS: AYE

COMMISSIONER KREBS: AYE

COMMISSIONER BROWN: AYE

MOTION CARRIED.

CONSENT AGENDA

CONSENT

200. Office Of The City Manager

Requesting That The Commission Adopt Resolution 2008-53 Amending The Fiscal Year 2007-2008 Budget.

There was no discussion on this Agenda Item.

CONSENT

201. Utility Department

Requesting Approval To Authorize Crom Engineering And Construction Services, Inc. To Make Repairs To The 1.0 Million Gallon Water Storage Tank At Water Treatment Plant #1 On Northern Way.

No discussion.

CONSENT

**202. Public Works Department – Stormwater Division
Requests City Commission Authorization To Enter Into An Agreement With
Seminole County For Participation In The Florida Yards And Neighborhoods
Program And To Fund Year One From The Stormwater Utility Fund In The
Amount Of \$3,000.00.**

This Agenda Item was not discussed.

CONSENT

**203. Community Development Department
Requests The City Commission Review And Approve The Updated Official Future
Land Use Map (FLUM) And Official Zoning Map.**

There was no discussion on this Agenda Item.

CONSENT

**204. Community Development Department
Requesting The City Commission To Approve Resolution Number 2008-03 For
Establishment Of The City Of Winter Springs Memorial Tree Planting Program.**

No discussion.

CONSENT

**205. Office Of The City Clerk
Approval Of The November 10, 2008 City Commission Regular Meeting Minutes.**

This Agenda Item was not discussed.

CONSENT

**206. Office Of The City Manager
Requesting The City Commission Approve Resolution 2008-54 To Memorialize The
Commission's Prior Action To Grant An Extra Holiday For City Employees For
The Day After Christmas 2008.**

There was no discussion on this Agenda Item.

**"MOTION TO APPROVE" (CONSENT AGENDA). MOTION BY
COMMISSIONER MCGINNIS. SECONDED BY COMMISSIONER BROWN.
DISCUSSION.**

VOTE:

COMMISSIONER BROWN: AYE
DEPUTY MAYOR GILMORE: AYE
COMMISSIONER MILLER: AYE
COMMISSIONER KREBS: AYE
COMMISSIONER McGINNIS: AYE
MOTION CARRIED.

AWARDS AND PRESENTATIONS (PART II)

AWARDS AND PRESENTATIONS

301. Not Used.

In other City business, Mayor Bush presented a Key to the City to Commissioner Robert S. Miller and Deputy Mayor Gilmore for their Service to the City as Elected Officials.

Tape 1/Side B

Discussion.

REPORTS

REPORTS

400. Office Of The City Attorney – Anthony A. Garganese, Esquire

Attorney Garganese stated, “In the Binford Case, that is the Sign Code Case, we prevailed on Appeal.”

REPORTS

401. Office Of The City Manager – Ronald W. McLemore

No Report.

REPORTS

402. Office Of The City Clerk – Andrea Lorenzo-Luaces, MMC

City Clerk Andrea Lorenzo-Luaces referenced City Code and *Florida Statutes* 102.155 and explained that she had given Mayor Bush Official Certificates of Election for the newly Elected Officials and that Mayor Bush would make the official presentations.

Mayor Bush presented an official Certificate of Election to Commissioner-Elect Jean Hovey, Commissioner-Elect Gary Bonner, and Commissioner Krebs.

REPORTS

403. Office Of The Mayor – John F. Bush

Mayor Bush mentioned that he would be attending a Legislative Conference on December 8th, 2008 and he would be addressing the issue of unfunded mandates.

Next, Mayor Bush noted the Florida Benchmarking Consortium and introduced Ms. Marilyn Crotty who would further elaborate.

Discussion.

Ms. Marilyn E. Crotty, Director, Florida Institute of Government, University of Central Florida, 36 West Pine Street. #204, Orlando, Florida: addressed the City Commission on the Florida Benchmarking Consortium.

Discussion.

Furthermore, Mayor Bush remarked, “I think this is a very inexpensive way to gather some benchmarking data that we should look into, give us an idea of how we compare.” Mayor Bush added, “I think it is something we should do.” Commissioner McGinnis agreed and noted, “I do too.”

“I MOVE THAT WE JOIN THE FLORIDA BENCHMARKING CONSORTIUM - FOR A THOUSAND DOLLARS (\$1,000.00).” MOTION BY COMMISSIONER McGINNIS. SECONDED BY COMMISSIONER BROWN. DISCUSSION.

VOTE:

COMMISSIONER McGINNIS: AYE

COMMISSIONER KREBS: AYE

COMMISSIONER BROWN: AYE

DEPUTY MAYOR GILMORE: AYE

COMMISSIONER MILLER: AYE

MOTION CARRIED.

REPORTS

404. Commission Seat One – Robert S. Miller

Commissioner Miller asked, “When is [Winter] Park Drive going to be complete?” Continuing, Commissioner Miller inquired, “Is there going to be another traffic light there?” Mr. Kip Lockcuff, P.E., Director, Public Works/Utility Departments answered, “Yes, they are going to take the one from Timberlane and move it over there, so they’ll take the other one down in front of Harbor Winds.”

Commissioner Miller then asked, “Is someone on our Staff in touch with the County on the timing of the lights?” Mr. Lockcuff said, “We will bring it up again, we have a few times; but, it’s a function of the traffic volume, time of day.”

REPORTS

405. Commission Seat Two – Rick Brown

No Report.

REPORTS

406. Commission Seat Three/Deputy Mayor – Donald A. Gilmore

Deputy Mayor Gilmore stated, “As I said, I’ve enjoyed it and I’ve really felt that the cooperation between the Commission and the City Staff is just outstanding, and you really have to be in it to observe what is going on.”

Next, Deputy Mayor Gilmore mentioned being in Broward County and noted a local newsletter with an article related to Fees. Deputy Mayor Gilmore gave a copy of that newsletter to City Clerk Lorenzo-Luaces - “If anybody wants to read it.” Commissioner McGinnis said, “I do.”

REPORTS

407. Commission Seat Four – Sally McGinnis

Commissioner McGinnis spoke on road closures.

Next, Commissioner McGinnis commented on citations for red light running. Discussion.

Commissioner Miller commented that he would like Staff to keep in touch with the County on the length of the yellow lights.

REPORTS

408. Commission Seat Five – Joanne M. Krebs

Commissioner Krebs handed out a document she received from the Florida League of Cities related to finances.

Mayor Bush suggested it be added to the City’s Website. Commissioner Krebs stated, “Absolutely. I gave Andrea (Lorenzo-Luaces) my original copy.”

❖❖ **AGENDA NOTE: THE FOLLOWING ADDITIONAL REPORTS WERE DISCUSSED NEXT, IN THE ORDER DOCUMENTED, FOLLOWED BY THE REST OF THE AGENDA.** ❖❖

REPORTS

REPORTS

406. Commission Seat Three/Deputy Mayor – Donald A. Gilmore

Deputy Mayor Gilmore commented on the recent Veteran's Memorial Ceremony and mentioned that it was excellent; and specifically stated, "Hats off to the City Staff, (Bill) Starmer and the Rotary Club, and everybody that was involved in that program – it was outstanding."

REPORTS

403. Office Of The Mayor – John F. Bush

Mayor Bush spoke about recent Seminole County foreclosure numbers.

PUBLIC INPUT

No one spoke.

Mayor Bush called a Recess.

The Meeting was called back to Order at approximately 6:30 p.m.

❖❖ **AGENDA NOTE: PUBLIC INPUT WAS AGAIN OPENED, AS NOTED, FOLLOWED BY THE REST OF THE AGENDA.** ❖❖

PUBLIC INPUT

Mr. Matt Matisak, 794 Seneca Meadows Road, Winter Springs, Florida: thanked Deputy Mayor Gilmore and Commissioner Miller for their service.

Commissioner Miller returned to the Commission Chambers at 6:32 p.m.

Continuing, Mr. Matisak also thanked incoming Commissioner-Elect Jean Hovey and Commissioner-Elect Gary Bonner for their efforts in running for Elected Office; and spoke on inconsistencies he had noted on the City's Website and also suggested a possible Workshop on such issues and to include e-commerce.

Discussion.

Mayor Bush suggested that Mr. Matisak contact Ms. Joanne Dalka, Director, Information Services Department on his concerns.

PUBLIC HEARINGS AGENDA

PUBLIC HEARINGS

**500. Community Development Department – Planning Division
Requests That The City Commission Hold A Public Hearing For Second Reading
And Adoption Of Ordinance 2008-25, The Five-Year Capital Improvements
Program (CIP) For FY (Fiscal Year) 2009-2013.**

Attorney Garganese read the Ordinance by “Title” only.

Ms. Eloise Sahlstrom, ASLA, AICP, Senior Planner, Community Development Department briefly addressed the City Commission.

Mayor Bush opened the “Public Input” portion of the Agenda Item.

No one spoke.

Mayor Bush closed the “Public Input” portion of the Agenda Item.

**“MOTION TO APPROVE.” MOTION BY COMMISSIONER McGINNIS.
SECONDED BY DEPUTY MAYOR GILMORE. DISCUSSION.**

**MAYOR BUSH SUMMARIZED, “THE MOTION IS TO APPROVE THE
ORDINANCE, 2008-25.”**

VOTE:

**COMMISSIONER KREBS: AYE
DEPUTY MAYOR GILMORE: AYE
COMMISSIONER BROWN: AYE
COMMISSIONER MILLER: AYE
COMMISSIONER McGINNIS: AYE
MOTION CARRIED.**

PUBLIC HEARINGS

501. Community Development Department – Planning Division Requests That The City Commission Hold A Public Hearing For Second Reading And Adoption Of Ordinance 2008-26, Amending The Comprehensive Plan To Incorporate Revisions And The Annual Update To The Capital Improvement Element (CIE) Required By Rule J9-5.016 FAC (Florida Administrative Code) And Chapter 163, Part II, F.S. (Florida Statutes) And Amending Other Elements Of The Plan As Needed To Ensure Internal Consistency.

Attorney Garganese read the Ordinance by “Title” only.

Ms. Sahlstrom noted, “I did want to mention we do have one of these Citizen Courtesy sheets out in the lobby if anybody wants to be included in being notified from the State on their review of this item.”

Brief discussion.

Mayor Bush opened the “Public Input” portion of the Agenda Item.

No one spoke.

Mayor Bush closed the “Public Input” portion of the Agenda Item.

“MOTION TO APPROVE.” MOTION BY COMMISSIONER McGINNIS. SECONDED BY DEPUTY MAYOR GILMORE. DISCUSSION.

MAYOR BUSH ADDED, “MOTION TO APPROVE ADOPTION OF ORDINANCE, 2008-26.”

VOTE:

DEPUTY MAYOR GILMORE: AYE

COMMISSIONER MILLER: AYE

COMMISSIONER McGINNIS: AYE

COMMISSIONER KREBS: AYE

COMMISSIONER BROWN: AYE

MOTION CARRIED.

REGULAR AGENDA

REGULAR

**600. Community Development Department – Planning Division
Requests The City Commission Consider Stan And Judy Toledo’s Request For A
Conservation Easement To Be Placed Over Their Property Located On The North
Side Of State Road 434 And 600’ West Of DeLeon Street, At The Western Edge Of
The City.**

Ms. Sahlstrom spoke on this Agenda Item.

Manager McLemore returned to the Commission Chambers at 6:45 p.m.

Discussion.

Mr. Stan Toledo, 1746 Seneca Boulevard, Winter Springs, Florida: commented on this property and issues he has been dealing with.

Discussion.

Mr. Lockcuff commented on right-of-way issues.

Commissioner Miller spoke for the Record and suggested this be part of an Agreement giving up the right-of-way for Wetlands Conservation.

Further discussion.

Manager McLemore left the Commission Chambers at 7:13 p.m.

Discussion continued.

While discussing this property, buffers, and Wetlands, Mr. Toledo stated, “I really don’t think I need your support. I just want to get your input so that maybe you can help me find a potential buyer of my Wetlands - I am sympathizing with you - I am not going to sue anybody.”

Further discussion.

Tape 2/Side B

Discussion continued.

Ms. Sahlstrom stated, “Now, in this discussion we’ve had tonight, it’s become clear that he can go forward with a Conservation Easement through St. Johns [River Water Management District] and we don’t have to be involved with that; so, I think that sounds like the direction that he should go and then if he wishes to pursue the Vacating of any right-of-ways, he would make Application for that and we would - consider it and bring that back to you, at that time.”

Mayor Bush noted, “I don’t think that the Commission needs to take any action on this.”

REGULAR

601. Community Development Department

Requests The City Commission Review The Tusawilla Country Club Tennis Courts Combined Preliminary And Final Engineering/Site Plan For Relocation Of The Tennis Courts From The Recently Approved Tusawilla Greens Condominium Site To Another Area Within The Tusawilla Golf And Country Club.

Mr. Stevenson addressed the City Commission on this Agenda Item.

Discussion.

Deputy Mayor Gilmore asked, “By doing this tonight, are we approving not only the tennis court issue but the parking lot issue?” Mr. Stevenson explained, “You would be approving moving forward with the demolition of this portion of the parking lot - and that is part of the Final Engineering plans that you are approving tonight.”

Further discussion continued.

Commissioner Rick Brown stated, “I would be comfortable with putting in a requirement that all tennis courts have to be completed before we accept the construction of the condominiums.” Commissioner Brown added, “The tennis courts would have to be completed.”

Mr. Stevenson remarked, “All tennis courts, including the fourth one would have to be completed prior to the Staff bringing back site acceptance on the Tusawilla Greens parcel.” Commissioner Brown noted, “Correct.”

Discussion.

Attorney Garganese said, “Under the Settlement Agreement, two (2) of the - new tennis courts must be completed before the demo of the two (2) tennis courts closest to the condominiums so I’m fine with the condition that - all the tennis courts must be completed prior to the C.O. (Certificate of Occupancy) but, some of the tennis courts should be completed sooner.” Commissioner Krebs noted, “Right.”

Attorney Garganese added, “In fact, since they are proposing these three (3), these three (3) could be completed - before the demo of the two (2) tennis courts and then the one (1) outstanding should be completed no later than the first C.O. (Certificate of Occupancy).”

Mayor Bush summarized, “The only change would be - is what Anthony (Garganese) said is that the fourth - court must be located and completed before the - first C.O. (Certificate of Occupancy)...” Mr. Stevenson said, “...The first C.O. (Certificate of Occupancy). That’s correct.”

Attorney Garganese added “And the other three (3) will be completed before the demo of the two (2).” Furthermore, Attorney Garganese explained, “If you approve this as presented, I would include that.”

“I WILL MAKE A MOTION THAT THE LANGUAGE ANTHONY (GARGANESE) JUST USED FOR THE TENNIS COURTS - AS REQUIRED TO BE BUILT BEFORE THE DEMOLITION OF THE REMAINING TENNIS COURTS AND THAT ALL FOUR (4) TENNIS COURT BATTERIES BE COMPLETED BEFORE THE FIRST C.O. (CERTIFICATE OF OCCUPANCY) IS GIVEN.” MOTION BY COMMISSIONER BROWN. SECONDED BY COMMISSIONER KREBS. DISCUSSION.

VOTE:

**COMMISSIONER BROWN: AYE
COMMISSIONER KREBS: AYE
COMMISSIONER MILLER: AYE
COMMISSIONER McGINNIS: AYE
DEPUTY MAYOR GILMORE: AYE
MOTION CARRIED.**

“MOTION TO APPROVE FINAL ENGINEERING.” MOTION BY COMMISSIONER KREBS. SECONDED BY COMMISSIONER McGINNIS. DISCUSSION. MAYOR BUSH SUMMARIZED, “MOTION TO APPROVE FINAL ENGINEERING WITH THE ONE (1) EXCEPTION THAT WE JUST MADE, OF COURSE - WITH CONDITIONS.”

VOTE:

**DEPUTY MAYOR GILMORE: AYE
COMMISSIONER MILLER: AYE
COMMISSIONER McGINNIS: AYE
COMMISSIONER KREBS: AYE
COMMISSIONER BROWN: AYE
MOTION CARRIED.**

REGULAR

**602. Community Development Department – Planning Division
Requests The City Commission Consider And Approve The Attached Pre-
Annexation Agreement For The South Seminole Christian Church Property Which
Is Contiguous To The City And Is Located At 300 West SR (State Road) 434
(Adjacent To The South Side Of Barrington Estates).**

Ms. Sahlstrom presented this Agenda Item for discussion.

Discussion.

Mr. Tom Daley, Daly Design Group, Inc., 604 Courtland Street, 202, Orlando, Florida:
spoke on this request.

Mr. Dan Holland, 299 Old Mill Road, Geneva, Florida: as Senior Minister for Metro
Church, Mr. Holland also addressed the City Commission on behalf of Metro Church.

With discussion, Manager McLemore said to Mr. Daly, “So, there is no indication here
on your part to take municipal sewer to that building right - by the church?” Mr. Daly
said, “No, not in the immediate future.”

Continuing, Manager McLemore remarked, “So, what you’re saying is that in the future
this property will develop and at that point in time you’re going to bring it up totally to
City Code, at that point in time - all services?” Mr. Daly said, “Absolutely, yes.”

Further discussion.

Tape 3/Side A

Discussion.

**“MOTION TO DENY.” MOTION BY COMMISSIONER McGINNIS.
SECONDED BY COMMISSIONER BROWN. DISCUSSION.**

VOTE:

COMMISSIONER McGINNIS: AYE

COMMISSIONER BROWN: AYE

DEPUTY MAYOR GILMORE: NAY

COMMISSIONER MILLER: AYE

COMMISSIONER KREBS: AYE

MOTION CARRIED.

REGULAR

603. Public Works Department

Requesting City Commission Consider Options For Improving Access From S.R. (State Road) 434 To Cumberland Farms And Papa Tony's.

Mr. Brian Fields, P.E., City Engineer, Public Works/Utility Department commented on this Agenda Item and spoke on four (4) possible options.

Attorney Garganese left the Commission Chambers at 8:20 p.m.

Discussion.

Attorney Garganese returned to the Commission Chambers at 8:24 p.m.

Much discussion.

Mr. Anthony Salvatore, Papa Tony's, 781 Orchid Avenue, Casselberry, Florida: spoke on his business and traffic flow.

Further discussion.

"I MOVE THAT WE SUPPORT Option 1 - CROSS ACCESS FOR HAYES ROAD PLAZA." MOTION BY COMMISSIONER McGINNIS. SECONDED BY COMMISSIONER KREBS. DISCUSSION.

VOTE:

COMMISSIONER McGINNIS: AYE

COMMISSIONER KREBS: AYE

COMMISSIONER MILLER: AYE

COMMISSIONER BROWN: AYE

DEPUTY MAYOR GILMORE: AYE

MOTION CARRIED.

REGULAR

604. Office Of The City Manager

ADD-ON

Requesting The Commission To Consider Approval Of The Attached Separation Agreement.

Manager McLemore introduced this Agenda Item.

Much discussion.

Commissioner Brown commented for the Record about the City Manager addressing the current City Commission on this issue.

Discussion continued.

Tape 3/Side B

Further discussion.

“I MAKE A MOTION THAT WE APPROVE ITEM ‘604’.” MOTION BY COMMISSIONER MILLER. SECONDED BY COMMISSIONER McGINNIS. DISCUSSION.

ATTORNEY GARGANESE STATED, “IF THE COMMISSION DESIRES TO APPROVE IT, I WOULD RECOMMEND SOME CHANGES.

SIMPLY, THE LANGUAGE, IF AND WHEN THE CITY MAY CHOOSE TO SEVER ITS EMPLOYMENT RELATIONSHIP WITH EMPLOYEE WHICH IS IN THE HEADING, AND IN THE ‘NOW, THEREFORE’ PARAGRAPH, SHOULD BE STRICKEN.

SECTION II WHICH TALKS ABOUT PROVIDING SEVERANCE - I BELIEVE IT SHOULD BE ONLY PROVIDED IN EXCHANGE FOR A FULL GENERAL RELEASE - AND HOLD THE CITY HARMLESS AND THE CITY’S OFFICIALS WITH RESPECT TO THAT SEVERANCE.

ALSO, WITH RESPECT TO UNUSED SICK AND ANNUAL LEAVE, PROVIDED TO OTHER CITY EMPLOYEES, I WOULD ADD TO THE EXTENT PROVIDED FOR IN THE CITY’S PERSONNEL RULES.”

FURTHERMORE, ATTORNEY GARGANESE REITERATED HIS COMMENTS AND STATED, “IN THE HEADING AND IN THE ‘NOW, THEREFORE’ PARAGRAPH, THE LANGUAGE, IF AND WHEN THE CITY MAY CHOOSE TO SEVER ITS EMPLOYMENT RELATIONSHIP WITH EMPLOYEE SHOULD BE STRICKEN.

IN SECTION II, WHICH PROVIDES FOR SEVERANCE, THERE NEEDS TO BE LANGUAGE IN THERE THAT SAYS, ‘IF SEVERANCE IS PROVIDED, THE MANAGER WOULD PROVIDE A FULL GENERAL RELEASE WHICH WOULD RELEASE AND HOLD HARMLESS THE CITY AND ALL OF ITS’ OFFICERS AND EMPLOYEES’.

IN THAT SAME PARAGRAPH, IT GOES ON AND THE LAST SENTENCE, 'EMPLOYEE SHALL ALSO BE ENTITLED TO THE PAYMENT OF UNUSED SICK AND ANNUAL LEAVE, PROVIDED TO OTHER [CITY] EMPLOYEES', AND THEN I WOULD ADD THIS LANGUAGE, 'TO THE EXTENT PROVIDED FOR IN THE CITY'S PERSONNEL RULES'."

ATTORNEY GARGANESE THEN EXPLAINED, "IN SECTION III, THAT SAME LANGUAGE I JUST REPEATED AT THE END OF SECTION II SHOULD BE RESTATED IN SECTION III AS WELL.

SECTION IV IS A HOLD HARMLESS - PRETTY STANDARD IN THESE TYPES OF ARRANGEMENTS, HOWEVER, THAT LANGUAGE REALLY NEEDS TO READ THAT 'THE CITY WOULD ONLY AGREE TO HOLD HARMLESS AND DEFEND THE EMPLOYEE FOR ACTIONS ARISING OUT OF ACTIONS TAKEN WITHIN THE SCOPE OF HIS DUTIES AS CITY MANAGER, AND CONSISTENT WITH THE EMPLOYEES DUTIES AND RESPONSIBILITIES PROVIDED FOR IN THE CITY CHARTER'.

SECTION V, I WOULD - RECOMMEND RE-WRITING THAT - AND TO STATE, 'IF EMPLOYEE IS TERMINATED FROM EMPLOYMENT BECAUSE OF CRIMINAL CONDUCT, GROSS NEGLIGENCE, OR INTENTIONAL MISCONDUCT, EMPLOYEE SHALL NOT RECEIVE SEVERANCE SET FORTH IN SECTION II OF THIS AGREEMENT."

ATTORNEY GARGANESE CONTINUED, "FURTHER, THE CITY SHALL NOT BE RESPONSIBLE FOR HOLDING HARMLESS AND DEFENDING EMPLOYEE FOR SUCH ACTION.

SECTION VI, I WOULD JUST ADD THE WORD 'WRITTEN' AFTER THE WORD 'MUTUAL'.

AND THEN LASTLY, I WOULD ADD A SECTION VII, 'THIS AGREEMENT SHALL BE GOVERNED BY FLORIDA LAW. VENUE FOR ANY ACTION SHALL BE IN SEMINOLE COUNTY, FLORIDA'."

WITH DISCUSSION, MANAGER McLEMORE STATED, "I DON'T HAVE ANY ISSUES WITH ANY OF THE CHANGES."

COMMISSIONER KREBS ASKED FOR A COPY OF WHAT ATTORNEY GARGANESE HAD READ.

COMMISSIONER BROWN INQUIRED, "WHAT IS THE EXTENT THAT ANNUAL LEAVE IS PAID OUT TO OTHER CITY EMPLOYEES ACCORDING TO THE PERSONNEL RULES?" ATTORNEY GARGANESE STATED, "WHATEVER THE RULES PROVIDE – THAT'S WHAT IS PROVIDED, ONLY TO THAT EXTENT."

COMMISSIONER BROWN COMMENTED ON INFORMATION PROVIDED TO HIM FROM THE CITY MANAGER. MANAGER McLEMORE SAID, "WHATEVER IT IS, IT IS."

COMMISSIONER MILLER ADDED, "TO INCLUDE THE COMMENTS IDENTIFIED BY THE CITY ATTORNEY IN EACH OF THE - SEVEN (7) SECTIONS." MAYOR BUSH REMARKED, "MR. McLEMORE HAS AGREED WITH THOSE COMMENTS." MANAGER McLEMORE STATED, "SURELY."

VOTE:

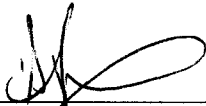
COMMISSIONER MILLER: AYE
DEPUTY MAYOR GILMORE: AYE
COMMISSIONER KREBS: AYE
COMMISSIONER McGINNIS: AYE
COMMISSIONER BROWN: NAY
MOTION CARRIED.

ADJOURNMENT

Mayor Bush adjourned the Regular Meeting at 9:07 p.m.

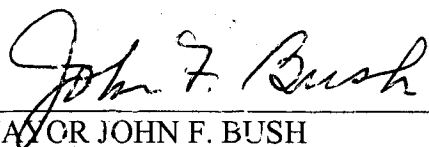
RESPECTFULLY SUBMITTED:

LADONNA SLAYTER, ASSISTANT TO THE CITY CLERK AND



ANDREA LORENZO-LUACES, MMC
CITY CLERK

APPROVED:


MAYOR JOHN F. BUSH