

**TOWN COUNCIL
WORKSHOP MEETING
DECEMBER 5, 2002**

1. ROLL CALL

The meeting was called to order at 5:07 p.m. Present were Mayor Venis, Vice-Mayor Clark, Councilmembers Paul, and Starkey. Also present were Town Administrator Willi, Special Counsel Michael Burke, and Town Clerk Muniz recording the meeting. Councilmember Truex was absent.

Mayor Venis advised that the Jolmy Enterprises issue would be allotted one hour and the traffic calming issue would be allotted thirty minutes.

2. JOLMY ENTERPRISES

Sylvia Clements, representing Jolmy Enterprises, provided binders for Council, which included a synopsis of information regarding the issue that was on file with the Town. She spoke of how the Town had made it very difficult for this information to be gathered and the lack of professionalism on the part of staff and the Administration. Ms. Clements gave a detailed history of the issue, outlining agreements made by former Councils. She spoke of discrepancies in costs and monies spent and referred to the Town's bidding process. Ms. Clements spoke of the Bergeron Land Development Corporation's extensive experience and noted that there should be no reason why they did not properly pull permits for this project. She referred to documents Ron Bergeron signed, which compelled him to follow specific filing rules. Ms. Clements spoke of problems that occurred throughout the project where Council was not notified.

Ms. Clements proceeded to indicate instances where she felt Redevelopment Administrator Will Allen had not properly ensured that the project would be completed.

Mayor Venis asked Mr. Willi to address issues raised by Ms. Clements.

Mr. Willi asked Arnold Ramos from Keith and Schnars to speak about the permits Ms. Clements referred to.

Arnold Ramos stated that the Florida Department of Transportation had assisted the Town and Jolmy Enterprises with the grant. He spoke about the utility permit that was issued, but indicated that the paving and drainage permit were never issued. Mr. Ramos added that a written permit for the utilities was never provided by Mr. Siler, but he did approve it.

Bill Myers asked why the work was commenced if a permit was not issued. Mr. Ramos indicated that a Notice to Proceed was issued by the Town.

Vice-Mayor Clark felt that this issue should be addressed at a regular Council meeting. She pointed to instances in the record that she felt illustrated that Jolmy Enterprises was not informed of the deletions or the condition of the spur road. Vice-Mayor Clark asked Mr. Willi why Jolmy Enterprises was not informed. Mr. Willi indicated that Jolmy Enterprises was not informed because they were not a party to the contract.

Mark Gordon, representing Jolmy Enterprises, indicated that Jolmy Enterprises was, in fact, a party to the contract. Mr. Willi corrected that Jolmy was a party to the OTTED agreement, but not to the construction contract. Mr. Gordon corrected that Jolmy Enterprises was a third party beneficiary to the contract.

Vice-Mayor Clark was concerned that this issue was costing the Town money. She wanted to know what was preventing Jolmy Enterprises from vertical construction on their site.

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Mr. Willi indicated that nothing was preventing them from building. Mr. Myers stated that the road was preventing him from building. Mr. Willi indicated that Mr. Myers had access to Burris Road and did not need the spur road in order to proceed.

Mr. Gordon spoke of the history of the property and the Town's involvement. He also spoke of the benefits that would come to the Town if this project were pursued.

Vice-Mayor Clark asked Mr. Willi if the deletions made by the Town's consultants were legal. She wanted to know why Jolmy Enterprises had a \$2 million lien on the property and why they were not notified that there was a problem with the road. Vice-Mayor Clark also questioned how the Town could proceed on this project. Mr. Willi responded that Jolmy Enterprises had never submitted a site plan.

Councilmember Starkey questioned why the permit for the road had never been acquired. She stated that even though the spur road might not be built, there was nothing stopping vertical construction. Mr. Gordon indicated that the deletion of the spur road would not allow access for large trucks. Councilmember Starkey indicated that an office building could be built.

Mayor Venis asked Mr. Willi to work with Jolmy Enterprises to resolve this issue. He asked that a plan of action be presented to Council in a timely manner. Mr. Gordon advised that the Town should wait until the determination was made by the courts on the right of refusal issue.

Mayor Venis advised that the second portion of the workshop regarding traffic calming would be postponed.

Councilmember Paul commented that the allegations made by Jolmy Enterprises did not encourage goodwill. She clarified that the accusations made might be founded, but she felt that the issue for Jolmy Enterprises was really about the proposed billboards for their truckstop.

There being no further business to discuss and no objections, the meeting adjourned at 6:45 p.m.

Approved _____

Mayor/Councilmember

Town Clerk