
**REGULAR MEETING MINUTES
CITY COMMISSION**

May 26, 2005

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:30 p.m. in Tanner Hall, 29 W. Garden Avenue. The invocation and Pledge of Allegiance were given.

PRESENT: Mayor Jack Quesinberry, Commissioners Theo Graham, Mildred Dixon, Carol Nichols and Rod Reynolds

Also Present: Acting City Manager Mike Bollhoefer, City Attorney Lionel Rubio, Planning Technician Lorena Olson, Assistant to the City Manager Marshall Robertson, Police Chief George Brennan, City Planner Mark Cechman, Acting Finance Director Brian Strobeck, Information Technology Director Bob Reilly, Public Works Director Bob Smith, Fire Chief John Williamson, Recreation Director Jay Conn, Human Resources Director Frank Gilbert, Building Official Willie Herbert, West Orange Times reporter Michael Laval, and Orlando Sentinel reporter Sandra Mathers

1. **OATHS OF OFFICE**

Planning Technician Lorena Olson administered the Oath of Office to District 1 City Commissioner Rod Reynolds and Police Chief Brennan administered the Oath of Office to Police Officers Richard Rios and Silvester Waters.

2. **APPROVAL OF MINUTES**

Motion by Commissioner Dixon to approve the regular meeting minutes of April 28, 2005 and May 12, 2005. Seconded by Commissioner Nichols and carried unanimously 5-0.

3. **PRESENTATIONS**

A. Ms. Nancy Christman, Intergovernmental Coordinator from St. Johns River Management District (SJRM), presented information related to SJRM activities for water management. She explained their composition and matters related to cost-share programs and current projects, such as water supply, water conservation, stormwater planning, and the restoration of Lake Apopka. She stated that their District regularly works with and provides assistance to local governments as well as review proposed local community projects since water issues need to be carefully considered. Commissioner Dixon asked about the Wekiva Basin as it relates to Winter Garden. Ms. Christman replied that the boundary areas were set for the surface water that flows towards into and affects the springs in the Wekiva Basin and the City of Winter Garden is within this basin area. This means there are additional requirements relating to the Comprehensive Plan, which SJRM will provide to the City with water supply information.

- B. Mr. Xerxes Snell, Pastor of the Ninth Street Church of Christ and President of the East Winter Garden Community Development Corporation (EWGCDC), made a presentation related to their organization and its mission. The East Winter Garden Community Development Corporation is a legal non-profit corporation organized under the statutes of the State of Florida and requested that the City Commission join them in their efforts to improve the quality of life in the East Winter Garden community, which will include improvements in the infrastructure, quality affordable housing, economic development, senior citizen services, structured and productive recreational activities that are appropriate for all ages, and quality education. He asked others in the community to join them in their mission and extended an open invitation to the Mayor and Commissioners to attend their monthly meeting the first Thursday at 6 p.m. at the Maxey Center where they meet and discuss building a better city. Mr. Snell thanked the Mayor and City Commission for the opportunity to make his presentation. Mayor Quesinberry thanked Mr. Snell and stated that the City will see what it can do to work together with the EWGCDC. Commissioner Reynolds asked Mr. Snell if the City Commission can anticipate the EWGCDC coming back with a definite plan of action. Mr. Snell responded yes. Commissioner Reynolds stated he looks forward to seeing it and thanked Mr. Snell.

Dispensed as the City Commission and convened as the Community Redevelopment Agency (CRA) at 7:11 p.m.

Members Present: Chairman Jack Quesinberry, Board Members Theo Graham, Mildred Dixon, Carol Nichols, Rod Reynolds, Dale Crosby and Larry Cappleman

Mayor Quesinberry introduced and welcomed Mr. Dale Crosby, Orange County's newly appointed Winter Garden CRA representative.

4. **Report by Community Redevelopment Agency Advisory Board**

Advisory Board Chairman/CRA Member Cappleman presented the CRA with a report of the CRAAB activities and gave a brief background history on how the CRA was originated and how the boundaries were set. He stated that last year the CRA approved the RMPK Group to generate an updated plan. The report was finished approximately six months ago and is in the process of being submitted to Orange County for their approval as part of the new CRAAB plan of action. Mr. Cappleman explained that the subject report includes a prioritized list of projects, which the CRA should target in the immediate future based on the current conditions. He stated that the first project is to focus on East Winter Garden and explained that the primary objective is to upgrade the physical conditions of the neighborhood. Mr. Cappleman stated that they are in the process of identifying the areas to be considered for improvements, which will be formally presented to the City Commission to request expenditure of CRA funds. He stated that they have been working with the Code Enforcement Department and several CRAAB members will be meeting with the East Winter Garden Community Development Corporation to begin dialog with the CRAAB plans and thoughts, all with the goal in mind to improve the conditions and property values in the East Winter Garden area. This is the challenge that the CRA was given when it was

created. Mr. Cappleman added that the CRAAB will be meeting at the Maxey Center in July to get some first hand information and view area conditions. The process has begun to identify properties with code violations for possible inclusion in an amnesty program to encourage property owners to clean up their properties and thus eliminate the Code violations in lieu of being cited by Code Enforcement. Mr. Cappleman explained that when they have a plan and the related costs, they would be returning with a request for approval from the CRA and the City Commission. He asked for input and direction from the CRA. Chairman Quesinberry stated that he visited the area today he noticed that some of the buildings had rolled metal that is unsafe when it is windy and asked if it would be included in the CRA plan or if it could be handled in some other way. Mr. Cappleman stated that several community clean-up projects have already taken place but they are not to a point yet to be able to define the projects to be done but they are trying to handle small sections at a time. Board Members Crosby and Nichols requested copies of pertinent documentation concerning the district and the boundaries. City Planner Cechman will provide the documents requested and Mr. Cappleman offered to share his knowledge as he has been on the board since its inception in 1992. Commissioner Graham asked if the CRA has sufficient funds to implement some of the improvements mentioned by Mr. Snell. Mr. Cappleman responded that he thinks that the CRA's first goal is to determine the cost of the projects and then the challenge will be to identify available funding sources. Board Member Graham stated that the City cannot afford as much money as is needed so we will have to try and obtain state or federal grants. Board Member Reynolds asked if the rolled metal referred to by Chairman Quesinberry was to be addressed under the federal weatherization funds through FEMA. Mr. Bollhoefer stated that any storm damage reimbursement would have had to have been requested by the citizen and there were posted signs referring them to FEMA. There was not enough money under the weatherization program to cover everything for everyone because there was only \$900,000 for about 350 people with about 200 remaining on the list.

The Community Redevelopment Agency adjourned and reconvened as the City Commission at 7:45 p.m.

5. FIRST READING OF PROPOSED ORDINANCE

- A. **Ordinance 05-30**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR REPEAL OF ORDINANCE NO. 04-77, WHICH AMENDED SECTION 18-57 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO AMENDMENTS TO THE BUILDING CODE BY CREATING SUBSECTION (e): PROVIDING FOR THE SURFACE TREATMENT OF MASONRY WALLS AND STRUCTURES; PROVIDING FOR TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION; AND PROVIDING AN EFFECTIVE DATE

City Attorney Rubio read Ordinance 05-30 by title only. **Motion by Commissioner Graham to approve Ordinance 05-30, with the second reading and public hearing being scheduled for June 23, 2005. Seconded by Commissioner Dixon and carried unanimously 5-0.**

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

- A. **Ordinance 05-25:** REZONING 4.84 ACRES LOCATED AT 1207 E. STORY ROAD MORE SPECIFICALLY DEFINED HEREIN, FROM I-1 TO CITY I-2; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Rubio read Ordinance 05-25 by title only. Mayor Quesinberry opened the public hearing. City Planner Cechman stated that the subject property is located in the industrial area and the applicant is requesting rezoning from I-1 to I-2. He stated that the Planning and Zoning Board approved the rezoning petition at their April 14, 2005 meeting and city staff recommends approval. **Motion by Commissioner Dixon to approve Ordinance 05-25. Seconded by Commissioner Reynolds.**

Commissioner Reynolds asked if the property owner was in the audience. City Planner Cechman replied no and explained that the property owner was notified of the meeting and they were to send a representative. Commissioner Nichols and Commissioner Dixon expressed their concerns related to the retention pond location with tractor/trailer parking next to it which may have chemicals running off into the pond and not fencing around the pond because they are going to fence the entire compound but she is concerned because it is so close to Maxey Elementary School. City Planner Cechman stated that the property owners must also get all St. Johns Water Management District permits and comply with all their regulations. He also explained that a fence and safety requirements will be reviewed at the time the site plan is submitted. **Motion carried unanimously 5-0.**

- B. **Ordinance 05-29:** VACATING THE EASTERLY 2 FEET OF THE TWELVE FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE WESTERNMOST PROPERTY LINE, LESS 6 FEET ON THE NORTHERN AND SOUTHERN PROPERTY LINES OF 13000 LAKESHORE GROVE DRIVE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Attorney Rubio read Ordinance 05-29 by title only. Mayor Quesinberry opened the public hearing. Hearing no public comments, the public hearing was closed. **Motion by Commissioner Graham to approve the Ordinance 05-29. Seconded by Commissioner Nichols and carried unanimously 5-0.**

- C. **Ordinance 05-26:** REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 191.2 ACRES OF LAND LOCATED WEST OF TILDENVILLE SCHOOL ROAD, SOUTH OF LAKE APOPKA, AND EAST OF THE TOWN OF OAKLAND, FROM CITY R-1 AND COUNTY A-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Oakland Park)

City Attorney Rubio read Ordinance 05-26 by title only. Mayor Quesinberry opened the public hearing. City Planner Cechman stated that city staff has been working with the applicant, Castle and Cooke, for approximately one year. He explained that this a joint

project between the City of Winter Garden and the Town of Oakland with a total of 260 acres, 192 acres is in the City of Winter Garden, and is located on the south side of Lake Apopka and east of the Town of Oakland, on the shores of Lake Apopka. If the second reading of the ordinance is approved it will allow the construction of 575 residential units; a neighborhood commercial area on Oakland Avenue; a marina and restaurant area along the lake. He stated that this will be four types of architecture with a mixture of use on the same block allowed. One style is a neo-traditional neighborhood with a great sense of community, which will be based on an older style of development and architecture. The proposed zoning category will specify the maximum density, setbacks, general layouts and the percentage of each lot type. Mr. Cechman explained that if the City Commission approves the rezoning, the applicant must request approval of the Preliminary Plat for the first phase from both the Planning and Zoning Board and then the City Commission. City staff has reviewed the application and has included some additional conditions, such as an additional main road (Motamasek) to connect to S.R. 50 to be completed prior to the issuance of the 175th building permit in either jurisdiction or combination. Another recommendation is an agreement between Oakland Park and Orange County Public Schools must be approved prior to the Preliminary Plat stage. Orange County Public Schools representative is present to answer any questions. There have been some minor changes made after the first reading, which are underlined in the ordinance and include; the effective date of the rezoning ordinance that will take place when the applicant enters into a two party development agreement with the City of Winter Garden identifying three intersections impacted by the project that include; S.R. 50 and Avalon Road, Plant Street and Avalon Road, and Motamasek and S.R. 50, a change to a setback, and more buffers at the request of an adjacent landowner.

Mr. John Rinehart, representing the applicant Castle and Cooke, stated that they have been working with city staff since 2003 and emphasized that they will be working with city staff concerning the issues related to the capacity enhancement school agreement and development agreement, but explained that they are at a stage that they need to move forward with the items in the Plan Urban Development (PUD), which includes the designs. Mr. Rinehart stated that they have added a fifth architectural pattern to the project and provided the Commission with graphic, which was possibly not included in the original agenda package.

Commissioner Graham again expressed his concern related to school capacity with 750 homes with a reported 188 students and that Orange County Public Schools should build larger facilities in the beginning to accommodate the anticipated students instead of utilizing modular buildings.

Mr. Dennis Foltz, Director of Planning and Government Relations for Orange County Public Schools, explained that Public Schools receives operational funds from the State based on the number of students in the school. Prior to construction of a new school there needs to be enough students to operate the new school, which means that some other school has to be over capacity in order to build the new school. The Orange County School District is one of the fastest growing school districts in the country and

explained that they have a very aggressive program dealing with overcapacity issues. This particular development issue is Lakeview Middle School that is over capacity and the "No Child Left Behind" program has put them beyond their five-year projections. They hate portable classroom units, as they are very expensive and eat up campus space. He also stated that the Planning and Zoning staff have been very active in locating potential properties for future school sites. Mayor Quesinberry asked what is the formula for calculating students to housing ratio. Mr. Foltz replied that not every house has a child for each level of school. According to their records and what they use for capacity purposes is each house generates about 1/3 of an elementary school child, about .18 of a high school child and .15 of a middle school child. So for 750 units it would be about 1/3 of that which is about 188 and it varies. Elementary schools are designed with portable fields because they know it will be over capacity before they can build a new school.

Commissioner Reynolds asked about when the traffic studies would be available. Mr. Rinehart responded that they are still working with city staff on issues related to the traffic and explained that the preliminary subdivision plans will likely be presented to the City Commission later this summer or early fall. At that time, all traffic issues should be resolved and the development agreement should be finalized. Commissioner Reynolds expressed his concerns of not having a light at the intersection of SR 50 and Motamassek Road for those needing to turn left either into or out of the subdivision. Mr. Rinehart stated that the intersection may very easily warrant a signal. They are also going to look at Oakland Avenue and S.R. 50 intersection. Commissioner Graham stated it would be too dangerous at S.R. 50 without a signal. Commissioner Nichols asked if the 750 units included the up to 35 percent "granny flats". Mr. Rinehart replied no. Commissioner Nichols asked how tall the tallest home. Mr. Rinehart replied three floors with the third floor being designed into the roof for a total of 40 feet high. Hearing no other comments, Mayor Quesinberry closed the public hearing. **Motion by Commissioner Dixon to adopt Ordinance 05-26. Seconded by Commissioner Graham and carried unanimously 5-0.**

7. PUBLIC HEARING ON APPEAL OF PLANNING AND ZONING BOARD DECISION

A. Appeal of Planning and Zoning Board decision regarding Special Exception Permit for rooming houses at 122 and 114 ½ North Street as filed by Allister Rodgers.

City Planner Mark Cechman stated that city staff has been working with Mr. Rodgers on his petition to convert three buildings located at 122, 114 ½, and 102 North Street into rooming houses. He reported that in May 2, 2005 the Code Enforcement Board found Mr. Rodgers in violation of some sections of the City's Code of Ordinances. Mr. Cechman explained that because Mr. Rodgers failed to provide the City with the required site plan, which is very important since the property is very fragmented, his Special Exception Permit application was incomplete, but Mr. Rodgers requested to present his petition to the Planning and Zoning Board who approved the Special Exception Permit for the building located at 102 North Street, but denied the Special Exception Permit for the buildings located at 114 ½ and 122 North Street. City staff does not believe converting

114 ½ and 122 North Street into rooming houses is compatible with the surrounding uses for the following reasons: the grand total of 18 rooms would be too dense and intense; the building conditions are not up to code; the property fragmentation is unsuitable since the existing buildings do not have adequate set backs and 114 ½ North Street does not have legal access to a public road; and the applicant's application is missing a survey and engineered site plans for the parking area and existing buildings. Mr. Cechman explained that Mr. Rodgers could use the subject buildings for single-family homes, which is an allowable legal use for the properties that are located in an R-NC (Residential Neighborhood Commercial) zone.

Mayor Quesinberry opened the public hearing at this time.

Mr. Allister Rodgers, 122 North Street stated that he is the owner of the subject properties and introduced his consultant, Mr. Johnny Anthony.

Mr. Johnny Anthony stated that he is also the consultant for the East Winter Garden Development Corporation and provided the City Commission with a package of documentation (see attached) related to the subject petition. He spoke in favor of Mr. Rodgers's appeal and stated that the State of Florida has issued Mr. Rodgers licenses to operate his rooming houses since 1997, but the City of Winter Garden did not take any interest in the subject properties until January 2005 when Ordinance 05-01 was adopted concerning rooming houses. He stated that at the time of adopting Ordinance 05-01, former City Manager Hollis Holden stated that the Planning and Zoning Department did not have guidance from the City Commission as to what to do with the existing rooming houses, but the Ordinance will give staff the needed guidance for future new requests and will not penalize those that have been present a long time. Mr. Anthony further stated that he believes that according to Florida Statutes, existing rooming houses should be grandfathered-in. Mr. Anthony indicated that they have met with Acting City Manager Bollhoefer and discussed possible solutions to the situation. One solution discussed was the possibility of converting the rooming houses into apartments, which Mr. Rodgers concurs. Mr. Anthony requested that the City Commission work together on finding a solution to Mr. Rodgers situation and mentioned that Mr. Rodgers should be given the option to put in doors in the rooming houses instead of fire sprinkler systems.

Commissioner Reynolds stated that without the appropriate fire requirements the safety and lives of the residents at the rooming houses are in danger and asked Mr. Rodgers to present his proposal. Mr. Rodgers stated that he has been licensed by the State for many years and that he plans to comply with the code. He explained that the City is requesting that he obtain an Occupational License, but the requirements could cost him about \$60,000. He stated that there is a Court Order that states that the Fire Department should work with him to resolve the situation concerning the fire requirements. He also stated that he was doing everything he thought he was supposed to do and has been working with the Building Department to resolve the building issues. Commissioner Dixon asked how many people reside at the rooming houses and where they will live if displacement occurs. Mr. Rodgers responded that there are ten rooms with one resident per room.

Commissioner Nichols expressed concerns about the displacement of the rooming house residents.

City Attorney Lionel Rubio explained that the action before the City Commission is an appeal of a denied Special Exception Permit application and explained that the Code, prior to the adoption of the new ordinance, did not provide guidance for the Residential Neighborhood Commercial (R-NC) zoning concerning rooming houses; he further explained that the purpose of the adopted ordinance was to specifically provide for rooming houses as a Special Exception Permit, however, in order to obtain approval of a Special Exception Permit, the applicant must go through a process that requires submittal of the appropriate application and site plans; city staff and the Planning and Zoning Board will review the application and make comments and recommendations. Mr. Rubio stated that the subject item is an appeal of a Special Exception Permit application, and explained that Mr. Anthony mentioned the term “grandfathered-in”, but this item is not an appeal of a grandfathering determination, but of a Special Exception Permit application; he further explained that there is another procedure in the City Code, which provides for a grandfather-in determination, which begins with determination by the City, and which can be appeal to the Planning and Zoning Board, and subsequently can be appealed to the City Commission. Mr. Rubio clarified that there are two separate issues; the Court Order mentioned by Mr. Rodgers is related to a violation of the fire code, because the existing rooming houses are not complying with the fire code applicable to rooming houses. Mr. Rodgers is also in violation of the City Code of Ordinances by operating rooming houses without an Occupational License, which is a zoning violation. The action for the City Commission is to consider whether to grant Mr. Rodgers the Special Exception Permit to operate the subject properties as rooming houses and if so, the City Commission may attach conditions to the Special Exception Permit. Commissioner Nichols asked if the fire codes were different for single family homes than for rooming houses. Fire Chief Williamson responded affirmatively and explained that originally the subject buildings were single family homes and later converted into rooming houses, which changed the occupancy type and the applicable codes. Commissioner Dixon asked about the fire sprinkler requirements. Mr. Rodgers responded that the Fire Department is requesting the installation of fire sprinklers, but he should have had the option to cut in secondary doors, which is an alternative option stated in the fire code. Commissioner Dixon stated that the option of cutting in secondary doors has been mentioned and the possible solution to convert the rooming houses into apartment complexes; she stated that her main concern at the present time is the displacement of the residents and proposed that the item be tabled, until the applicant presents the City Commission with a plan of action. Mayor Quesinberry, City Commissioners, Mr. Anthony, and Mr. Rodgers further discussed issues concerning the rooming houses and possible solutions to the situation. **Motion by Commissioner Nichols to continue the item to June 23, 2005 and seconded by Commissioner Dixon.** Commissioner Graham noted that in the documentation provided by Mr. Anthony it includes an application for grandfathering for property located at 102 North Street dated March 13, 1997 and asked if the application was approved or disapproved. City Planner Cechman stated that the referenced application was for property located at 102 North Street, which is now addressed 100, which was recently approved for the Special Exception by the Planning

and Zoning Board. He further explained that the application dated March 13, 1997 was never completed and therefore the applicant never went through the appropriate process. Mr. Cechman stated that nothing Mr. Rodgers has submitted relates to 122 or 114. Also, he brought to the Commission's attention that Code Enforcement fines are scheduled to begin on June 7, 2005 if he is not in compliance. Acting City Manager Bollhoefer stated that the fines could be waived at the same time, if the Commission voted in favor of the appeal. Commissioner Reynolds stated that there has been a lot of talk about community helping community and asked Mr. Rodgers if he considered himself part of the problem or part of the solution. Mr. Rodgers responded that he considered himself part of the solution. Commissioner Reynolds stated that he did not understand how operating a rooming house under the existing conditions could be part of the solution to improve the community. **The motion carried 4-1; Commissioner Reynolds opposed the motion.**

8. REGULAR BUSINESS

A. Recommendation for settlement in Code Enforcement Board Cases # 00-195 and # 01-050 for 212 N. Boyd Street, Charles Hodge

Acting City Manager Bollhoefer stated that in 2000/2001 Mr. Charles Hodge's son was residing at the house located at 212 N. Boyd Street and the property was cited for several code violations including unregistered vehicles and operating a rooming house. Mr. Hodge was notified of the problem and immediately took action to clean up the property and removed the tenants. Since that time, the property has had no further code violations. Mr. Bollhoefer explained that the City's intentions are not to generate revenue, but to bring properties into compliance; therefore, the City is recommending that the fines be waived and the lien be removed in exchange for Mr. Hodge paying \$785.00 in legal costs incurred by the City. **Motion by Commissioner Graham to settle Code Enforcement Board Cases # 00-195 and # 01-050 for payment of \$785.00. Seconded by Commissioner Dixon and carried unanimously 5-0.**

B. Resolution 05-14: SUPPORTING A LIMITED ACCESS ROAD CONNECTOR BETWEEN US27 AND SR429 SOUTH OF HARTWOOD MARSH ROAD

City Attorney Rubio read Resolution 05-14 in its entirety. City Planner Cechman stated that Lake County is relying on Hartwood Marsh Road as the main connection to existing and new developments in Lake County. Hartwood Marsh Road was not designed to handle all of Lake County and therefore staff believes it necessary to support an access connector road to alleviate the traffic on Hartwood Marsh Road. Commissioner Reynolds indicated that if support is approved, the proposed mall would also impact the traffic on Hartwood Marsh Road. Commissioner Graham stated that four-laning Hartwood Marsh Road to the east in Lake County to the City's jurisdiction would be very beneficial and is a good idea. **Motion by Commissioner Dixon to adopt Resolution 05-14. Seconded by Commissioner Graham.** Commissioner Nichols stated that the City was in desperate need of these types of roads, but she adamantly opposes the alternative suggestion for a toll corridor. Acting City Manager Bollhoefer explained that the Expressway Authority (OOCEA) is willing to install the new road and explained that city staff has met with OOCEA, County Commissioner Jacobs and Orange County

Transportation Department staff to discuss issues related to the construction of the new roads. Mr. Bollhoefer stated that a road is in the early planning stage somewhere between south of Hartwood Marsh and north of Skofield Road. One likely scenario from the meeting is that the toll road would be a limited access toll road fairly close to Hartwood Marsh so there would be an alternative for a 4-lane Hartwood Marsh road or a toll road. **Motion carried unanimously 5-0.**

9. MATTERS OF CONCERN FROM CITIZENS

Mr. Richard Napotnik, 1633 Fullers Cross Road, Winter Garden, Florida congratulated Commissioner Reynolds on his appointment and stated that he is very proud to have him representing him on the City Commission.

Mr. Don Miller, 1073 Woodson Hammock Circle, Winter Garden, Florida congratulated Commissioner Reynolds on his appointment by the Governor and commended the City Commission on becoming a kinder and gentler Commission. During recent City Commission meetings, the Commission is listening to the citizens with open ears. He also congratulated Acting City Manager Bollhoefer, who understands the finances of the City, is very interested in the residents, and will speak with anybody.

Mr. Tom Reedy, 14217 Country Estate Drive, Winter Garden, Florida congratulated Acting City Manager Bollhoefer for being very open, accessible and for working very well with the community. He asked the City Commission to taking one or two months to evaluate the proposed mall.

Ms. Sara Arnold, no address given, stated that she was born in Winter Garden, Florida and congratulated the City Commission for listening to the citizens and for the way they handled the last City Commission meeting.

Mr. Vincent Goodwin, 1302 Selbydon Way, Winter Garden, Florida thanked Acting City Manager Bollhoefer for listening and helping him with a situation in Stoneybrook. He also thanked the City Commission for approving the resolution related to the connector road.

Ms. Shirley Smith, 21 W. Crest Avenue, Winter Garden, Florida congratulated the City Commission for the respect and interest they are showing towards the community. She also stated that S.R. 50 is becoming a very dangerous road and something needs to be done. She congratulated Commissioner Reynolds on his appointment.

Mr. Andy Bruns, 6 Laurel Drive (Trailer City), Winter Garden, Florida congratulated Acting City Manager Bollhoefer for the interest he has taken in the Trailer City issue. Mr. Bollhoefer and his wife attended one of their Homeowner Association meetings. He appreciates Mr. Bollhoefer's efforts to address some of the problems in Trailer City and hopes to see him appointed as the next City Manager.

10. MATTERS FROM CITY ATTORNEY LIONEL RUBIO – Nothing to report

11. MATTERS FROM ACTING CITY MANAGER MIKE BOLLHOEFER

- In response to Mr. Balderrama's questions, at the last City Commission meeting related to the proposed Sembler open-air mall, Mr. Bollhoefer gave the following answers (note Mr. Balderrama was not present):

Were there any other offers from builders or developers to use the land for anything other than what the land is zoned? Back in 2000, Canin and Associates and the Fowlers were interested in rezoning if for a mixed-use project that never went very far.

How can the Fowlers be forced off their property? The Fowlers were never being forced off their property. Roads were being built in the area and may have felt they were being forced off because they had to give up some of their land for roads but in affect, are not being forced off their property.

What has been done (by the city) to match the Comprehensive Plan for 40 acres of commercial development? The City has not actively gone out to bring in any type of commercial development plan.

What efforts have been made by the City Commission or city staff to fill the vacant stores in SR50? There has been no concentrated effort to fill the vacant stores on SR50, but city staff has directed local business inquiries to help them locate the owners as potential sites; however, staff is looking at a possible CRA on S.R. 50 for revitalization. The best time to look at redeveloping S.R. 50 is after it is six-laned, which staff believes will happen sooner than most people think.

What proof can city staff and the Commission provide that the proposed mall will not become a burden to tax payers, police and other City agencies? There is nothing we can do to prove that it will not be a burden, but what city staff is doing is preparing sufficient analysis to determine how much staff such as police, fire, and utility infrastructures, will be needed to handle the project. City staff will also analyze if there would be sufficient tax revenues to pay for the related services, sufficient impact fees and funds to put in the necessary infrastructure, and if there is sufficient water and sewer capabilities for that area.

With thousands moving to the south side of Winter Garden what are the plans for water, sewer, and most importantly schools? Some of the big projects are the recent improvements to the Waste Water Treatment Plant to allow it to handle four million gallons per day and is situated to handle adding on another two million gallons per day capacity to handle the growth to the south. Eight million gallons is what is projected for the built-out and the City will have to look at how it will add two million gallons more in the future. The City is in the process of constructing trunk line "C" with an 18-inch force main to the southwest area development and installing a 12 inch reclaimed water main to bring reclaimed water to the southwest area.

What are we doing with schools? Local government is limited as to what it can do with schools, one area is controlling growth, and another is work with County Public Schools to find school sites, which staff has been active in site locations and identifying sites for developers.

This concluded Mr. Bollhoefer's answers.

There was another comment made about a death on 535 and stated that the City has been actively installing traffic lights and asked Public Works Director Bob Smith to update everyone. Mr. Smith stated that the traffic signal at CR 545 and Hartwood Marsh Road/Stoneybrook West Parkway was fully functional as of last Tuesday morning; the traffic signal at Stoneybrook Parkway and Towne Commons Boulevard is under construction and will be ready by the time the Whispering Oak Elementary School opens in October; Monday morning the contractor broke ground for the traffic light at the intersection of C.R. 535 and Lake Butler Boulevard, which is anticipated to be in operation within ninety days; the traffic light at the intersection of Plant Street and Story Road is being designed with turn lanes and will be built in conjunction with the proposed Oaks at Brandy Lake Subdivision; the traffic light at the intersection of Plant Street and West Crown Point Road is also being designed and will be built in conjunction with the proposed Youngblood Roper development. Mayor Quesinberry asked what is the current cost. Mr. Smith replied that it is about \$15,000 for the design and a strand wire is between \$80,000 to \$85,000. The mast arm type such as the one at Stoneybrook Parkway, the construction cost is about \$125,000 to \$130,000.

- Mr. Bollhoefer stated that city staff has met with the YMCA and Orange County Public Schools to discuss issues related to building public parks, especially in the southern areas of the City. The interim budget will reflect this plan to include the funding.
- City Commissioner requests to use lap top computers, cellular phones, internet DSL, and the other expenses associated with the Commissioners' duties: Staff has looked into the legal aspects and there are none. Therefore, if the City Commission would like to approve the funding, he will include it in the interim budget to provide the appropriations to pay for such equipment. He explained that purchasing cards to pay for equipment other than gasoline is also available to the Commissioners but it still requires the receipts and documentation be submitted. Commissioner Dixon mentioned that she needs to be reimbursed for her gas expenses this fiscal year.
- Mayor/Commissioner salaries and health insurance: Mr. Bollhoefer stated that he has prepared and provided the Commission with an analysis of other cities on what they provide their elected officials, which can be discussed at the next City Commission meeting after the Commission has had time to review the material.
- Stated that he anticipates the installation of the trunk line "C" on Crest Avenue is to be completed by the middle of July and functional by July 4th.

- Charter Review: The initial step could be to authorize Municipal Code Corporation (MuniCode), for about \$250, to review the charter and identify areas that may conflict with state statutes or be redundant. For an additional \$1,500 per day MuniCode will also have their legal staff analyze the Charter. **Motion by Commissioner Nichols to approve contracting with Muni-Code for \$250 to review the City's Charter. Seconded by Commissioner Reynolds and carried unanimously 5-0.** Acting City Manager Bollhoefer explained that there are many different ways to hand a Charter review and he suggested a workshop to discuss the alternatives and how the Commission would like to proceed. It was the consensus of the Commission to have the workshop at the end of the City Commission meeting on June 23, 2005.
- Stated that he met with city representatives from Ocoee, Windermere, and Oakland who are in the process of expanding television coverage to cover their city events and meetings and it is possible to be on the same channel as the neighboring communities if the Commission is interested. Mr. Bollhoefer stated that if this is the desire of the City Commission, he will continue to meet with these cities to give Winter Garden the capability of filming events or meetings by using other Cities' equipment and studios. Commissioner Graham stated that he was in favor of participating. Commissioner Nichols asked if there was any way to post the full ordinance available on the web site. Mr. Bollhoefer responded yes we can.
- City Manager's position: After speaking with several Commissioners and the Mayor, he recommends an outside search for potential applicants and he can have the Human Resources Director prepare a proposed advertisement and a plan for distribution. Commissioner Dixon asked the City Attorney if it were necessary to do an outside search. City Attorney Rubio responded that the decision is up to the City Commission. Acting City Manager Bollhoefer stated that in the mean time, he will have the Human Resources Director prepare the advertisement and a plan for distribution for review by the City Commission.
- Commissioner Reynolds stated that it thinks it would greatly enhance presentations would be a large screen for PowerPoint presentations so everyone in the audience would see the same maps and visuals the Commission has. Mr. Bollhoefer stated that these items are available in Commission Chambers and he will look into having the same items available at Tanner Hall meetings.
- Asked the Utilities Director to give an update on the progress on odor control at the wastewater treatment plant. Mr. Tiblier stated that they have budgeted \$50,000 for the purpose of odor control and noise complaints have been a topic of the area residents. Thus far, \$16,000 has been encumbered with \$6,000 of that on special diffusers on a digester; \$10,000 was spent on an odor control study, and there is a remainder of \$34,000.

- Advised that the American Legion would like to use Veterans' Park for two hours on June 14th for their Annual Dignified Disposal of U.S. Flags. It was the consensus of the Commission to allow the use requested.
- Read a part of a letter received from the The Sembler Company (see attached), in regards to the proposed open-air mall, which states "... during the convention, the retailers committed to restrict loading hours to 7 a.m. to 10 p.m. and to bar commercial traffic from using Daniels Road, north of the site, at all times. This added to our earlier announcement during the community meeting, of the elimination of the 125 room hotel, skating rink, laundromat, bowling alley, and automotive repair, offers further proof of our willingness to listen and respond to our neighbors concerns and ideas". He explained that city staff requested The Sembler Company ask for a continuance or a postponement to another date for their first hearing and reading, because there were so many significant changes that city staff needs sufficient time to review and analyze them before there can be recommendation. Commissioner Dixon asked about the theater. Mr. Bollhoefer stated that the City of Ocoee has indicated that the biggest problem they have with their mall if the theater and if it were removed it would cut their crime rate by more than half at the mall.

6. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Nichols

Commented that she would like to see the City do all that is possible to preserve the original home owned by Isabel Fowler on the Fowler's property. There is green space needed for the people and it would be nice to see it around the house and possibly have the house become a museum, tearoom, or offices. Acting City Manager Bollhoefer stated he spoke to this issue today and The Semblers have opened up to the idea of a park and may even consider incorporating the house.

Commissioner Graham

Stated that the City's phone directory needs to be updated and he would like a copy. Acting City Manager Bollhoefer stated that the City receptionist, Peggy Irions, is currently working on it.

Invited everybody to attend the Memorial Services at Veterans' Park at 8:30 a.m. and stated that Peggy Irions, Receptionist, did a very good job preparing the program.

Commissioner Reynolds

Asked if it was possible to keep Hearthglen Boulevard clear of construction trucks during the commute times since the residents have been forced to use this street as an alternate road because of the construction on Crest Avenue. Police Chief Brennan stated that they could post temporary no parking signs but he is not knowledgeable enough about the construction industry but they may have a need to be there at the same times. Acting City Manager Bollhoefer stated that he will speak to the construction superintendent to make an effort to keep Hearthglen Boulevard clear and if he doesn't he will look into other parking restrictions.

Commissioner Reynolds asked when the sidewalks along Fullers Cross Road will be constructed because it is hazardous for those walking along this area. Acting City Manager Bollhoefer replied that the sidewalk project is part of the interim budget and as soon as the budget is approved, the city will move forward with the project right away.

Acting City Manager Bollhoefer introduced Mr. Johnny Clark, the newly appointed Manager for Trailer City, who in his prior position was the Code Enforcement Manager. He also introduced Mr. Elwin Washburn, who will be working as a part-time Manager at Trailer City during after hours to patrol and be available in case of emergency.

The meeting adjourned at 10:07 p.m. to the next regularly scheduled meeting on June 9, 2005 at Tanner Hall.