



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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REGULAR MEETING MINUTES

CITY COMMISSION

March 9, 2006

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

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

Also Present: City Manager Mike Bollhoefer, City Clerk Kathy Golden, City Attorney Frank Bedell, Assistant City Manager Marshall Robertson, City Planner Mark Cechman, Human Resources Director Frank Gilbert, Recreation Director Jay Conn, Fire Chief John Williamson, Utilities Director Fernand Tiblier, Police Chief George Brennan, Information Technology Director Bob Reilly, Finance Director Brian Strobeck, Trailer City Manager Johnny Clark, Building Official Willie Herbert, Public Works Director Bob Smith, Assistant City Clerk Angee Grimmage, and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting of February 9, 2006 and postponement of Regular Meeting of February 23, 2006. **Motion by Commissioner Graham to approve the regular meeting minutes of February 9, 2006 and postponement of regular meeting minutes of February 23, 2006. Seconded by Commissioner Dixon and carried unanimously 5-0.**

The meeting dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:35 p.m.

Present: Mayor Jack Quesinberry, Commissioners Theo Graham, Rod Reynolds, Mildred Dixon, Carol Nichols and Chairman Larry Cappleman

Absent: Dale Crosby

2. **Presentation by the Community Redevelopment Agency Advisory Board (CRAAB)**

Chairman and CRA Board Member Larry Cappleman recognized the members of the board and City staff for their efforts and hard work in the preparation of this project. He gave a

brief explanation of the problems and possible solutions that will be addressed in the presentations.

City Planner Cechman gave a presentation on the East Winter Garden Sector Study (*See Attached*).

Larry Cappleman stated that over the last year the CRA has had presentations from Orange County Community Development, KB Homes and wanted to hear some of the challenges they have had to undergo and what could be done to attract somebody like a KB Homes if possible. They have visited St. Petersburg regarding an I-team concept because Kurt Easton who did the R&BK study in 2004 had talked about an amnesty program for people who had been sited for code violations and had not been able to physically or financially comply with their code. He stated that this was a more compassionate way to deal with them to give Code Enforcement a better opportunity to deal more stringently with people who do have the ability to comply. He stated that most importantly they held meetings with the community at the Maxey Center. The information was gathered over the last year into a meeting which John Rinehart moderated to compile all of our ideas, thoughts and plans. He named all of the departments and agencies that worked together to address some of these issues. They are not ready to present a plan, but are ready to talk to the community. He stated that when they talk to the community the CRA will hear the feedback.

One plan is being considered now and he recognized Senior City Planner Kelly Randall to give a presentation on East Winter Garden 11th Street/Horizon Oaks Gateway Project (*See Attached*).

Mr. Cappleman asked for two motions. First, that the CRA Board approve the direction of the CRAAB which was presented and advise them to proceed forward to a recommended project for improving East Winter Garden neighborhoods. Secondly, the CRA endorse the suggested beautification project and endorse the CRAAB to proceed forward working with the community to develop a defined project and to come back to the CRA for final approval. He stated that they are only asking for direction and guidance at this time. He added that they have been working very closely with the East Winter Garden Community Development Group.

Commissioner Dixon addressed the issue of a brick wall near the Mildred Dixon Center and some specific items needed in the area and spoke of each entity working together. She spoke of the need for a homeowners association and a neighborhood watch program. There was discussion regarding the funding. She also addressed other issues such as code changes, absentee landlords, businesses on Center Street, and zoning.

Commissioner Reynolds asked about the cost of the amnesty program to the taxpayers. **Mr. Cappleman** responded that if we pattern it after St. Petersburg it would cost the taxpayers nothing. They learned in St. Petersburg that it turned into a donated activity with donated materials. **Commissioner Reynolds** asked if this applies to the debris removal, demolition and all cleanup. **Mr. Cappleman** replied that this would not apply; we are talking about code enforcement violations. **Commissioner Reynolds** stated that he was looking at the overall

scope. **Mr. Cappleman** responded that this whole process is going to involve the whole City and there is no dollar figure on it yet, nor the necessary leader to pull it together. **Commissioner Reynolds** addressed situations where eminent domain may become an issue and stated that the East Winter Garden Development Group should determine when this will come into play. **Mr. Cappleman** stated that we have not addressed the issue of taking of property; our goal was to make the property attractive so that private people can put their own money into redevelopment. He stated that they are looking at facilitating things so that people will want to redevelop their own property and people will want to come in and buy the property that exists there today. He came to get direction from the Commission.

Commissioner Dixon stated that there is information and history of the area that needs to be known. She named some of the subdivisions and their history. She then stated that she has a plan that she will address later in the meeting. She stated that she did not want more temporary fixing.

Commissioner Graham addressed the funding and asked if it has been submitted to the CDBG. He expressed that getting these funds sometimes takes up to a year and hoped they could get it done quicker than was stated.

Mayor Quesinberry stated that he thinks the advisory board is doing their job well and called for a motion to have them move forward with their current project.

Motion by agency member Larry Cappleman to endorse and approve the direction of the CRAAB as presented tonight and encourages the CRAAB to proceed forward on a recommended project for improving East Winter Garden neighborhoods. Seconded by Commissioner Dixon. Commissioner Nichols stated that she agrees with Commissioner Dixon about the brick wall. She asked that the CRAAB get a quote on a brick wall and present it when they come back to the CRA. **Motion carried unanimously 6-0.**

Motion by Larry Cappleman to endorse the suggested beautification project for Horizon Oaks and encourage the advisory board to conduct a community workshop, secure cost estimates for the project, and then present it back to the CRA for its approval. Second by Commissioner Dixon and carried unanimously 6-0.

The meeting adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 7:25 p.m.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 06-15:** VACATING THE EASTERLY THREE FEET OF THE FIVE FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE WESTERNMOST PROPERTY LINE, LESS 5 FEET ON THE NORTHERN PROPERTY LINE AND LESS 12.5 FEET ON THE SOUTHERN PROPERTY LINE OF 252 BLUE STONE CIRCLE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 06-15 by title only. **Motion by Commissioner Reynolds to approve Ordinance 06-15 with the second reading and public hearing**

being scheduled for March 20, 2006. Seconded by Commissioner Dixon. Commissioner Graham suggested that an ordinance be written to address the numerous requests for variances. He stated that the homeowner who wants a pool should buy property large enough. City Planner Cechman stated that normally Planning and Zoning is okay with vacations of easements. This is not like right-of-way; this is an easement where they actually own the land. The only difference is the back ten feet, where the city has additional rights such as installing drainage and utilities. We looked at this one differently and he explained the setback requirements and stated that this was a unique scenario. There were discussions and explanations on setback requirements. **Motion carried unanimously 5-0.**

5. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 06-11:** AMENDING ORDINANCE NUMBER 05-24, RELATING TO THE REZONING OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535, GENERALLY KNOWN AS THE FOWLER PROPERTY, FROM CITY R-1 TO CITY PCD, BY AMENDING SUBSECTION “t” OF SECTION 2 OF ORDINANCE NUMBER 05-24 PERTAINING TO HOURS OF OPERATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Winter Garden Village at Fowler Groves PCD Amendment)

City Attorney Bedell read Ordinance 06-11 by title only. Mayor Quesinberry opened the public hearing.

James Balderrama, 14315 Hampshire Bay Circle, Winter Garden, stated that his concerns are the hours of the 24-hour gas stations and the loading docks. He explained the potential problems with truck traffic and his concerns about 24-hour gas stations. They have asked for an exception on the health club’s operating hours. Planning and Zoning Board member Colin Sharman asked the Sembler Company if they would be coming back asking for other exceptions as this thing moves along. He asked the City Commission to please hold them to their word and keep this as little inconvenience as possible.

Shirley Smith, 21 West Crest Avenue, Winter Garden, stated that the Sembaliers and the City have been working together for at least two years or more trying to make this thing go. Tractors and trailers for Lowes might be a grievance at any time for people and the hours should be looked at closely, but there are going to be a couple of different ways to come in and out of this area. She explained that change to the spa hours was for the people that worked there. She understood it would not be open to the public. She asked that the 24-hour gas stations be considered as a convenience to the citizens of Winter Garden. **Mr. Bollhoefer** replied that change to the spa hours was for everyone. There is no change to the time for gas stations. The only change in this ordinance is for health clubs and spas open at 5 a.m. and an exception for hurricanes. **Ms. Smith** stated that she totally misunderstood and explained what she had heard. **Mr. Bollhoefer** replied that it was stated that it could be a benefit to people who worked there but it was not restricted to them.

Commissioner Reynolds asked for clarification on Mr. Balderrama's statements and asked if he was requesting that the loading dock activity be changed to 7:00 a.m. to concur with the other large truck activity. **Mr. Balderrama** responded that it reads "Loading Dock Activity – Except as to a home improvement facility", the home improvement store is exempt rather than the other 120 businesses there. The 119 businesses are going to have certain requirements for loading dock activity with the exception of one of the largest stores there. He can understand a Starbucks not making deliveries at one o'clock in the morning. **Mr. Bollhoefer** explained that there was a difference of one half hour. **Mr. Balderrama** asked if we can be assured that there will be no loading dock activities from the home improvement store between the hours of 10:00 p.m. and 6:30 a.m. and asked how will it be enforced. **Mr. Bollhoefer** responded that depending on the type of offense, it would be our Police Department's Code Enforcement.

Rebecca Furman spoke on behalf of the applicant and clarified some of the changes. The only change that they were going to request was the change in hours, from 6:00 a.m. to 5:00 a.m. for the health clubs, spas and gymnasium. The loading dock activities and the gas stations are not issues that are open. That is right now something that is already in the ordinance. They were just asking to make that one hour change and added the hurricane exception as per Commissioner Reynolds' request.

Commissioner Reynolds addressed the hours of operations with reference to bars and drinking establishments being open until 1:00 a.m. There is some concern from the citizens surrounding the development as far as deterioration of their quality of life. He asked how many bars and drinking establishments are anticipated. **Ms. Furman** responded that currently there are no stand-alone bars or drinking establishments under lease. There are physical bars inside of restaurants and those are under lease. **Mr. Bollhoefer** stated that he and Mr. Tom Hareas spoke today with reference to this subject being brought up at a Planning and Zoning meeting and they are more than willing to change the hours to 11:00 p.m. for bars and drinking establishments. **Ms. Furman** stated that if this is what the board wishes they will make that change. **Commissioner Graham** stated that this would be his wish. **Ms. Furman** clarified that this is for establishments that are stand-alone bars that are not within restaurants.

Mr. Hareas clarified the request for change in the hours of the loading dock activity for the home improvement facility as there were a lot of contractors who work in the local area and they were requesting the earlier hours so they can come and pick up their materials and make it to the job site as required to by 7:00 a.m. He stated that the Planning and Zoning Board was not in agreement with that request so the only request for change is for the health club, spa and gymnasium to be open at 5:00 a.m. instead of 6:00 a.m. He explained the reason behind the request. Mayor Quesinberry closed the public hearing.

Motion by Commissioner Graham to approve Ordinance 06-11 as amended with bars and drinking establishments being open 8:00 a.m. to 11:00 p.m. with the second

reading and public hearing being scheduled for April 18, 2006. Seconded by Commissioner Reynolds.

Mr. Bollhoefer stated that we will have to adopt an ordinance modifying our declaration of emergency for the City of Winter Garden. We could not lawfully allow only Lowes to remain open for hurricanes as this will create an unlawful monopoly within the City. He stated that staff will come back at a later date with an ordinance that when a state of emergency is declared in the City you will be able to allow other hardware stores and related businesses to also open. **Motion carried unanimously 5-0.**

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

- A. **Ordinance 06-09:** AMENDING THE DEVELOPMENT ORDER OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES DEVELOPMENT OF REGIONAL IMPACT, CONSISTING OF APPROXIMATELY 174.8 ACRES OF LAND LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535; PROVIDING FOR APPROVAL AND EXECUTION OF FIRST AMENDMENT TO CITY OF WINTER GARDEN DEVELOPMENT ORDER FOR WINTER GARDEN VILLAGE AT FOWLER GROVES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 06-09 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none closed the public hearing. **Motion by Commissioner Graham to adopt Ordinance 06-09. Seconded by Commissioner Dixon. Motion carried 4-1; opposed Commissioner Nichols District 4.**

- B. **Ordinance 06-13:** VACATING THE NORTHERLY FOUR FEET OF THE TWENTY FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE SOUTHERNMOST PROPERTY LINE, LESS 10 FEET ON THE EASTERN AND WESTERN PROPERTY LINES OF 2008 HARBOR COVE WAY, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 06-13 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none closed the public hearing. **Motion by Commissioner Graham to adopt Ordinance 06-13 with staff recommendations (see attached). Seconded by Commissioner Dixon and carried unanimously 5-0.**

- C. **Ordinance 06-14:** VACATING THE NORTHERLY THREE FEET OF THE TWENTY FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE SOUTHERNMOST PROPERTY LINE, LESS 10 FEET ON THE EASTERN AND WESTERN PROPERTY LINES OF 2014 HARBOR COVE WAY, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 06-14 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Reynolds to adopt Ordinance 06-14 with staff recommendations (see attached). Seconded by Commissioner Graham and carried unanimously 5-0.**

- D. **Ordinance 06-08:** AMENDING CHAPTER 110 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO SUBDIVISIONS BY AMENDING THE

FOLLOWING SECTIONS THEREOF: SECTION 110-3, STATE CERTIFICATION OR COUNTY COMPETENCY CARD REQUIRED; SECTION 110-4, CONTRACTOR'S INSURANCE, GUARANTEE; RELEASE OF LIENS REQUIRED; SUBSECTIONS (1)O AND (8) OF SECTION 110-152, FINAL PLATS; APPLICATION, SUPPLEMENTARY MATERIALS, DOCUMENTATION, CONTENTS AND DATA REQUIRED FOR FINAL APPROVAL; SECTION 110-60, MODEL HOMES; SECTION 110-155, INITIAL COMMUNITY SUBDIVISION INFRASTRUCTURE REPORT; SECTION 110-156, SUBSEQUENT COMMUNITY SUBDIVISION INFRASTRUCTURE REPORTS AND MAINTENANCE; AND SECTION 110-171, ACCESS PROVISIONS AND GATE DESIGN STANDARDS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE
City Attorney Bedell read Ordinance 06-08 by title only. Mayor Quesinberry opened the public hearing.

Bob Brantley, 3543 Turningwind Lane, Windward Cay in south Winter Garden, stated they are one of the many gated communities in the City and they are in favor of it in Windward Cay. The people who moved in got the impression that the gated community will have its gates closed during the daytime and they felt tricked after finding out later that the City had this ordinance that would not allow the gates to be closed during the daytime. He stated that have complied with the rules for the "click-to-enter" device.

Public Works Director Smith stated that staff recommends approval of this ordinance changing the gate regulations. There are a number of administrative changes clearing up the maintenance bond required for infrastructure. Mayor Quesinberry closed the public hearing. **Motion by Commissioner Graham to adopt Ordinance 06-08. Seconded by Commissioner Nichols and carried 5-0.**

- E. **Ordinance 06-12:** AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY AMENDING THE FOLLOWING SECTIONS THEREOF: SECTION 78-1. STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION; SECTION 78-35. TEMPORARY WATER SERVICE; SECTION 78-130. PRIVATE SEWAGE COLLECTION SYSTEM CONNECTED TO POTW; SECTION 78-131. BUILDING SEWERS AND CONNECTIONS; SECTION 78-133 ADMINISTRATION, PERMITS AND MONITORING; SECTION 78-264. IN-CITY SERVICE; AND SECTION 78-268. RESTRICTIONS ON USE OF ALTERNATIVE WATER SOURCES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE
City Attorney Bedell read Ordinance 06-12 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Graham to adopt Ordinance 06-12. Seconded by Commissioner Dixon and carried 5-0.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve final plat and maintenance agreement for West Point Townhomes**

City Planner Cechman stated that West Point Townhomes is requesting final plat approval. Their preliminary plat and construction plans have already been approved and staff has reviewed this and recommends approval of the final plat. The Planning and Zoning Board reviewed this at their February 6th meeting and also recommends approval of the final plat. There is also a right-of-way maintenance agreement that staff is recommending approval. **Motion by Commissioner Graham to approve final plat and maintenance agreement for West Point Townhomes. Seconded by Commissioner Dixon.**

Commissioner Graham asked about the size of the trees to be planted as stated on page three of the right-of-way agreement as he was concerned about future damage to the curbs. **Senior Planner Kelly Randall** stated that this is the minimum amount that the Engineering Department believes they will need to plant. She referred to a copy of the landscape plan and the only thing that is planted in the right-of-way are crepe myrtles which are fairly small and should not affect the curbing or the road. The oaks are planted closer up to the houses. **Commissioner Dixon** stated that it was mentioned once before about the type of trees that are planted, she stated that a lot of them wish now that they had not planted those oaks. **Ms. Randall** stated that this is a regular staff discussion and that planners love the big oak trees in the right-of-way and the engineers and the utilities workers hate them. In this particular case the oaks are closer up to the house in the lot and the crepe myrtles are in the right-of-way and they should not affect either the paving, drainage or any of the utilities.

Commissioner Graham asked where the cars park. **Mr. Cechman** stated that they have street parking in the designated locations and each house has two parking spaces and garages. **Ms. Randall** stated that the townhouses have some off street parking. There is some off street pull-in parking that could be used for guests by the recreation area in the southeast corner. There are a few areas where they can park on the street but there is both the garage and driveway parking for every unit. **Motion carried unanimously 5-0.**

B. Recommendation to approve a site plan for Winter Garden Village at Fowler Groves

City Planner Cechman stated that this site plan is for all the property of Fowler Groves with the exception of the residential property, which will have to go through a separate process. Staff is also addressing the six-lane road that goes through the middle of the property. Staff has reviewed and recommends approval but has some comments and suggestions in the agenda packet. He updated the Commission on the remedial comprehensive plan stating that it has been sent to Tallahassee for review and pending the approval by the State. Staff recommends approval of the site plan. He stated that the Planning and Zoning Board has also reviewed this and recommends approval.

Commissioner Reynolds inquired of comments from the Planning and Zoning Board with reference to not having the opportunity to review the landscaping. **Mr. Cechman** explained that the applicant did not provide the landscaping plan as part of the packet but stated that staff had reviewed the plan; it just was not in their packet. The Planning and

Zoning Board did recommend approval even though that packet was not available. He stated that it has been reviewed and it does meet the planned commercial district zoning for this property. **Commissioner Reynolds** asked about the road issues. **Mr. Cechman** stated that the traffic consultant has reviewed this. Issues with turn lanes and the east-west movement have been resolved to our satisfaction and they are in the addendum to the actual site plan. **Commissioner Reynolds** asked how long it will take to get these issues cleared up. **Mr. Cechman** stated that we do not anticipate this taking long at all. They are technical issues and they do have to clean them up and have to put them on their site plan. **Commissioner Reynolds** asked why not clean those up before you ask for approval. **Mr. Cechman** stated that it was felt that they were in good enough shape to bring forward with staff recommendations. **Motion by Commissioner Dixon to approve site plan for Winter Garden Village at Fowler Groves with staff recommendations. Seconded by Commissioner Graham and carried 4-1; opposed Commissioner Nichols District 4.**

C. **Appointments to the Charter Review Committee**

Commissioner Nichols appointed Ed Lynch and Barbara E. Muzeni
Commissioner Dixon appointed Erma L. Dennard and Burt Valdes
Commissioner Graham appointed Derek Blakeslee and Richard Hudson
Commissioner Reynolds appointed Don Miller and Richard Napotnik
Mayor Quesinberry appointed Pam Stewart

Commissioner Graham stated that there were several well qualified applicants and he expressed his appreciation for those who applied.

8. **MATTERS FROM CITIZENS**

Mayor Quesinberry set guidelines that each person will be allowed three minutes, they will address the Commission and not the audience, they must address the concerns in a respectful manner, and each member of the board will be given an opportunity to address public comments under matters from the Mayor and Commissioners.

Merv Daniels, 433 North Main, District 1, apologized to the Commission, Mayor and City Manager on two accounts at the last meeting: first for being out of order and coming to the podium out of turn and for the way he presented what he had to say. He stated that he was not apologizing for what he said as it needed to be said.

He commended the integrity of Commissioners Dixon and Graham during this election.

His wife is not here tonight, she is a cancer survivor who has made the choice to be with another survivor who is currently going month to month. The Relay for Life will be held at the West Orange stadium on Friday night, March 31, 2006 and he encouraged people to attend.

Tina Aldrich, 141 W. Plant Street, Winter Garden, thanked the Commission for their support and gave them tickets to the encore performance at the West Orange High School as a thanks for their support.

Mike Youngblood, 383 Floral Drive, Winter Garden, Florida stated his concerns when his City is portrayed negatively or unfavorably in a recent Channel 9 news cast on the possibility of voter fraud with regards to absentee ballots. He called the Supervisor of Elections and asked specifically if he sends an absentee ballot request, if he shows up in person, if he calls on the phone, or if he faxes an absentee ballot request, is his information and signature verified by the County Supervisor's Office. The answer was yes. He is proud to say that contrary to suggestions of voter fraud in the City, there seems to be none.

Barbara Pennington, 421 Timbercreek Drive, North, Winter Garden, congratulated Mayor Quesinberry in the manner in which he has conducted his campaign and for his record for serving the City. She looks forward to another four years of his service. She thanked City Manager Mike Bollhoefer for his stellar leadership. She stated that his professionalism is evidenced by the caliber of his presentations, and the immediate response to any request.

James Balderrama, 14315 Hampshire Bay Circle, Winter Garden thanked Pastor Snell and Mr. Harold Boulter for the invitation to the Black History Month Celebration at the 9th Street Church of God in Christ. He had a great time and looks forward to it next year.

He thanked the City Manager for communicating with them and listening to the ideas of the residents along CR 535 and the south side about the possible road improvements and hopes to continue that relationship.

He thanked Commissioner Nichols for putting together the candidate's forum.

He stated that at the Planning and Zoning Board meeting for the Sembler development order was never reviewed prior to the vote by the Planning and Zoning Board and that is not right.

He stated that there is an issue that really disturbs him and that is a treasurer's report from candidate Rod Reynolds with two donations from two of Sembler's attorneys for \$500. Commissioner Reynolds should have excused himself from voting on this issue.

9. **MATTERS FROM CITY ATTORNEY**

City Attorney Bedell addressed some citizen's questions regarding absentee ballots from the last Commission meeting. He spoke with the attorney for Bill Cowles, Orange County Supervisor of Elections. One case came from the Florida Supreme Court in 1975 that talked about absentee ballots and it was more of a civics lessons it talked about the cherished right of voting in the United States and in Florida in particular. It recognized that we are a government of, by and for the people. It discussed the absentee voting statute that was originally passed so that the military could vote and the evolution of the law. He followed up by reading the statute into the record. He stated that another case included Jacobs vs. Seminole County School Board which was one of the many pieces of litigation which came out of the Bush vs. Gore Election in 2000. Out of all this, there is a distinction to be drawn

between a request for an absentee ballot and the ballot itself. The statute and the County Supervisor of Elections recognizes that distinction. What is most relevant to the Supervisor of Elections is the signature that appears on file. It is clear from an opinion that was rendered by the statewide Director of Elections that a third person can deliver a request for an absentee ballot to the County Supervisor of Elections. He has been told by the County Supervisor of Elections Office that if they receive a request that has the pertinent information and the signatures match, then a ballot is sent out. The ballot, under Florida Statute, has a higher protection and explained the safeguards in place for the protection of absentee voting to ensure the integrity of the election. He thinks that in light of all this, just to be prudent, that the Commission should pass a motion to clarify that they are simply asking the Orange County Supervisor of Elections to follow their usual procedures regarding absentee ballots. **Motion by Commissioner Dixon to ask the Orange County Supervisor of Elections to follow his usual procedure regarding absentee ballots. Seconded by Commissioner Graham as stated by the City Attorney.**

Commissioner Dixon clarified her family's absentee ballots.

City Attorney Bedell stated this is his last meeting and introduced the new City Attorney in the audience, Gerry L. Clark, and stated that the City is going to be in good capable hands. **Motion carried unanimously 5-0.**

10. **MATTERS FROM CITY MANAGER** – City Manager Bollhoefer had no items.

11. **MATTERS FROM MAYOR AND COMMISSIONERS**

Mayor Quesinberry

Mayor Quesinberry stated that he was going to clear his name and he was tired of it being slandered. He asked if anyone knew how a contract is written to buy a piece of property. He stated that it says ten dollars and other valuable consideration. He displayed his contract for a lot he previously bought in the Courtlea Oaks subdivision. He stated he paid his ten dollars and other valuable consideration. Someone was stupid enough to put the word out that he bought a lot for ten dollars, that this started six years ago and they have dug it up again. He has the cancelled check paid to Wade Bradford who owned the property at the time. He stated that the firm of Wells, Allen, Lang and Morrison, P.A., handled the transaction. He stated that he would like to put this to rest and thought he did about five years ago when he wrote an article in the newspaper. He hopes he can clear his name on this and asked if the person who keeps spreading this will come and see him about it.

Commissioner Nichols

Stated that the legislative sessions have started up again and asked what instructions has the lobbyist been given to act on behalf of the City. Mr. Bollhoefer stated that they have been instructed that the number one priority is State Road 50. He also stated that CR 535 is the second priority and explained the efforts to get funding for the construction of Section A. He stated that we are also seeking sources for funding. He is on the phone with them on an ongoing basis to let them know what the priorities are when they come up.

Commissioner Dixon

Stated that Marie "Sweetie" McMillan will be 100 years old and wanted to celebrate by having a party for her. She invited everyone to come to the Maxey Center from 3:00 p.m. to 6:00 p.m. on March 18, 2006 to say hello.

She is still planning to have a Diversity Day in the City and will get the details.

She stated that she is bringing good news to the City and spoke of Homes In Partnership's Louis M. Kellom. Assistant City Manager Robertson, Mr. Kellom and she visited the area behind the car auction and claimed it. She has contacted Ocoee Mayor Vandergrift because they want the City of Ocoee to donate the land. Mr. Kellom has already gotten in touch with Franz Dutes of Community Development regarding funds to put in some houses. These houses will be affordable and we have until the 15th to get the plan in place. She then described some of her vision for changes on the east side. She wants a brick wall instead of a wooden fence near Crown Point Road, near the light. She also spoke of the annexation of some areas on Bay Street. They need to be educated and get voters registered, voter education and then you will get voter participation.

Mr. Bollhoefer stated that staff needs a motion from the Commission to state that they want to cooperate with the County on working towards this affordable housing project on the old dump site. There is no need to make a motion to donate land at this time. We need to move forward for the Community Development Block Grant by the 15th. If the City were to donate the property, the County would do the entire infrastructure with the Community Development Block Grant and then Homes-In-Partnership would build the houses. **Motion by Commissioner Dixon that the City will cooperate with the County. Seconded by Mayor Quesinberry.** Commissioner Graham asked if the brownfield will come in after all of this. Mr. Bollhoefer stated that the brownfield will be a part of it and this is why Assistant City Manager Robertson asked for a recommendation for cooperation at this point because the brownfield has to be investigated because we have to make sure the site is safe for people to live there. Commissioner Dixon stated that we have already qualified for brownfield. **Motion carried unanimously 5-0.**

Commissioner Reynolds

Stated that through this mall process as well as others coming before this Commission it is very self-evident that we need to go ahead and formalize our development review process and institute a Development Review Committee. The process is not that difficult. We have the staff that can perform this. All we would be doing is getting the process out into the open, government in the sunshine, taking some minutes and recording it so that if we have issues that arise in the future, with drainage or traffic problems, we know exactly what took place. Different departments would have an opportunity to weigh in on these developments and if they do not approve it with a majority vote then it would not make it to Planning and Zoning. If the department heads do not have a majority vote in favor then it does not make it to the Planning and Zoning. They could appeal but the problem we are having is the holes left in the projects before they get to us. He stated that these projects should be cleaned up before the Commission gets them. This will eliminate a lot of that process, allow uniformity, and allow citizen input to address their concerns. He made a motion to develop a formal Development Review Committee. **Mr. Bollhoefer** stated that to formalize this process, it

requires at the minimum a resolution. The proper way to do it is with an ordinance which should at least be submitted so everyone has an opportunity to review it. Mr. Bollhoefer stated that as he has stated at two prior meetings, we have been working on this and putting this together. One of the things that are a good idea in government is to include all the stakeholders in the process instead of bring it out at the last second and excluding everybody. We are much closer and have put together several samples. It is our intention to come back to the Commission with a formalized process. One of the things we are looking at is the Development Review Committee. He stated that once this is done, the proper procedure for implementing that would be to move forward with an ordinance. **Commissioner Reynolds** asked Mr. Bollhoefer if he had a date of when this board will be able to review it and possibly approve a DRC for the City of Winter Garden. **Mr. Bollhoefer** responded that staff's goal is to get it done as soon as possible. Staff is putting together a packet from different cities and counties and anticipates there will be results will be in one to two months. **Commissioner Dixon** asked that her project be excluded.

The meeting adjourned at 9:02 p.m.