



# CITY OF WINTER GARDEN

---

## OFFICE OF THE CITY CLERK

251 W. PLANT STREET

WINTER GARDEN, FL 34787

TEL: (407) 656-4111 Ext. 2254 • FAX (407) 656-4952

## REGULAR MEETING MINUTES

### CITY COMMISSION

December 22, 2005

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, Utilities Director Fernand Tiblier, Police Chief George Brennan, Trailer City Manager Johnny Clark, Building Official Willie Herbert, Public Works Director Bob Smith, Assistant City Clerk Angee Grimmage, West Orange Times reporter Michael Laval

#### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Graham to approve the regular meeting minutes of November 22, 2005 and postpone the minutes of December 8, 2005. Seconded by Commissioner Nichols and carried unanimously 5-0.**

#### 2. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 06-02:** VACATING THE SOUTHERLY FIVE FEET OF THE TEN FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE NORTHERNMOST PROPERTY LINE, LESS 5 FEET ON THE EASTERN AND WESTERN PROPERTY LINES OF 438 VALLEY VIEW DRIVE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Attorney Bedell read Ordinance 06-02 by title only. **Motion by Commissioner Reynolds to approve Ordinance 06-02 with the second reading and public hearing being scheduled for January 26, 2006. Seconded by Commissioner Graham. Motion carried unanimously 5-0**

#### 3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 05-58:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 2.89 ACRES LOCATED AT 205 WINDERMERE ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN,

FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE  
City Attorney Bedell read Ordinance 05-58 by title only. Mayor Quesinberry opened the public hearing. Hearing and seeing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 05-58. Seconded by Commissioner Graham.** Commissioner Nichols asked if this is the property to be used as park land as previously discussed by the Commission. Mr. Bollhoefer replied no, that property is a separate property just south of there. **Motion carried unanimously 5-0.**

B. **Ordinance 05-60:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 2.89 ACRES OF LAND LOCATED AT 205 WINDERMERE ROAD AS LOW-DENSITY RESIDENTIAL, PROVIDING FOR AN EFFECTIVE DATE  
City Attorney Bedell read Ordinance 05-60 by title only. Mayor Quesinberry opened the public hearing. Hearing and seeing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 05-60. Seconded by Commissioner Dixon and carried unanimously 5-0.**

C. **Ordinance 05-59:** REZONING A 2.89 ACRE PROPERTY LOCATED AT 205 WINDERMERE ROAD, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY CITRUS RURAL TO CITY R-1; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE  
City Attorney Bedell read Ordinance 05-59 by title only. Mayor Quesinberry opened the public hearing. Hearing and seeing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 05-59. Seconded by Commissioner Graham and carried unanimously 5-0.**

D. **Ordinance 05-63:** AMENDING ORDINANCE 05-51, THE CITY OF WINTER GARDEN FISCAL YEAR 2005-2006 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE  
City Attorney Bedell read Ordinance 05-63 by title only. Mayor Quesinberry opened the public hearing. Hearing and seeing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 05-63. Seconded by Commissioner Nichols and carried unanimously 5-0.**

E. **Ordinance 05-64:** AMENDING CHAPTER 66, TAXATION, ARTICLE IV OCCUPATIONAL LICENSE TAX SECTION 66-93 OCCUPATIONAL LICENSES - DATES DUE AND DELINQUENT; PENALTIES; CHAPTER 82, VEHICLES FOR HIRE, ARTICLE II TAXICAB, DIVISION I GENERALLY, SECTION 82-28 OCCUPATIONAL LICENSE REQUIRED, TO BE SOLD BY THE BUILDING OFFICIAL; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE  
City Attorney Bedell read Ordinance 05-64 by title only. Mayor Quesinberry opened the public hearing. Hearing and seeing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 05-64. Seconded by Commissioner Dixon. Commissioner Reynolds** asked if this was the result of the inquiry regarding duplication of inspections for occupational licenses. **City Manager Bollhoefer** replied no, the Occupational Licensing Clerk was relocated to the Building Department. The

Building Official has previously handled occupational licensing and he felt this is the best place for the position. The Building Official is reviewing the inspection process to see how they might be handled in the future. **Commissioner Reynolds** asked if we are duplicating inspections. **Mr. Bollhoefer** responded no, the Building Official is reviewing inspections to ensure the older buildings are inspected. Staff expects to bring this back to the Commission at a future date. **Commissioner Dixon** stated that in the agenda package the rationale was to transfer the responsibility to expedite issuing of business licenses by removing the extra review by the City Clerk's Office, give the licensing clerk additional backup, and free up office space in City Hall. She stated that she wanted the community to know why the change was being made from one department to another. We are not making it harder for people to get occupational licenses and the public should be aware of that. **Mr. Bollhoefer** replied that is correct and it will be much more effective in the Building Department because they will cross-train their permit clerks to handle occupational licensing. **Motion carried unanimously 5-0.**

#### 4. **REGULAR BUSINESS**

- A. **Resolution 05-21:** ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR COMMERCIAL SOLID WASTE AND RECYCLING SERVICES; ADOPTING AND APPROVING A RATE SCHEDULE FOR COMMERCIAL ROLL-OFF AND CLAW TRUCK SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Bedell read Resolution 05-21 by title only. Public Works Director Smith stated that this is our annual Consumer Price Index (CPI) increase to commercial services currently contracted with Waste Management. The annual CPI increase is based on the United States Bureau of Labor Statistics Increase for September that goes into effect January 1, 2006. Commissioner Graham asked if they are using the CPI from September 2004 to October 4, 2005. Mr. Smith replied yes. Commissioner Graham stated that the CPI for this year was only 4.1. Mr. Smith replied that it is a little confusing but you have to look at the contract definition that is not the nationwide average, it has to do with the Southern District, with cities less than 50,000, Wage-earner Bureau of Labor Standards statistic. Mr. Smith stated that in the history of this commercial contract, this is the largest increase. He stated that the contract will be up for renewal in December of 2006. Commissioner Graham asked if this is passed on to the commercial user. Mr. Smith responded yes sir, it increases the charges to us, but it also increases our charges to the commercial customer by the same 6.6 percent. **Motion by Commissioner Dixon to adopt Resolution 05-21. Seconded by Commissioner Graham and carried unanimously 5-0.**

- B. **Recommendation to approve Final Plat for Stoneybrook West Unit 7**

City Planner Cechman stated that staff recommends approval with the conditions stated in the agenda package. Mayor Quesinberry recognized Lennar Homes representative Doug Sheehan, 1783 Sunnyside Drive, Maitland, Florida and asked Mr. Sheehan if he had read staff recommendations and accepts them. **Mr. Sheehan** replied yes. **Commissioner Graham** stated his concerns with water runoff from surrounding lawns polluting the lake, which feeds into Johns Lake and then into Lake Apopka. He stated that under the Clear Water Act which is by the United States, we are trying to clean the

lakes, not pollute them. He also asked about the installation of docks when the water levels are low. **Mr. Sheehan** stated that the only lakefront they anticipate allowing docks on are lots 1 thru 9 of Block 3. To address concerns about pollution, there is an environmental swale that runs the length of all the lots abutting the wetlands and the lake. **Commissioner Graham** asked if the swale was going to be at the back of the lot. **Mr. Sheehan** responded yes, right at the end of their lawn. **Commissioner Graham** asked if those on Lake Tilden would be able to install a dock. **Mr. Sheehan** responded that the size of the marshy area and wetlands is too great and therefore there is no access for a dock there. **Commissioner Dixon** noted that the area will be reviewed by others for environmental protection. **Commissioner Reynolds** asked Mr. Sheehan if there has been any mitigation for parks and impact on County Road 545 discussed with staff. **Mr. Sheehan** responded yes, but those discussions did not pertain to this specific plat, but to the last parcel #17 with the Planning and Zoning Board on December 5, 2005. **Commissioner Reynolds** stated that there was no discussion as far as the impact this phase would have. **Mr. Sheehan** stated that there was discussion at the very beginning of the Stoneybrook West project and all the impact fees and discussions began then. He stated that in the last 12 months this has just been standard construction and typically before beginning any construction on the infrastructure they have those discussions. Parcel 17 is actually on County Road 545 and is the last piece that Lennar Homes is developing and they are focusing on County Road 545 improvements. **Commissioner Reynolds** asked if the main access would be County Road 545. **Mr. Sheehan** asked if he meant Unit 7. **Commissioner Reynolds** responded yes. **Mr. Sheehan** responded no, Stoneybrook West Parkway and County Road 535 on the East side is the main access. **Commissioner Graham** stated that when the Wekiva Basin finalizes the environmental requirements, a lot of people will be surprised on how strict things will become regarding septic tanks and what is put in the lake. **Motion by Commissioner Dixon to approve Final Plat for Stoneybrook West Unit 7 with staff recommendations (see attached). Seconded by Commissioner Graham and carried unanimously 5-0.**

**C. Recommendation to accept a \$10,000 grant from the State of Florida Department of Community Affairs for Wastewater Facilities Plan**

**Utilities Director Tiblier** stated that this is a grant from the Department of Community Affairs that was made available to local governments participating in the Wekiva Study. He stated that the legislature requires a facilities plan which the City is already doing. The only stipulation is that we do not ask for funds that we have already committed and that it be signed by the Mayor. **Motion by Commissioner Dixon to accept the grant as requested. Seconded by Commissioner Graham.** **Commissioner Graham** asked if the \$10,000 will cover all our expenses. **Mr. Tiblier** replied no but it will help. **Commissioner Nichols** asked if there was a chance that we could get more. **Mr. Tiblier** responded that staff is always looking for grant funding and we have a number of grants under review for other issues. **Commissioner Dixon** read, "In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year". She stated she knows there must be some more money out there. **Mr. Tiblier** stated that this grant was split among all localities. **Motion carried unanimously 5-0.**

- D. **Recommendation to accept easements and maintenance responsibility for water and sanitary sewer main lines from the Westside Town Homes Homeowners' Association** Utilities Director Tiblier stated it is cumbersome for the HOA to maintain these lines. They used to have their own water supply and have since turned it over to the City. Commissioner Graham asked if there would be an extra cost to the City. Mr. Tiblier stated that the system does need an overhaul over the years and staff can accommodate it. **Motion by Commissioner Dixon to approve accepting easement and maintenance responsibility for water and sanitary sewer main lines from the Westside Town Homes Homeowners' Association. Seconded by Commissioner Nichols.** Commissioner Graham asked if the City will incur any additional costs. Do we have to go in now and update any of these lines? Mr. Tiblier stated that we have had two episodes when we have had to correct some line problems in the year and a half that he has been here. He stated that the system will need some overhauling over the years, but to no greater extent than any other neighborhood that we are currently dealing with. He stated that the City is staffed to accommodate this additional responsibility. He stated that this really is a matter of public safety because the City is in a better position to maintain the mainlines than any contractor. **Motion carried unanimously 5-0.**

- E. **Recommendation to change the amended prospectus for Trailer City Mobile Home Park**

City Manager Bollhoefer stated the language in the prospectus has been changed to agree with the change made in the density reduction plan. He stated that the change is to page 6 striking through the language which has the City reviewing the plan after five years and making a determination at that time. Commissioner Graham noted that he thought page 3 item III was going to be changed from sixteen feet to ten feet to make it a lot easier for our trailer park to come in line with state law which is ten feet. We intend to change our ordinance in the future to use what the State uses as a distance between the trailers. Commissioner Dixon asked if he meant for all trailers. Commissioner Graham replied yes. Commissioner Nichols stated that it is 10 feet between trailers, not their added structures. Commissioner Nichols stated that section III, #3, states 16 feet between trailers and adjacent structures. She stated that this should read between trailers not including carports, awnings, and air conditioners. It should be between trailers wall to wall. Commissioner Graham suggested striking through "adjacent structures". Commissioner Nichols stated that the state law is from the wall of trailer to wall of trailer. City Manager Bollhoefer stated that the prospectus can be changed to 10 feet between trailers and when we change that language in our code to agree with the fire code, that fire code will supersede any of these prospectuses. The fire code is ten feet between flammable structures. He stated that he thinks most of those structures are not flammable if they are aluminum. If you change this to ten feet between trailers, that won't cause any problem. Commissioner Graham added that the Park Manager's name should be removed so the prospectus will not need to be amended every time the Park Manager changes. Commissioner Dixon asked for clarification if this change was for all trailers or just in Trailer City. Commissioner Graham stated that this is the prospectus for Trailer City. Mr. Bollhoefer stated he has struck through the name of the park manager; changed item 2 to ten feet between trailers; item 3 changed to 10 feet between trailers and struck through adjacent structures. **Motion by Commissioner Graham to approve the**

**prospectus with the changes as stated.** Commissioner Nichols stated that there are also measurements not just side to side but end to end. Commissioner Graham stated that we will use the state figures for this. Mr. Bollhoefer stated that this will be addressed when we change our fire code to follow the state fire code which will supersede this and addresses the end to end distance. **Seconded by Commissioner Nichols and carried unanimously 5-0.**

F. **Recommendation to approve a purchase contract for the purpose of right-of-way for intersection improvements at Ninth Street and Story Road**

Assistant City Manager Robertson stated the City has negotiated with the property owner and asked the Commission to approve the contract. **Motion by Commissioner Dixon to approve the contract as requested. Seconded by Commissioner Reynolds.** Commissioner Dixon asked if the City was going to use all of the land because she is still looking at the back of the land for seniors. Ms. Shirley Smith, property owner representative, replied that is still an option. **Motion carried unanimously 5-0.**

5. **MATTERS FROM CITIZENS**

Richard Napotnik, 1633 Fullers Cross Rd, Winter Garden, Florida thanked the Commission for approving the funding for holding Town Hall meetings. He stated he attended the District 1 meeting that was very informative. The City Manager and Department officials assisted with answers to the citizens' questions. Approximately eight families with flooding problems near Chapin Station attended the meeting stating they had tried to address this problem previously with the City with no results. Commissioner Reynolds and Public Works Director Bob Smith took immediate action and met with the residents the next morning to resolve this issue. He stated that he took offense to the West Orange Times' attack on Commissioner Reynolds. He saw nothing at the meeting that indicated any political motivation on the part of Commissioner Reynolds. He stated that Barbara Pennington was there that night and asked Commissioner Reynolds if he could give his views of the City of Winter Garden in the future. Commissioner Reynolds replied that if he answered that question, it could be misconstrued as being politically motivated. Mr. Napotnik stated that he talked to number of people after the meeting who thought it was a wonderful thing to have a town hall meeting and talk to their commissioner. He stated that Commissioner Reynolds takes his oath in office in representing the interest of the people to the best of his ability and in order to do this, the commissioners need to ask questions. He stated that the article in that paper did not speak of anything good that turned out in the meeting and there were some very good points that were brought out.

Bill Curtis, 2107 Hendricks Avenue, Jacksonville, Florida stated his support regarding the City's purchase of the property at Ninth Street and Story Road.

Shirley Smith, 21 West Crest Avenue, Winter Garden, Florida expressed her excitement about the Town Hall meeting and her appreciation of Commissioner Reynolds.

6. **MATTERS FROM CITY ATTORNEY**

Mr. Bedell had no items and wished everyone a Merry Christmas and a Happy New Year.

7. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for November 2005**

Stated the Financials have been provided and he or the Finance Director are available for any questions.

B. **Discussion on rescheduling City Attorney interviews**

It was the **consensus** of the commission to meet January 17, 1:30 p.m. at City Hall Commission Chambers to conduct City Attorney interviews.

• **School annexation into City of Winter Garden**

Mr. Bollhoefer stated that the Orange County School Board has asked the City to annex the West Orange High School where the new building will be built. There will be a portion in the County and a portion in the City. The City would be required to provide two full time resource officers at the school. The price per year for these two officers is approximately \$110,000. Orange County would reimburse the City at \$20,000 per officer, leaving an additional \$70,000 that would not be reimbursed. Currently the Sheriff's Office provides these officers. If the City did not annex, the Sheriff's Office would continue to provide the officers. The City has talked to the School Board and Police Chief Brennan has written them a letter to try and get them to increase the reimbursement amount. The City has tried year after year to get an increase but the School Board is not open to increasing the amount. **Mr. Bollhoefer** asked the Commission for direction. **Commissioner Dixon** stated that we need to start with our representative on the School Board and see what we can get her to do rather than give up. **Commissioner Nichols** asked Mr. Bollhoefer if it was a certainty that the Sheriff's Office would withdraw if we annex them. **Mr. Bollhoefer** replied that if that school is annexed into the City, it is a certainty that the Sheriff's Office will pull out. They will not put their officers in a City school. **Mayor Quesinberry** asked if we could verbally deny the request under the current circumstances. **Commissioner Graham** stated that the officers actually teach a DARE class and we should ask what raises they have given to their teachers to include the officers and if they agree we could consider annexation. **Commissioner Dixon** recommended getting the media and public involved to gain support. **Police Chief Brennan** stated that he drafted a letter and mentioned in it that a discussion came up when the last contract was submitted that they need to revisit it and bring it up to today's standards to cover a proportionate share of the costs. **Mayor Quesinberry** stated that he thinks annexation should be denied to give the City some leverage. **Commissioner Dixon** stated that involvement by the newspapers and citizens will get this changed. It can be shown in the record that there is denial "at this time". **Motion by Commissioner Reynolds to deny a petition for annexation. Seconded by Commissioner Graham. Commissioner Dixon** asked if the motion included "at this time". **Mayor Quesinberry** responded that we can always bring it back for a vote when they come back with a request. **Commissioner Graham** stated that if they come back we will consider it then. **Motion carried 4-1; Commissioner Dixon opposed.**

• **Trailer City mobiles for Waveland, Mississippi residents**

Mr. Bollhoefer reported that six mobiles have been reserved for Waveland, Mississippi residents and there have been no requests made for housing assistance. Previously,

someone spoke at a Commission meeting regarding her mother from Mississippi purchasing a mobile in Trailer City that may fall through and asked the Commission if he could be given the authority to use one of the City-owned mobile homes to negotiate with the family from Mississippi to enable this woman to bring her parents to Trailer City. **Motion by Commissioner Dixon to approve the City Manager negotiating with the Mississippi resident wanting to relocate to Trailer City. Seconded by Commissioner Graham and carried unanimously 5-0.**

- **New City Hall**

The New City Hall complex will need to acquire the adjacent apartment house and the owner is willing to sell. Three residents have been relocated but the fourth is elderly and the owner has asked the City to consider selling a City-owned mobile in Trailer City to her. Commissioner Reynolds asked how she feels about the move. Mr. Bollhoefer stated she would like to stay where she is. Mr. Robertson stated that she is kind of happy about moving near her friends in Trailer City. Commissioner Reynolds asked what the sale price would be. Mr. Bollhoefer responded that it would be the fair market value that the City paid. **Motion by Commissioner Dixon to approve the sale of one mobile home to relocate a senior resident from 124 S. Highland. Seconded by Commissioner Graham and carried unanimously 5-0.**

- **State Road 50**

Advised that The Sembler Company has reached a deal with Florida Department of Transportation (FDOT) for \$8.9 million. Mr. Bollhoefer stated that he is trying to see what can be done about moving up State Road 50 from being in the fifth year of the plan. The plan is not fully funded up to the fifth year and there is approximately a \$5.1 million shortfall. He stated that the County is also working with the State to see what they can do to get this road moved up; either fully funded for the fifth year or moved up to the third year. There was discussion on how to get additional funding. Commissioner Graham asked if funds would come from the proposed Lake County mall. He stated they would be using State Road 50 going east, not west. He asked if this had been brought up in the discussions. Mr. Bollhoefer replied that staff did bring this up and the answer from FDOT was absolutely not. The State is going to try and make Plaza Collina Mall pay \$12 million as a fair share which would be used to fund the unfunded portion in Clermont. After our meeting today, we understand that Plaza Collina is not being required to pay anything for State Road 50 because it happens to be in the third year of the five year plan. He stated that generally by law in the Development of Regional Impact, if you are in the third year of the five year plan, you do not have to contribute. Commissioner Reynolds asked if there has been any discussion with the County regarding the \$70 million in trip funds they received and used in East Orange County. Mr. Bollhoefer replied that the County will have to pay the \$5.1 million shortfall to improve State Road 50. The state assigns trip fund and it is paid out through the County. The County has no say where it goes. Commissioner Reynolds asked about a possible interlocal agreement. Mr. Bollhoefer responded that there is a meeting scheduled in January.

- **Exclusive Roll-Off Ordinance**

Advised that this item is being worked on for legal issues. There will be a presentation made at the January 12, 2006 meeting and he will look into hiring a consultant to look at the department to see how to run it at the most efficient level.

- **Fire Code 118-1231**

Stated he will be bringing back an amendment to the Fire Code in January.

- **Charter Review**

Marilyn Crotty has agreed to make a presentation to the City Commission at their January 12, 2006 Commission meeting. It was the **consensus** of the Commission to conduct the workshop at 6:00 p.m.

- **Update on assistance to Waveland, MS**

Fire Chief Williamson is working with Sysco Foods to provide food at a reduced cost.

- **Update on Lobbyist**

Mr. Bollhoefer stated that Assistant City Manager Robertson, Human Resources Director Gilbert and himself as the selection committee reviewed three submittals: Todd Parrish, Oscar Juarez, and Gray-Robinson. He stated that after several talks it was decided it was best to go with two firms: Gray-Robinson because they are one of the largest firms in the State and have connections throughout the state and could handle our broader issues. Also, Todd Parrish is from Winter Garden could work well on our more local issues. He stated that Todd Parrish has a lot of experience working with Gray-Robinson because they have worked together in the past. Negotiations will begin next Tuesday.

## 8. **MATTERS FROM MAYOR AND COMMISSIONERS**

### **Commissioner Nichols**

Thanked the City Commission for approving the transfer of water and sewer line responsibility from Westside Town Homes to the City.

Thanked the City for the Christmas bonus.

Asked why would the Orange County School Board have City police officers teaching and not pay for them. The City doesn't pay for their teachers. Mr. Bollhoefer stated that the Sheriff and School Board are separate and the interlocal agreement is with the Sheriff's Department. He stated that the Sheriff's Office provides officers in the unincorporated areas and the municipalities provide officers in the incorporated areas. He does not think there is anything wrong with the arrangement because the police officers are trained as such. He stated that the issue is that the Orange County School Board is failing to pay a fair share for them.

She wished everyone a Merry Christmas.

### **Commissioner Dixon**

Stated that community meetings will be restarting on Tuesdays at the Maxey Center and will be called "WOCAC". The way things are going right now, there is no affordable housing planned for East Winter Garden. Mr. Lewis Kellom with Homes in Partnership doesn't need the money to build affordable housing but he does need the land.

She stated that she is planning to use some funds to conduct a Diversity Day sometime in January that will bring the community together.

### **Commissioner Graham**

Stated that he has read where in July the Legislature approved a noise regulation for 25 feet and how tickets have doubled elsewhere and asked how Winter Garden is doing. Police Chief Brennan replied that the officers have always used the State Statutes because they are more stringent and costly to violators. The City Ordinance is for parked cars.

He wished everyone a Merry Christmas and Happy New Year.

### **Commissioner Reynolds**

Disclosed an ex-parte communication with Shirley Smith regarding the vote on her property.

Mr. Reynolds asked Public Works Director Smith to share what transpired after the Town Hall meeting with reference to the drainage issue brought up previously in this meeting by Mr. Napotnik. Mr. Smith stated that drainage problems at Chapin Station were discussed at the Town Hall meeting and he visited the resident, Ms. Rice, the next day. He has initiated a survey to get elevations and will then devise a plan to resolve her issues. He stated that it may be more than just drainage onto Ms. Rice's property and he is looking to resolve the entire problem, not just part of it. Commissioner Reynolds asked where in the process should this have been caught. Mr. Smith stated that Chapin Station was approved prior to the City having a Stormwater Engineer on staff and he could not answer when it should have been caught but he is working to correct it. He stated that Ms. Rice does understand that a large portion of this water comes to her property from unincorporated Orange County to the north and has for many years. He stated that the construction of Chapin Station, which sits three feet higher than her property, has impacted how the water runs off of her property.

**Commissioner Reynolds** addressed a concern brought about from his Town Hall meeting regarding the annexation of several areas into the City and the Wekiva water legislation. According to the current City Manager, the former City Manager offered to mitigate impact fees for these areas and he did not have the authority to do so. The offer made by the former City Manager was for residents to hook up to the City sewer system without having to pay the impact fees. **Mr. Bollhoefer** responded that if the prior City Manager made those statements, he had no authority to do so without Commission approval. **Commissioner Reynolds** stated that it was established by several people attending that they heard this statement. The statement made by the former City Manager has created a possible liability for the City. He is asking because the Wekiva water legislation is going to drive this whole septic tank issue and the Commission is obligated to make good on this promise to 100+ residents. Residents were misled in thinking the former City Manager had the authority to make the offer. **Mr. Bollhoefer** stated that after the Town Hall meeting, he did some research

and found that the City mailed letters to Magnolia Woods, Teacup and Hillcrest that clearly spelled out what the City would do. A copy was being forwarded to the Commission. At a following meeting the Commission voted on an Ordinance to address that issue. The former City Manager really did not exceed his bounds in that the City met its obligation in sending clarification of the City's intent. In the letter it was stated that the cost of a project this size would not be feasible and is cost prohibitive for the number of residents that would be affected. It stated that the City would not ever provide sewer; however, they passed an ordinance to ensure that they would not require hook-up to the City sewer system. The City really has no liability on that issue. The best course of action to take is for the City to work with those residents, particularly along Fullers Cross that are closer to Lake Apopka, to see what they can do to find any possible grant money to help connect them. He stated that after the latest Wekiva meeting, the good news is that Wekiva is coming down on the cost estimates for new septic tanks and minimizing the impact on residents. **Commissioner Reynolds** asked if those residents who heard the statement just misunderstood what the City Manager told them. **Mr. Bollhoefer** stated that he was not sure if they misunderstood, but explained that a follow-up letter sent to each resident before the vote and provided to the Commission clarified the issue in case there was any confusion. **Commissioner Dixon** stated that the enclaves will not annex if they have to hook up to sewer because of the fee requirements. Waivers cannot be made for one and not for another. **Commissioner Graham** stated that the City can waive fees now but previously couldn't because of a bond. **Mr. Bollhoefer** stated that the estimated cost for Teacup Springs to hook up was \$5 to \$6 million. He stated that this looked like a lot of money to spend when you are looking at only 90 homes, so the City made the commitment that they would never require those homes to hook up to the City sewer system. **Commissioner Reynolds** asked if the Wekiva regulations would make them go to sewer. **Mr. Bollhoefer** replied that it will probably be much further out in time, at the earliest 20 years and probably even further out, if it were to ever happen. He stated that Wekiva is still so new that no one really knows the fallout of that whole process. **Commissioner Reynolds** stated he has had a lot of calls about this issue and asked for a copy of the letter so that he can review it and answer questions accordingly.

**Commissioner Reynolds** asked for an update on concurrency. **Mr. Bollhoefer** stated that he anticipates having it within the 90 days previously stated. **Commissioner Reynolds** stated that he feels that every new development the Commission is approving is contributing to deterioration in the quality of life that we have here now because we do not have this program in place. He stated he looks forward to reviewing it when it is available.

**Commissioner Reynolds** distributed a resolution to the Commission regarding Orange County's commuter rail project and asked them to consider passing it tonight. This project would impose a hefty tax on the residents of Orange County and he feels the County is misdirected. We need our money for roads and not commuter rail that is going to do nothing for us. **Commissioner Nichols** stated that she believes another municipality has already signed a similar resolution and asked if he was familiar with that. **Commissioner Reynolds** replied that he thinks he has seen something in the news about it in opposition. **Mr. Bollhoefer** stated that this ordinance is the exact ordinance that Edgewood passed. **Commissioner Nichols** stated that commuter rail will do absolutely nothing for the citizens of Winter Garden except to increase their taxes. She also stated that there is a possibility that

it would shift a great deal of the freight trains to West Orange County. **Mr. Bollhoefer** suggested first getting all the related facts and figures about the proposed project before making a decision. **Commissioner Reynolds** stated that this is part of the problem, facts and figures have not been given, yet it's before the County to be voted on again. **Mr. Bollhoefer** suggested the Commission get a presentation of this issue by the County before making a decision. **Commissioner Nichols** referred to item number 3 of the proposed resolution and stated that it is true that Orange County has failed to provide adequate funding for our current transportation needs in and around Winter Garden. **Commissioner Dixon** stated she is still trying to get Lynx bus service. This is a negative for Winter Garden that citizens cannot go to Orlando unless they first go out to Tildenville and Oakland and then come back to the West Oaks Mall and change buses. She knows of seniors who have to leave home at 5:00 a.m. to get to the Veterans Administration Hospital at 9:00 a.m. so we need to look into the Lynx bus system. **Commissioner Reynolds** stated that these types of commuter rail projects actually rob funding from your bus system. **Mr. Bollhoefer** stated he will try to get a pro and con presentation and materials together for the Commission.

**Commissioner Reynolds** stated that interaction between the public and City staff need not be a negative thing. We should strive as a staff to treat everybody like we would like to be treated. It disturbs him when citizens tell him they are not being respected. **Mr. Bollhoefer** stated that one of the things he has done is emphasize to staff that they be open and treat our citizens well. He is trying to set an example by meeting with anyone at anytime. For every one of those complaints there will be 2,000 compliments, and he is still not happy with that one of 2,000. A Community Action Center is being implemented and a presentation will be made at the next Commission meeting. The purpose of the Community Action Center is that it takes a citizen complaint and sees it through to resolution to ensure that every issue is resolved. He stated that the system will monitor customer service and see that all citizens involved have been treated fairly. **Commissioner Reynolds** stated that he wants to see a positive attitude all the way down to staff picking up trash. He commended the City Manager for putting this program in place and he stated this should also be taken into consideration at review time and should affect evaluations and pay increases rather than raises being automatic. **Mr. Bollhoefer** stated that he truly believes in a merit system for raises. Department heads will be evaluating strengths and weaknesses with a performance measurement system to measure by the next budget. **Commissioner Dixon** commended department heads and the fact she is always treated well. She stated that the performance evaluation should come from department heads and you want morale to be good, they need to know that they have a chance to be promoted from within and that there is help for schooling and training. **Mayor Quesinberry** stated he advocates incentive raises that are earned and not across the board. **Commissioner Reynolds** stated that it is good to reward positive and discourage the negative and stated that he looks forward to seeing the plan.

**Commissioner Reynolds** acknowledged Shirley Smith. Ms. Smith came forward and stated that they have been dealing with her mother's illness and were given a small limited amount of time to make up their minds to a contract. **Commissioner Reynolds** asked what is limited. Ms. Smith replied it came down to last night that they had to make a decision or this morning as to what to do. Ms. Smith stated she felt duress during the negotiations. She stated that she spoke to Mr. Bollhoefer and expressed at the town meeting that we need fair, even treatment

for everyone. She is very proud of our community, proud of the job Mr. Bollhoefer is trying to do, proud of Mayor Quesinberry, our temporary lawyer and all of our Commissioners and City staff. She especially commended the Public Works staff for their friendliness and that she feels it was a fair deal for both sides.

**Commissioner Reynolds** stated that if someone has something, get it out in the open and let's get it cured. He wished everyone a Merry Christmas.

**Mayor Quesinberry**

Stated that the downtown Christmas lights should be turned on earlier, hopefully at 6:00 p.m. and wished everyone a Merry Christmas.

The meeting adjourned at 8:26 p.m. to a Charter Review workshop scheduled on January 12, 2006 at 6:00 p.m. at Tanner Hall with a regular City Commission meeting at 6:30 p.m.