



# CITY OF WINTER GARDEN

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## OFFICE OF THE CITY CLERK

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## REGULAR MEETING MINUTES

### CITY COMMISSION

September 21, 2005

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:00 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 Rod Reynolds, Theo Graham (telephonically for the budget portion only), Mildred Dixon, and Carol Nichols

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

City Attorney Bedell stated that Commissioner Graham will be participating in the budget hearings via telephone. This is an acceptable practice as long as the City Commission allows him to do so. City Manager Bollhoefer thanked Commissioner Graham for agreeing to participate by speakerphone in order to ensure that a quorum was present for the budget hearings. Commissioner Graham acknowledged his identity and willingness to participate via the speakerphone.

### 1. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES TO ADOPT A FINAL MILLAGE AND BUDGET FOR FISCAL YEAR 2005-2006**

- A. **Ordinance 05-50:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2005 AND ENDING ON SEPTEMBER 30, 2006

City Attorney Bedell read Ordinance 05-50 by title and Section 1 to establish and levy a rate of 4.3040 mills, which exceeds the roll back rate of 3.8592 mills by 11.53 percent. City Manager Bollhoefer made a PowerPoint presentation (*see attached*). Mayor Quesinberry opened the public hearing. Hearing or seeing no comments, the public hearing was closed. **Motion by Commission Dixon to approve Ordinance 05-50.**

**Seconded by Commissioner Nichols.** Commissioner Reynolds inquired about “Miscellaneous Operating Supplies”, which appears in all four fund categories beginning on page 32. Those funds total about \$1.7 million and he asked why they are allocated in this manner without more specific details. Mr. Bollhoefer responded that the category is actually a state-designated coding that in many cases includes office equipment that does not meet the capitalization criteria of costing over \$750 such as printers, desks etc. Department Heads have actually submitted their requests for the items under 52.01 in more detail. The Finance Department combines them for a miscellaneous total. Those details can be provided from the Finance Department records if needed. Commissioner Reynolds asked about the same miscellaneous fund under the Information Technology Department (IT) that has over \$50,000. Information Technology Director Reilly responded that the miscellaneous item includes about \$37,000 for the annual Microsoft user license for the entire City. **Motion carried unanimously 5-0.**

- B. **Ordinance 05-51:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2005 AND ENDING ON SEPTEMBER 30, 2006

City Attorney Bedell read Ordinance 05-51 by title and stated that it is anticipated that the Collection of Ad Valorem will equal \$5,633,082 and Revenue other than Ad Valorem will equal \$14,220,363 for a total revenue amount of \$19,853,445. Mayor Quesinberry opened the public hearing at this time.

Shirley Smith, 21 West Crest Avenue, Winter Garden, Florida stated that if the City has \$1.7 million in miscellaneous and \$2 million in affordable housing, maybe if there are any excess funds remaining in the miscellaneous category they could be reallocated to affordable housing because she believes the \$2 million is a rather conservative amount.

Hearing or seeing no other comments, Mayor Quesinberry closed the public hearing. **Motion by Commissioner Dixon to approve Ordinance 05-51. Seconded by Commissioner Graham and carried 4-1; Commissioner Reynolds opposed.**

- C. **Ordinance 05-52:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2005 AND ENDING ON SEPTEMBER 30, 2006

City Attorney Bedell read Ordinance 05-52 by title and stated that it is anticipated the collection of Ad Valorem will equal \$277,036 and the Revenue other than Ad Valorem will equal \$352,385 for a total revenue amount of \$629,421. Mayor Quesinberry opened the public hearing. Hearing or seeing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 05-52. Seconded by Commissioner Nichols.** Commissioner Nichols asked where the revenue for “other than ad valorem” comes from. City Manager Bollhoefer replied it is the County’s contribution from their millage. **Motion carried unanimously 5-0.**

D. **Ordinance 05-53:** AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2005-06 IN ACCORDANCE WITH ARTICLE 3, SECTION 30.4 OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

City Attorney Bedell read Ordinance 05-53 by title only. Mayor Quesinberry opened the public hearing. Hearing or seeing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 05-53. Seconded by Commissioner Graham.** Commissioner Nichols inquired about budget changes to Trailer City. City Manager Bollhoefer replied that on page 121 under General Insurance, \$15,000 was moved to code 62 for building, taking it from \$10,000 to \$25,000, so it could be used for various repair projects. Commissioner Nichols stated that Finance Director Strobeck previously reported that Trailer City would be as much as \$23,000 in the red by the end of next year, but the proposed budget does not show that information. Mr. Bollhoefer replied that next year Trailer City is more likely to neither be in the in the red or black. **Motion carried unanimously 5-0.**

Commissioner Graham's telephone connection was disconnected at this time.

2. **APPROVAL OF MINUTES**

**Motion by Commissioner Nichols to approve the budget workshop minutes of September 1, 2005 as submitted. Seconded by Commissioner Dixon and carried unanimously 4-0.**

3. **AWARDS & PRESENTATIONS**

Mayor Quesinberry read the Mothers Against Drunk Drivers Award presented to Officer James Capeletti and gave his personal congratulations for receiving the award.

4. **REGULAR BUSINESS**

A. **Recommendation to approve site plan for mini-warehouses on CR 545**

City Planner Cechman stated that this is a request to build mini-warehouses on CR 545 across from Stoneybrook and south of Marsh Road. The property to the north is zoned future commercial and to the south is a residential subdivision under construction. Staff recommends approval with the conditions provided in the agenda package and the Planning and Zoning Board has made their review and recommends approval with the conditions provided in the agenda package. Commissioner Reynolds asked what the distance would be between the back of the houses and the six-foot wall that will be on top of a mound and whether the houses would be single or two-story. The applicant, Randy June, replied that it is about 30 feet and it is plausible that someone may want to build a two-story house. Commissioner Reynolds clarified that landscaping would be of an average density and asked about the lighting. Mr. June responded that the lighting would be attached to eight-foot buildings. The lighting would only shine onto the driveway and there would be no lighting on the residential side whatsoever. Commissioner Reynolds asked what the average tree height would be. Mr. Cechman stated that the tree specifications include 2 ½ to 3 inch thickness, which would indicate they will have to be taller than 15 feet. Mr. June added that the trees will be slightly elevated above the

residential side because of the way the common property line is graded. He suspects that the warehouse facility will be under construction prior to the houses being sold. Mr. Cechman stated that traditionally mini-warehouses make excellent buffers as they are not active, generate low traffic, and the only issue that comes up is lighting. Commissioner Nichols asked if there would be on-site management. Mr. June replied yes. Mayor Quesinberry asked Mr. June if he agreed with staff recommendations. Mr. June replied yes. **Motion by Commissioner Nichols to approve the mini-warehouses site plan on CR 545 with staff recommendations (see attached). Seconded by Commissioner Dixon and carried unanimously 4-0.**

## 5. MATTERS FROM CITIZENS

Joyce Jackson McWilliams, 302 W. Tilden Street, Winter Garden, Florida complimented the City on doing a wonderful job.

Barbara Pennington, 421 Timbercreek Drive North, Winter Garden, Florida stated that she has possession of emails with city business being discussed between three City Commissioners, with the exception of Commissioner Dixon and Mayor Quesinberry, which alarms her. She proceeded to read the emails and provided a copy to the City Clerk for the record. She also submitted related questions and asked that the City Attorney address them. In her opinion, the integrity of City government has been compromised and she felt she needed to share this.

Shirley Smith, 21 W. Crest Avenue, Winter Garden, Florida stated she too has seen the emails referenced by Ms. Pennington and she thinks Mr. Guetzloe tried to harm our community and she does not support him. He implied that The Semblers or others had bought her, and she made it clear to him that she has never been nor will she ever be for sale.

Bert Valdes, 255 Temple Grove Drive, Winter Garden, Florida thanked the City Commission for allowing the community to conduct a fundraiser downtown for hurricane victims and displayed banners that will appear on the light poles, posters and t-shirts. He believes the potential donations could amount to \$75,000 or more, thanks to the City Commission.

Vincent Goodwin, 1302 Selbydon Way, Winter Garden, Florida thanked the City Commission for all the hard work they have done and asked his Commissioner of District 4 why she is not wearing the City polo shirt along with the other Commissioners, except Commissioner Reynolds. Mayor Quesinberry interrupted Mr. Goodwin by stating that he has made it a policy that from now on, the full Commission needs to be addressed without singling any one Commissioner out in a negative manner. Commissioner Nichols responded to Mr. Goodwin that she would be happy to talk with him about his question.

## 6. MATTERS FROM CITY ATTORNEY – Frank Bedell had no items.

7. **MATTERS FROM CITY MANAGER** – Michael Bollhoefer

A. Financial Statement for August 2005

Stated he has presented the statement and if there are any questions, the Commission may contact him or the Finance Director.

B. Benefits for Commissioners

Human Resources Director Gilbert came forward and explained that the City Commission can decide whether or not they are eligible for the employee benefits, with the exception of any age-restricted benefits. Mayor Quesinberry asked if the Commission was considered part-time for the benefits. Mr. Gilbert replied that elected officials are basically considered 24-7 and every jurisdiction has the option of voting for the benefits or not. Mayor Quesinberry asked what the annual cost to the city would be. Mr. Gilbert replied that the annual cost would be approximately \$4,500 to \$5,000 and dependent coverage would be more. Commissioner Reynolds stated that he wants to build a bridge for those coming behind the current elected officials, which is a real benefit they can use. Commissioner Dixon stated that it would be beneficial to allow the benefits for those coming into office in the future. **Motion by Commissioner Reynolds to approve employee benefits for elected officials. Seconded by Commissioner Dixon and carried unanimously 4-0.**

C. Advertising Agreement with West Orange Chamber of Commerce

Mr. Bollhoefer stated the annual request from the West Orange Chamber of Commerce for advertising in the 2006 Community Profile and Business Directory has been received. The City normally advertises on the back cover and the cost this year is \$3,795, which includes an inside quarter-page ad and an online ad. Mayor Quesinberry stated that he believes the Chamber should be reporting on who is attempting to bring their businesses into the City. Mr. Bollhoefer responded that he can obtain and provide that information to the Commission. Commissioner Reynolds stated that in his opinion, since an Economic Development Coordinator is coming on board that advertising decisions would fall within their scope of duties. Mr. Bollhoefer responded that this particular ad is time-sensitive and is beneficial in attracting new businesses. **Motion by Commissioner Dixon to authorize the advertising agreement with the West Orange Chamber of Commerce as submitted. Seconded by Commissioner Nichols and carried unanimously 4-0.**

Adopting a hurricane devastated Sister City

Mr. Bollhoefer stated that the Police Chief visited Waveland, Mississippi which was pretty much wiped out, and our police officers went to provide assistance. Mr. Bollhoefer recommended that Winter Garden adopt Waveland, Mississippi, whose population is about 7,000. Commissioner Reynolds asked what the economic outlook looks like for those returning to the community. Police Chief Brennan replied that there are a lot of people remaining who are trying to rebuild as evidenced by businesses posting signs stating they are going to reopen. Commissioner Dixon stated that it is okay to adopt a sister city but that we still need to help others. Mr. Bollhoefer stated that other Florida cities - Milton, Deerfield Beach, and Belle Isle - have already adopted Waveland

and it would be a partnership effort between the cities. Mayor Quesinberry added some examples of what efforts are being made. **Motion by Commissioner Dixon to adopt Waveland, Mississippi as a sister city. Seconded by Commissioner Reynolds and carried unanimously 4-0.** Mr. Bollhoefer advised that Fire Chief Williamson has been assigned to coordinate the plan for Winter Garden and he will report on their progress at the next Commission meeting.

#### Trunkline C Phase II

The Public Works Director and City Engineer are requesting that Bradford Park be closed for six to eight months in order to use it as a construction staging area and for equipment. **It was the consensus of the Commission to allow closure of Bradford Park as requested.**

#### Chamber Red Bandana Event

Asked if the Commission was interested in attending the Red Bandana event. Commissioners Nichols and Dixon responded yes. Commissioner Reynolds stated that he would have to check his calendar and Mayor Quesinberry stated he would not be able to attend.

#### West Orange High School baseball field sponsor sign

Advised that he has received the annual request for sponsorship by the West Orange High School Baseball program and asked the Commission if they would like to continue the sponsorship. **Motion by Commissioner Dixon to approve the purchase of a West Orange High School baseball field sponsorship sign. Seconded by Commissioner Nichols and carried unanimously 4-0.**

#### Lobbyist Resume

Distributed a copy of Mr. Parrish's resume as requested by Commissioner Graham.

#### Health Central Foundation

Stated the Health Central Foundation is having its annual fundraiser on October 1 to support the school nursing program and asked if the Commission would like to participate. **Motion by Commissioner Nichols to approve sponsoring Health Central Foundation's school nursing program for \$850. Seconded by Commissioner Dixon and carried unanimously 4-0.**

#### Bay Street Church

Advised that the Bay Street Church of Christ will be hosting a breast cancer awareness fundraiser by marching on the West Orange Trail and they have requested a \$250 donation to purchase water for the participants. **Motion by Commissioner Dixon to approve donating \$250 to the Bay Street Church. Seconded by Commissioner Nichols and carried unanimously 4-0.**

Outstanding Commission meeting item list

Provided the City Commission with a list and reported on the status of each item.

Commissioner Reynolds referenced an email from Mr. Bollhoefer regarding temporary housing for displaced hurricane victims in Trailer City and some related issues. Mr. Bollhoefer stated that in order to allow hurricane victims into Trailer City, the City Commission would have to make a motion to deal with the density reduction plan and those options could include passing a motion to repeal the ordinance or pass a motion directing staff to draft an ordinance modifying the density reduction plan because he believes some legal action would have to be taken because of the existing ordinance. Another even more difficult item to overcome is the prospectus on file with the state. The prospectus is a contract with every mobile home owner in the park that includes regulations that a resident must purchase the mobile home and they must be 55 or older. He suggested having a meeting with the homeowners' association to discuss the idea with them and get their input because they will be the most impacted. Commissioner Reynolds asked how many families could be placed in City-owned mobiles. Commissioner Nichols asked the City Manager if he was referring to the amended prospectus or the new prospectus. Mr. Bollhoefer responded both because they contain the same provision. Commissioner Nichols stated that as she understands Statute 723, a new prospectus can only apply to new mobile homes or a new portion of an old park and it cannot be applied to existing homes. Mr. Bollhoefer stated that this point is mute because the old prospectus contains the same provision. In answer to Commissioner Reynolds's question, there are approximately seven or eight mobile homes with a couple that are too small for families. According to the information he received from David Eastman, a member of a large law firm in Tallahassee that handles mobile home park law, he recommended getting all the park homeowners to sign off allowing them to reside in the park to eliminate the risk to the City. Commissioner Nichols agreed and advised that a Trailer City homeowners' association meeting is scheduled for this Saturday and as the Vice President, she will be acting as President in his absence. Commissioner Reynolds stated that Trailer City is within his district and asked the Commission if there were any objections to Commissioner Nichols addressing the matter. No objections were noted. Mr. Bollhoefer stated that the Commission could take action to direct staff to draft an amendment to the density reduction ordinance to eliminate the requirement that the City Manager cannot resell it to a tenant. Commissioner Nichols stated that the ordinance also contains a provision that once the City owns the trailer, they are to remove it within 60 days. Mr. Bollhoefer stated that is correct and he would also have to modify that provision. **Motion by Commissioner Reynolds to direct staff to make the amendments to the Trailer City Density Reduction Ordinance as discussed (*eliminate that a mobile cannot be resold to a tenant and modify that City purchased trailers have to be moved within 60 days of purchase*) . Seconded by Commissioner Nichols and carried unanimously 4-0.**

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

### **Commissioner Reynolds**

Stated that public officials cannot control who may send them e-mails, what they may say in those emails, nor control whom they may send a copy.

In light of the problems that have occurred in New Orleans, what is the City of Winter Garden's disaster preparedness plan? Could the City carry the affected population for at least a week with food and water, and is there an evacuation plan? City Manager Bollhoefer responded that the City has a plan for housing people in shelters and the City of Winter Garden is actually an evacuation site for the area. The City has a very comprehensive emergency plan and since the recent storms, staff is again reviewing some areas that may need modification such as communications. Food supplies are typically handled by organizations such as the Second Harvest Food Bank and others who stock their food in local warehouses for the Central Florida region. Commissioner Reynolds asked if the City could sustain people for five to seven days until federal assistance arrives. Mr. Bollhoefer replied that generally cities do not maintain a supply but the federal government intervenes. They maintain sizeable warehouses that are cost prohibitive for a city to maintain based on the benefit and that is why working with organizations is so beneficial. Some of the food recently collected has actually been used to restock their local food supplies so the regional supply is maintained.

Commissioner Reynolds stated that he had a citizen complain about two duplicate business inspections being required, one to get a Certificate of Occupancy (CO) and a one for an Occupational License. City Manager Bollhoefer asked Trailer City Manager Clark, formerly the Code Enforcement Manager, to address this question since he did handle Occupational Licensing inspections. Mr. Clark stated that once the Building Official signs the CO for the structure itself, Code Enforcement would inspect for an Occupational License that included such items as making sure the business is at the location stated, the type of business agrees with the application, that the water and electricity are on, that there is a public bathroom, that there are exit lights and that they are indeed ready to open. Commissioner Reynolds stated that he was told there was a duplicate inspection. Mr. Clark stated that they are not.

### **Commissioner Dixon**

Commissioner Dixon asked if the annual Community Action Board dinner tickets had been purchased. City Clerk Golden replied yes but the tickets have not been received.

Commissioner Dixon stated that the children's Reading Reindeer Program at the Maxey Center is trying to raise funds to repair one of their reading rooms. Since the City has some funds remaining, they should be contributed to the program. There is also a matter relating to the computer room and funds remaining because the computer teacher left to teach at a school. The computer lab needs a teacher and she will meet with the Recreation Director to discuss the matter. **Motion by Commissioner Dixon to expend the remaining funds in the budget to fund the computer room teacher and on the Reading Reindeer room. Seconded by Commissioner Nichols. Motion carried unanimously 4-0.**

**Commissioner Nichols**

Addressed the earlier reference made to e-mails that were written months ago and have been widely published. She stated people write to her all the time and it can't be stopped. As she has stated before, everyone has a right to say what he or she wants to say. It doesn't mean she has to believe it or listen to it. This is the American way and is why the military is overseas fighting and dying.

Stated that residents of District 4 have contacted her about the speeding on Stoneybrook Parkway and they are requesting something be put into effect to calm the traffic and asked if staff could have someone look into this or have the Police Chief arrange for a little more presence in that area. City Manager Bollhoefer responded that he will look into this and requested copies of the citizen e-mails.

Commissioner Nichols stated in the City Commission meeting minutes of August 26, 2004, City Manager Holden brought up closing off Klondike Street because it had become such a racetrack. At that time, the Mayor brought up that staff should look into the possibility of purchasing the property across from the City-owned vacant lot in order to make it one large parcel for use by the area residents. Klondike remains closed and Commissioner Nichols asked what the status was on this issue. City Manager Bollhoefer stated that he, Police Chief Brennan, and Public Works Director Smith just went to the location last week and discussed the alternatives. They have come to the conclusion that the best way to handle it is to make a "P" cul-de-sac and will bring it back to the Commission for approval. Mayor Quesinberry stated that his prior remark about purchasing the other piece of property on the other side was to be able to create some type of roundabout, which would allow cars to swing around instead of stopping and backing up. Commissioner Dixon stated that the problem is with cars stopping right at the swimming pool and throwing bottles into the pool. She wants the road blocked off at Lincoln Terrace so the children can cross to the playground without worrying about cars coming. Commissioner Nichols read a portion of the August 26, 2004 minutes: "a cul-de-sac could be built, expand the park to connect the pool across what is now Klondike Street to the basketball courts to stop once and for all the racetrack on Klondike." She stated that it sounds like that is what Commissioner Dixon had in mind. Mr. Bollhoefer stated that Police Chief Brennan has already made the recommendation that once the "P" cul-de-sac is built, the street coming from the other side needs to be blocked off and filled in with grass. Commissioner Nichols asked if this is part of the budget to upgrade Klondike Park. Mr. Bollhoefer responded no. It is something they started working on after the budget. Police Chief Brennan stated that he agreed with Commissioner Dixon that the roadway needs to be blocked off on the east side where it intersects with Eleventh Street. He proposes eliminating the parking area altogether by tearing up the pavement, adding grass so it is one continuous park, and moving the parking spaces so they are adjacent to Eleventh Street to get them away from the pool. The street was originally closed off to see if it would be worthwhile and it was only meant to be a temporary measure. Mr. Bollhoefer stated that staff can get cost estimates and bring them back to the Commission for approval. Commissioner Dixon advised that staff should try to get some of the funding through the Orange County's Safe Neighborhood Grant. Commissioner Nichols stated that she felt that after a year it was time to bring it to a close.

Mayor Quesinberry stated his appreciation to the citizens for attending the meeting.

The meeting adjourned at 8:13 p.m. to a regular City Commission meeting on October 13, 2005 at Tanner Hall.