



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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REGULAR MEETING MINUTES

CITY COMMISSION

June 22, 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, H. Gerald Jowers and Colin Sharman

Absent: Commissioner Mildred Dixon

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, City Planner Mark Cechman, Utilities Director Charlie Tinch, Recreation Director Jay Conn, Police Chief George Brennan, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Information Technology Director Bob Reilly, Trailer City Manager Johnny Clark, Public Works Director Bob Smith, Building Official Willie Herbert, Economic Development Director Shelly Weidenhamer, Senior Planner Kelly Randall, Assistant City Engineer Mike Kelley, and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting of June 8, 2006. **Motion by Commissioner Jowers to approve the regular meeting minutes of June 8, 2006 as submitted. Seconded by Commissioner Graham and carried unanimously 4-0.**

2. **OATH OF OFFICE**

Police Chief Brennan introduced and administered the Oath of Office to Officer Elwood Carter.

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 06-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-31, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-35, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-40, DISTRIBUTION OF BENEFITS; AMENDING SECTION 54-47, DIRECT

TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 54-52, DEFERRED RETIREMENT OPTION PLAN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-25 by title only. **Motion by Commissioner Graham to approve Ordinance 06-25 with the second reading and public hearing being scheduled for July 27, 2006. Seconded by Commissioner Jowers and carried 4-0.**

- B. **Ordinance 06-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS, TO AMEND THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 54-189, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 54-195, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-201, DISTRIBUTION OF BENEFITS; AMENDING SECTION 54-209, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE
City Attorney Ardaman read Ordinance 06-26 by title only. **Motion by Commissioner Jowers to approve Ordinance 06-26 with the second reading and public hearing being scheduled for July 27, 2006. Seconded by Commissioner Sharman and carried 4-0.**
- C. **Ordinance 06-21:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS .31 ACRES OF LAND LOCATED AT 160 S. MAIN STREET; PROVIDING FOR AN EFFECTIVE DATE
City Attorney Ardaman read Ordinance 06-21 by title only. **Motion by Commissioner Graham to approve Ordinance 06-21 with staff recommendation with the second reading and public hearing being scheduled for July 27, 2006. Seconded by Commissioner Sharman and carried 4-0.**
- D. **Ordinance 06-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY .31 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 160 S. MAIN STREET AND MORE SPECIFICALLY DESCRIBED HEREIN FROM R-2 TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
City Attorney Ardaman read Ordinance 06-22 by title only. **Motion by Commissioner Graham to approve Ordinance 06-22 with staff recommendation with the second reading and public hearing being scheduled for July 27, 2006. Seconded by Commissioner Jowers and carried 4-0.**
- E. **Ordinance 06-23:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 4.3 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF DILLARD STREET JUST NORTH OF HIGHWAY 50, FROM CITY C-2 TO CITY PCD; PROVIDING FOR CERTAIN PCD

REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Dillard Commons)

City Attorney Ardaman read Ordinance 06-25 by title only. **Motion by Commissioner Jowers to approve Ordinance 06-25 with the second reading and public hearing being scheduled for July 27, 2006. Seconded by Commissioner Sharman and carried 4-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve Final Plat for Belle Meade Phase 2**

Senior Planner Randall stated that this is a request for approval of a final plat for Phase 2 of the Belle Meade Subdivision which is located on the northeast corner of Avalon and Tilden Road. She stated that staff has reviewed this item and recommends approval with the conditions as stated in the agenda package. Commissioner Graham asked with reference to item 15 under notes on the plat if access is all the way down to Lot 157. City Planner Cechman explained that a driveway cannot front from Tilden Road, a lot has to front internally in the subdivision. Ms. Randall further explained that this prevents anyone in lots 145 to 157 from having back access off Tilden Road; they have to come in from the front of the lot. **Motion by Commissioner Sharman to approve the final plat for Belle Meade Phase 2, with staff recommendations (see attached). Seconded by Commissioner Jowers and carried 4-0.**

B. **Recommendation to approve Preliminary Plat for Hickory Hammock**

City Planner Cechman stated Hickory Hammock is located on CR 545 and has been rezoned to PUD. Staff has reviewed the request for the preliminary plat for the 494 unit subdivision and recommends approval with the conditions as stated in the agenda package. He stated that the Planning and Zoning Board has also reviewed this and recommends approval with conditions. Commissioner Graham addressed comments in the agenda package by the City's Stormwater Engineer, Alex Nasser, which addresses changing Type "C" lots to Type "B" lots with concerns to the backyard swales. He stated that last week the Supreme Court ruled on the Clean Water Act and stated that it is a lot more stringent. He would like to see swales as well as retention ponds. Assistant City Engineer Kelley stated that he discussed this issue with Alex Nasser and the reasoning and justification behind that particular comment was that typically you provide stormwater treatment, but sometimes St. Johns Water Management will allow you to put in rear swales and allow it to drain the whole thing to the back. He stated that this was addressed with McIntosh Engineering and they have come to terms that this is acceptable and is what St. John's Water Management has agreed to. Commissioner Graham stated that he would like to see an ordinance like the Town of Windermere about fertilizing lawns near a lake limiting the use of certain types of fertilizer. City Manager Bollhoefer stated that he would check the Windermere ordinance, research this issue, and bring information back to the Commission.

Mayor Quesinberry asked the applicant to introduce themselves for the record.

Brenda Yates, representing the developer South Star, stated that there was discussion with engineering to City staff about type "C" lots and they are including rear yard

treatment swales. She stated that there are very extensive design guidelines and fertilizers and irrigation systems are being watched. She stated that they do agree with staff recommendations and had a modification to add the rear yard treatment swales for the type "C" lots. **Motion by Commissioner Jowers to approve the final plat for Hickory Hammock with staff recommendations (see attached). Seconded by Commissioner Graham and carried 4-0.**

5. **PUBLIC HEARING**

A. **Request for waiver from Charter Review Committee Member Derek Blakeslee to appointing Commissioner Theo Graham**

Commissioner Graham stated that City Attorney Ardaman has shown him the law on this issue which gives the appointing Commissioner the right to waive any conflict of interest. He stated that Mr. Blakeslee is the City's Auditor and does not think this is a conflict of interest in working on the City's Charter. City Attorney Ardaman advised that pursuant to the Florida Statute this issue must be opened for a public hearing. He noted that Mr. Blakeslee has filed Form 4A Disclosure of Business Transaction, Relationship or Interest that has been promulgated by the state. This form has been filed with the City of Winter Garden. He advised opening this up for discussion or debate and then it would be up to Commissioner Graham to formally offer the waiver. Mayor Quesinberry opened the public hearing; hearing and seeing none, closed the public hearing. Commissioner Graham stated that he is granting the waiver to allow Mr. Blakeslee to serve on the Charter Review Committee.

• **Replacement Appointment to Charter Review Committee**

Commissioner Graham stated that Richard Hudson has resigned from the Charter Review Committee and appointed Attorney Blair Johnson to fill the vacancy.

6. **MATTERS FROM CITIZENS** – There were none.

7. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman thanked the Commission for their confidence in having him back as City Attorney.

8. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for May 2006**

Stated this has been distributed and either he or the Finance Director are available for questions.

• **Employees in the National Guard**

Mr. Bollhoefer stated the City has a couple of employees in the National Guard who possibly will be deployed to Afghanistan or Iraq. He stated that military pay is less than their City salary and requested permission to make up the difference in pay while they are serving our Country. **Motion by Commissioner Jowers to approve paying the salary difference for employees serving overseas in the National Guard. Seconded by Commissioner Graham and carried unanimously 4-0.**

- **Change Orders for Daniels Road**

Mr. Bollhoefer stated that work has started on Daniels Road and this process will bring about change orders. He stated that in an effort to keep this process moving he asked the Commission to give staff permission to approve related change orders. He stated that the change orders are to be paid by the Sembler Corporation. He stated that with Commission approval, staff would have permission to approve change orders once approved by the City Engineer and the Sembler Corporation. **Motion by Commissioner Graham to give staff permission to approve change orders for Daniels Road as approved by the City Engineer. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- **Workshop for Parks Master Plan**

Mr. Bollhoefer stated that there was discussion on scheduling a workshop for the Parks Master Plan at the July 13th meeting. Mayor Quesinberry will be out of town and Commissioner Dixon is still recovering and may not be back by that meeting. He asked if the Commission still wanted to have it at the July 13th meeting or reschedule it for July 27th. Commissioner Graham asked if the Commission could handle it in one meeting. Mr. Bollhoefer replied possibly, but could not say for sure as it will be setting our plan for the next 20 years. Commissioner Graham stated that if this would take two meetings the Commission could go ahead and meet and when the full Commission is available they could review the items already discussed in the prior meeting. Mr. Bollhoefer stated that he will schedule a two-part workshop for July 13, and July 27, 2006. He stated that he would like to schedule the workshops for 6:00 p.m. and send flyers to citizens to let them know about this meeting in order to get as much public participation as possible. By **consensus** the Commission agreed.

- **Methodist Church of Ocoee and Stars**

Mr. Bollhoefer stated that the Methodist Church of Ocoee and Stars of West Orange County, an organization that helps with school supplies for disadvantaged students, is having a parade. He read the draft flyer which states "Special thanks to the City of Winter Garden". He stated that they have requested that the language be changed to "Presented by the City of Winter Garden" which they believe will give them more credibility. Recreation Director Conn is very familiar with this parade. Commissioner Graham asked if the parade was going to be in Winter Garden. Mr. Bollhoefer stated it will be near the Maxey Center and staff will make sure they meet all the requirements to put on the parade. It was the **consensus** of the Commission to allow them to use "Presented by the City of Winter Garden" on their flyer.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

A. **Replacement appointment for Richard Hudson on Charter Review Committee due to his resignation** *(This item was covered previously in the meeting).*

B. **Annual Community Action Board recognition dinner**

Mayor Quesinberry stated that each year the City purchases two tables. **Motion by Mayor Quesinberry approving the purchase of two tables for the Annual Community Action Board recognition dinner. Seconded by Commissioner Jowers and carried unanimously 4-0.**

Commissioner Sharman

Stated that most of the items presented tonight have already been through the Planning and Zoning Board so he did not have a lot of questions because he was able to have all his questions answered there. He added that the Planning and Zoning Board has been doing a really good job at working things out before they come to the Commission.

Mayor Quesinberry reminded everyone that on July 4th there will be fireworks and music at Newton Park.

Commissioner Graham

Stated that the VFW will be hosting the Vietnam Wall display July 14, 15, and 16. He stated that they want the City to assist them with traffic, etc. He stated the wall contains three Winter Garden names and that he thinks it is wonderful that the VFW is hosting it in our City. He stated that he wants to get as much word out as possible so people will go by and see it. Mayor Quesinberry stated that he thinks we can do our part with whatever it takes.

The meeting adjourned at 7:00 p.m.

APPROVED:

/S/
MAYOR PRO TEM THEO GRAHAM

ATTEST:

/S/
City Clerk Kathy Golden, CMC