



# CITY OF WINTER GARDEN

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## OFFICE OF THE CITY CLERK

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## REGULAR MEETING AND BUDGET WORKSOP MINUTES

### CITY COMMISSION

August 24, 2006

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack 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 Clerk Kathy Golden, City Attorney A. Kurt Ardaman, City Planner Mark Cechman, Utilities Director Charlie Tinch, Recreation Director Jay Conn, Police Chief George Brennan, Fire Chief John Williamson, 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, Chief Planner Kelly Randall, Assistant City Engineer Mike Kelley, West Orange Times reporter Michael Laval, and Orlando Sentinel reporter Erin Ailworth

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

Regular Meeting of August 10, 2006. **Motion by Commissioner Sharman to approve the regular meeting minutes of August 10, 2006 as submitted. Seconded by Commissioner Graham and carried unanimously 4-0.**

#### 2. **PRESENTATIONS**

##### A. **Charter Review Committee (CRC) regarding proposed changes to election related provisions**

City Manager Bollhoefer stated that he has distributed a proposed resolution extending the CRC that is scheduled to sunset in 180 days on September 5<sup>th</sup> which will occur before their review is completed.

City Attorney Ardaman read Resolution 06-16 by title only. There was discussion on the need for an additional 60 days thereby sunsetting in 240 days. **Motion by Commissioner Jowers to approve Resolution 06-16. Seconded by Commissioner Sharman and carried unanimously 4-0.**

Mr. Bollhoefer stated that in a prior meeting he brought up the possibility of a special election in December to address certain election issues. He went to the CRC and they were also in favor. However, two weeks ago he went to a CRC meeting and they had decided that they did not want to move forward with a December election. He gave the Commission a copy of the CRC's reasons and stated that Mr. Derek Blakeslee, a member of the CRC, would elaborate on those reasons. Mr. Bollhoefer stated that staff brought these items to the Commission because they felt it was important to correct some items before the next election in March. Mr. Bollhoefer stated that staff did not think it was critical because the Charter has been in existence for the past 30 years.

Mr. Blakeslee stated that the CRC wants to give the Commission an update. He explained that the CRC did not have an opportunity to really start working on the Charter until April 24<sup>th</sup> as they were trying to get past the elections. He stated that using this new time frame they will still be within the six (6) month period of trying to complete their work. The CRC has had nine (9) meetings and they are going through the entire Charter which has not been reviewed in over 30 years. The CRC has not selected a chairperson and he has been chosen as spokesperson. The CRC is only making recommendations by way of a consensus of 70% of those attending the meeting, not by majority vote. He explained that their CRC wants to hand the Commission a product they know they can stand behind. The goals of the CRC are to simplify and clarify the Charter. When presented with putting proposed change to the voters in December, there was agreement, but after thinking about the issue for two weeks, the CRC came back and said that they would prefer not to do this, the reason being that the CRC believes this is an entire process. Rather than confusing the voters, they would like to present the Charter as one complete package. This committee does serve at the pleasure of the Commission and if it is the desire of the Commission to move forward with the referendum election they would go back and prepare the necessary language at their next meeting in order to bring it to the Commission for review.

Mayor Quesinberry thanked the CRC for their hard work and stated that he did not see any reason why the Commission could not go ahead and give them the time requested to finish their review.

Commissioner Graham stated that the CRC is a volunteer committee selected by the Commission and felt that the Commission should give them permission to continue. He stated that this will mean there will be more to vote on in March. **Motion by Commissioner Graham to not conduct a special referendum in December. Seconded by Commissioner Jowers.** Commissioner Sharman asked the CRC if they will present the plan to the Commission in a lump sum or amendment by amendment. Mr. Blakeslee replied that it will go through the City Attorney for wordsmithing and come to the Commission as a complete package. The Commission will make its changes before it goes to the voters. How it is given to the voters will be up to the Commission and not the CRC, although he thinks the CRC will make a recommendation. Mayor Quesinberry stated that he thinks the citizens will want to vote on each item rather than all or nothing.

**Motion carried unanimously 4-0.** Mr. Blakeslee recognized the attending members of the CRC and stated that they have been working very hard.

**B. American Heart Association**

Alice Forthman of the American Heart Association presented to the City the AED Community Awareness Award. She stated that they appreciate the time and effort of the City and the Commission. They have freed up budget money which has allowed 3,000 more AEDs to be added to the community this past year. She stated that for having a four to six minute window to save a life, for having an AED available, and for the willingness of the community to be trained, she is presenting the award to the City and the Fire Chief in recognition by the American Heart Association for making this a safe community.

**3. FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 06-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .41 ACRES LOCATED AT 21 AND 35 BROAD STREET, 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; PROVIDING FOR AN EFFECTIVE DATE  
City Attorney Ardaman read Ordinance 06-29 by title only. **Motion by Commissioner Jowers to approve Ordinance 06-29 with second reading and public hearing being held on September 28, 2006. Seconded by Commissioner Graham and carried unanimously 4-0.**

B. **Ordinance 06-30:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW-MEDIUM DENSITY TO CITY LOW DENSITY RESIDENTIAL OF PROPERTY GENERALLY DESCRIBED AS .41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE  
City Attorney Ardaman read Ordinance 06-30 by title only. **Motion by Commissioner Graham to approve Ordinance 06-30 with second reading and public hearing being held on September 28, 2006. Seconded by Commissioner Sharman and carried unanimously 4-0.**

C. **Ordinance 06-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 2.89 ACRE PROPERTY LOCATED AT 21 and 35 BROAD STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-2 TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE  
City Attorney Ardaman read Ordinance 06-31 by title only. **Motion by Commissioner Jowers to approve Ordinance 06-31 with second reading and public hearing being held on September 28, 2006. Seconded by Commissioner Graham and carried unanimously 4-0.**

**4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 06-35:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE

FUTURE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET FROM ORANGE COUNTY INDUSTRIAL TO CITY INDUSTRIAL PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-35 by title only. Mayor Quesinberry opened the public hearing. City Planner Cechman stated that this is the Dreyfus piece of property the City is including in its Comprehensive plan. State law requires the City to have a sign-in sheet for citizens requesting additional information and he gave direction to citizens on where to sign up. Hearing and seeing no citizens public comments; Mayor Quesinberry closed the public hearing. **Motion by Commissioner Graham to approve Ordinance 06-35 with second reading and public hearing being held when the amendment is returned from the State. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- B. **Ordinance 06-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 79.95 ACRES OF LAND LOCATED NORTH OF BLACK LAKE FROM ORANGE COUNTY AGRICULTURE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-37 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 06-37 with second reading and public hearing being held when the amendment is returned from the State. Seconded by Commissioner Sharman and carried unanimously 4-0.**

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

- A. **Ordinance 06-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED R-4; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE R-4 ZONE; ESTABLISHING PORTIONS OF LAND GENERALLY DESCRIBED AS EAST OF SOUTH WEST CROWN POINT ROAD AND WEST OF BETHUNE AVENUE AND SPECIFICALLY IDENTIFIED HEREIN AS R-4; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-32 by title only. Mayor Quesinberry stated that the reason for this ordinance is there a lot of non-conforming lots. They have to go through all kinds of variances and the City is trying to get away from those kinds of issues so that the people that have those lots can do something with them and get a building permit. Mayor Quesinberry opened the public hearing; hearing and seeing none, closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 06-32. Seconded by Commissioner Jowers and carried unanimously 4-0.**

- B. **Ordinance 06-33:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN

CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED R-5; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE R-5 ZONE; REZONING PORTIONS OF LAND GENERALLY DESCRIBED AS THE BAY STREET PARK SUBDIVISION WHICH IS GENERALLY LOCATED SOUTH OF EAST BAY STREET, NORTH OF THE CROWN CORK & SEAL CO. USA, INC., WEST OF EAST BAY ESTATES, AND EAST OF 11<sup>TH</sup> STREET AND SPECIFICALLY IDENTIFIED HEREIN FROM CITY R-2 TO CITY R-5; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-33 by title only. City Planner Cechman stated that this ordinance creates an R-5 zoning similar to the R-4 ordinance just presented. This is for properties in east Winter Garden that are non-conforming in their lot size and setbacks. He stated that this ordinance will bring those non-conforming lots into conformance. Mayor Quesinberry opened the public hearing; hearing and seeing none, closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 06-33. Seconded by Commissioner Graham and carried unanimously 4-0.**

- C. **Ordinance 06-34:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ZONING" BY INCLUDING A NEW ZONING DISTRICT CALLED RNC-2; PROVIDING USE AND DIMENSION REQUIREMENTS FOR ALL IMPROVEMENTS IN THE RNC-2 ZONE; REZONING PORTIONS OF LAND BOUNDED BY NORTH STREET, 9<sup>TH</sup> STREET, 11<sup>TH</sup> STREET, AND 85 FEET SOUTH OF KLONDIKE STREET, AND SPECIFICALLY IDENTIFIED HEREIN FROM CITY R-NC TO CITY RNC-2; PROVIDING FOR NON-CONFORMING SITUATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-34 by title only. City Planner Cechman stated that this ordinance is a little different. The first two ordinances protect existing neighborhoods. This is also meant to protect existing neighborhoods in east Winter Garden but it also allows for some commercial along Center Street. He stated that the City thinks commercial should be restricted to the Center Street area. He stated that it also allows some the opportunity to build houses, which the City hopes will encourage the developers to come in and take advantage of some of the existing properties in East Winter Garden. Mayor Quesinberry opened the public hearing; hearing and seeing none, closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 06-34. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- D. **Ordinance 06-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 106-18 OF THE CODE OF THE CITY OF WINTER GARDEN; PROVIDING FOR MAXIMUM IMPERVIOUS SURFACE RATIOS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN THE R-4, R-5, AND RNC-2 ZONING CATEGORIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-38 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, closed the public hearing. **Motion by Commissioner Graham to approve Ordinance 06-38. Seconded by Commissioner Jowers and carried unanimously 4-0.**

6. **REGULAR BUSINESS**

A. **Recommendation to approve the final plat for Pineloch Industrial Park**

Chief Planner Randall stated that this is a request for approval of the final plat for a two-lot industrial park off of Northwest Crown Point Road. Staff has reviewed this and recommends approval with the conditions as stated in the agenda package. Commissioner Graham asked if the Attorney's opinion had been met. Ms. Randall stated that before the City Attorney's office records the plat, they request an updated title opinion. She stated that even though they do not have one on file currently, they get one before they record the plat so that they can double check that nothing has changed. Commissioner Graham stated that in the recommendation it states that the City Commission should not approve the final plat before a title search is completed. City Attorney Ardaman stated that it is standard that right before the recording of the plat the City will ask the developer to provide a search of the public records confirming the owner. So when they sign the plat we know who the true owner of the property is. **Motion by Commissioner Jowers to approve Pineloch Industrial Park with staff recommendations (see attached). Seconded by Commissioner Sharman and carried unanimously 4-0.**

B. **Recommendation to approve the final plat for Bronson's Landing and associated Right-of-Way Maintenance Agreement**

Chief Planner Randall stated that this is a request for approval of the final plat for a single family subdivision located south of Stoneybrook West Parkway and east of CR 535 and the associated Right-of-Way Maintenance Agreement. Staff has reviewed this and recommends approval with the conditions as stated in the agenda package. Staff also wants to place an additional condition on this approval that prior to recording, the property transfer be resolved with the proper property owners. She noted some issues regarding the wall on Tilden Avenue that must be resolved prior to the recording of the plat by the City Attorney. City Manager Bollhoefer stated that the Attorneys have drafted specific language addressing this issue with the wall and read the following for the record: "Centerline Homes at Bronson's Landing, LLC agrees to continue work in good faith for the City of Winter Garden and the neighboring property owners in the Windermere Harbor Homeowners Association in an effort to reach an agreement concerning the construction of the wall between Bronson's Landing and certain portions of Windermere Harbor. In the event a reasonable, mutually acceptable agreement cannot be reached within an additional 30 days, however, Centerline will be permitted to construct the wall within its own property without any requirement for agreement with the adjoining property owners." Mr. Bollhoefer explained why this language was included. Mayor Quesinberry recognized the applicant, Mr. Snow.

Thomas Snow 631 S. Orlando Avenue, Winter Park, Florida 32789, stated that he represents Centerline Homes as their surveying consultant, He stated he agreed to the recommendations, stipulations and the written agreement as read by City Manager Bollhoefer. Commissioner Graham asked about the drainage from Stoneybrook. Mr. Snow stated that staff did require a bypass pipe be installed in an easement obtained from the Orlando Orange County Expressway Authority. He stated that the problem that they are now facing is that the pipe is on Orlando Orange County Expressway property. The Expressway Authority is willing to give an easement to the City that will run from

Stoneybrook Parkway down to a point across all of the Expressway property which ultimately the City will own. They will then have a continuing easement across that property. He stated that the Expressway Authority stated that they should have the easement in place the same time the plat is recorded. It was requested that the wall issue not be contingent upon the recording of the plat. Mr. Bollhoefer stated that the plat is not conditional upon this agreement. Commissioner Sharman stated that he has spoken to some of the residents and many see it as a good compromise. **Motion by Commissioner Jowers to approve Bronson's Landing and associated Right-of-Way Maintenance Agreement with staff recommendations as stated (see attached). Seconded by Commissioner Graham and carried unanimously 4-0.**

C. **Recommendation to approve site plan of 756 Business Park Boulevard (Kelzer Concrete)**

Chief Planner Randall stated that staff has reviewed this item with the recommendations provided in the agenda package and that no outside storage be permitted and no large industrial trucks will be housed on site. **Motion by Commissioner Graham to approve 756 Business Park Boulevard with staff recommendations (see attached). Seconded by Commissioner Jowers and carried unanimously 4-0.**

D. **Final ranking and recommendation for continuing contract for architectural and engineering services**

Assistant City Manager Robertson stated that an RFQ had been requested for an architect and the eight responses have been narrowed down to three. He explained some of the events that led to the short listing of the three companies chosen. He stated that it would be in the best interest of the City to chose the top two; in the case one is not available, the other could be. Commissioner Graham asked which two were recommended. Mr. Robertson stated the top two which were C.T. Hsu & Associates and Harvard-Jolly, Inc. **Motion by Commissioner Graham to approve negotiating contracts for architectural and engineering services with C.T. Hsu & Associates and Harvard-Jolly, Inc. and to finalize a contract. Seconded by Commissioner Sharman.** Commissioner Sharman asked if the ranking referenced the cost factor. Mr. Robertson stated that staff did not look at the cost. The city is now going to negotiate with the two selected. He stated that when an RFQ is done, the cost issue cannot be a part of it. He stated that this choice is made on their qualifications and ability to do the work needed. He explained that negotiations will be done and brought back to the Commission. **Motion carried unanimously 4-0.**

E. **Recommendation to approve a site agreement with Royal Street Communications, LLC to install equipment on the cemetery tower**

Finance Director Strobeck stated that the City was approached by Royal Street Communications LLC to install additional equipment at the existing cemetery communication tower. This would involve a small one-story building which is adjacent to the tower as well as additional equipment on the actual tower itself. He stated that this agreement was drafted by our previous legal firm and is similar to the other contract we have in place for that site. Staff does recommend approval and the applicant's representative was in the audience if the Commission has any questions. Commissioner

Graham asked if the monthly fee is consistent with the ones we already have because he thought the City had some higher fees. Mr. Strobeck responded that the initial one for the actual tower itself is higher. The additional agreements to add on to the tower have typically been within this price range. **Motion by Commissioner Graham to approve a site agreement with Royal Street Communications, LLC. Seconded by Commissioner Sharman and carried unanimously 4-0.**

7. **MATTERS FROM CITIZENS**

**Sly's Towing Contract**

Sly and Jane Collins, 119 5<sup>th</sup> Street, Winter Garden, Florida. Mr. Collins stated that at the last meeting the City voted to go to a rotation for City towing services. He stated that the City has a contract currently with his towing company through 2008. Years ago when this contract was agreed on, he bought a property that was within the City and complied with all the codes in order to have the contract. He does not think it was fair now, in the middle of the contract, to change the rule and allow someone outside the City limits do towing for the City. City Attorney Ardaman stated that review of the contract with Sly's Towing in 2004 found no exclusivity in that contract. The City Commission has the ability to approve other contracts and they do not have to be on the same terms and conditions. Mr. Ardaman stated that his understanding from discussion with the City Manager is that the City now has a fair allocation of work under the contracts that the City now has with towing companies. Mr. Collins stated that this is going to cut his business in half with the rotation system, which will create a hardship. Mr. Ardaman stated that there is nothing that he has been shown that indicates that the City is bound to a single contract with Sly's Towing.

8. **MATTERS FROM CITY ATTORNEY**

Mr. Ardaman stated that there is an article that was brought to his attention by the City Manager where there is an opinion that the Sunshine Law with respect to meetings between Commissions is only when there is a quorum. He gave an example stating that this would only apply if there were three or more, and if there was just two that it would not apply and therefore they could meet in private and discuss anything they wanted without having to post, give notice or create minutes. He stated that this article and position is inconsistent with the published Sunshine Law manual and inconsistent with most all of the interpretations that he has seen from City and County attorneys throughout the state. However, his reading of it and in looking at it more closely is that they may be right. His firm is looking at it to see if in fact the law in Florida has been improperly interpreted since the Sunshine Law was enacted. There was a case that recently came out that showed there was no violation when two Commissioners have a discussion. His advice to the Commission is that they are still bound by the Sunshine Law and they should not meet one on one unless it is a noticed meeting where there will be minutes and it is open to the public. He stated that if you read the article you would come to the conclusion that you may not have to comply with the Sunshine Law. That may be true but on the side of caution do not do this unless it has been posted properly. He stated that they will let the Commission know how this shapes out. He stated that this will probably

have an Attorney General's opinion, maybe an Ethics Commission comment and possibly some more lawsuits.

9. **MATTERS FROM CITY MANAGER**

A. Financial Statement for July 2006 was distributed.

• Winter Garden Downtown Merchants Guild

Mr. Bollhoefer stated that Mr. Larry Cappleman, the representative of the Downtown Merchants Guild, has a request for their September 9<sup>th</sup> event.

**Mr. Cappleman** stated that he is a member of the Winter Garden Downtown Merchants Guild and is speaking on behalf of President Todd Nichols. The Commission has already approved closing the streets for a car show on September 9<sup>th</sup>. The Merchants Guild hopes this is a precursor to some regular monthly gatherings in downtown Winter Garden where we can create a greater sense of community, a greater interest and bring more people to our beautiful downtown. They are trying to generate additional revenue for the Merchants Guild to help with advertising and promoting these evening events. He would like to request, in similar fashion to the Hurricane Katrina relief evening concert, to be allowed to sell beer on the street with a three (3) beer maximum per person with only one sold to an individual at a time and an armband marking their limit. It would be a controlled environment. They believe they can demonstrate that there would be nothing adverse coming from this and he believed the other events have demonstrated this in the past. **Commissioner Graham** stated his ongoing objection to allowing open containers going up and down the street because he feels it is giving our youth the wrong signal that it is okay. **Mr. Cappleman** stated that the manner in which the Hurricane Katrina relief evening was to allow the consumption outside of the premises of which the alcohol was sold. He stated that the request was to allow it to be open so that people could still enjoy browsing through town and looking at the display of automobiles and not be confined to one particular location until they have consumed their alcohol; oftentimes they would consume too quickly which would also be a deterrent. **Mayor Quesinberry** stated that he was thinking there would be no beer cans or bottles or anything that would indicate what was in the container. **Mr. Cappleman** responded yes, they will be served in a nondescript cup. **Commissioner Sharman** stated that he was torn on this issue and that he would be at the festivities and if it is out of hand, he may change his vote. **Mr. Bollhoefer** stated that the City has done this in the past and have never had an issue of anything getting out of hand. **Mayor Quesinberry** stated that approval would only be for this event. **Mr. Cappleman** stated that is correct. **Mr. Cappleman** stated that there will be other entertainment that night with a car club bringing in their cars for display. **Mr. Bollhoefer** stated that this is for this one event and any future requests to serve beer or alcohol will still have to come before the Commission for approval. **Commissioner Jowers** stated that he did not have a problem with this as long as it is in nondescript cups and not being poured in public view. **Mr. Cappleman** stated that the plan is to use one of the trailers supplied by one of the vendors and they can work with the City to put it in a suitable location to the City and City staff. **Motion by Commissioner Jowers to**

**approve the sale of beer on September 9, 2006 as requested by the Winter Garden Downtown Merchants Guild. Mr. Cappleman** stated that they endorse the family values that Commissioner Graham spoke of and do not want any event to become unruly or be a bad example. **Seconded by Commissioner Sharman and carried 3-1; Commissioner Graham opposed.**

## 10. MATTERS FROM MAYOR AND COMMISSIONERS

### Commissioner Sharman

Stated that the hiring of the architect firm is the first step towards what is needed in District Four.

### Mayor Quesinberry

Shared his experience on his Alaska trip and thanked the other Commissioners and Commissioner Graham for carrying on in his absence.

The regular meeting adjourned at 7:45 p.m.

## **BUDGET WORKSHOP FOR FISCAL YEAR 2006/2007**

The **BUDGET WORKSHOP** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 7:51 p.m.

**Present:** Mayor Jack Quesinberry, Commissioners H. Gerald Jowers and Colin Sharman

**Absent:** Commissioners Theo Graham and Mildred L. Dixon

Finance Director Brian Strobeck stated that a hard copy of his presentation has been distributed to the City Commission (*see attached*).

Mr. Strobeck noted that normally the pay scale is distributed with the budget book but a change to the pay scale was contemplated. In the past there have always been levels and steps within the levels. Staff is considering eliminating the steps and considering a pay range for each position.

Mr. Strobeck stated that there were a couple of items that were inadvertently omitted from the budget. The corrected pages will be distributed to the Commission before the next meeting. He stated that the Boyd Street parking lot at \$308,000 in the General Fund is listed in the five-year plan in the back of the book but failed to make it into the line item and \$200,000 in your local option gas tax fund for paving projects.

## **GENERAL FUND**

### **Ad Valorem Taxes**

Mr. Strobeck presented a comparison of the assessed property valuation, side-by-side with the population. The assessed value was \$184 million in 1988 and for 2007 it is just shy of \$2 billion. The graph shows that the increases in ad valorem proportionately match the population increases through the years.

### **Revenues by Source**

Mr. Bollhoefer stated that the intergovernmental share is little larger this year as we are expecting to receive a couple of large grants.

### **Operating Uses by Department**

Mr. Strobeck stated that the Public Safety category includes Fire, Police, and Building Inspections and is typical of what you would see at any city.

### **Capital Expenses by Department**

Mr. Strobeck stated that this slide shows where the City is spending its money. A large share is spent on Public Safety and a very large share on Culture and Recreation.

### **History of Unreserved Fund Balance**

Mr. Strobeck stated that this slide shows a history of the past 20 years of the unreserved fund balance in the general fund shown as a percentage of expenditures for that year. It is a common measurement that a lot of governments use to determine how large their fund balance should be. The current projection for 2006 will be just over 50%, and projected to be approximately 30% in the future. Mr. Bollhoefer added that this is an important measure and this is why it was added this year. The Fund Balance is critical because that is your rainy day fund. In years past that balance was significantly higher, and he did not want anyone to worry that the City is spending all of its rainy day funds. A general rule in government is that a small city reach 30% for their fund balance and stated that 30% is a very safe number. The pressure to grow is requiring the City to spend money and that is why that level has come down to about 30%. It should be a goal of the City to maintain 30% in unreserved funds. Mr. Strobeck stated that over the years the fund balance in absolute dollars has grown fairly steadily, but typically you want to look at that as a percent of your expenditures.

### **Police Department**

Mr. Strobeck stated that the reason for the large number of vehicles is that the City is moving to a take-home vehicle program in the Police Department and the officers see being able to take a vehicle home as a valuable benefit. There are some large upfront costs but over time, the costs are believed to be about the same.

### **Fire Department**

Mr. Strobeck stated that the proposed budget includes a new fire station from the Impact Fee Fund. Mr. Bollhoefer stated that this station will eventually have up to 18 firefighters and will add approximately \$1 million a year in salaries. Mr. Strobeck stated that staff is proposing a ladder truck for \$850,000 because the City is starting to get some taller and larger buildings. He stated that because it is only necessitated by these larger buildings, the City is requiring the developers to contribute towards that ladder truck. The City is anticipating approximately \$500,000 in contributions toward that vehicle. A transport rescue vehicle is proposed by our Fire Chief to begin transporting patients to the hospital rather than relying on Health Central. Mr. Strobeck recognized Fire Chief John Williamson to elaborate on this subject.

Mr. Williamson stated that the City's Fire Department will not be taking over transporting to Health Central but helping out. The principle behind what they are proposing to do by adding one transport vehicle capable of rescue to the Winter Garden Fire Department fleet, will provide better and higher level of medical care capability for the citizens of Winter Garden. He gave a short background regarding the history of transporting and the increased demand the growth has had for rescue transport in the City. Because of the increasing demand there are situations that arise where Health Central Paramedic Services is not able to dispatch a unit or they cannot get one out in a timely manner. He shared examples of some of the causes that would require this kind of service. He stated that when Health Central Paramedics does not have a unit available at the time of dispatch, Orange County Fire and Rescue is now forced to send their closest unit. These units will either come from south of Apopka or Rescue 30 on Kirkman Road between 408 and Old Winter Garden Road. He stated that if these units are not available the Orange County Fire and Rescue will keep moving out until they can find the next closest available rescue unit available to come into Winter Garden. He gave an example of the number of calls from October 1, 2005 to the present which equaled 1,700 transports that originated from the City of Winter Garden. During this time on 38 occasions Orange County Fire and Rescue was called to assist the City of Winter Garden. He further gave a brief synopsis of some of the calls from Orange County Fire and Rescue and their response times. He further explained the need for this type of service in the City of Winter Garden. Mr. Bollhoefer summarized the Fire Chief's presentation and stated that the City may pay a little bit more for this service but the citizens will be happy to have the City's own Fire Department have the capability in case it was one of their loved ones.

Commissioner Sharman stated that he heard a similar presentation when the Fire Chief said that we incur the cost of stabilizing patients and somebody else paid to take them to the hospital. We are going to be able to provide a better service, receive the transport fee and our citizens will get better medical care. Chief Williamson stated that our intent initially is not to charge. If the Commission asked that we move in that direction down the road then we will. He stated that there is a cost recovery mechanism that will never pay for the service entirely but usually it will take care of all medical equipment expenses and fuel costs. Commissioner Sharman asked if Health Central charges a fee. Chief Williamson responded yes. Commissioner Sharman stated that we should charge a fee. Chief Williamson stated that we can, but did not want that to be a roadblock to getting started right away. Mr. Bollhoefer stated that the intent is to begin the service this year and then look at it further along down the line with regards to charging for the services. We want to get the rescue vehicle, implement it and then see how it works.

### **Public Works**

Mr. Strobeck stated that the City is proposing to extend Bradford Park. The land is estimated to cost \$2.5 million but half is expected to be recovered by a grant from Florida Forever program.

### **Recreation**

Mr. Strobeck stated that Zanders Park/Bouler Pool Improvements are \$695,000 with \$585,000 funded by a grant. He stated that there would also be one (1) Recreation Leader position added next year. Mr. Bollhoefer stated that if you are wondering were the southern area park is, it is being paid out of impact fees, not the general fund.

### **Other Items**

Mr. Bollhoefer stated that the pay increases would be mainly for the Fire Department at around 15% to bring the City to a competitive level with all other fire departments. He stated merit increase philosophy is shifting whereby each year there would be a cost of living increase so people can maintain their purchasing power, however anything above that the employees will have to earn it through a merit system.

### **Performance Measurement System**

Mr. Bollhoefer stated that our goal is to be the best small city in the state of Florida. One method to do this is called the performance measurement system. This starts out by creating a vision statement that shows what our goals are as a city. This requires citizen input and Commission input. Then performance measures are in place to be sure you are accomplishing your goals in that vision. Some of the measurements used are citizen surveys/internal surveys, statistical measures, and other efficiency and effectiveness measures. He stated that this whole performance measurement system would tie all the way down to the employee evaluations.

## **UTILITY FUND**

### **Uses by Category**

Mr. Strobeck stated that this shows where we use the money in the Utility fund. The bulk of it is in material and supplies and about a quarter of it is for salaries and benefits.

### **Revenue and Operating Expenses**

Mr. Strobeck stated that currently there is a balance in the Utility operating fund. We will have a major project coming up with the widening of State Road 50. Utility lines will have to be relocated which could use up the \$7 million dollars. Mr. Bollhoefer stated that we cannot use impact fees for this project because we are not increasing capacity so this will have to come out of the Utility Operating Funds.

Mr. Strobeck stated that some highlights include the City putting about \$700,000 into renewal and replacement projects. This is done concurrent with street repaving projects so that when we tear up a road we upgrade the utility at the same time. He stated that in the impact fees projects include the first of two reclaimed water storage facilities. Over 10 years staff estimates the cost to be about \$14 million to get into reclaimed water as required by the St. John's River Water Management District. Other projects include Trunkline C Phases 3, 4, and 5.

## **STORMWATER**

### **Operating Uses by Category**

Mr. Strobeck stated that almost every year we have numerous capital projects that are concurrent with street repaving and utilizes a large share of the budget in this category. Mr. Bollhoefer stated that the City took ownership of CR 535 and we have to do the stormwater work. Part of the deal when Orange County transferred the roadway to the City was that Sembler would pay the half million dollars for drainage improvements.

## **SOLID WASTE**

### **Operating Uses by Category**

Mr. Strobeck stated that capital is a little higher this year than in prior years. The City has conducted a study and had an outside consultant analyze the solid waste department. He stated that the City will do the commercial solid waste collection and recycling in-house which will mean there will be significant up-front capital costs. The City will need to purchase three (3) new front-load trucks and one (1) rear-load truck and with those four new trucks comes four new employees.

Mr. Bollhoefer stated that we are getting ready to renegotiate our contract with Waste Management at the end of December. Our analysis and study through Resource Management Group shows that we could do this service ourselves and would be better service and cost us less. We still have other issues in solid waste that we are facing. He explained that the City has been charging the same residential rate for each residential home and had not raised that in many years. At this point in time, our residential side of solid waste is losing money.

### **TRAILER CITY**

Mr. Strobeck stated that for most of the residents in Trailer City there will be an increase in rent of \$6.00 a month effective February 1, 2007. Mr. Bollhoefer stated that he attended their HOA meeting and told them that this would be coming. The residents seem to be fine with this and understand it is necessary that to have the revenue to keep running the park. He stated that it requires a 90-day notice and if they have any issues, they will have plenty of opportunity to address them and it will come back before the Commission.

### **Budget Changes from FY 2005/06**

Mr. Strobeck stated that they have split out the Finance Department and the Occupational Licensing function from the Administration Department budget. The Occupational Licensing function has been transferred to the Building Department. Economic Development is still in the Administration Department budget but as a separate set of accounts.

### **Conclusion:**

Mr. Strobeck stated that the bond sale for the new city hall project had six (6) bidders; UBS was the winning bidder at an interest rate of 4.5%, which was better than staff was expecting.

Mr. Bollhoefer stated that one of the troubling issues staff had with the general fund budget this year was the \$1.2 million and \$308,000 out of fund balance. The City is also selling two properties that are valued at \$2.2 million. Those non-reoccurring funds were used in order to fund the general fund this year and we are going to have to pay very careful attention as we move forward in the future about controlling costs. We are facing the pressures from growth and in order to meet those pressures we are going to have to be very careful on how we move forward. In the near future, we will have to use more debt as we go forward to finance things. There is nothing wrong with doing it that way; it is actually a good way to do things. This year we cut out some items from the budget and the biggest item was a \$1.7 million fire station. He stated that we will probably be looking at a debt to build that fire station because it will be needed within the next year or at least look at starting to build it.

He stated that some things coming up in the future include four-laning Plant Street (State Road 438), Parks and Recreation, Fire Headquarters building, Public Works administration building, increases in insurance, downtown area Phases 2 and 3, salary increases, purchasing land for parks and possible purchase of the old Dillard Street school site.

The Budget Workshop adjourned at 8:34 p.m.

**APPROVED:**

/S/ \_\_\_\_\_  
**MAYOR JACK QUESINBERRY**

**ATTEST:**

/S/ \_\_\_\_\_  
**City Clerk Kathy Golden, CMC**