



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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REGULAR MEETING MINUTES CITY COMMISSION

October 12, 2006

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Theo Graham 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 Pro Tem Theo Graham, Commissioners H. Gerald Jowers, Colin Sharman, and Charlie Mae Wilder

Absent: Mayor Jack Quesinberry

Also Present: City Manager Mike Bollhoefer, City Clerk Kathy Golden, City Attorney A. Kurt Ardaman, Assistant City Manager Marshall Robertson, Utilities Director Charlie Tinch, Police Chief George Brennan, Trailer City Manager Johnny Clark, Building Official Willie Herbert, Finance Director Brian Strobeck, Fire Chief John Williamson, Information Technology Director Bob Reilly, Economic Development Director Shelly Weidenhamer, and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the special meeting minutes of September 23, 2006 and the regular meeting/budget hearing minutes of September 28, 2006, as submitted. Seconded by Commissioner Wilder and carried unanimously 4-0.

2. **PROCLAMATION 06-12**

Mayor Pro Tem Graham read and presented Proclamation 06-12 to Bishop Cookson proclaiming October 28 – November 4, 2006 the “Week of the Family”. Bishop Cookson presented Mayor Pro Tem Graham with a plaque of their appreciation for the City of Winter Garden’s participation in the annual event and noted two upcoming local events: a music festival and Halloweenfest.

3. **FIRST READING AND SECOND PUBLIC HEARING OF PROPOSED ORDINANCES opened and continued from September 14, 2006:**

A. **Ordinance 06-40:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 42-55 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED “ROAD IMPACT FEE SCHEDULE” BY ESTABLISHING A SPECIAL BENEFIT OVERLAY DISTRICT FOR THE CR545 CORRIDOR; ESTALISHING AN ADDITIONAL ROAD IMPACT

FEE FOR ALL NEW DEVELOPMENT WITHIN THE CR545 SPECIAL BENEFIT OVERLAY DISTRICT; AMENDING SECTION 42-56 ENTITLED ALTERNATIVE IMPACT FEE CALCULATIONS FOR ALL NEW DEVELOPMENT WITHIN THE CR545 SPECIAL BENEFIT OVERLAY DISTRICT; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE (Avalon Road)

City Attorney Ardaman read Ordinance 06-40 by title only. Mayor Pro Tem Graham stated that this is a continued public hearing and asked if anyone had any comments. Hearing or seeing none, he closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 06-40 and to schedule the second reading and public hearing for October 26, 2006. Seconded by Commissioner Wilder.**

Mayor Pro Tem Graham asked for clarification regarding the level of service (LOS) indicating it would go from a level "D" to an "E", which indicates more traffic. City Attorney Ardaman explained that without revising the impact fee schedule, the LOS will go down to an "E" instead of improving to a "C" level and so forth. City Manager Bollhoefer stated that the goal is to get the road to a level of "B".

Motion carried unanimously 4-0.

- B. **Ordinance 06-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 42-55 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ROAD IMPACT FEE SCHEDULE" BY REPLACING EXHIBIT "A" WITH A NEW TABLE TO REFLECT THE INCREASE IN COST OF ROAD CONSTRUCTION AND BY CONSOLIDATING THE NORTH AND SOUTH BENEFIT AREAS INTO ONE CITY WIDE BENEFIT AREA; AMENDING SECTION 42-56 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ALTERNATIVE ROAD IMPACT FEE CALCULATIONS" BY AMENDING THE COST OF RIGHT-OF-WAY ACQUISITION PLUS CONSTRUCTION COST FACTOR; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-39 by title only. Mayor Pro Tem Graham stated that this is a continued public hearing and asked if anyone had any comments. Hearing or seeing none, he closed the public hearing.

Motion by Commissioner Sharman to approve Ordinance 06-39 and to schedule the second reading and public hearing for October 26, 2006. Seconded by Commissioner Jowers and carried unanimously 4-0.

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 06-46:** AMENDING CHAPTER 98 OF THE WINTER GARDEN CITY CODE BY CREATING ARTICLE VI, DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR THE CREATION AND ESTABLISHMENT OF A DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR MEMBERS OF THE

DEVELOPMENT REVIEW COMMITTEE; PROVIDING THE POWERS, DUTIES AND PROCEDURES OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR RECOMMENDATIONS AND DETERMINATIONS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-46 by title only and recommended a minor change to Section 98-152(c) that gives the City Manager authority to reschedule regular meetings and remove "if necessary" rather than have a dispute about what is necessary or not. Mayor Pro Tem Graham opened the public hearing. Hearing or seeing none, he closed the public hearing. **Motion by Commissioner Jowers to adopt Ordinance 06-46 and amend Section 98-152(c) to include giving authority to the City Manager to reschedule meetings and remove "if necessary". Seconded by Commissioner Sharman and carried unanimously 4-0.**

4. **REGULAR BUSINESS**

A. **Request for a donation of \$15,225 by the West Orange Knights football team**

Mayor Pro Tem Graham stated that the applicant has requested postponing this item until October 26, 2006. **(POSTPONED)**

B. **Request by the Winter Garden Downtown Merchants Guild to conduct an arts and craft festival November 18 – 19, 2006**

Todd Nichols stated that this will be their fourth event and they are requesting permission to have a stage, port-a-lets, closure of the streets, and to serve beer and wine during the festival as a fundraiser for their organization. Mayor Pro Tem Graham stated that he noticed it would go from Dillard to Park but normally it goes from Dillard to Highland. Mr. Nichols stated that the proposed extension is to accommodate the crowds with the stage being positioned at Woodland. Mayor Pro Tem Graham asked that there be two separate motions; one regarding the festival and one regarding the sale of alcohol. **Motion by Commissioner Sharman to approve the festival request for November 18-19, 2006. Seconded by Commissioner Wilder and carried unanimously 4-0. Motion by Commissioner Jowers to approve the sale of beer and wine only in cups, not in cans or bottles. Seconded by Commissioner Sharman.** Mayor Pro Tem Graham asked where the sale of alcohol would be located. Mr. Nichols responded that it would be sold from a single location. **Motion carried 3-1; Mayor Pro Tem Graham opposed.**

C. **Recommendation to approve a Memorandum of Agreement with the State of Florida Department of Transportation (FDOT) and an agreement for utility work by a highway contractor to relocate city utility lines on State Road 50**

Acting Utilities Director Tinch stated that the package actually contains a resolution, a memorandum agreement and an agreement from FDOT. FDOT is going to six-lane Highway 50 and this package is for our portion of relocating City-owned water and wastewater utilities along the corridor by utilizing a FDOT contractor. Mayor Pro Tem

Graham stated that he noticed that if the bid is more than 10 percent of what the City believes the cost should be, the City can withdraw. Mr. Tinch agreed and stated that the reason for the agreement is because the City does not have ample staff and because of potential liability for conflicting with FDOT's schedule and causing any delays. Commissioner Sharman asked if it would be the same contractor for all of State Road 50. Mr. Tinch replied yes. **Motion by Commissioner Jowers to approve entering into a resolution, a memorandum of agreement and an agreement with the State of Florida Department of Transportation as submitted. Seconded by Commissioner Sharman and carried unanimously 4-0.**

D. **Appointment to the Police and Fire Pension Board for the expiring terms of Joe Morabito and Mildred Holt-Washington (two-year term)**

City Clerk Golden stated that as indicated in the memo from the Pension Board, both members are requesting reappointment. Mayor Pro Tem Graham stated that it is a good idea to maintain members on the pension boards because they are required to take a course every two years versus a new person learning before taking the course. **Motion by Commissioner Wilder to reappoint Joe Morabito and Mildred Holt-Washington to the Police and Fire Pension Board for a two-year term. Seconded by Commissioner Jowers and carried unanimously 4-0.**

E. **Recommendation to approve site plan for 205 Windermere Road**

Assistant City Manager Robertson stated that staff is recommending approval with the Engineering Department's memorandum of September 26, 2006 provided in the agenda package. **Motion by Commissioner Wilder to approve the site plan for 205 Windermere Road with staff recommendations (see attached). Seconded by Commissioner Jowers and carried unanimously 4-0.**

5. **MATTERS FROM CITIZENS**

Richard Napotnik, 1633 Fullers Cross Road, Winter Garden, Florida asked for an update regarding the services of the City's lobbyists. City Manager Bollhoefer replied that he would give an update under his portion of the agenda.

6. **MATTERS FROM CITY ATTORNEY - No items.**

7. **MATTERS FROM CITY MANAGER**

- The City's lobbyists have been working on writing grants for a trail down Lulu Creek, a stormwater project at Bradford Park and a grant for Newton Park. They did work on obtaining funding for Highway 50, but did not get it moved up to the third year. He is confident it will be moved up next year. They are also doing a lot of work on the Wekiva rules the City must deal with. He will be bringing the lobbyists before the Commission to report on their progress. One thing to keep in mind is there is not always an immediate return; sometimes it takes a year to two to gain a return.

- A. Recommendation to cancel the November 23, 2006 Commission meeting due to the Thanksgiving holiday

Motion by Commissioner Wilder to cancel the regular meeting of November 23, 2006. Seconded by Commissioner Jowers and carried unanimously 4-0.

- As previously directed by the City Commission, staff has negotiated continuing service contracts for architectural/engineering services that has been submitted for consideration. Staff does recommend approval of the contracts with the best firms in the area and for reasonable fees. **Motion by Commissioner Jowers to approve both contracts as submitted. Seconded by Commissioner Sharman and carried unanimously 4-0.**

8. MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS

Commissioner Jowers

Commissioner Jowers stated that he has received numerous calls from upset parents of the Tuscany, Crown Point Springs, Garden Heights, and Island Pointe subdivisions regarding Orange County School Board's (OCSB) plan to transfer 500 students from West Orange High School (WOHS) to Ocoee High School. He requested that a task force be created to address this issue with the Orange County School Board. WOHS has been hurt tremendously by all the moving of students whenever a new school is built. It hurts West Orange County both demographically and athletically.

Commissioner Sharman asked to bring up a similar issue that could possibly be handled at the same time. In light of the growth in District 4 and staff's diligence to secure land for schools, he considered recommending the appointment of a non-paid official city liaison with the school board, under the direction of the City Manager. City Manager Bollhoefer stated that he thinks both can be accomplished. Commissioner Sharman stated that he actually has someone in mind, Mack McLaughlin, and asked Commissioner Jowers if he would consider amending his motion.

Mayor Pro Tem Graham restated his prior opposition regarding the School Board's requirement of not building a new school until after the current school is over capacity, such as in the case of Stonebrook. In his opinion, this is very poor planning on their part and if possible, maybe a task force could see if this could be changed to avoid installing modular units in over crowded schools.

Motion by Commissioner Jowers directing the City Manager to create a task force and a liaison to work with the Orange County School Board concerning the City of Winter Garden and West Orange High School. Seconded by Commissioner Sharman and carried unanimously 4-0.

Motion by Commissioner Jowers that liaison, Mack McLaughlin, will work with the City Manager and the Orange County Public Schools. Seconded by Commissioner Sharman and carried unanimously 4-0.

Addressed the need to begin working on establishing a Community Redevelopment District for the State Road 50 corridor in order to accommodate growth and to clean it up after the widening is done. Thus far, the studies have been completed and the City of Ocoee has

already had their district approved. Years ago he requested this be done and he is requesting it again. **Motion by Commissioner Jowers to direct the City Manager to initiate establishing a Community Redevelopment District for the State Road 50 corridor. Seconded by Commissioner Sharman.** Commissioner Sharman asked if it would be effective after State Road 50 is widened. Commissioner Jowers replied yes. **Motion carried unanimously 4-0.**

Commissioner Wilder

Stated that she had her first meeting in District 3 and they are moving towards getting their advisory committee completed. They will also be visiting schools and be visible to see what they can do to help. She thanked the officials who attended the meeting and invited everyone to attend the next meeting which should be held within the next three weeks. She also thanked the Police Chief for his department's presence in her district to help to prevent criminal activity.

Commissioner Sharman

Stated that he attended the Florida League of Cities "Institute for Elected Officials", which was an excellent course and he plans to attend the advanced course. Attendees from other communities spoke highly of Winter Garden. He attended Commissioner Wilder's meeting in District 3 and last Monday night attended about 15 minutes of the Charter Review Committee who are doing a tough job and it should be interesting to see what suggestions they bring to the Commission.

Stated that with all the growth in District 4 one of the concerns many residents have brought to him is the fact that there is no representation from District 4 on the Planning and Zoning Board. He asked the City Manager what he thought was a fair way to change the board's composition and he suggested amending the ordinance to require at least one member from each district and not more than two from any one district. Therefore, Commissioner Sharman **motioned to direct staff to draft an ordinance amending the Planning and Zoning Board membership to consist of at least one member from each district but not more than two from any one district.** City Manager Bollhoefer suggested a way to transition the membership could be by attrition as seats are vacated. **Motion seconded by Commissioner Jowers and carried unanimously 4-0.**

Mayor Pro Tem Graham

Advised that he is going on vacation and will not be present for the October 26, 2006 meeting.

The meeting adjourned at 7:19 p.m. and was immediately reconvened to discuss the last agenda item.

A. Participation in the 2007 Relay for Life

Mayor Pro Tem Graham stated that in the past the Mayor has requested two teams participate in the annual Relay for Life but the Mayor feels we only need one team because Ocoee High School will also be participating. **Motion by Commissioner**

Wilder to support one team for the 2007 Relay for Life. Seconded by Commissioner Jowers and carried unanimously 4-0.

The meeting adjourned at 7:21 p.m.

APPROVED:

/S/
MAYOR JACK QUESINBERRY

ATTEST:

/S/
City Clerk Kathy Golden, CMC