



# CITY OF WINTER GARDEN

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## OFFICE OF THE CITY CLERK

251 W. PLANT STREET

WINTER GARDEN, FL 34787

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

## REGULAR MEETING MINUTES CITY COMMISSION

October 26, 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 H. Gerald Jowers, Colin Sharman, and Charlie Mae Wilder

**Absent:** Commissioner Theo Graham

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, Assistant City Manager Marshall Robertson, Assistant City Clerk Angee Grimmage, 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, Human Resources Director Frank Gilbert, Recreation Director Jay Conn, Assistant City Engineer Mike Kelley, Information Technology Director Bob Reilly, Economic Development Director Shelly Weidenhamer, and West Orange Times reporter Michael Laval

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

**Motion by Commissioner Wilder to approve the regular meeting minutes of October 12, 2006, as submitted. Seconded by Commissioner Sharman and carried unanimously 4-0.**

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

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; ESTABLISHING 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

City Attorney Ardaman read Ordinance 06-40 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, closed the public hearing. **Motion by**

**Commissioner Jowers to adopt Ordinance 06-40. Seconded by Commissioner Wilder and 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 Quesinberry opened the public hearing; hearing and seeing none, closed the public hearing. **Motion by Commissioner Sharman to adopt Ordinance 06-39. Seconded by Commissioner Wilder and carried unanimously 4-0.**

3. **REGULAR BUSINESS**

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

**Mayor Quesinberry** noted that this item was postponed from the last meeting. **Mr. Everard Morgan**, 3308 Mid-Lake Terrace, Ocoee, Florida stated that he is requesting donations or funding for a youth football program. He stated that the Commission needed additional information which has been given to staff. **Commissioner Jowers** stated that he would like to yield to the City Manager and staff for their review and advice.

**City Manager Bollhoefer** stated that staff was provided with the requested financial information. Staff's greatest concerns were any possible negative affects that this team might have on the existing Pop Warner League and staff has since met with Pop Warner concerning this issue. **Ms. Kim Hall**, 469 Pennsylvania Avenue, Winter Garden, Florida, a representative of West Orange Pop Warner, Mid-Florida Conference of Pop Warner, and National Pop Warner, thanked the City for the years they supported Pop Warner at Walker Field. She stated that based on their numbers the addition of Mr. Morgan's team would not affect them in general, but would create some rivalry in registration. She explained that they are at a 71 percent capacity, with 32 children that have not fully paid for their registration or are on a scholarship. The majority of those children come from the City's East side. Pop Warner does not turn away children who cannot afford to pay. She explained that Pop Warner is in debt as much as Mr. Morgan's team. She asked that if the City is going to consider giving West Orange Knights football team funds, Pop Warner would like also like to ask for funding as well, stating that they could also use the support.

**Mayor Quesinberry** asked Ms. Hall what each child is charged to join the Pop Warner team. Ms. Hall stated \$125 is the registration fee for the season for each football player and the cheerleaders pay a total of \$340 for registration and uniforms.

**Mr. Bollhoefer** stated that staff's primary concern was not the dollar amounts but whether the two organizations can coexist. They are both trying to provide services for children and it is important that there is not a rivalry between two organizations because then everybody loses. **Ms. Hall and Mr. Morgan** stated that they have met and work well together. Mr. Morgan spoke of his team being a feeder system to the West Orange High School and stated that if he can keep kids from going in the wrong direction he is all for it. There was further discussion on the structure and requirements of both teams and Ms. Hall and Mr. Morgan both agreed that the teams could coexist given the proper management.

**Recreation Director Jay Conn** explained that he had reservations with the amount requested. Mr. Conn expressed some additional reservations such as they are a first-year program, he did not want to put one organization over another, and only two-thirds of the players are City residents.

There was discussion on the negative affect that this new league could have on the Pop Warner team. **Mayor Quesinberry** suggested the City give a grant to the children who are not eligible to play Pop Warner due to cost. He suggested that the City provide a means for the children who cannot pay to come to the City for assistance. **Ms. Hall** explained how the scholarships currently work and that Pop Warner will only turn away a child if, the football roster is full, they do not fall within the weight limits, or they do not pass a physical.

**Mr. Bollhoefer** stated that it is important that if there are two teams that they both be able to succeed. He stated that when it comes to funding, Mr. George H. Weston, Jr. of the James E. Strates Shows has gladly agreed to donate \$5,000 to the City Commission for the funding of these football teams. **Mr. Weston** confirmed this statement.

**Commissioner Sharman** stated that the Mayor mentioned the City could set up a scholarship and suggested that the City could require some community service, and allow them to play for the team of their choice.

**Commissioner Jowers** stated that he sees the need for Mr. Morgan's team, stating that it would strengthen the West Orange High School team with those size youth already prepared to play football. He proposed that Mr. Morgan structure his league around the kids who cannot play in the Pop Warner league.

**Mr. Morgan** stated that he does not have a problem with doing so and explained that those kids need somewhere to play. He agrees that both teams should coexist and stated that his team is here to stay.

**Commissioner Jowers** stated that as a business owner he is not afraid to contribute to teams.

**Commissioner Wilder** stated that Mr. Morgan has a good setup and with our children in so many cases going so far to the left, any help would be a plus for the City of Winter Garden. She stated that she appreciates Pop Warner and has grandchildren who play for them and stated that the City would like to support the two teams.

Mr. Bollhoefer stated that both teams can come in and talk with him.

**Commissioner Sharman** suggested ways they could make up the deficit with fundraisers and stated that the kids need to learn how to make their way in providing for themselves. There are a lot of opportunities.

**Mr. Bollhoefer** suggested that the City match a certain amount of what Mr. Morgan's organization raises.

**Mr. Weston** suggested that these organizations could put up a stand at their event and the James E. Strates Shows would not charge them. He stated that they will allow up to four organizations, which is a win-win situation for them.

**Mr. Bollhoefer** suggested that if the Strates Shows is contributing \$5,000, the City could do a match of \$5,000, splitting that two ways with \$5,000 to each group. The City could then work with them for future support which requires the City be provided with financial statements. This funding would not be taken out of the Commission donation fund, but would consider this as a part of the Recreation program.

**Motion by Commissioner Jowers to approve a \$5,000 expenditure to the West Orange Knights football team and \$5,000 to the Pop Warner Football Team. Seconded by Commissioner Wilder.** There were additional suggestions given and further discussion. **Motion carried unanimously 4-0.**

B. **Appointment to the Code Enforcement Board to fill the seat vacated by Charlie Mae Wilder (term expires March 1, 2008)**

Mayor Quesinberry stated that Del Heidt had been overlooked a few times and he suggested that the Commission give Ms. Heidt their consideration in this appointment. Commissioner Sharman asked if any of the applicants were in attendance. Mayor Quesinberry acknowledged that Mr. Henry L. Wright was. Commissioner Sharman stated that it says a lot to him that someone is willing to show up at meetings. **Motion by Commissioner Sharman to approve appointment of Henry L. Wright to the Code Enforcement Board to fill the unexpired term of Charlie Mae Wilder (term expires March 1, 2008). Seconded by Mayor Quesinberry and carried unanimously 4-0.**

*The meeting dispensed as the City Commission and reconvened as the CRA at 7:25 p.m.*

**Present:** Chairman Jack Quesinberry, H. Gerald Jowers, Colin Sharman, Charlie Mae Wilder, and Larry Cappleman

**Absent:** Theo Graham, Dale A. Crosby

C. **Appointment to the Community Redevelopment Advisory Board (CRAB) to fill the seat vacated by Charlie Mae Wilder (term expires June 30, 2008)**

Mr. Larry Cappleman, President of the CRAB, stated that the advisory board met and considered the applications turned in to the City Clerk. He described the methods taken by the advisory board to gather applications of those interested in applying for the vacant position. After review of the applications the CRAB recommends Pamela Stewart for the appointment. **Motion by Larry Cappleman to appoint Pamela Stewart to the Community Redevelopment Advisory Board for the unexpired term of Charlie Mae Wilder (term expiring June 30, 2008). Seconded by member Sharman and carried unanimously 5-0.**

*The meeting dispensed as the CRA and reconvened as the City Commission at 7:27 p.m.*

D. **Recommendation to approve Resource Officer Program Contract with Orange County School Board**

Police Chief Brennan stated that he has supplied the Commission with the latest contract from the Orange County school board for the school resource officer's reimbursement from the school board. He stated that last year the Commission asked that he request an increase on that funding and stated that they did give a ten percent increase from last year's figures. **Motion by Commissioner Jowers to approve a Resource Officer Program Contract with the Orange County School Board. Seconded by Commissioner Wilder and carried unanimously 4-0.**

E. **Recommendation to approve Emergency Medical Services Interlocal Agreement with Orange County to receive five (5) automated external defibrillators (AED) through grant funds**

Fire Chief Williamson stated this is the fourth year of receiving AEDs through an Orange County EMS grant. There is no cost to the City and no matching funds that the City will need to provide. He stated that they are just asking permission to purchase the AEDs. **Motion by Commissioner Sharman to approve the Emergency Medical Services Interlocal Agreement with Orange County to receive five (5) automated external defibrillators (AED) through grant funds. Seconded by Commissioner Jowers and carried unanimously 4-0.**

F. **Recommendation to approve an interlocal agreement with the Orange County School Board regarding capacity**

City Manager Bollhoefer explained an issue that has been brought to staff's attention regarding the Town of Windermere's decision to not agree to the proposed interlocal agreement as provided. Mr. Bollhoefer requested that this item be postponed until after further review. **Motion by Commissioner Jowers to postpone the interlocal agreement with the Orange County School Board regarding capacity. Seconded by Commissioner Wilder and carried unanimously 4-0.**

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

5. **MATTERS FROM CITY ATTORNEY** – A. Kurt Ardaman

A. **Update on Charter Review Committee scheduled to sunset on November 2, 2006**

**City Attorney Ardaman** stated that the Charter Review Committee has been meeting weekly to make suggestions and recommendations to the City Commission. He stated that Charter Review Committee member Derek Blakeslee is present to make a request for a little more time to complete the work they have started.

**Mr. Derek Blakeslee**, 230 N. Highland Avenue, Winter Garden, Florida stated that the Charter Review Committee (CRC), in all aspects, is relatively done with their review of the Charter. There are two meetings scheduled to revisit previous issues and then to review how it is to be presented to the City Commission. He stated that at the November 9<sup>th</sup> meeting of the Commission the CRC will be able to present the revised Charter to the Commission. He requested that the City Commission schedule a workshop the week of November 27<sup>th</sup> with the Charter Review Committee. He asked the Commission to extend the Committee's time so that when the workshop is held the Charter Review Committee will be able to meet with the City Commission as a group.

**Mayor Quesinberry** asked about the timeframe before a referendum is to be sent to the Orange County Supervisor of Elections. Mr. Ardaman stated that the City does not have to meet the March election. **Mayor Quesinberry** stated that he thinks it should go on the March ballot and explained that each time the City has an election it costs the taxpayers.

There was discussion on possible timeframes needed in order to make the March election. **Mr. Bollhoefer** stated that he has spoken to the City Clerk on this subject and stated that an ordinance has to go through two hearings once the City Commission has come to a final resolution on the Charter. He stated that this has to be finished before the beginning of January, so it would be highly unlikely if this goes until the end of November, especially if the second meeting in December is postponed. **Mayor Quesinberry** stated that a workshop could be set up in between meetings. Mr. Blakeslee stated that the Committee would have to exist through to November 9<sup>th</sup> because they do not have anything to present at tonight's meeting. He explained that the CRC will bring the City Commission a complete charter, and once the City Commission has had an opportunity to review the proposed changes, the attorneys will have to review and draft the final product once the City Commission has had time to make their review. He explained that these changes would not affect the March elections anyway.

There was discussion on a possible special election with reference to this issue. **Mr. Ardaman** advised that the charter is a very important document that should not be rushed. He stated that there are substantial changes and if public input is needed the extra time may be required.

**Mayor Quesinberry** stated that he does not want it to be all or nothing when it comes to the charter, the citizens should vote on the items separately.

**Motion by Commissioner Jowers to approve extending the Charter Review Committee through November 30, 2006. Seconded by Commissioner Sharman and carried unanimously 4-0.**

Mayor Quesinberry expressed his appreciation of the Charter Review Committee for their efforts.

**6. MATTERS FROM CITY MANAGER**

A. Financial Statement for September 2006 was distributed.

**B. Waiver of permit fee for Winter Garden Merchant Guild's arts and craft festival November 18 – 19, 2006**

Mr. Bollhoefer stated that they did not request the waiver of permit fees when they requested permission to have the festival and stated they are doing so tonight. **Motion by Commissioner Wilder to approve waiver of the permit fee for Winter Garden Merchant Guild's arts and craft festival November 18 – 19, 2006. Seconded by Commissioner Jowers and carried unanimously 4-0.**

**C. Tickets to the Florida League of Cities Annual Excellence Awards on November 17, 2006**

Mr. Bollhoefer stated that tickets for the Florida League of Cities Annual Excellence Awards are approximately \$75.00. He stated that Commissioner Graham would like to go as he is receiving a 20 year award at this meeting and would like to take his wife. He asked permission for the City to go ahead and purchase them for those interested in attending.

**Motion by Commissioner Sharman to approve purchasing tickets to the Florida League of Cities Annual Excellence Awards on November 17, 2006. Seconded by Commissioner Jowers and carried unanimously 4-0.**

**• James E. Strates Shows Fair**

Mr. Bollhoefer stated that the James E. Strates Shows will have their fair November 17-26. He stated that the preliminary part of the event was approved by the City Commission in an earlier meeting and they are now requesting permission from the City Commission to move forward with this event. He stated that there are several items that are required to move forward and they have provided staff with this information. He asked that the City Commission approve this event contingent upon working out the details. **Motion by Commissioner Sharman to approve the James E. Strates Shows fair to move forward with its fair of November 17 - 26. Seconded by Commissioner Jowers and carried unanimously 4-0.**

**• Sale of City-Owned Trailer in Trailer City**

Mr. Bollhoefer explained that in the past individuals have come to the City with financial hardships and the City sold available mobile homes. He stated that the City has worked out a deal to sell a mobile home for ten dollars and with the agreement that once they left

the mobile home would revert back to the City. He stated that a gentleman and a church representative came to staff stating that he and his wife are in ill health. He requested permission from the Commission to sell this mobile home to this person for ten dollars under the City's standard contract. Once they leave or there is no longer anyone living in the mobile home it would revert back to the City. **Motion by Commissioner Jowers to approve the sale of a city-owned trailer for \$10 dollars with the standard City contract; once the mobile home is vacated, ownership will revert back to the City. Seconded by Commissioner Wilder.** Mayor Quesinberry asked if this will cause any problems with the other residents of Trailer City. Mr. Bollhoefer replied no, it has not in the past. **Motion carried unanimously 4-0.**

• **Turkey Donation**

Mr. Bollhoefer stated that last year the City donated to the Maxey Center for purchasing turkeys for families that could not afford them. He stated that it was a successful program and they are requesting that the City donate \$500 to purchase the turkeys this year and bring the receipts back to the City. **Motion by Commissioner Wilder to approve donating \$500 to the Maxey Center for the purchase of turkeys. Seconded by Commissioner Jowers and carried unanimously 4-0.**

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Mayor Quesinberry**

Announced that he received information that the City's Finance Department, through the Financial Offices Association for government, is being awarded a Certificate of Achievement.

**Commissioner Wilder**

Stated that the County Community Action Division annual awards dinner was very well attended and thanked the Commission for their support. She stated that she remembers when only one scholarship was given to students, but now there are many.

Announced that Chief Brennan received a well deserved award this year and stated that Mr. Risper did not let up until he saw that was done.

Stated that she received a request for District 1 regarding the cement plant. There were complaints about the chemical fallouts and stated that they think it will cause health problems.

Advised that a house was burned on North Street at 11<sup>th</sup> Street and an investigation is in progress.

Ms. Wilder shared that two schools were visited and assistance was offered to various volunteer programs at the schools.

Stated that she has received many requests for changing the location of the Christmas lights from Center Street to East Bay Street.

Stated that they met with some residents of the area and they have published their first newsletter, which she handed out to the City Commission. She stated that Mr. Risper is their editor and acknowledged his hard work and stated that the newsletter includes announcements such as the second District 3 meeting which will be held on November 14<sup>th</sup> at 6:00 p.m. at the Maxey Center.

**Commissioner Sharman**

Complimented the City on the street signs and stated that it adds character and charm to the community.

He stated that the Commission established a liaison at the last meeting to represent the City with the schools. He reported that the liaison is at West Orange High School attending a meeting on rezoning. He hopes to get that information back in order to report at the next commission meeting what is going on with the school board.

• **Music Fest**

Charlie Roper announced that the Music Fest will be held this weekend, Friday and Saturday nights. He shared information on the fundraiser items available. There will be great vendors. The Winter Garden Heritage Foundation is looking to make this an annual event. He stated that it is a fundraiser for the Winter Garden Heritage Foundation as a whole which supports the Museum, History Center, theatre and everything associated with Winter Garden Heritage Foundation will be supported by this event. The event has already raised \$60, 000 and it has not even started.

• **Halloween Fest**

Recreation Director Conn stated that Halloweenfest will be held downtown on October 31<sup>st</sup>. It is a great family event; trick-or-treat with the merchants downtown, vendors, inflatables and the American Legion will be putting on a Haunted House. It is free to the public from 6:00 p.m. to 9:00 p.m. on Halloween night.

• **Award to Police Chief Brennan**

Mr. Bollhoefer stated that as Commissioner Wilder stated earlier the Police Chief, at the Orange County Community Action Board dinner received the Volunteer of the Year Award for the work that our Police Department is doing. He recognized the City's community-oriented Police Officers Stalvey, McLeod, and Dawkins. These three officers do a great job working in the community with organizations and homeowner associations.

• **Event at Klondike Park**

Commissioner Wilder stated that there is another event taking place at Klondike Park on Saturday from 10:00 a.m. to 4:00 p.m. and recognized Mr. Harold Boulter to announce this event.

Mr. Boulter stated the event is to unify the community in a positive manner. It is somewhat of a Health Festival with religious singers, praise dancers, food and some wonderful things. He would like to see as many people come down and help with bringing

something positive to East Winter Garden. He stated that it is long overdue but they are going to work hard to change the environment and the quality of life in that area.

The meeting adjourned at 7:50 p.m.

**APPROVED:**

/S/  
**MAYOR JACK QUESINBERRY**

**ATTEST:**

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