



# CITY OF WINTER GARDEN

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## OFFICE OF THE CITY CLERK

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### **CITY COMMISSION & CHARTER REVIEW COMMITTEE JOINT WORKSHOP MINUTES November 30, 2006**

Mayor Quesinberry called the workshop to order at 6:30 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida with the following in attendance:

#### **COMMISSION PRESENT:**

Mayor Jack Quesinberry, Commissioners Theo Graham, H. Gerald Jowers, Colin Sharman

#### **CHARTER REVIEW COMMITTEE MEMBERS PRESENT:**

Derek Blakeslee, Erma Dennard, Don Miller, Richard Napotnik, Pamela Stewart, Ed Lynch, Barbara Muzeni, and Facilitator Marilyn Crotty

#### **STAFF PRESENT:**

City Manager Michael Bollhoefer, City Clerk Kathy Golden, Assistant City Manager Marshall Robertson, City Planner Ed Williams, City Attorney Kurt Ardaman, Assistant City Attorney Dan Langley, Police Chief George Brennan, Building Official Willie Herbert, Finance Director Brian Strobeck, and Human Resources Director Frank Gilbert

**ABSENT:** Commissioner Charlie Mae Wilder, Charter Review Committee Members Blair Johnson and Bert Valdes

Mayor Quesinberry opened by stating that the purpose of this joint workshop is to give the Charter Review Committee the opportunity to present the results of their review. He then recognized Facilitator Marilyn Crotty.

Ms. Crotty stated that she directs the Institute of Government at the University of Central Florida and has been engaged by the City of Winter Garden to facilitate the Charter review process. Ms. Crotty recognized the committee members and stated that the Charter is the most important document of the City. This was the first time in her career as a Charter Review Facilitator that issues directly affecting the Charter arose while the Charter was being reviewed. She complimented the Charter Review Committee who has met 16 times and took their job very seriously.

She referred the City Commission to the documents in their agenda package and stated that she would go through and point out the recommended changes. She wants to make sure that the City Commission fully understands why the Committee recommends the change and offer the Commission an opportunity to ask questions.

Ms. Crotty explained how the Charter Review Committee came together with differing opinions and ideas to become one conciliatory decision making group who looked at the long range view of what is best for the City. The Committee agreed to all of their decisions by consensus, which is at least 70% of those attending a Committee meeting. She stated that at the last meeting the Committee unanimously endorsed the report submitted to the City Commission. Ms. Crotty stated that this is an advisory report and explained that the City Commission has the authority to accept the report and endorse all the recommendations, or reject parts and accept some of it, or throw out the entire report. Once the City Commission comes to agreement on Charter changes, an ordinance must be adopted that will then put the issue on the ballot for approval by the citizens.

Ms. Crotty explained that the group used the Model Charter as written by experts all over the country to give them guidance on the way a Charter could look. She also referred the City Commission to the strikeout and underlined version showing the proposed Charter changes and second version of the end product without the mark-up.

Ms. Crotty explained some changes included renumbering and the addition of a preamble. Ms. Crotty went on to recap some of the recommended changes, and explained some of the decisions made by the Committee as listed in the final report (*see attached*). (*Transcription note: Ms. Crotty noted in correspondence to the City Attorney and the Charter Review Committee that page 8 under Section 26, third line, needs to have the word "during" added after manager in the final version that was not included in the agenda package.*)

Ms. Crotty stopped just before their implementation strategy suggestions and asked the City Commission if they had any questions or concerns on the information already covered in the final report.

Commissioner Graham asked if it was correct to remove the word "revised" from the Charter stating that this Charter would be the revised version and not the original. Ms. Crotty explained that every time you revise the Charter, it then becomes your Charter. To keep referring to it as your revised charter as it is being revised, the Committee thought it would be clearer to take that language out because once it is adopted it will be the Charter.

Mayor Quesinberry pointed out that the Charter states the City Commission shall meet twice a month, however sometimes meetings are cancelled due to a holiday and that wording should also be changed. Ms. Crotty stated that the Committee did not address this issue and all proposed changes will be up to the City Commission.

### **Commissioner District Boundaries**

Mayor Quesinberry asked for clarification regarding how it would affect a Commissioner living within a district whose boundaries changed after redistricting. Ms. Crotty explained that

provisions have been proposed that no one in their current term of office would lose their seat because of redistricting. She stated that once their term is up, they must be a resident of the district in which want to run again. CRC Member Muzeni explained that the Commissioner could run in their new district when it becomes open. A current Commissioner would serve until their term is up and then they would have to run as Commissioner of the new district in which they have been redistricted. CRC Member Stewart stated that one consideration is that this is not going to happen every two to four years, at some point the City of Winter Garden is going to stabilize in terms of its size.

### **Canvassing Board**

Commissioner Graham asked about the canvassing of the votes and stated that he would like to see the counting dates be a little closer together with the election. Ms. Crotty stated that the Committee did have the Orange County Supervisor of Elections, Bill Cowles, come to one of the committee meetings and talk with them about the process. Ms. Crotty stated that some of his recommendations were considered, but she asked that City Clerk Golden address this issue. Ms. Golden stated that there is a three day rule for provisional ballots and it is the only reason to delay canvassing. She stated that the voter, by law, has the three days to provide their information to make their ballot valid. She explained that in the last election there were nine provisional ballots. Commissioner Graham asked if an election can be determined by a provisional ballot. Ms. Crotty stated that if it is close enough it could. There was discussion on the other cities and how they conduct their elections.

### **Initiative or Referendum**

Commissioner Graham asked where it would be addressed if someone wanted to petition for something other than an ordinance. Ms. Crotty explained that citizens could still petition the City Commission on items that they think are important. City Attorney Ardaman stated that this would be addressed the same as any petition; if they are not trying to change the Charter or an ordinance, they could bring a petition at anytime and there does not have to be a process for it. CRC Member Blakeslee clarified the question, stating that if someone brings a petition to the City Commission they are doing so to try and have the City Commission take action. If the City Commission refuses to take action from the petition, the citizens then have the right to a formal petition at which time they can force the City Commission to have the ordinance put in place.

Commissioner Jowers commended the committee on a job well done.

### **Implementation Strategies**

Ms. Crotty stated that the committee feels very strongly that whatever the City Commission decides to put on the ballot should be accompanied with a really good educational effort in the community. She stated that the citizens need to understand what is being proposed and what they will be voting on. The Committee has suggested printing some informational brochures, having public forums, making sure that anyone wanting a copy of the proposed changes gets one.

There was discussion on presenting the items on the ballot and the pros and cons of a single question versus multiple ballot questions. Hearing and seeing no objections, it was agreed that the ballot would contain questions in separate and but similar groupings. It was suggested that anything considered controversial be separated and put on the ballot as its own separate item.

Ms. Crotty stated that if the timing is workable, the Committee strongly suggests having this put on the March ballot rather than having a special election.

CRA Member Stewart stated that her main concern was not with the timing of getting it on the ballot, but of the education of the citizens. She suggested avenues of educating the citizens and stated that this is the most important part in getting it passed. She addressed the concerns of the group a low turnout which may be an issue if done by special election, but if the educational process is done well it will produce a good turnout.

Mayor Quesinberry commended the Charter Review Committee on behalf of the City Commission and presented the Committee with a memento of appreciation for their service.

Commissioner Graham also commended the Charter Review Committee for their service.

CRC Member Miller expressed that this was a really good experience for him and the Committee all came together with diverse backgrounds and views. He thinks they produced the best product that could be produced.

CRC Member Blakeslee thanked the City Manager and the City Commission for having Ms. Crotty as the Facilitator, and for having both Assistant City Attorney Dan Langley and Assistant City Clerk Angee Grimmage assist them.

### **Mailed Ballot**

Commissioner Graham asked the Committee about their thought on a voting by mail ballot. He stressed that he thought we would get a much higher turnout with mailouts rather than having people come out to the polls. Ms. Crotty stated that issues can be done by mail ballot, but not for voting on candidates. A mail ballot is debatable and the Committee had this discussion but did not come to any consensus whether it would be appropriate or not. CRC Member Napotnik stated that he would be in favor of a mail ballot, but thought that educating the citizens is most important. The mail method would get to every registered voter in the City and he thinks the City would get a much better turnout with a mailed ballot.

CRC Member Lynch stated that there is a reason that the mailout ballot is not used in electing a candidate and stressed that he thought the Charter is equally important.

CRC Member Dennard stated that this is a lot of information even for a Committee member to absorb. There is the potential for larger voter participation if it was by mail and it would allow people the opportunity to sit and read it. She stated that she also agreed that education is very important and what better way than if one could sit and ingest all of this information in the comfort of their own home. If they had any questions prior to voting, they would have an opportunity to further educate themselves on it.

*The meeting recessed at 7:40 p.m. and reconvened at 7:50 p.m.*

### NEW CITY HALL PRESENTATION

Mayor Quesinberry stated that the purpose of the presentation is to show the City Commission what the new City Hall would look like and recognized City Manager Bollhoefer who introduced Mr. Marc Black, of ZHA, the consultant hired by the City, and two architects from C.T. Hsu & Associates. Mr. Bollhoefer stated that the City is at a point when the design and architectural drawings are needed. Three different exterior versions would be shown and he asked the City Commission to give direction, by consensus, on the direction they would like to proceed.

Mr. Black explained how staff and the architects worked together over the last three months to come up with the current results to be presented and recognized Tim McNicholas, lead architect with C.T. Hsu, and Rick Mullis.

Mr. McNicholas complimented the City on its design vision and in preserving the continuity and historic character of the downtown area. Mr. McNicholas presented a slideshow and explained the proposed new City Hall (*see attached*).

Mayor Quesinberry asked if the first two elevations shown were actual brick or panels that look like brick. Mr. McNicholas stated that they are actual brick. Mayor Quesinberry asked about the materials used on the exterior of the third rendering.

Commissioner Jowers asked if the proposed building is big enough. Mr. Bollhoefer replied that it is designed to meet the needs of the city at buildout of 55,000 residents. Mr. McNicholas explained that the site plan does allow for expansion. Mr. Mullis complimented the City of Winter Garden staff on thinking out 30 years ahead.

Mr. Bollhoefer clarified that the direction is needed on whether the City wants the limestone type finish or the brick type finish. There was discussion on the brick versus limestone and it was mentioned that architectural features can be added at a later date. Mr. Mullis stated that the features can be added into the precast panels if the choices are made early enough.

After further discussion it was the **consensus** of the City Commission to move forward with utilizing the limestone for the new City Hall.

The workshop concluded at 8:16 p.m.

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

/S/ \_\_\_\_\_  
Jack Quesinberry, Mayor