



# CITY OF WINTER GARDEN

---

## 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

December 14, 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, Colin Sharman, and Charlie Mae Wilder

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, Assistant City Manager Marshall Robertson, City Clerk Kathy Golden, 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, Planning Director Ed Williams, Public Works Director Bob Smith and West Orange Times reporter Michael Laval

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

**Motion by Commissioner Jowers to approve the regular meeting minutes of November 9, 2006 and Joint Workshop with Charter Review Committee November 30, 2006, as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATIONS**

- A. Certificate of Completion of the Institute for Elected Municipal Officials was presented to Commissioner Sharman by Mayor Quesinberry.
  - Certificate of Appointment of Commissioner Wilder to the Community Action Board was presented by Mayor Quesinberry.
- B. Plaque to Mayor Quesinberry for his dedicated service and outstanding leadership while serving as a Florida League of Cities Director 2004-2006 as presented by City Manager Bollhoefer.
- C. Presentation by the Winter Garden Rotary Club of the Paul Harris Fellow award to Mayor Quesinberry.

3. **FIRST READING OF PROPOSES ORDINANCES**

- A. **Ordinance 06-51**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR ABANDONMENT, VACATION, AND CLOSURE OF A PORTION OF TREMAINE STREET IN WINTER GARDEN FROM SOUTH HIGHLAND AVENUE TO HENRY STREET; AUTHORIZING EXECUTION OF EFFECTING DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-51 by title only. **Motion by Commissioner Wilder to approve Ordinance 06-51 and to schedule the second reading and public hearing for January 11, 2007. Seconded by Commissioner Graham and carried unanimously 5-0.**

- B. **Ordinance 06-52**: AN ORDINANCE ADDING DIVISION 6 IN ARTICLE II OF CHAPTER 18 OF THE CITY OF WINTER GARDEN, FLORIDA, CODE OF ORDINANCES; ENTITLED "DOWNTOWN WINTER GARDEN MINIMUM MAINTENANCE CODE"; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-52 by title only. City Manager Bollhoefer stated that this ordinance was initiated by the downtown merchants about two years ago after it became evident some merchants were keeping their buildings looking nice and others were not. The Merchants Guild reviewed and approved of this ordinance being submitted for the Commission's consideration but several merchants indicated they did not receive copies of the proposed ordinance and were not familiar with it. He requested that the City Commission table this ordinance in order to give City staff a chance to schedule community meetings to distribute the proposed ordinance to all the business community for their chance to review the item, after which it will be brought back to the City Commission for consideration. **Motion by Commissioner Jowers to indefinitely table Ordinance 06-52 until it is ready to bring back to the City Commission for their consideration. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Ordinance 06-53**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE I OF CHAPTER 98 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR LIMITATION OF THE NUMBER OF PLANNING AND ZONING BOARD MEMBERS FROM ANY SINGLE DISTRICT TO TWO; PROVIDING FOR PHASING OF SAID PLANNING AND ZONING BOARD MEMBERSHIP REQUIREMENT; PROVIDING FOR INCONSISTENCY; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-53 by title only. **Motion by Commissioner Jowers to approve Ordinance 06-53 and to schedule the second reading and public hearing for January 11, 2007. Seconded by Commissioner Sharman and carried unanimously 5-0.** Commissioner Graham asked staff to provide him with current information regarding the current board members.

- D. **Ordinance 06-54**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 66 OF THE WINTER GARDEN CITY CODE;

PROVIDING FOR THE CHANGE OF TERMINOLOGY OF OCCUPATIONAL LICENSES TO LOCAL BUSINESS TAX RECEIPTS IN CONFORMANCE WITH AMENDMENTS TO CHAPTER 205, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-54 by title only. Building Official Herbert stated that this is a clarification in language to coincide with State Statute. **Motion by Commissioner Sharman to approve Ordinance 06-54 and to schedule the second reading and public hearing for January 11, 2007. Seconded by Commissioner Wilder and carried unanimously 5-0.**

- E. **Ordinance 06-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE NUMBER 06-06 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING ADEQUATE DESCRIPTION AND BOUNDARIES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-55 by title only. **Motion by Commissioner Jowers to approve Ordinance 06-55 and schedule the second reading and public hearing for January 11, 2007. Seconded by Commissioner Wilder.** Commissioner Graham asked for more information regarding the wall. City Manager Bollhoefer explained that if the Sembler Company would have built the wall where it was originally planned they would have had a wall and then a fence for the community members in M/I Homes. The neighbors in M/I Homes were not happy with that design because they did not want to have a gap between their houses. They contacted City Hall and staff had a meeting with most of the neighbors from Stonecrest and at that meeting M/I Homes and Sembler agreed to accommodate all of the neighbors by eliminating the wood fence, moving the wall to the border of the property and will deed that property over to the homeowners so that they will be able to build their side fences all the way up to the wall. Commissioner Sharman stated they are his neighbors and they are very happy with what has transpired. **Motion carried unanimously 5-0.**

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

- A. **Ordinance 06-47:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 0.33 ACRES OF LAND LOCATED AT 305 S. WOODLAND STREET, FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 06-47 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. City Manager Bollhoefer introduced to the Commission Ed Williams who is the new Planning Director who has extensive planning experience in the County and private sector. Mr. Williams asked if the City Commission had any questions regarding this vacant piece of property going from R-2 to C-3, that has been determined to be consistent with the City's Comprehensive Plan and the zoning character in the area. The applicants are proposing to build professional offices on the property. Both staff and the Planning and Zoning Board recommend approval. **Motion by Commissioner Wilder to adopt Ordinance 06-47. Seconded by Commissioner Jowers.** Commissioner Graham stated that the property on Dillard Street touches the property on Woodland and asked if the

Dillard Street property owners are buying the Woodland Street property or is it separate. Mr. Williams replied that he is not familiar with any sale but it does appear that those parcels will work together and appears to be being used for parking at the present time. **Motion carried unanimously 5-0.**

- B. **Ordinance 06-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 0.17 ACRES OF LAND LOCATED AT 111 PENNSYLVANIA AVENUE, FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE  
City Attorney Ardaman read Ordinance 06-48 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Sharman to adopt Ordinance 06-48. Seconded by Commissioner Wilder and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

- A. **Resolution 06-18:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AN OFFICIAL CITY LOGO FOR THE CITY OF WINTER GARDEN, FLORIDA; PROVIDING GUIDELINES FOR THE USAGE OF LOGO; AND PROVIDING FOR AN EFFECTIVE DATE  
Mayor Quesinberry read Resolution 06-18 by title only. Mr. Bollhoefer stated that it was discussed at a previous meeting to adopt the new logo that will not replace the City seal. The resolution explains how the logo may be used by the City and third parties and it does not address the color. **Motion by Commissioner Sharman to adopt Resolution 06-18. Seconded by Commissioner Wilder.** Commissioner Graham stated that he was going to mention the new logo color because he believes it should be as near as possible to the same color it is now with orange tile and brick. Mr. Bollhoefer stated that if the City Commission approves this resolution, he will bring back the color scheme to the next Commission meeting. **Motion carried unanimously 5-0.**
- B. **Resolution 06-19:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR COMMERCIAL SOLID WASTE SERVICES; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE  
Mayor Quesinberry read Resolution 06-19 by title only. Public Works Director Bob Smith stated that this is the City's annual Consumer Price Index (CPI) increase on commercial garbage accounts. He stated that the only thing different this year from prior years is that the City is in the process of converting from contracting for waste management to an in-house service. The City will still need to adopt the annual CPI increase this year for the 2.2% CPI increase for the coming year. This increase is needed to keep up with the ever increasing cost of equipment, fuel, and personnel. Mayor Quesinberry asked if approved how soon will dumpsters be taken out of the Bay Street area. Mr. Smith stated that City Sanitation Manager John Love, in two months' time, has ordered and had delivered \$1 million worth of equipment ahead of schedule, under budget, to convert the City's 11,000 residential units from a contractor to in-house recycling. The City will be on line by the first of January. **Motion by Commissioner Graham to adopt Resolution 06-19. Seconded by Commissioner Jowers.**

Commissioner Graham asked if the CPI is from October to September or January to December. Mr. Smith stated that the CPI is calculated from September to September. Commissioner Graham stated that the CPI for this year is 3.3%. Mr. Smith replied that the CPI used in the Waste Management contract is a little unusual in that it is not the nationwide CPI but is for the southeast section for cities with less than \$50,000 wage-earners. He explained that last year the nationwide CPI was 4% percent and the City's CPI was 6%. It has gone down from 6% to the 2.2% this year. **Motion carried unanimously 5-0.**

C. **Resolution 06-20**: A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR ALL OPENING AND CLOSING SERVICES AND CERTAIN OTHER MATTERS AT THE WINTER GARDEN CEMETERY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Quesinberry read Resolution 06-20 by title only. Public Works Director Smith stated that the City's three-year agreement with Quality Vault to provide opening and closing services at the Winter Garden Cemetery is expiring and the Cemetery Sexton Eddie Crabtree has obtained quotes from other companies. Almost across the board the Quality Vault contract was lower. Therefore, he requested the City Commission approve another three-year agreement with Quality Vault. Mr. Bollhoefer asked if at the top of page two of the contract should be forty-eight instead of twenty-four. City Attorney Ardaman stated that references when the City has to give notice for their performance. Mr. Smith stated that the notification change is a request by Quality Vault. Commissioner Jowers stated that he did not mind a three-year contract but would like renewals negotiated every year. Mr. Smith stated that the City looked at that option and if a contract were negotiated each year, Quality Vault would want a higher rate. There was discussion on possibly obtaining a one-year contract with a two or three year renewal option and on the financial viability of the cemetery and future financial analysis. Commissioner Jowers noted that the contract rates Quality Vaults is charging and those the City would charge are exactly the same. Mr. Smith explained the increases and their markup. Mr. Bollhoefer stated that staff will also review the expense side. **Motion by Commissioner Wilder to adopt Resolution 06-20. Seconded by Commissioner Graham and carried unanimously 5-0.**

Mayor Quesinberry stated the proposed contract is a separate item and opened it for discussion. Discussion continued regarding negotiating a one-year contract with Quality Vaults. Mr. Bollhoefer stated that if the Commission is not comfortable with the contract as presented, staff could contact Quality Vaults and tell them the issues because no one should sign a contract because they feel under the gun because it is expiring. **Motion by Commissioner Jowers to authorize Public Works Director Smith to renegotiate rates with Quality Vault to reflect a three-year contract, renewable each year by the City of Winter Garden. Seconded by Commissioner Sharman and carried unanimously 5-0.**

D. **Resolution 06-21**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE CLOSURE TO VEHICULAR

TRAFFIC OF A PORTION OF HENRY STREET IN WINTER GARDEN, FLORIDA;  
AUTHORIZING EXECUTION OF EFFECTING DOCUMENTS; PROVIDING FOR  
SEVERABILITY AND AN EFFECTIVE DATE

Mayor Quesinberry read Resolution 06-21 by title only. Mr. Robertson stated that this goes with Ordinance 06-51. City Attorney Ardaman referred the Commission to the exhibit outlining the two roadways. The Commission voted earlier to vacate and abandon Tremaine Street which effectively does away with public interest in that strip. The City will take ownership of that entire roadway because it owns on both sides of the road. In the case of Henry Street, which is the subject of this resolution, it would close that street in which the City and public would still have rights. The reason for treating them differently is that when you are merely closing a street to ingress and egress, you still have the ability to use it for landscaping and other attributes associated with the new City Hall. He stated that this gives us some advantages because the City does not own the property on the west side of Henry Street. Commissioner Graham asked if the City purchased properties all the way down to Smith Street for the ability to exit out of the back of the property and if so, should the lines go all the way down to Smith instead of where the lines are drawn. Mr. Ardaman stated that he does not think that the City owns both of the properties on either side of that unvacated piece. We need to maintain access for those residents to get in and out to the major street to the south. **Motion by Commissioner Jowers to adopt Resolution 06-21. Seconded by Commissioner Graham and carried unanimously 5-0.**

E. **Resolution 06-22:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, EXPRESSING THE DECISION OF THE CITY COMMISSION OF SAID CITY TO SUPPORT THE FLORIDA FOREVER PROGRAM AND A SUCCESSOR PROGRAM FOR THE FUTURE

Mayor Quesinberry read Resolution 06-22 by title only. Recreation Director Jay Conn stated that the Florida Forever Program was created in 1989 to protect many of the environmentally sensitive lands, historical sites and aquifer recharge areas throughout the state. He stated that program and its predecessor, the Preservation 2000 Program, have collectively preserved over two million acres throughout the state that become available for public use. This resolution is a way to send a clear message to our legislators in Tallahassee that this is an important program to us. The Florida Forever Program is scheduled to sunset in 2010 and there is no secure future for this program. Many communities throughout the State are aligning a similar message to send that this is a valued program that we would like to see continued with increased funding that will allow communities, such as ours and throughout the state, to benefit from this program. Commissioner Sharman stated that he thinks this is a great idea and that it was previously voted for to get some more parks in the City and this might even get some funding for that as well. **Motion by Commissioner Sharman to adopt Resolution 06-22 in support of the Florida Forever program and a successor program to take its place. Seconded by Commissioner Wilder and carried unanimously 5-0.**

F. **Recommendation to approve a developer's agreement for Johns Lake Pointe Subdivision**

Planning Director Williams stated that the City has increasingly been using developer's agreements to address the impact of specific developments; they also specifically protect the City's interests in each of those areas of impact. Staff is recommending approval of this developer's agreement as well as others to be considered tonight. Commissioner Graham asked if this money that we spend for oversizing our facilities is impact fee money. Mr. Williams responded yes, and it will be recovered rather quickly with the amount of development in that particular area. **Motion by Commissioner Graham to approve the developer agreement for Johns Lake Pointe Subdivision. Seconded by Commissioner Jowers and carried unanimously 5-0.**

G. **Recommendation to approve Covington Park Final Plat**

Planning Director Williams stated that staff recommends approval of the Covington Park Final Plat subject to the conditions listed in the agenda package that includes the applicant providing a performance bond to the City's satisfaction for the amenities prior to recording the final plat. **Motion by Commissioner Graham to approve Covington Park Final Plat with staff recommendations (see attached). Seconded by Commissioner Sharman.** Commissioner Graham asked if the recommended approval is for 175 single family lots mentioned on the memo or the plat that has 332 lots. The memo does not refer to this being Phase I of several phases. Mr. Tom Snow, platting surveyor for this project replied yes, this is for Phase I approval. There is a phase two shown on the plat as blocked out for future development. The engineering plans have to show all potential lots and the actual plat only shows the lots that they are platting at this time. The rest of the area is reserved for future phase two development. Commissioner Graham stated that the attorney's letter dated November 13<sup>th</sup> states the City Commission is not to approve this unless the last three items of his letter have been completed and he asked if they have been done. Mr. Ardaman advised that there are several documents to be collected after the plat is approved by the City Commission and that if those are not in hand, then the plat will not be recorded. He stated that this is a condition of being able to record the plat. **Motion carried unanimously 5-0.**

H. **Recommendation to approve Developer's Agreement for Tucker Oaks**

Planning Director Williams stated that this developer's agreement does address the impacts on the public facilities, protects the City's interest and staff recommends approval. **Motion by Commissioner Jowers to approve developer's agreement for Tucker Oaks. Seconded by Commissioner Wilder and carried unanimously 5-0.**

I. **Recommendation to approve Garden Plaza (aka Peoples Plaza) Site Plan**

Planning Director Williams stated that this site plan is for redeveloping the site which has been reviewed by staff and the Planning and Zoning Board who both recommend approval. It does include a variance from the parking requirements as recommended by the Planning and Zoning Board downsizing the parking spaces from 545 spaces to 466. Mayor Quesinberry asked if they plan on tearing everything down. Mr. Williams responded yes, on a phased basis. **Motion by Commissioner Jowers to approve**

**Garden Plaza (aka Peoples Plaza) Site Plan. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**J. Recommendation to participate in the BankFirst “Socially Responsible Banking” Program and transfer \$1 million to BankFirst**

City Manager Bollhoefer stated that BankFirst is the only bank in the area that provides “Socially Responsible Banking”, which are funds deposited into their bank that they reinvest into the community through low interest loans and loans to help out businesses, affordable housing and different projects. He explained how the program works and how it will benefit the City. Staff recommends moving \$1 million dollars into BankFirst for these reasons. Mayor Quesinberry asked if there is a limit on the CDs in order for the City to get this interest. Mr. Bollhoefer explained that there are many different types of loans and there was discussion on the different options available. Commissioner Graham asked if the FDIC will insure our \$1 million dollars. Ms. Lauren Parrish with BankFirst stated that the bank’s CFO would make sure that this issue is handled through the Suite Program which is specifically for FDIC issues. In the private sector it is limited to \$100,000 but in the public and business sector there is a separate program that would offer protection through the FDIC. Commissioner Graham asked about individuals buying their money market accounts with a small investment. Ms. Parrish stated yes and the fact that this is exactly what it is designed for. Commissioner Jowers advised that he would be abstaining for this vote because he is a stockholder in the bank. **Motion by Commissioner Wilder to approve transferring \$1,000,000 to BankFirst for participation in their “Socially Responsible Banking” Program. Seconded by Commissioner Graham and carried unanimously 4-0-1; Commissioner Jowers abstained.**

**K. Recommendation to approve entering into an interlocal agreement with Orange County’s Intergovernmental Integrated Criminal Justice Information System**

Police Chief Brennan stated that this agreement is for all local law enforcement agencies to share data with each other. It is being coordinated by the Orange County Intergovernmental Integrated Criminal Justice Information System. Through this agreement Orange County has developed the program and they will pay the cost to develop the interface of our records management system to convert the data into their system. **Motion by Commissioner Jowers to approve entering into an interlocal agreement with Orange County’s Intergovernmental Integrated Criminal Justice Information System. Seconded by Commissioner Sharman.** Commissioner Graham stated that he had a question on Section 4, page 2(d) of the interlocal agreement with reference to the “assisting and supporting County efforts to secure a continued funding source for ICJIS” and whether any figures have been discussed. Chief Brennan replied that they are paying all of the costs and they built the system through Orange County. He explained that our records management software company came up with an estimated price of \$18,000 to build the interface needed to convert the data from our system into theirs. The County has already agreed to pay for that as long as the agreement is signed. Commissioner Graham stated that he thought everyone would be required to contribute to the expenses. Chief Brennan stated that right now there are no identifiable expenses on the City’s end. **Motion carried unanimously 5-0.**

L. **Recommendation to approve request from Stoneybrook West to authorize use of golf carts within the gated community**

City Manager Bollhoefer stated that staff is working with gated communities to have the Police Department patrol their communities, which requires a signed agreement with the City. The City is working with them to ensure that their signs meet the Florida Department of Transportation (FDOT) standards. In the case of Stoneybrook West, they currently allow golf carts within their community and if a patrol agreement were signed, under state law, they would not be allowed to use golf carts unless approved by the City Commission. This is a request to allow them to use golf carts within their community prior to police patrolling their community. Mayor Quesinberry asked about the insurance requirements for golf carts and who would be responsible in the event of an accident. Police Chief Brennan stated that golf carts are not considered motor vehicles and therefore are not required to have automobile insurance. This would probably fall back on the homeowners' insurance or something else they may have. There was further discussion on liability allowing the use of golf carts. City Attorney Ardaman gave an example of an accident between a golf cart and a private vehicle and the fact he does not think the City has any additional liability by approving the agreement. Mayor Quesinberry stated that in his opinion the agreement between Stoneybrook West and the City of Winter Garden to patrol their streets and authorization for the use of golf carts should be done at the same time. **Motion by Commissioner Sharman to approve the use of golf carts inside the Stoneybrook West gated community to be effective with any stipulations the Police Chief may include in the agreement for patrolling their community. Seconded by Commissioner Wilder and carried unanimously 5-0.**

M. **Recommendation to approve PEC, DRMP, HDR and Boyle Engineering to provide continuing engineering services for the city**

City Manager Bollhoefer stated that the City Commission previously approved continuing engineering services for the City that have been very successful over the past couple years. He stated that staff is happy with two of the engineers and not as happy with two of the others. The City has gone back and done another RFQ for these services and selected engineers based on their qualifications and after that staff would negotiate a price with them. He stated that the contracts also list specific tasks that we can use the engineers for and allows the City to contract with these engineers without having to do a request for proposal (RFP) every time. He stated that the RFP process can be very timely, very expensive, and slows down projects. There would be an established rate with these engineers and they would work off of those rates and the City could negotiate with them on all these projects. He explained that this will assist the City in getting projects done in a timely manner and he requested the City Commission approve these four very reputable engineering firms. **Motion by Commissioner Wilder to approve PEC, DRMP, HDR and Boyle Engineering to provide continuing engineering services to the city. Seconded by Commissioner Jowers and carried unanimously 5-0.**

## 6. MATTERS FROM CITIZENS

Jerry Carris, 347 Bayside Avenue, Winter Garden, Florida thanked city staff for their courteous services he has been provided.

Tina Aldrich, 141 W. Plant Street, Winter Garden, Florida stated that she wanted to address the City Commission regarding Ordinance 06-52 that was tabled earlier because she did not know if she would be in town when it is back the agenda. She stated that Ordinance 06-52 is her brainchild and is something that she has been working on for the past 13 years she has been in business. She gave some background and stated that she approached the need for minimum maintenance years ago because of the dilapidated condition of most of the buildings in the historic downtown area. Any downtown merchant saying they do not know this ordinance is because they have chosen not be involved. The proposed ordinance needs to be in place before the next CRA meeting because at the next CRA meeting she is going to be asking for some funding for another program that would allow anyone in violation of the code the ability to bring themselves up to code and maybe work on a reimbursement issue where the City could maybe reimburse half the cost. **Mayor Quesinberry** assured Ms. Aldrich that this would not go away and stated that everyone is proud of the City and wants it to look the best it can. **Commissioner Sharman** asked what the intent of this ordinance was for someone looking at extensive repairs. Ms. Aldrich responded that anyone who has substantial repairs is probably already in violation of a code and this is not proposed to address substantial repairs. She explained by using the example of the intent of the prior facade grant and explained that most of the requested items are cosmetic in nature and should not be cost prohibitive. Ms. Aldrich explained that she would really like to see architectural review included with the minimal maintenance. **Commissioner Sharman** asked Ms. Aldrich as a business and building owner what was she thought she would spend a year to maintain her building. She responded \$2,000 to \$3,000 a year.

Mr. Bollhoefer stated that when the City went to the Merchants Guild, their vote was unanimous in favor of this ordinance. The City distributed the ordinance several months ago and asked everyone, in the community, to review this and get back with staff with their comments. The only comments received were that it does not go far enough. Staff will be bringing an architectural standards and review board ordinance back to the City Commission for review sometime early next year, which is different than the minimum maintenance ordinance.

Commissioner Sharman stated that when he saw it he had two thoughts; one that it would be great to fix up downtown and second, how much it would cost for some businesses that aren't doing so great and is there a way to do it so they can make the downtown more attractive.

Mr. Bollhoefer added that when the City renovated downtown it was done for \$7 million of the City's money and not the merchants' money. At some point in time, you would expect the owners of the businesses to step up and at least do the minimum maintenance to their buildings. The Commission just approved a great mechanism to assist the downtown business owners called "Socially Responsible Banking" and the microloans are a way to

accomplish it. He believes that having workshops will allow staff to come back with a majority of the business owners supporting it.

## 7. **MATTERS FROM CITY ATTORNEY**

### A. **Discussion on City Charter Referendum implementation schedule**

Mr. Ardaman asked for some input from the City Commission about how they would like to deal with Charter Amendments so staff can get the schedule determined. He stated that the first issue is whether the City Commission is in favor of a mail ballot that gives the city more flexibility and would not involve as much preparation. He stated that he thinks the City Clerk is more comfortable with a mail ballot and he thought the City Commission indicated at the last meeting that they thought that they would get a better response from the citizens if a mailed ballot was used. He asked if the City Commission is collectively in agreement that staff should proceed with a mail ballot.

Commissioner Sharman voiced his concern that it could be influenced by forces outside the City with a lot of money. He would like to see education being done with a mailing to the citizens. Mr. Ardaman stated that this leads to his other questions regarding how much input from the community the Commission wants and how much community education does the Commission want. Now, the City Commission may not want to answer the last part until you have had some input from staff before the questions are formulated.

Commissioner Wilder stated that she felt that there would be more support with a mailed ballot and that there are some not physically able to get to the polls.

Mr. Ardaman suggested to the City Commission that, early on, they take input from City staff because staff duties and obligations are very much affected by what is in the Charter. Commissioner Sharman agreed and stated that there are administrative functions that could be affected that the Charter Review Committee may not have understood. He stated that we do not want to create a Charter that may create a conflict with the operation of our business as a City.

Mayor Quesinberry stated that the Charter ballot will probably have 16 to 18 questions on it that will need defining in some way so that the people will know what they are voting on. He has no problem with mailing a ballot because it gives citizens time at home to discuss it.

Commissioner Graham stated that the only time you have a good voter turnout at the polls is if you have a controversial issue and he doesn't think changing the Charter will be controversial. He prefers a mailed ballot because it allows them the opportunity to get answers to their questions and the ability to sit at home and become familiar with the question.

Commissioner Jowers stated that at this time he does not mind a mailed ballot as long as there is the educational process that goes with it.

Mr. Ardaman stated he will work with the City Clerk and the City Manager to bring back to the next meeting a suggested date for the mailout ballot with key dates to back up from to meet a number of time deadlines and allow time for staff input and a number of community meetings. The proposal he brings back can be modified as the Commission sees fit and it is actually their decision as to how they want this process to work and staff is just trying to help them make those decisions.

Commissioner Wilder stated that once the Commission decides, they need to get busy in their respective districts in order to help the people understand what is being proposed.

Commissioner Graham stated that there is talk of educating the public but we need to touch up what we already have. There is wording in the Charter that should be addressed and until the Commission arrives at a final version of the proposed language, we cannot educate the citizens. Mr. Ardaman suggested having staff input and one community input session before actually crafting the questions. Once the questions are set, then the education will start. The City Commission will vote on what changes they want and then the education process for what the City Commission has approved would start taking place.

It was the **consensus** of the City Commission that the method to be used for a Charter referendum will be by mail ballots.

## 8. MATTERS FROM CITY MANAGER

### A. Distributed the financial statement for October 2006

- **Extra Holiday**

Mr. Bollhoefer explained that for the past few months, staff has been very busy, especially in Public Works and Landscaping, as well as other departments working on events. Some have worked 20 to 30 days in a row and he thinks staff has done a fantastic job. Staff has surveyed some of the surrounding cities and just about every other city is closing an extra day for Christmas. He asked the City Commission for permission to close an extra day for the Christmas holiday. **Motion by Commissioner Graham to approve extending the regular Christmas holiday thru Tuesday, December 26, 2006. Seconded by Commissioner Wilder and carried unanimously 5-0.**

- Minimum Maintenance ordinance was distributed.

### B. **Report from School Liaison Mack McLaughlin**

Mr. McLaughlin, 312 English Lake Drive, Winter Garden stated that there are several school rezonings and he brought maps for those interested. He then proceeded to give an update with a PowerPoint presentation (*see attached*). Discussion followed on school boundaries, overcrowding and planning.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

A. **Request for sponsorship by the West Orange High School baseball team by renewing the City's field sign**

Mayor Quesinberry stated that this is a request to renew the City's existing field sign for another year for \$250. **Motion by Commissioner Sharman to approve renewal of the City's field sign for the West Orange High School baseball team. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- Mayor Quesinberry stated that he and City Manager Bollhoefer attended a Regional Planning meeting.

**Mayor Quesinberry**

Wished everyone a good Christmas holiday and stated that Light-Up Winter Garden was one of the best the City has ever had. Commissioner Graham asked to have more candles for next year's event since we ran short this year.

**Commissioner Jowers**

Shared that the Florida Department of Transportation is widening State Road 50 and the date that will actually happen is unknown but they have already begun their acquisitions. Effective Monday, FDOT will start cutting all signs in business yards within the FDOT right-of-way. FDOT has been asking for the signs to be moved and indicated to him that his sign is 11 inches inside the right-of-way. He has been trying to work with FDOT to at least let the signs stay up through May which is the deadline for the signs to be removed because of a federal grant. The FDOT is refusing the request for that reason. Businesses are in a catch-22 situation; any of the merchants that move their signs cannot replace them unless they use a ground sign in accordance with the State Road 50 Overlay Ordinance.

After additional discussion, City Attorney Ardaman stated that the City Commission could suspend enforcement of the State Road 50 overlay provision with respect to signs located in the right-of-way until State Road 50 is widened. **Motion by Commissioner Sharman to suspend enforcement of the State Road 50 overlay with respect to signs located in the right-of-way until State Road 50 is reconstructed provided the City Commission can modify this by ordinance at any time. Seconded by Commissioner Wilder. Motion carried unanimously 5-0.** Commissioner Graham added that the price of crude oil affects the cost of laying asphalt and this year alone it cost FDOT \$700 million more than it would have before the price of crude oil went up. Maybe if the price of crude oil goes down, they will move widening SR 50 up on their schedule.

**Commissioner Wilder**

- Thanked the staff for their involvement in City activities and events throughout this past year and she thanked all those who attended her third district meeting.
- Announced that the second session of the clemency program is scheduled for Tuesday, December 19, 2006 at 5:30 p.m. to 7:30 p.m. at the Maxey Community Center.

- Announced that on January 6, 2007 from 10:00 a.m. to 2:00 p.m. she has scheduled a community health symposium at the Maxey Center. She stated she has the support of City staff and asked for additional volunteers to assist them.
- Advised that there are eight homes approved by Orange County Community Development to be rehabilitated.

The meeting adjourned at 8:50 p.m.

**APPROVED:**

/S/  
**MAYOR JACK QUESINBERRY**

ATTEST:

/S/  
City Clerk Kathy Golden, CMC