



# CITY OF WINTER GARDEN

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## OFFICE OF THE CITY CLERK

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## REGULAR MEETING MINUTES CITY COMMISSION

January 11, 2007

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, Acting 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, Assistant to the City Manager for Public Works Don Cochran and West Orange Times reporter Michael Laval

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

**Motion by Commissioner Wilder to approve the regular meeting minutes of December 28, 2006 as submitted. Seconded by Commissioner Graham and carried unanimously 5-0.**

### 2. **PRESENTATION:**

Presentation by Orange County School Board Chairman Karen Ardaman with the assistance of Senior Administrator Dr. Carol McGowin and Director of Pupil Assignment Sandy Simpson (*see attached*).

Ms. Ardaman thanked the City Commission for the opportunity to clarify and address some misconceptions and previous miscommunications presented to the City Commission by Winter Garden's School Board liaison Mack McLaughlin. Ms. Simpson presented what has been happening within the school system regarding rezoning and additional projects.

Dr. McGowin stated that she is a resident in the City of Winter Garden and is here to present some basic information about long range plans in the City of Winter Garden, the rezoning process, and what can be done to accommodate our growth.

There was information given regarding Free and Reduced Meals (FARMS) which was one of the miscommunications presented at a prior Commission meeting. Ms. Ardaman stated that since the presentation to the City Commission by Mr. McLaughlin, she has had an opportunity to sit down with him and explain the correct information. She stated that she has come before the Commission to answer any questions and clear any misperceptions. She assured the Commission that the City of Winter Garden is being well represented.

Mr. Bollhoefer asked what are the determining factors for drawing the boundary lines for Whispering Oak? Some residents do not want the portables removed for fear that their students would be moved from the school.

Ms. Ardaman responded that the issue about the middle school was miscommunication and the need for educational information. The hard part is what is going on at Whispering Oak that is an extremely successful school providing a quality and nurturing environment for its students even though it is significantly overcrowded. She explained the delay and installation of portables at Whispering Oak School and the fact no one expected to have that many students attend the school in the first year it opened. Many parents do not want their children to be rezoned to the new school that has been built as the relief for the overcrowding due to the technology and care given this school. Two options are available and people need to write to their School Board representatives and let them know their opinions on both options.

Commissioner Sharman asked about how the first map was drawn for Whispering Oak and with the cost of bussing, why are we not using the radius method. Why are students being bussed to another school when they live so close Whispering Oak and what the decision making process was in that concept.

Dr. Carol McGowin stated that this was a dilemma and they did have community input for almost 2,100 students in that area that they were looking to relieve. She explained to the City Commission by use of a map why they came up with the recommendation they did. She explained some of the criteria involved in the decision making process. She spoke of maximizing stability for our students and policy proposals for grandfathering in students that are being affected by rezoning multiple times. The School Board is looking to implement a liaison within the school system for each area.

Commissioner Sharman asked where is the next site for the School Board to build an elementary school. Ms. Ardaman stated that this has not been determined and it is being studied now. She emphasized that people do not want to be moved over and over and the Board has no desire to move students over and over. In fact, the Board is even looking at policies that limits student mobility and creates stability because student mobility is linked to student performance. When kids are moved all over it very disruptive and they want to minimize that. Ms. Ardaman offered to have staff let him know whenever that decision is made.

Mr. Bollhoefer asked if the middle school at Sessions will be started in 2009 or completed in 2009. Ms. Ardaman stated that when they say 2009 it means it will open in the fall of 2009.

Commissioner Graham asked how the School Board established the figures listed on the presentation outline. Ms. Ardaman explained that it was a policy decision and explained the work sessions and consultants that came in and gave input on optimal size. Commissioner Graham stated that he felt larger schools offer a cost savings and gave examples.

Ms. Ardaman stated that educational research states that the schools should be smaller and she stated that Orange County is building some of the largest schools in Florida and the nation. She stated that as a guideline for our district it was a balance between educational excellence and fiscal responsibility.

Commissioner Graham asked how the figures used for building new school occupancy was arrived at. Ms. Ardaman advised that they were a policy decision after a work session with a consultant. Their Finance Department advised them they could not afford smaller schools and that they would have to build them at the size they are now being built or bigger. Commissioner Graham stated he favors bigger for the cost savings. He believes the formula should be increased by building larger schools to meet the public demand instead of installing modules even before a school opens, not build them within two to three miles of each other and save money by not having multiple sports fields to purchase and maintain. Ms. Ardaman stated that they have built larger schools in some areas that they have been told will be big enough and they are not. Commissioner Graham also asked what the difference is between a big school and a small school with twice as many modules as the building holds. Ms. Ardaman stated that one would be permanent and one would be temporary. Commissioner Graham asked when using modules will quit. Ms. Ardaman responded that they are looking to get a handle on that with the City's help because it has to do with development approvals. Commissioner Graham asked that the City Commission be provided with the cost of modules and how many there are in Orange County schools.

Commissioner Sharman asked about the socioeconomic diversity (FARMS), what the new numbers are and how that misinformation came out. Ms. Ardaman explained that the numbers given on one chart included only the number of actual students in an area and did not take into consideration the variables such as the number of transfer students. There was discussion on where these transfers are coming from. Commissioner Sharman asked Ms. Ardaman's reaction when she heard Mr. McLaughlin talk about the disparity in socioeconomics. Ms. Ardaman explained that she was floored because she knows that Gotha Middle School is extremely diverse and pulls more than its share in terms of impact of the court order and is one of the schools receiving a majority of minority transfers. She stated that all schools do not. She knew that it was not a fair comparison. Commissioner Sharman asked that now that this has come up, are socioeconomics and FARMS going to be a consideration in every rezoning in the future. Ms. Ardaman stated that she thinks that we are at the point in our districts where we recognize that it is important but we are looking for a greater balance toward a countywide average in each of our schools.

Commissioner Graham asked if the School Board has thought of changing their formula on the number of students in a development. In one case, the development had 752 units yet only 91 students were calculated. Ms. Ardaman stated yes, they think about it all the time. They are required by state law to implement a concurrency plan and they have staff from all of the municipalities from Orange County government working with the Orange County School Board to develop analysis data and that is what that discussion will entail.

Commissioner Jowers stated that his biggest concern for schools in this area is the loss of a feeling of community that we had in the past. He has serious concerns that we are destroying the unity even though we are growing but he would like to see a community high school retained. Ms. Ardaman stated that she is also community oriented and it is very difficult to be in a community that is not only growing but changing in demographics and it is creating a lot of issues for us.

Mack McLaughlin, 312 English Lake Drive, Winter Garden, Florida came forward and stated that he passed on exactly the information he received. There is more information coming and as soon as he gets that he will present it with the new numbers. He shared that he has been invited to participate in the interview process for the new Lakeview principal. He asked if the Orange County School Board can work with the City of Winter Garden to have the Sessions Middle School and the Summerport School opened at the same time. This will allow the children to only move once instead of twice. Ms. Ardaman stated that the way some schools are accelerated is because developers have come together in coalitions and basically given interest free loans to the school district which they then repay when it was in their capital plan to actually do the school in the first place. City Manager Bollhoefer added that he has no problem going to developers to see if they are willing to offer interest free loans.

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

A. **Ordinance 06-35**: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET FROM ORANGE COUNTY INDUSTRIAL TO CITY INDUSTRIAL PROVIDING FOR AN EFFECTIVE DATE (Dreyfus Citrus Property LSCPA)

City Attorney Ardaman read Ordinance 06-35 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 06-35 as recommended by staff and to schedule the second reading and public hearing after the amendment is returned from the state. Seconded by Commissioner Graham and carried unanimously 5-0.**

B. **Ordinance 06-37**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 79 ACRES OF LAND LOCATED ON THE EAST SIDE OF COUNTY ROAD 545, AND NORTH OF BLACK LAKE FROM ORANGE COUNTY RURAL TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

(Sessions-Schneider-Ross Southstar Property LSCPA)

City Attorney Ardaman read Ordinance 06-37 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Graham to approve Ordinance 06-37 as recommended by staff and to schedule the second reading and public hearing after the amendment is returned from the state. Seconded by Commissioner Sharman and carried unanimously 5-0.**

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED 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. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Graham to adopt Ordinance 06-51. Seconded by Commissioner Jowers and carried unanimously 5-0.**

B. **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. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Sharman to adopt Ordinance 06-53. Seconded by Commissioner Wilder and carried unanimously 5-0.**

C. **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. Mayor Quesinberry opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Wilder to adopt Ordinance 06-54. Seconded by Commissioner Jowers and carried unanimously 5-0.**

D. **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 advised that this ordinance requires special advertising and he is waiting for the proposed notice from the developer's special counsel. He suggested postponing this ordinance until after the advertising has been received, approved for advertising and advertised. **Motion by Commissioner Graham to postpone Ordinance 06-55 until a later date. Seconded by Commissioner Jowers and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

- A. **Resolution 07-01:** A RESOLUTION OF THE CITY OF WINTER GARDEN IN SUPPORT OF NEMOURS ORLANDO CHILDREN'S HOSPITAL; ENCOURAGING SUPPORT OF OTHER MUNICIPALITIES AND LOCAL GOVERNMENTS IN CENTRAL FLORIDA FOR NEMOURS ORLANDO CHILDREN'S HOSPITAL, AND PROVIDING AN EFFECTIVE DATE

Mayor Quesinberry read Resolution 07-01 by title only. City Manager Bollhoefer stated that this resolution was requested by the City Commission at the previous meeting and it is the same resolution used by several other communities. **Motion by Commissioner Graham to adopt Resolution 07-01. Seconded by Commissioner Wilder and carried unanimously 5-0.**

- B. **Recommendation to accept and authorize a Department of Environmental Protection grant for Dr. Bradford Park stormwater retrofit project**

Public Works Director Smith stated that he is very pleased that the City of Winter Garden is to receive this grant in the amount of \$1.575 million. It will not only be for stormwater retrofitting but will be for the construction of littoral wetlands, a teaching facility to teach children the importance of stormwater treatment and the preservation of our wetlands. He stated that it is a four-year grant that includes money in the last year for stormwater monitoring of this project. This project is expected to remove over 150,000 pounds of pollutants that go into the lake every year through this system. He stated that staff recommends that the City Commission authorize acceptance of this grant. **Motion by Commissioner Jowers to accept and authorize the Department of Environmental Protection grant for Dr. Bradford Park stormwater retrofit project. Seconded by Commissioner Graham.** Commissioner Graham stated that the important part of this grant is that it will help clean Lake Apopka. **Motion carried unanimously 5-0.**

- C. **Recommendation to approve entering into negotiations with Spies Pools, LLC for improvements to Boulder Pool**

Recreation Director Conn stated that this is part of the larger improvement project to Zanders Park and Boulder Pool. The City advertised for proposals and two were received. He asked permission to enter into negotiation with Spies Pools in hopes of having it open prior to summer break. Mayor Quesinberry asked if this for renegotiations only with the final agreement coming back to the City Commission. Mr. Conn responded affirmatively that a final contract, including price, would come back before the City Commission. **Motion by Commissioner Jowers to approve entering into**

**negotiations with Spies Pools, LLC for improvements to Boulder Pool. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**D. Discussion on Canvassing Board meeting dates for the 2007 general and possible run-off elections**

City Clerk Golden stated that what the City Commission has before them are suggestions regarding the Canvassing Board in relationship to the general and run-off election dates.

Commissioner Graham stated that the first regular meeting after the general election is nine days after the election and he would like to see it changed to March 16<sup>th</sup> from March 22<sup>nd</sup>. This is something for the Commission to consider when amending the Charter to include counting absentee ballots as soon as possible after the election. Holding election results up for nine days for an election that might be close is not good for the candidate or the community. He would like to see if canvassing could be done on the third day or sooner. Then, if the outcome is close, the Canvassing Board could canvass provisional ballots, if there are any. Mayor Quesinberry explained provisional votes cast. There was discussion on the changing of the regular City Commission meeting date to accommodate convening the Canvassing Board in a reasonable amount of time after the election. City Attorney Ardaman clarified that provisional ballots would not be canvassed until after 5:00 p.m. **Motion by Commissioner Graham to change the date of the regular commission meeting from March 22, 2007 to March 16, 2007 at 3:00 p.m. Seconded by Commissioner Jowers and carried unanimously 5-0. Motion by Commissioner Jowers to reschedule the April 12, 2007 regular meeting to April 13, 2007 at 3:00 p.m. if there is a run-off election. Seconded by Commissioner Graham and carried unanimously 5-0.**

**6. MATTERS FROM CITIZENS**

Shirley Smith, 21 West Crest Avenue, Winter Garden, Florida reported to the City Commission that there has been vandalism to the business she owns downtown on Plant Street. She requested additional police patrol of the area at night. Mayor Quesinberry stated that the Police Chief is aware and is working to resolve the matter.

**7. MATTERS FROM CITY ATTORNEY – Attorney Ardaman had no items.**

**8. MATTERS FROM CITY MANAGER**

• **Downtown vandalism**

Mr. Bollhoefer stated that there have been a few complaints about vandalism in the downtown area and the City is looking at different ways to handle it. In addition, staff has been made aware of boardinghouses operating in some of the nearby neighborhoods and staff is looking at ways to deal with this issue as well.

• **Bread of Life Fellowship request for donation of a surplus generator**

Mr. Bollhoefer stated that Acting Utility Director Tinch has removed a generator from one of the lift stations. The Bread of Life Fellowship has requested that the City donate the generator to them. They know it needs work and are willing to fix it. Staff

recommends donating it to this organization which does a great job of supplying food to needy families. Commissioner Graham asked if this is surplus equipment. Mr. Bollhoefer replied that this is surplus equipment that has been replaced by a newer generator that the City would otherwise dispose of and not get a lot for. **Motion by Commissioner Jowers designating the non-working Utility Department generator as surplus and donating it to the Bread of Life Fellowship. Seconded by Commissioner Graham and carried unanimously 5-0.**

- **Purchase of Slater Property**

Mr. Bollhoefer stated that the City has been preparing for improving the intersection at Story and Ninth. Part of that process includes Mr. Robertson negotiating a purchase price of \$95,000 for the Slater property. This price is \$5,000 more than what was appraised. The City recently purchased a similar sized lot, not too long ago, for \$107,000. He requested approval by the City Commission to move ahead with purchasing this property. Commissioner Graham stated that the City needs this property and stated that he thinks developers are not paying that amount for property but to get the intersection done, we need it. **Motion by Commissioner Graham to approve the purchase of the Slater Property for \$95,000. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- **Sale of property to Birket Properties**

Mr. Bollhoefer stated that the at a prior meeting the City Commission approved the sale of city owned property along Daniels Road and the City has received one bid of \$500,000+ from Birket Properties who own the adjacent Tanner property. He would like to make a counteroffer of approximately \$750,000. He stated that the Birkett property is zoned C-2 and they want to build class "A" type office space on both pieces of property. He explained the benefits of this type of project to the City, and the kind of jobs it could generate, and stated it would generate approximately \$100,000 in property taxes. If approved, staff would come back to the Commission with what transpires. **Motion by Commissioner Jowers to negotiate with the counteroffer for the sale of this property with Birket Properties. Seconded by Commissioner Wilder.**

Commissioner Jowers stated that he did not want to give this property away, doesn't want to see the project go away, but he wants to set a bottom price of no less than \$720,000. Mr. Bollhoefer stated that this property is limited in its accessibility without the Birkett property. Commissioner Sharman stated that the news article mentioned a meeting that we have enough retail and he was concerned there would be flex space with half warehouse and small office and they tend to have a lot of tenant turnover. He explained that he liked the project and if the City is negotiating price, we should get at least fair market value. Commissioner Graham asked if the buyer will guarantee that the project proposed is the kind of project they will put on this property. Mr. Bollhoefer stated that this will be documented and will include it being contingent upon this property being rezoned from R-1 to C-2, which they would need for their project. We paid \$235,000 and we would maintain approximately two acres for our reclaimed water tank and lines. Mayor Quesinberry explained the history of the property when it was owned by Mrs. Tanner. **Motion carried unanimously 5-0.**

- **Community Budget Interest Request (CBIR)**

Mr. Bollhoefer explained that the City had a timeline to submit their request for CBIR which is a community interest benefit request. He announced that the request was submitted for the \$250,000 to assist in the construction and the remodel of the senior center.

- **Request for a new full time City employee engineer position**

Mr. Bollhoefer explained that the City has had problems with Trunkline "C" Phases 1 and 2 and explained that staff would like approval to hire a consulting engineer, currently with ZHA, as a full time City employee who would actively manage these types of projects for probably the next five years, when most of these jobs will be done and he will probably be retire. He explained some of the upcoming projects he would manage and that if the City had an in-house employee, we could get more work for the money. **Motion by Commissioner Graham to hire a new full time city employee as an engineer for overseeing projects. Seconded by Commissioner Jowers and carried unanimously 5-0.**

## 9. MATTERS FROM MAYOR AND COMMISSIONERS

### **Commissioner Wilder**

Thanked all the participants for their support with the health fair and symposium last Saturday. There were three colleges represented, two doctors, and a nurse who gave flu shots. Afterwards there was a special session that was supported by the Police Department.

During her district meeting there was a presentation on annexing into the City and she announced there will be a workshop about annexing on March 6, 2007 that is intended to get the people involved.

She thanked the City for demolishing a house on North Street that had been boarded up for a long time.

### **Commissioner Graham**

Stated that the downtown post office has been cut back to one employee and explained that the Postmaster is not going to replace the clerk who has been promoted. He stated that the people on the east side of town should have the same type of service as given at the other office. He explained that when the new post office on State Road 50 was opened they intended to close the downtown office and the City had to go to the State representative in order to keep it open. He recommended again going to our State representatives in order to address this issue of reduction in services.

Mr. Bollhoefer stated that he spoke to the Postmaster and their policy is to eliminate clerk positions by not replacing them once they leave. There is nothing written regarding the staffing requirements of the downtown post office. He suggested using the lobbyist to get another staff person in our downtown post office or by contacting area elected representatives. He requested direction from the City Commission. Commissioner Graham

read a Postal Union newsletter about them being able to hire a casual employee and go up to as high as 11 percent that he feels leaves an opening for the Postmaster in this case. They currently lease their downtown space from the City for \$9,240 a year which is significantly less than the going rate. Mr. Bollhoefer stated he has been told that there will be assistance provided in the mornings to deliver mail to the mailboxes.

It was the **consensus** of the City Commission to have the City Manager reach out to all our elected officials to get two postal clerks back in the downtown post office.

The meeting adjourned at 8:29 p.m.

APPROVED:

/S/  
MAYOR PRO TEM THEO GRAHAM

ATTEST:

/S/  
City Clerk Kathy Golden, CMC