



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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REGULAR MEETING MINUTES CITY COMMISSION

January 25, 2007

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Graham at 6:30 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor Pro Tem Theo Graham, Commissioners H. Gerald Jowers, Colin Sharman, and Charlie Mae Wilder

Absent: Mayor Jack Quesinberry

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, Assistant City Manager Marshall Robertson, City Clerk Kathy Golden, Police Chief George Brennan, Trailer City Manager Johnny Clark, Building Official Willie Herbert, Finance Director Brian Strobeck, 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

Mayor Pro Tem Graham asked School Board Liaison Mack McLaughlin to come forward and give the Commission an update.

Mr. McLaughlin stated that he attended the school board rezoning meeting Tuesday. There were two rezoning issues discussed that night, one for Ocoee/Apopka High School relief and the other for the Lakeview/Gotha Middle School relief. With reference to the Ocoee/Apopka High School relief, they went with the Superintendent's recommendation, adding the Superintendent will investigate the Crown Point area of Winter Garden which now goes to Lakeview and Ocoee and look into possibly bringing them back into West Orange High School. A few parents from that area spoke and requested to be moved back to West Orange. He stated that he has spoken with the PTSA president and they have capacity so they are going to investigate it. He did not know if the City would like to make a plea on behalf of the families but thought it might be something that could help them get into West Orange High School.

They are also going with the Superintendent's recommendation on the Lakeview/Gotha rezoning. He has not received the complete information from the School Board as stated in the

last City Commission meeting, but they have already gone with the rezoning and there is not much we can do about it now.

Mr. Bollhoefer recommended, with reference to Crown Point Springs and as discussed at the last meeting, the City Commission give him permission to write a letter on behalf of the City Commission stating that it is in the best interest of the community that the School Board try and zone Winter Garden residents to West Orange High School. Mr. McLaughlin instead recommended asking the School Board to follow the feeder pattern. He stated that they definitely are not enamored of following City patterns right now. He would say the feeder pattern is more important to the School Board than the City pattern at this point.

Mr. Bollhoefer recognized Kim Hudson who has also been working on this.

Kim Hudson, 1515 E. Spring Ridge Circle, Winter Garden, Florida, agreed with what Mr. McLaughlin said with regards to following the feeder pattern. There are residents in Winter Garden that attend Ocoee Middle School. We should take small steps and go to bigger steps later. The feeder school for Ocoee Middle School is Ocoee High School. There is a small minute amount of students that attend Lakeview Middle School that will be rezoned for Ocoee High School which is not their feeder school. She asked that the City Commission write a letter to follow the feeder pattern and go along with the students who are currently at Lakeview in the City of Winter Garden to follow along with our feeder school and attend West Orange High School.

Mr. Bollhoefer asked Ms. Hudson if she was recommending this specifically for the Ocoee High School and Middle School or following feeder schools in general. Ms. Hudson stated that they are looking at taking the path that is currently being taken. She described some of those zone paths. There was discussion on the small amount of students that are being pulled from Lakeview at this point.

Mr. McLaughlin stated that he would ask that the letter state that any students at Lakeview currently should go to West Orange High School if possible. When the Sessions School opens that would be the time when the redrawing of the lines will be done. With reference to the Sessions School, he hoped the City Commission and the School Board staff would get together in some way to see if they can expedite the construction of the Sessions Elementary and Middle Schools so that the children in Winter Garden do not have to move two more times in their elementary school years. He has spoken to Karen Ardaman to investigate what we need to do to help them get that started.

There was discussion on the possibility of sending two separate letters. Ms. Hudson stated that they would like to get a letter out to Mr. Ronald Blocker next week.

Motion by Commissioner Jowers to instruct the City Manager to write the School Board a letter concurring with the thoughts stated by Mr. McLaughlin and Ms. Hudson as to the feeder school tract so that the kids from Winter Garden can go to West Orange High School. Seconded by Commission Sharman and carried unanimously 4-0.

1. **APPROVAL OF MINUTES**

Motion by Commissioner Wilder to approve the regular meeting minutes of January 11, 2007 as submitted. Seconded by Commissioner Jowers and carried unanimously 4-0.

2. **SECOND 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. Planning Director Williams stated this request is for 27 acres of industrial property. There have been no objections from the Department of Community Affairs (DCA). He stated that this is on Ninth Street inside the City limits but is not zoned. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Jowers to adopt Ordinance 06-35. Seconded by Commissioner Wilder.** There was discussion on the exact location of this property. Commissioner Graham stated that he thought this was real good for the City and explained that we will use their pipelines to run our recycled water. We need to do this in order to get a consumption permit which the City has been trying to get since 1997. Mr. Williams stated that the consumptive use permits are reviewed every five years, but staff will also be bringing a reuse agreement to the City Commission for the area south of this property. The City has negotiated an agreement with the City of Orlando, OUC, Orange County and Conserve. Mr. Bollhoefer confirmed that it is 20 years for the permit. **Motion carried unanimously 4-0.**

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. Planning Director Williams stated that this item needs to be continued since the City has received comments from the Department of Community Affairs (DCA); they have concerns about road and school concurrencies. He stated that staff will bring this back to the City Commission when the applicant provides sufficient information for the City to send to the DCA that proves we can meet those two issues. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Sharman to postpone Ordinance 06-37. Seconded by Commissioner Jowers.** Commissioner Sharman stated that this might be a good opportunity to bring this developer to the table with Orange County Public Schools. **Motion carried unanimously 4-0.**

- C. **Ordinance 06-49**: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY SUBURBAN TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 8.52 ± ACRES OF LAND LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Belle Meade) AND A DEVELOPER'S AGREEMENT

City Attorney Ardaman read Ordinance 06-49 by title only. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none he closed the public hearing. Planning Director Williams stated that this ordinance also comes with a developer's agreement that runs with the project and stated that any motion for approval should also include the developer's agreement. **Motion by Commissioner Jowers to adopt Ordinance 06-49 and the developer's agreement. Seconded by Commissioner Wilder and carried unanimously 4-0.**

- D. **Ordinance 06-50**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 8.52 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD FROM CITY PUD TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Belle Meade)

City Attorney Ardaman read Ordinance 06-50 by title only. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none he closed the public hearing. Planning Director Williams stated that this request is the zoning that goes along with the previous request for a change in land use and the developer's agreement. He stated that it is consistent with that request. **Motion by Commissioner Wilder to adopt Ordinance 06-50. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- E. **Ordinance 07-02**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, EMPOWERING THE CITY TO REQUIRE, AS CONDITIONS TO DEVELOPMENT, REDEVELOPMENT, AND SITE PLAN APPROVALS, JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING EASEMENTS, AGREEMENTS, AND STIPULATIONS FOR USE AND MAINTENANCE OF JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING SUCH EASEMENTS TO BE PUBLICLY RECORDED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-02 by title only. Planning Director Williams stated that large developments that connect and interconnect the local driveways reduce the traffic off of main roads and make them much safer roadways. Businesses often find that by working on the joint access and sharing, their businesses increase as people do not have to go out and immediately turn back in and try and cross two lanes of traffic in both directions. This ordinance also provides that when you have circumstances when an existing business is there and you can't accomplish it, this may be deferred until later and the property owner can use the property for parking in the interim. Mayor Pro Tem

Graham opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Jowers to adopt Ordinance 07-02. Seconded by Commissioner Sharman and carried unanimously 4-0.**

5. **REGULAR BUSINESS**

A. **Recommendation to approve site plan for AmSouth Bank located on the southeast corner of Stoneybrook West Parkway and CR 545**

Planning Director Williams stated that this is the AmSouth Bank site that has been reviewed and approved by staff who recommends approval subject to the engineering memorandum of January 2007. **Motion by Commissioner Sharman to approve the site plan for AmSouth Bank located on the southeast corner of Stoneybrook West Parkway and CR 545 with staff recommendation dated January 3, 2007 (see attached).** Seconded by Commissioner Wilder and carried unanimously 4-0.

B. **Recommendation to approve site plan for Fette Commercial Center located at 12788 West Colonial Drive**

Planning Director Williams stated that this site plan for Fette Commercial Center has been reviewed by the Development Review Committee who recommends approval subject to the Engineering Department memorandum and the Planning Department memorandum. **Motion by Commissioner Jowers to approve the site plan for Fette Commercial Center located at 12788 West Colonial Drive with staff recommendations (see attached).** Seconded by Commissioner Sharman and carried unanimously 4-0.

C. **Recommendation to designate Sines, Girvin, Blakeslee & Campbell, C.P.A.s, P.A., as independent auditor for fiscal year ending September 30, 2007**

Finance Director Strobeck stated the City is required to have the annual financial statements audited by an external CPA firm each year. The City has used Sines, Girvin, Blakeslee & Campbell for a number of years and have been very pleased with their services and he recommends that the City continue with them for the fiscal year ending September 30, 2007. **Motion by Commissioner Wilder to approve designating Sines, Girvin, Blakeslee & Campbell, C.P.A.s, P.A., as independent auditor for fiscal year ending September 30, 2007.** Seconded by Commissioner Jowers and carried unanimously 4-0.

D. **Resolution 07-02:** A RESOLUTION OF THE CITY OF WINTER GARDEN, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2007 LEGISLATIVE SESSION

Mayor Pro Tem Graham read Resolution 07-02 by title only. City Manager Bollhoefer stated that in the recent legislative session the Florida League of Cities has several items they recommend the cities pass resolutions for. He stated that the general idea behind this resolution is to ensure that the Florida Legislature does not diminish the home rule power of city governments. He stated that we think that government that governs best is closest to the people. He stated that this resolution supports the items as recommended by the Florida League of Cities.

Motion by Commissioner Jowers to adopt Resolution 07-02. Seconded by Commissioner Wilder and carried unanimously 4-0.

PUBLIC HEARING

E. SIXTH AMENDMENT TO THE RESTATED INTERLOCAL AGREEMENT FOR JOINT PLANNING AREA BETWEEN ORANGE COUNTY AND THE CITY OF WINTER GARDEN

City Planner Williams stated that staff is recommending approval with a couple of minor changes. He stated that at the last minute staff received grammatical type changes from the County and stated that from the staff level they felt that the changes were all appropriate. He explained the changes and stated that with those changes, staff recommends approval of this agreement. The agreement has a great deal of benefit and certainty for the City in adopting it and coming with this will be sewer and water and reuse agreements for that area. There are many developments in that area that are waiting for this particular agreement. Mayor Pro Tem Graham opened the public hearing; hearing and seeing none he closed the public hearing. **Motion by Commissioner Jowers to adopt the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden subject to staff's recommended changes. Seconded by Commissioner Sharman and carried unanimously 4-0.**

4. MATTERS FROM CITIZENS

Andrew Gillespie, Garden Avenue (across from Tanner Hall), Winter Garden, Florida, stated that he was here to ask the City to return domestic tranquility to the neighbors around the Tanner Hall. He stated that he has already had some talks with the people in the Parks and Recreation Department. It has been a long time since a Friday and Saturday night has been cool, calm and collected. He asked that the City Commission address the noise levels in the area of Tanner Hall with reference to functions held there.

Mr. Bollhoefer stated that this issue has been brought to his attention and the Director of Recreation Conn has had a public meeting with the neighbors. The City has also done a survey of other similar auditoriums to review their hours of operation. Staff is researching closing earlier. He explained other items staff is reviewing with reference to this issue and will come back to the City Commission at a later date with their findings.

Commissioner Sharman asked if Tanner Hall is booked solid. Mr. Bollhoefer stated that it is on the weekends for years out. Commissioner Sharman stated that this is now possibly a good time to consider raising the rates and changing of venues while it is in discussion. Mr. Bollhoefer stated that staff is certain that we should raise the rates, as our rates are too low and he wants to make sure that Tanner Hall pays for itself.

Commissioner Graham asked if all this entertainment was coming from inside Tanner or around it. Mr. Bollhoefer stated that generally when you have weddings they will have music and when the doors are opened during the function, the adjacent homes will hear much of that music. Staff is looking at several alternatives to address this and will come back to the City Commission.

5. **MATTERS FROM CITY ATTORNEY**

Mr. Ardaman stated that he did not have anything of substance tonight that needs the City Commission's reaction but encouraged them to provide any feedback with respect to Charter changes or if they had any questions to please ask. He stated that we are not going to have any public input on the charter tonight but public input will be held at subsequent meetings after it has been advertised.

Commissioner Sharman requested a revised copy of the recommended charter changes. Mr. Ardaman stated that there is a memorandum that should be ready by tomorrow or Monday.

6. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for December 2006** was distributed.

• **Donation of screen and front door to Guthrie Family**

Mr. Bollhoefer stated that the City is in the process of getting ready to tear down the block house at the site of the new City Hall (on Tremain Street). The Guthries who live across the street would like the screen door and front door of that house. He stated that to be able to dispose of that asset, he needs permission from the City Commission to give them these doors. He stated that if we do not donate them, these doors will go to the dump. **Motion by Commissioner Jowers to donate to David and Linda Guthrie the front door and the screen door off the Cauley house. Seconded by Commissioner Sharman and carried unanimously 4-0.**

• **Relay for Life Waiver of Fees**

Mr. Bollhoefer stated the Relay for Life and the American Cancer Society have requested that the City waive the \$200 fee for using Tanner Hall for their kick-off dinner on February 5, 2007 from 5:00 to 9:00 p.m. **Motion by Commissioner Jowers to waive the \$200 fee for the Relay for Life and American Cancer Society kick-off dinner February 5, 2007. Seconded by Commissioner Sharman and carried unanimously 4-0.**

• **BCEGS Award**

Mr. Bollhoefer gave the City Commission a copy of a letter from the Office of Insurance Regulation. It stated that the City of Winter Garden will be listed among those receiving the highest rating by the BCEGS. This is for demonstrating the ability to enforce effective building codes that ultimately reduce the exposure to catastrophic events such as hurricanes. He stated that he wanted to share how well Mr. Herbert and the Building Department are doing.

• **Roadwork schedule for Lakeview Avenue**

Mr. Bollhoefer introduced Don Cochran, the City's new Public Services Director, who worked on getting the schedule for Lakeview Avenue. He stated that we will get this schedule out to all the homeowners along that street. He stated Mr. Cochran is a very knowledgeable, well-educated Public Services Director and asked that the City Commission welcome Don Cochran to the City of Winter Garden.

Commissioner Graham noticed that the schedule shows March 7th which is six (6) days prior to the election and asked if the street will be fixed in time for the March election and if they can be held to that date. Mr. Bollhoefer responded they will try.

- **Burying Power Lines**

Mr. Bollhoefer stated that today the City received an estimate from Progress Energy that references the burying of power lines for \$42,000. He asked the City Commission permission to move forward with this and stated that he thinks this will be great for all the residents there. It will look better, it is a major road coming into the City, and it will be good for the City, and is also better during storms. **Motion by Commissioner Jowers to allow staff to move forward with Progress Energy burying their power lines on Lakeview Avenue estimated to cost \$42,000. Seconded by Commissioner Wilder and carried unanimously 4-0.**

- **Donation Request Form Revision**

Mr. Bollhoefer suggested revising the Donation Request form to add a question asking how the donation will benefit the City.

- **Donation request for supporting the returning wounded soldiers of all 50 States**

Mr. Bollhoefer stated that Ms. Fulmer with the Orlando Chapter of the Daughters of the American Revolution is requesting funds. It is not a Winter Garden organization but they help quite a few Winter Garden residents. They are requesting \$150 to \$250 to purchase items for the wounded veterans returning from Iraq that do not have the money for supplies such as shaving cream, deodorant, and soap. Ms. Fulmer stated that this money is for the returning wounded in all 50 states. This is a national project done year to year as long as this war continues. She stated that these soldiers are returning to the burn units and to hospitals and are not given the basic hygiene necessities. This is one small way we can show our gratitude. **Motion by Commissioner Sharman to donate \$250 to the Daughters of the American Revolution. Seconded by Commissioner Jowers and carried unanimously 4-0.**

- **Black History Committee of Orange County, Inc. sponsorship request**

Mr. Bollhoefer stated that he has received a request from the Black History Committee of Orange County, Inc. which is having a banquet on February 24, 2007. This year's banquet theme is "Overcoming the Odds" focusing on the homelessness. He explained they have several different levels of sponsorship. Commissioner Wilder stated they also support Valencia Community College, University of Central Florida and others. Education is most important because it makes for the most useful citizens. **Motion by Commissioner Wilder to donate \$500 to the Black History Committee of Orange County, Inc. Seconded by Commissioner Jowers and carried unanimously 4-0.**

- **Health Central Foundation**

Mr. Bollhoefer stated that this request is from the Health Central Foundation. He stated the School Board does not pay for school nurses. They have to raise funds separately to put nurses in the schools. Health Central Foundation has taken the lead in West Orange County in placing nurses in our schools. One of the things they do to raise money is

have a banquet. This year the banquet is called “An evening of temptation, something for every sense”. The lowest amount on the sponsor sheet is \$850 which is for a table of four. He stated that he has spoken to them and they have stated that any money that would be donated by the City of Winter Garden would be used only in a Winter Garden school. That most likely would be West Orange High School. **Motion by Commissioner Sharman to purchase a banquet sponsorship for \$850 from the Health Central Foundation for the School Nurse Fund. Seconded by Commissioner Wilder and carried unanimously 4-0.**

7. MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS

Commissioner Wilder

- Commissioner Wilder thanked everyone for their support in the Martin Luther King Parade and stated that Orange County Commissioner Fred Brummer also invited her to ride with him in the Orlando and Eatonville parades.
- Commissioner Wilder asked about the status of the burned house on North Street. Mr. Bollhoefer stated that he would look into it to see what needs to be done.
- Commissioner Wilder stated that there are eight households already approved through the Orange County Redevelopment for the rehabilitation of their homes and they will be applying for more.
- Commissioner Wilder announced a breakfast on Saturday at the Maxey Center for the ministers and residents to come out and plan a strategy to combat the crime that has escalated in our communities.

Commissioner Sharman

- Commissioner Sharman stated that he received a letter from a citizen regarding some signs and he spoke to City Manager Bollhoefer, who was instrumental in getting them taken down.
- He encouraged the City Commission to do whatever they can to help the Sessions project get moved up whether through a loan with developers which the School Board would pay back when they have it in their plan of 2008. He stated that it is a short term loan which the developers could pitch in or they could earn the City some interest and he thinks would be a very smart move.

Mayor Pro Tem Graham

Stated that the City should approach Bright House Networks regarding their service charges increasing with no increase in benefits. Mr. Bollhoefer stated that the contract was recently renewed and it will be several more years. The downside is that the legislature is changing the rules even more, giving them a greater advantage. Local government will have less and less ability to deal with the cable companies. There was discussion on lobbying and trying to remedy this issue.

