



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

March 8, 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, Police Chief George Brennan, Fire Chief John Williamson, Trailer City Manager Johnny Clark, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Recreation Director Jay Conn, Assistant City Engineer Mike Kelley, Information Technology Director Bob Reilly, Public Works Director Bob Smith, Economic Development Director Shelly Weidenhamer, and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the minutes of February 22, 2007 as submitted. Seconded by Commissioner Wilder and carried unanimously 5-0.

2. **PRESENTATION**

A. **Appreciation plaques to Publix Supermarkets and Winter Garden Pizza Company for continuing participation in the annual Santa Run**

Fire Chief Williamson stated that he was presenting these plaques for their support given to the City's Santa Run, which provides Santa and caroling to the citizens of the City of Winter Garden. He stated that these businesses supplied food to feed the elves, the police officers, and the firefighters who help make this event happen. The plaques were presented to Ronnie Braswell of Publix and Willie LaBoy of the Winter Garden Pizza Company by Fire Chief Williamson and Mayor Quesinberry.

B. **Plaque from the Orange County Healthy Start Coalition, Inc. honoring Commissioner Wilder**

Mayor Quesinberry presented a plaque to Commissioner Wilder that stated that what she does for families helps to save our babies.

- C. **Proclamation 07-03** was read and presented to Dennis Jones, Water Conservation Officer by Mayor Quesinberry declaring April as Water Conservation Month. Mayor Quesinberry explained that this proclamation is about the City's current water situation. We are in deep distress for water; the St. Johns Water Management District (SJWMD) said that by the year 2013, the City would not be drawing any water out of the ground, it would be piped in from someplace else.

3. **REGULAR BUSINESS**

A. **Request for donation by the West Orange High School Drama Department**

Kaylan Eury accompanied by Geneva DeGamasso of the West Orange High School Drama Department stated that they are asking for financial support for the Drama Department at West Orange High School. She explained that their performance at the District Festival recently held at Dr. Phillips High School has allowed them to go to the State Festival in Tampa, April 17-21, 2007. The cost is approximately \$600 per student and there will be 21 students in attendance. Their fundraising efforts have been at school and throughout the community. Mayor Quesinberry suggested \$800. **Motion by Commissioner Graham to approve a donation of \$800 to the West Orange High School Drama Department. Seconded by Commissioner Wilder and carried unanimously 5-0.**

B. **Request for donation by the Winter Garden Elks for their annual fundraiser**

Mike Jernigan of the Winter Garden Elks Club shared that he is filling in for Mr. Bob Warren due to a death in Mr. Warren's family. He stated that he is a past exalted ruler at the Winter Garden Lodge. Accompanying him was Mr. Charlie Crane, upcoming exalted ruler for year 2007 – 2008, and George Labury, past exalted ruler. Mr. Jernigan stated that they are here to request the City's donation to their annual Charity Ball fundraiser. He explained the purpose and function of the annual charity ball. Mayor Quesinberry suggested that the City Commission give a total of \$600, \$300 for the youth camp and \$300 for the children's home. He stated that he feels the City should have a designated giving, then he opened it for other comments from the City Commission. Mr. Jernigan explained that any donation is appreciated and these funds will not go to the local lodge, but to the youth camp and the therapy service. **Motion by Commissioner Jowers to approve donating \$600 to the Winter Garden Elks for their annual Charity Ball fundraiser. Seconded by Commissioner Graham and carried unanimously 5-0.**

C. **Request authorization to utilize Federal Law Enforcement Trust Funds to purchase a Live Scan Fingerprint System at a cost of \$20,566.50**

Police Chief Brennan stated that this request comes as a result of the Florida Department of Law Enforcement's new guidelines requiring electronic submittal of fingerprints for police officer candidates, effective January 15, 2007. The electronic submission for existing police officers is no later than January 1, 2008. He explained features found in the system he would like to purchase. There was discussion on the prior use of ink for fingerprinting and how it will no longer be needed with this type of system. **Motion by Commissioner Graham to approve authorizing the use of Federal Law**

Enforcement Trust Funds to purchase a Live Scan Fingerprint System at a cost of \$20,566.50. Seconded by Commissioner Wilder and carried unanimously 5-0.

D. Agreement with Orange County Supervisor of Elections to conduct a mail ballot Charter Referendum in the fall of 2007

City Clerk Golden deferred this item to City Attorney Ardaman who stated that there are still some outstanding issues between the Orange County Supervisor of Elections and the City with respect to the agreement. He asked for the postponement of the agreement until the next meeting. One of the issues that can help resolve a number of the provisions that are in dispute with the Orange County Supervisor of Elections and the City Clerk is whether the City Commission intends to approve a mail ballot to include return postage. If the City Commission approves this, then the City does not have to deal with a number of issues that would result from being able to mail their ballots back to the Orange County Supervisor of Elections. This will avoid voters bringing their ballots to the City Hall, and then the City Clerk having to take those ballots to the Orange County Supervisor of Elections office. If the City Commission chooses not to approve return postage for the mail ballots, voters will have to put a stamp on it and mail it in. In some past elections involving mail ballots, some folks do not want to mail it. They wanted to bring the ballots back to the Orange County Supervisor of Elections or to City Hall. Mr. Ardaman then asked for direction on this issue from the City Commission asking whether they would like a mail ballot to include postage or not.

Mayor Quesinberry discussed the cost of return postage for the mail ballots. Mr. Ardaman stated that City Clerk Golden estimates the cost to the City to be \$11,000 to \$15,000. There was discussion on the possibility of pursuing a return postage permit for only those mail ballots that are returned. Commissioner Sharman voiced his concerns about possible ballot tampering from someone other than the voter. Mayor Quesinberry stated that the reason the City Commission decided on the mail ballot is to allow the voter time to review the proposed changes and then make their decision.

It was the **consensus** of the City Commission to have the City Clerk pursue information on a return postage permit for only those ballots returned.

4. MATTERS FROM CITIZENS

Jason Fleming, 1073 Narrow Gauge Court, Winter Garden, Florida, (Crown Pointe Springs Subdivision) stated that on January 25, 2007 a resident from Crown Pointe Springs spoke to the City Commission regarding the high school that children from this subdivision currently attend, which is Ocoee High School. He described its close proximity and explained some of its benefits. Seven subdivisions utilize the same elementary, middle, and high school. During the January meeting the City Commission discussed Winter Garden residents making the effort to try and attend West Orange High School and a letter was to be sent to the School Board. He stated that other subdivisions would have to be included if this is the case, including one of the new subdivisions, Covington Chase, which was recently recommended and approved by the Orange County School Board to attend Ocoee High School. He said that he felt the City Commissioners should have done more research in terms of the subdivisions before this letter was sent on behalf of the City's children. He

stated that he has provided a petition with signatures of 178 concerned residents who wish to stay zoned for Ocoee High School. The original copies have been forwarded to the Orange County School Board. He requested a retraction of the letter recently sent to the School Board, stating no research was done in the matter. He thanked the City Commission for allowing him to be heard.

Commissioner Jowers expressed that no matter what the City Commission does they will not be able to please everyone. Commissioner Sharman also stated that no matter what the School Board does there will always be someone who is not happy about their decision. He advised Mr. Fleming that there may be the option to use the school transfer method if they are rezoned to West Orange High School.

Mr. Fleming agreed and stated that the reason why they brought this up is because they are so close to Ocoee High School already. He stated that they are in walking distance, which was part of the assignment of the public school. If they are going to make exceptions for other districts south of Winter Garden, they should use the same standard as any of the other districts. Taxpayer dollars will be saved by not having to bus students who are in walking distance of the school.

There was discussion on who should have the ability to make the decision as to where the students will attend school.

Keith Eazsol, 1522 E. Spring Ridge Circle, Winter Garden, Florida, stated he was agitated because his City Commission sent a letter to Orange County Public School Board Superintendent Ron Blocker supporting something that sends his child to another school. This is very important to his family and other families in this community. He stated that he felt that this letter was spearheaded by a special interest group and was not in the best interest of the residents of Winter Garden. Ocoee High School is an exceptional school and the staff and students are working diligently to make the school even better. The School Board has designated certain areas to go to Ocoee High School and certain areas to go to West Orange High School. It is their job to handle these matters. He asked the City Commission to let the School Board do their job. It should not be up to the City Commissioners to take it upon themselves to attempt to dictate policy to the School Board. He stated that the job of the City of Winter Garden Commissioners is to represent all of the Winter Garden residents, not just a select few. The students from Crown Point Springs do not need buses to go to school; it would be a tremendous waste of taxpayer money to bring in extra buses, drivers, fuel, insurance, and maintenance. Our kids can walk to and from school, or ride bikes on the West Orange Trail, saving gas, and is a great convenience if they want to stay after school to study or participate in after school activities. He addressed the issue of students being rezoned from West Orange High School to Ocoee High School and now being required to possibly switch back. He requested that the City Commission submit a letter to the Orange County School Board requesting the present zoning for the two schools remain in place and not be changed. He asked them to remember that they represent all of the citizens of Winter Garden equally.

Mayor Quesinberry expressed that he has tried to represent each citizen in the City of Winter Garden equally and apologized for any miscommunications there might have been.

Commissioner Jowers stated that he felt the City Commission has been blindsided with these discussions because he as Commissioner of District 1 has heard nothing from those in opposition to this issue until now. He urged everyone to always call their City Commissioners.

Edward Lynch, 660 Home Grove Drive, Winter Garden, Florida, stated that the reason he was here is to urge the City Commission to reconsider what appears to be the consensus decision regarding the mail ballots for the Charter Review Changes. He feels strongly about representative democracy and a mail ballot is not the way to go if you really want to know the voice of the people. He gave reasons for use of mail ballots, stating that it gives people time to consider the lengthy charter changes. Prior to every election the Elections Office mails out the ballot so that you will have plenty of time to actually sit down with the ballot before you actually go to the polling place. Another reason is for cost; it may be true that it is less expensive, but he mentioned additional costs in postage as mentioned earlier in the meeting and questioned whether it really is less expensive. The third reason he stated is turnout. You probably would get more votes from a mail ballot, but you would not be sure who is really voting and what kind of influence they are under while voting. He expressed that he was on the Charter Review Committee and they were urged as a group to stand behind the consensus of the group and stated that on this issue there was no consensus.

Mr. Lynch stated that regular people, such as he, are most powerful when they are in a voting booth, not when at home with the possibility of a knock at the door from people urging them to fill out a mail ballot a certain way. You will be more sure that the results represent the voice of the people when you have people go to the polling place. He stated that picture identification is required at the polls and are not with a mail ballot. He urged the City Commission to step back on this issue. Changing a charter is an important thing and it should be done at a polling place.

5. **MATTERS FROM CITY ATTORNEY** – There were none.

6. **MATTERS FROM CITY MANAGER**

A. Report on the status of ongoing and future projects

City Manager Bollhoefer stated that he has handed out a construction schedule for several projects and copies are available on the entrance table for anyone to review.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Graham

Stated that he spoke to the City Manager regarding alarms for approaching tornadoes. It was stated in the Orlando Sentinel that Oviedo will utilize sirens and that Oklahoma City has the sirens that are working real well and suggested that the City check with them to see how they obtained their system.

City Manager Bollhoefer responded by asking Fire Chief John Williamson to give the City Commission an update and address the NIMS training.

Fire Chief Williamson stated that the City is looking into the different forms of notification. Two weeks ago, they met with all the Fire Chiefs in Orange County and some of the Emergency Managers. They collectively decided that sirens or weather radios alone cannot do the job. The OC Alert is a great way to have people go and sign up to have weather alerts go to their cell phone, home phone, or pager. A countywide approach is being reviewed. If Ocoee, Winter Garden, and Oakland went with sirens, they would test them on the same day, at the same time. They are working to do it cautiously and correctly so that we get what will work best for everyone utilizing technology as best we can.

Mayor Quesinberry stated that a citizen who is completely deaf has called him in need of some type of alert for his home, possibly something that vibrates. Mayor Quesinberry asked Chief Williamson if he could look into what can be done in this special case. Chief Williamson responded by stating this resident can contact him directly and noted that there are some options for cases such as this.

There was discussion on the need to have this alert system for the City put in place as soon as possible.

National Incident Management System (NIMS) Training

Chief Williamson stated that the National Incident Management System has been received by a majority of the City employees, with the exception of a few people in middle management. He explained there are two training classes the City Commission will need to take. He has delivered both of those classes to the City employees and it can be taken online. The importance is that it is tied to federal grant funding for preparedness dollars. If we do not become NIMS compliant before a certain date the City could lose federal funds for preparedness dollars.

There was a discussion on the scheduling of the NIMS class for the City Commission. City Manager Bollhoefer stated that he would work with the City Commissioners to set a date for this training.

Commissioner Wilder

Commissioner Wilder stated that the historical moment of unveiling the marquee at the Garden Theatre will remain fresh in our minds for a long time. She then thanked City Manager Bollhoefer, Fire Chief Williamson, and Police Chief Brennan for presenting the Annexation Workshop. She also thanked Chief Brennan especially for the many police cars that she has seen traveling through the communities, stating that everything is getting much better.

Announcements and Reminders

- March 9th – 10:00 a.m. to 2:00 p.m. will be the second part of the health fair with Florida Hospital. There will be free screenings, educational and employment

opportunities, and more. She offered a special invitation to the Mayor to meet and greet some of the participants of this event.

- March 10th – 4:00 p.m. will be the second basketball hookup at Zanders Park.
- March 12th – 6:00 p.m. will be her sixth district meeting at the Bethlehem Fellowship Center.
- She stated resources are being sought for underwriting the cost of the weather radios for some of our seniors.
- She stated that a petition is being done to change the name of Ninth Street to Martin Luther King Boulevard.

Commissioner Sharman

Commissioner Sharman stated that the City Commission approved the City's Master Parks plan several months ago which included the first park in District 4. He has seen the clearing of land and the posting of a notification sign and asked about the official groundbreaking date for that park. City Manager Bollhoefer stated that he would get this information to him.

Commissioner Sharman addressed the naming of the park and the possibility of including a plaque of the City Commissioners who approved the park.

Mayor Quesinberry stated that we will need to wait and see what they do in Tallahassee; the City of Winter Garden may not get funds for any parks. There was discussion on the current bills sitting before the House of Representatives in Tallahassee, Florida.

Mayor Quesinberry

Thanked those who attended the dedication of the new theatre marquee and that it will be another year before the theatre will actually open.

The meeting adjourned at 7:44 p.m.

APPROVED:

/S/
MAYOR JACK QUESINBERRY

ATTEST:

/S/
City Clerk Kathy Golden, CMC