



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

251 W. PLANT STREET
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REGULAR MEETING MINUTES CITY COMMISSION

April 26, 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 Harold L. Boulter, Bob Buchanan, H. Gerald Jowers and Colin Sharman

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, Fire Chief John Williamson, Recreation Director Jay Conn, Assistant City Engineer Mike Kelley, Information Technology Director Bob Reilly, Economic Development Director Shelly Weidenhamer, Planning Director Ed Williams, Assistant to the City Manager for Public Works Don Cochran and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of April 12, 2007 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **OATHS AND PRESENTATIONS**

A. Introduction and Oaths were administered to new police officers Kenny Clark, Casey Clough, Curt Wesley Crews, James Givens, Joshua Memminger, George Jason Olwine, Thomas Resko, Devon Smith, and James Wilcox by Police Chief Brennan.

B. Certificate of Achievement of Excellence in Financial Reporting was presented to the Finance Department by Mayor Quesinberry. This award is issued by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports achieve the highest standards in government accounting and financial reporting. Finance Director Brian Strobeck stated that this is a team effort and he recognized members of the City's Finance department for their efforts.

C. Annual Drop Savers Awards were presented by Mayor Quesinberry and Water Conservationist Dennis Jones to the following winners:

<u>Calvary Christian School</u>	4 th Grad Siri-Jacob Ramiez 3 rd Grade Jonathan Briones
<u>Dillard Elementary</u>	4 th Grade Michael Diaz 3 rd Grade Samantha Murphy
<u>Foundation Academy</u>	4 th Grade Deborah Holt- <i>Honorable Mention</i> 3 rd Grade Colleen Lay
<u>Whispering Oaks Elementary</u>	4 th Grade Kaylyn Frick 3 rd Grade Ziane Wimes
<u>Maxey Elementary</u>	4 th Grade Jovan Jones 3 rd Grade Tayneisha Johnson
<u>Hope Charter School</u>	4 th Grade Lauren White 3 rd Grade Kemper Jensen – 3 rd in State

Mr. Jones stated that this is the program's ninth year and every year it grows. The Utility Department gives presentations on water conservation to third and fourth grade students in the City. He explained the contest and presented the winners with t-shirts, certificates, and gift cards.

D. **Florida Green Building Coalition on Oakland Park's certification as a Green Development was presented by Rob Viera of University of Central Florida's Solar Energy Center to John Rinehart of Castle and Cooke**

Robert Viera explained that the Florida Green Building Coalition is a non-profit organization that is setting green environmental stewardship standards for Florida. Oakland Park development is the first recipient in the Greater Orlando area to receive this designation. He described some of the green environment efforts of the Oakland Park development. He then presented John Rinehart of Castle and Cooke the certification for the Oakland Park development. Mr. Viera recognized others for their involvement in this project and Mr. Rinehart recognized staff from Castle and Cooke for their involvement.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 07-20**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REMOVING SECTION 118-1387 (f) RELATED TO PARKING EXEMPTIONS FOR THE C-1 ZONING DISTRICT; CREATING SECTION 118-1390 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR THE OPTION TO PAY PARKING USER FEES FOR NON-RESIDENTIAL PROPERTIES IN THE DOWNTOWN CORE IN LIEU OF PROVIDING ON-SITE PARKING; PROVIDING FOR THE ESTABLISHMENT OF A DOWNTOWN PARKING DISTRICT FUND FOR PARKING IMPROVEMENTS IN THE DOWNTOWN CORE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-20 by title only and distributed a slightly revised version of the same ordinance stating that he requests it be used as the one the City Commission will consider. The changes were not substantive, but were minor changes to clean it up from a legal standpoint. **Motion by Commissioner Buchanan to approve Ordinance 07-20 as recommended by staff with the second reading and public hearing scheduled for May 10, 2007. Seconded by Commissioner Jowers and carried unanimously 5-0.**

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

A. **Ordinance 07-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-13 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. Commissioner Buchanan stated that he would be abstaining from voting on this issue as he has a financial interest with one of the owners. **Motion by Commissioner Boulter to approve Ordinance 07-13 as recommended by staff with the second reading and public hearing scheduled for May 24, 2007. Seconded by Commissioner Jowers and carried 4-0-1; Commissioner Buchanan abstained.**

B. **Ordinance 07-14:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-14 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. Commissioner Buchanan abstained due to a financial interest with one of the owners. **Motion by Commissioner Jowers to approve Ordinance 07-14 as recommended by staff with the second reading and public hearing scheduled for May 24, 2007. Seconded by Commissioner Boulter and carried 4-0-1; Commissioner Buchanan abstained.**

C. **Ordinance 07-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.34 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 81 BROAD STREET FROM ORANGE COUNTY RESIDENTIAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-15 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. Commissioner Buchanan abstained due to a financial interest with one of the owners. **Motion by Commissioner Sharman to approve Ordinance 07-15 as recommended by staff with the second reading and public hearing scheduled for May 24, 2007. Seconded by Commissioner Jowers and carried 4-0-1; Commissioner Buchanan abstained.**

D. **Ordinance 07-16:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING

THE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.150 ± ACRES LOCATED AT 462 WEST PLANT STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-16 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. Commissioner Buchanan abstained due to a financial interest with one of the owners. **Motion by Commissioner Sharman to approve Ordinance 07-16 as recommended by staff with the second reading and public hearing scheduled for May 24, 2007. Seconded by Commissioner Boulter and carried 4-0-1; Commissioner Buchanan abstained.**

- E. **Ordinance 07-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.150 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 462 WEST PLANT STREET FROM CITY R-NC TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-17 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. Commissioner Buchanan abstained due to a financial interest with one of the owners. **Motion by Commissioner Jowers to approve Ordinance 07-17 as recommended by staff with the second reading and public hearing scheduled for May 24, 2007. Seconded by Commissioner Sharman and carried 4-0-1; Commissioner Buchanan abstained.**

- F. **Ordinance 07-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.33 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 32 EAST MILLER STREET FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-18 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 07-18 as recommended by staff with the second reading and public hearing scheduled for May 24, 2007. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

- A. **Ordinance 05-56:** AN ORDINANCE AMENDING THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN TO COMPLY WITH THE WEKIVA PARKWAY AND PROTECTION ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 05-56 by title only. Mayor Quesinberry stated staff is requesting postponement until May 10, 2007. **Motion by Commissioner Jowers to postpone Ordinance 05-56 until the May 10, 2007 City Commission Meeting. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 07-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING THE PLATTED SOUTH WEST CORNER OF LOT 50, WINTERMERE HARBOR ACCORDING TO PLAT BOOK 42 AT PAGES 67-68 IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N 84°29'04''E AT A DISTANCE OF 3.55 FEET; THENCE N 05°30'56''W A DISTANCE OF 7.25 FEET TO THE POINT OF BEGINNING; THENCE 27°25'26''W THENCE N 84°29'04''E A DISTANCE OF 62.08 FEET; THENCE S 79°57'48''W A DISTANCE OF 60.35 FEET RETURNING TO THE POINT OF BEGINNING FOR THE PROPERTY LOCATED AT 13119 LAKESHORE GROVE DRIVE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-12 by title only. Planning Director Williams stated that applicant has provided the necessary letters of "No Objection" and staff recommends approval. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to adopt Ordinance 07-12. Seconded by Commissioner Sharman and carried unanimously 5-0.**

6. **REGULAR BUSINESS**

- A. **Request for waiver of fees for Tanner Hall on April 5, 2008 by the West Orange County Culture Keepers (non-profit)**

William Johnson thanked the Commission for considering a waiver for the West Orange County Culture Keepers and gave a brief history of the organization. He explained the scholarships they offer to African American children in the community. **Motion by Commissioner Boulter to approve waiving fees for Tanner Hall on April 5, 2008 for the West Orange County Culture Keepers. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Request for donation of \$500 by West Orange High School Parent Teacher Student Association for their Challenge Day event**

Michele Ramsey stated that she and Karen Lougheed are working on a committee at West Orange High School to bring a life changing event to the school this fall. She requested funding and volunteer efforts for the Challenge Day event. This event is coming to West Orange High School on August 30th. She explained challenge day and what it will bring to the students of West Orange High School. She invited everyone to an informational session on Monday, May 7th. Mayor Quesinberry suggested a \$400 donation, due to the amount remaining in the donation account which should last through October. **Motion by Commissioner Jowers to approve donation of \$400 to West Orange High School Parent Teacher Student Association for their Challenge Day event. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Recommendation to approve the Lake Roberts Landing Final Plat and an Environmental Contamination Hold Harmless and Indemnity Agreement** –

Planning Director Williams stated that the Planning and Zoning Board and staff recommend approval of this plat with the agreement and the conditions of approval from staff. **Motion by Commissioner Sharman to approve Lake Roberts**

Landing Final Plat and the Environmental Contamination Hold Harmless and Indemnity Agreement with staff conditions (*see attached*). Seconded by Commissioner Jowers and carried unanimously 5-0.

D. Recommendation to approve the site plan for 252 W. Plant Street

Planning Director Williams stated that the Planning and Zoning board and staff recommend approval of this plat with the agreement and the conditions of approval from the staff. **Motion by Commissioner Buchanan to approve the site plan for 252 W. Plant Street with staff conditions. Seconded by Commissioner Boulter and carried unanimously 5-0.**

E. Recommendation to approve an Emergency Medical Services Agreement with Orange County to receive five (5) automated external defibrillators through grant funds

Fire Chief Williamson stated that these have been received many times in the past. The requirement is that an interlocal agreement be signed by the City in order to receive the grant; there is no cost to the City. **Motion by Commissioner Boulter to approve an Emergency Medical Services Agreement with Orange County to receive five (5) automated external defibrillators through grant funds. Seconded by Commissioner Sharman and carried unanimously 5-0.**

F. Recommendation to submit the proposed Letter of Intent to St. Johns River Water Management District acknowledging the City's interest in evaluating the feasibility of an alternative surface water supply

Public Services Director Cochran stated that on February 2, 2007 he presented information to the City Commission concerning St. Johns River Water Management District's (SJRWMD) notice to municipal water suppliers in Orange County that they would no longer permit additional groundwater withdrawals after the year 2013. In addition, SJRWMD has directed the water system users to seek or evaluate alternative water supplies such as surface water supplies. Since then the City has assigned a task order to Boyle Engineering to prepare a feasibility study evaluating the surface water supply projects. The next step is for the City Commission to approve a letter of intent. What the City is committing to now is that the City has an interest in evaluating the feasibility of surface water supply sources. He stated that the City is not committing to anything else at this time other than the study itself.

There was discussion on the location of Yankee Lake and the other cities that will be using the same reservoir. Mr. Cochran stated that the use of the same reservoir is the recommendation of the SJRWMD in partnering with others to participate in this type of project. He stated that this is the type of assignment given to Boyle Engineering to not only evaluate the project but to see who the potential partners might be. There was discussion on the possible need for an additional treatment plant to process this. Mr. Cochran stated that as a group effort of the regional partnership this cost would be shared, and a distribution or transmission main from the St. Johns River or Yankee Lake will go to several communities.

Mr. Bollhoefer stated that SJRWMD said that if the cities take action within a certain timeframe, there is the possibility of a 40 percent grant. If they wait past that deadline, they would lose that opportunity. Mr. Cochran agreed and stated that they do have money to help with this type of project. If the City does not join or participate now, that money would not be there later.

Commissioner Sharman asked about the breakdown of payments across the cities, whether it would be based on population or other factors. Mr. Bollhoefer replied that he thought this would be with the interlocal agreements with the other cities in determining the costs. Mr. Cochran responded that this is correct and this is yet to be determined, but as they proceed, he will get more information and provide it.

Commissioner Buchanan asked about a workshop to educate the City Commission on this issue. Mr. Cochran stated that he thought this was a good idea and would plan for this after he has more concrete numbers and information on this issue.

Motion by Commissioner Jowers to approve submitting the proposed Letter of Intent to St. Johns River Water Management District acknowledging the City's interest in evaluating the feasibility of an alternative surface water supply. Seconded by Commissioner Buchanan and carried unanimously 5-0.

G. Appointment to fill seat vacated by outgoing Commissioner Graham on the Ocklawaha River Basin Advisory Board

Commissioner Buchanan stated he would be interested in serving. **Motion by Commissioner Jowers to appoint Commissioner Buchanan. Seconded by Commissioner Sharman and carried unanimously 5-0.**

H. Appointment to fill seated vacated by incoming Commissioner Boulter on the Community Redevelopment Agency Advisory Board (CRAAB)

City Manager Bollhoefer stated that there was discussion on what was needed regarding the CRAAB. Per our code, the CRAAB does not have to have nine members; it can be as few as seven. The Community Redevelopment Agency (CRA) makes that decision. There is no urgency in making that decision. If that CRA wanted to make that appointment, they would have to convene; if they decided that they did not want to make that decision, they can do so as the City Commission.

Commissioner Boulter stated that he would like to see someone from District 3 appointed to the CRAAB. It is very important that we have a representative there because there is a lot of work being done in that area and he would like to see that continue. He asked for more time to screen more people to possibly apply for the appointment.

Mr. Larry Cappleman clarified that the vacant position on CRAAB was created when Mr. Boulter was elected Commissioner. In the past, the methodology followed is that the CRAAB would meet following a vacancy being created and review the

applications of citizens interested in sitting on the CRAAB and they would screen the applicants for their interest and willingness to work on the board. He stated that the Advisory Board is a very involved and active board and there are a number of projects that are being worked on diligently to bring back to the CRA for approval. They will meet next Tuesday and have a recommendation for the City Commission at the next meeting. If the City Commission does not like the recommendation, they can then nominate someone else. **Motion by Commissioner Buchanan to postpone this item until May 10, 2007. Seconded by Commissioner Jowers and carried unanimously 5-0.**

7. **MATTERS FROM CITIZENS**

Richard Napotnik, 1633 Fullers Cross Road, Winter Garden, Florida, addressed an article written by Mr. Jim Thomas in the editorial section of the West Orange Times about the draw down of water from Lake Apopka by the City of Apopka. He stated that there is a petition at the bottom of this article and encouraged everyone to send it in.

Mr. Bollhoefer advised that the City Commission has previously passed and mailed a resolution to St. John's River Water Management District on this subject.

8. **MATTERS FROM CITY ATTORNEY**

Carol Nichols Issue

Mr. Ardaman stated that there are some issues with reference to Carol Nichols as stated in the last meeting that are being evaluated. There are some factual issues that are being looked at and it will be brought back to the City Commission with a recommendation.

Charter Review

Mr. Ardaman stated that Mr. Bollhoefer has compiled a packet with reference to the Charter Review and he did not think the City Commission would want to go through these at this meeting but he stated that a complete history is included in this information as to what has happened with the Charter. He explained the information included in the packets for the City Commission to review. He suggested that they review this packet and bring items that they have questions about to the next City Commission meeting.

9. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for March 2007 was distributed**

- Mr. Bollhoefer explained that the some of the Charter Review documents were included for the benefit of the new Commissioners who had not had the opportunity to review them.

A clear decision is needed on whether a mail ballot or a poll ballot would be used for the Charter Referendum. He stated that he wanted to let them know ahead of time so that they can begin setting dates.

Commissioner Bouler asked the deadline date. Mr. Bollhoefer replied that this is a difficult thing to answer because of all of the uncertainties. He stated May 10th or the following meeting, but it is getting more difficult to put it off.

City Clerk Golden stated that the Orange County Supervisor of Election's preference is to have an agreement signed by May 10, 2007.

Mr. Bollhoefer added that there have been pros and cons stated and staff can put those together. The City Clerk has provided him with an estimate in the difference in costs.

Commissioner Jowers stated that he felt that it would take a little longer for this issue and he wanted to start the next meeting earlier. **Motion by Commissioner Jowers to change the meeting time for May 10, 2007 to 5:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- **Newell Street Project**

Mr. Bollhoefer gave an update on the Newell Street Project as having an estimated completion time of July 10, 2007.

- **Ethics in Sunshine Law Conference**

Announced an Ethics in Sunshine Law Conference to be held in Orlando September 26-28, 2007.

- **Flooding at Chapin Station**

Mr. Bollhoefer stated that the City has had some issues in the past with flooding at Chapin Station. He explained that underdrains were installed near Sandy Rice's property and have been monitored. It seems to be working but because of the dry season the City will continue to monitor this. He stated that on the south side of Chapin Station there was another flooding problem coming from the Orange County side. The City cannot force the developer to do something about this because the developer is gone and they built it according to the plans. He asked the City Commission for permission to put in an underdrain to drain the water to one of the ponds, which he stated would cost approximately \$18,000 to \$20,000. The City has already contacted St. John's, who has given them a modification. Commissioner Jowers stated that if we get into a rainy season again and the Rice property does flood, the City will need to do the same thing with it. Mr. Bollhoefer agreed. **Motion by Commissioner Jowers to approve expending the funds necessary to install an underdrain for the property flooding near Chapin Station. Seconded by Commissioner Sharman and carried unanimously 5-0.**

10. MATTERS FROM MAYOR AND COMMISSIONERS

- A. Direction regarding proposed Charter amendments (*discussed earlier in the meeting*)

Mayor Quesinberry

Asked the City Manager if the City was getting any closer on the trucking property at the corner of Ninth Street and Plant Street. Mr. Bollhoefer replied that yes, the City is still waiting for the environmental to come back.

Commissioner Sharman

Stated that the City Manager's contract is up for renewal in August and he would like to move to begin negotiations for renewing Mr. Bollhoefer's contract. Commissioner Sharman stated that Mr. Bollhoefer has done a good job and has been out in the community many times. Mayor Quesinberry stated that Mr. Bollhoefer's contract requires the Mayor to hand out an evaluation form to each Commissioner and to tally the results. So he will be giving each of them the review form to complete and return to him for compiling and further discussion.

Mayor Quesinberry restated that the next meeting will be May 10, 2007 at 5:30 p.m.

The meeting adjourned at 7:56 p.m.

APPROVED:

/S/
MAYOR JACK QUESINBERRY

ATTEST:

/S/
City Clerk Kathy Golden, CMC