



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

251 W. PLANT STREET

WINTER GARDEN, FL 34787

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REGULAR MEETING MINUTES

CITY COMMISSION

May 10, 2007

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 5:30 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. Bouler, Bob Buchanan, H. Gerald Jowers and Colin Sharman (*arrived at 5:39 p.m.*)

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, Assistant City Manager Marshall Robertson, City Clerk Kathy Golden, Assistant City Clerk Angee Grimmage, Police Chief George Brennan, Trailer City Manager Johnny Clark, Building Official Willie Herbert, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Recreation Director Jay Conn, 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 26, 2007 as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0. (Commissioner Sharman arrived at 5:39 p.m.)

2. CHARTER AMENDMENTS

Discussion and possible action regarding a Charter referendum

City Attorney Ardaman explained that the documents delivered to the City Commission at the last Commission meeting will be reviewed in this meeting. He suggested working from the version dated April 18, 2007 that is marked-up showing single underline and single strikethroughs representing the Charter Review Committee's recommended changes, and double underline and double strikethroughs representing the staff's recommended changes. Mr. Ardaman recognized Assistant City Attorney Dan Langley and stated that he attended almost all of the Charter Review Committee meetings and can answer any questions that the City Commission might have regarding those meetings. The recommended changes by the City Commission are as follows:

Sec. 12. Qualifications (Page 10)	<u>Commissioner Buchanan</u> stated that he has had people ask if the City is really at a point where they want only people
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<p><i>(No consensus was reached on this issue.)</i></p>	<p>from their district as representatives or be able to select someone from another district. He stated that in theory it is great to have someone from the district, but what if an overwhelming amount of people say they do not like that person and want the opportunity to select someone else who may be in another district.</p> <p><u>Commissioner Jowers</u> stated that he too has heard from quite a few people on this subject and the majority was against single member districts. He addressed the issue of sometimes people inside the district will not run. He stated that this would preclude good people from running.</p> <p><u>Commissioner Boulter</u> stated that any district that is represented on this board should be represented by someone from that particular district. No one knows the district better than the residents who live within it.</p> <p><u>Commissioner Sharman</u> suggested addition of a line in the charter that if there is not a qualified candidate in the district, then candidates outside the district may be considered for candidacy.</p> <p><u>Mayor Quesinberry</u> expressed his concern that candidates may be disqualified due to redistricting which moves the boundary lines forcing them out of their district.</p>
<p>Sec. 24. Investigations <i>(No changes were suggested.)</i></p>	<p>There was discussion and clarification of this topic.</p>
<p>Sec. 25. Commission Districts; adjustment of districts (Pages 16 and 17)</p> <p>Motion by Commissioner Jowers to approve the charter remaining as is in which a candidate can live in any district and run in any other district as long as the candidate is a qualified candidate. Seconded by Commissioner Buchanan and carried 3-2; opposed by Commissioners Boulter and Sharman.</p> <p>It was the consensus of the City Commission that the City Attorney would research the issue of whether a sitting commissioner, who has been</p>	<p>There was discussion on the effect redistricting may have on the ability of a commissioner to maintain his seat in a certain District. It was suggested that a sitting commissioner be grandfathered in when redistricting forces them out of their district, allowing them to run for district the redistricting would have removed them from. Anyone else who is not a sitting commissioner could not run in the district unless they lived in it.</p> <p><u>Commissioner Jowers</u> addressed potential apathy and stated that there may not be a candidate available from that district.</p> <p><u>Commissioner Sharman</u> suggested a compromise of if only one person runs in a district, another from outside the district be allowed. He later stated that he would stay with the way the Charter Review Committee had written it.</p> <p><u>Commissioner Boulter</u> stated that no one knows about a district better than one who lives there.</p> <p><u>Mayor Quesinberry</u> was in favor of the charter remaining as is because of the potential of a redistricting forcing out a sitting commissioner because of the redrawing of the boundary lines.</p> <p><u>City Attorney Ardaman</u> stated that it may become a legal</p>

<p>moved outside of their district after a redistricting, be entitled to run for that district.</p>	<p>issue if the grandfathering is extended beyond the term of a sitting commissioner.</p> <p>There was discussion on the possible addition of the compromise after public input.</p>
<p>Sec. 27. Removal of City Manager (Page 18)</p> <p>It was the consensus of the City Commission to require three Commissioners vote to remove the City Manager.</p>	<p>There was discussion on changing the language from a supermajority to a majority of three votes by the City Commission to remove a City Manager.</p>
<p>Sec. 30. Powers and duties (Page 19)(8) <i>(No changes were suggested.)</i></p>	<p>There was discussion on financials which are received by the City Commission on a monthly basis.</p>
<p>Sec. 33. City Clerk (Page 20)</p> <p>It was the consensus of the City Commission to make no changes to this section.</p>	<p>There was discussion and clarification on the removal of the City Clerk. It was stated that the City Clerk should be autonomous on several items.</p> <p><u>City Attorney Ardaman</u> read and elaborated on the duties of the City Clerk.</p> <p>There was discussion and potential conflicts between the City Manager and the City Clerk and it was stated that ultimately the City Commission controls whether conflicts get out of control. Mr. Ardaman read Sec. 33, City Clerk, subsection (6).</p>
<p>Sec. 43. Party insignia on ballots; form to be as in state, county elections (Page 24)</p> <p>It was the consensus of the City Commission to remove the word “annual.”</p>	<p><u>Commissioner Buchanan</u> stated that if the term of office is changed to three years, the word “annual” would not apply to the election.</p> <p>It was suggested to remove the word “annual.” This section would then read: <i>“All ballots used in any special or regular election held under authority of this charter, shall be...”</i></p>
<p>Sec. 54 Charter Review; amendment (Page 28) <i>(No changes were suggested.)</i></p>	<p>There was discussion on a minimum of every eight (8) years for the charter review.</p>
<p>ARTICLE IX. INITIATIVE AND CITIZEN REFERENDUM (Page 30)</p> <p>It was the consensus of the City Commission to leave in Article IX, Initiative and</p>	<p>There was discussion on whether or not this section should be included in the charter.</p> <p><u>Mr. Langley</u> stated that this section was added by the Charter Review Committee.</p>

<p>Citizen Referendum.</p>	
<p>Sec. 57 Petitions (Page 31)</p> <p>It was the consensus of the City Commission to direct the City Attorney to reword Subsection (1) “at the last general election” to ensure the nearest available registered voter figures are used to determine the ten (10) percent.</p>	<p>There was discussion on Subsection (1) regarding ten (10) percent of the total number of voters giving an unfair advantage to a district that has a larger number of voters than another. It was suggested that this issue be left for the public’s input.</p> <p><u>Mr. Langley</u> clarified that Subsection (4) would allow the citizens to propose an ordinance through the initiative process and have an ordinance reconsidered through the referendum process. It was clarified that if someone wants to reconsider an ordinance it must be filed within 30 days of the ordinance being passed.</p> <p><u>Mr. Langley</u> further explained that petitions are for either initiatives or referendums. The percentage of the registered voters is city-wide, not district-wide. The ten (10) percent threshold is high enough to prevent a very small group of citizens imposing their will on the rest of the citizens.</p> <p>It was suggested that some measure of time be considered for the number of registered voters that would be considered for the ten (10) percent, whether it be one or two years.</p> <p><u>Mayor Quesinberry</u> stated that he did not think this section should be included in the charter and should be stricken.</p> <p><u>Commissioner Sharman</u> stated that he agrees elected officials of the City Commission should be listening to the citizens’ concerns for their voting decisions. He expressed how difficult it is to get the amount of signatures that a petition would require in only 30 days. He stated that leaving it would give the citizens a check and balance of their city government.</p> <p><u>Commission Jowers</u> stated that hypothetically this could have the City Commission tied up forever.</p> <p><u>Commissioner Buchanan</u> stated that the City Commission should keep in mind that if the citizens really do not like what the Commissioner has done, he or she can be voted out of office.</p> <p><u>Commissioner Bouler</u> stated that it may not be the citizens who are disenchanting by what the City Commission is doing, but some outside forces.</p> <p><u>City Attorney Ardaman</u> suggested leaving the initiative part of the process.</p>

(Pages from the marked version dated April 18, 2007 not otherwise listed above had no recommended changes by the City Commission.)

- **Charter Amendment Election**

Mayor Quesinberry stated that a vote is needed on how this will be presented to the citizens, whether as a mail-in ballot or precinct election. Mr. Bollhoefer distributed a cost analysis of the mail-in ballot versus the poll election. There was discussion on the timeline for having this election. City Clerk Golden stated that we are in the contract stage and two proposed contracts have been distributed to the City Commission for consideration for a September 25, 2007 election. Orange County Supervisor of Elections has noted that if there is a State special election regarding changes to property taxes, the State's election will supersede all others.

Mr. Bollhoefer stated that a decision on the how the election will be done is required in order to get this information the Mr. Cowles's office the next day. **Motion by Commissioner Buchanan to conduct the Charter Referendum by mail ballot on September 25, 2007. Seconded by Commissioner Boulter and carried unanimously 5-0.**

Commissioner Sharman stated that his decision was based on saving the taxpayers' dollars. Commissioner Jowers stated that it saves the taxpayers approximately \$12,700.

City Attorney Ardaman stated that the City Clerk has the mail ballot contract for the Orange County Supervisor of Elections which will need City Commission approval. **Motion by Commissioner Jowers to approve the voting processing equipment use agreement and election contract for a mail ballot Charter referendum. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

There was discussion on public input and changes proposed from this meeting being available for the June 14, 2007 meeting for public comment.

3. PRESENTATIONS

A. Comprehensive Annual Financial Report by Sines, Girvin, Blakeslee and Campbell for Fiscal Year ending September 2006

Finance Director Strobeck stated that he is pleased to present the comprehensive financial report for the fiscal year ending September 30, 2006. This annual audit was again performed by Sines, Girvin, Blakeslee, and Campbell.

On page 9 of the Independent Auditor's Report, the City has once again received an "unqualified opinion", meaning the financial statements are presented fairly in conformity with generally accepted accounting principles.

The general fund balance increased \$564 thousand dollars over the fiscal year for an ending fund balance of \$11.8 million. Of that amount, \$9.1 million was unreserved at the end of the fiscal year, which is 47% of the annual expenditures of fiscal year 2006. The Impact Fee Fund balance increased \$12.2 million, which is primarily due to the \$9.8 million contribution received from the Sembler Company through the agreement with the City for the construction of Daniels Road North. Mr. Strobeck stated that this was at its very early stages at the beginning of the fiscal year. As the project nears its completion, the fund balance is expected to be reduced. Also, the

New City Hall fund balance increased \$13 million; \$12 million was issued in bonds to fund that project, also in its early stages, and it will be reduced as it nears completion.

During the year, the City prepaid \$1.7 million on the City's agreement with the Orlando Orange County Expressway Authority.

He stated that as seen at the last meeting, the City's Finance Department received the certificate of achievement for excellence for the 2005 report and because of that, the City is permitted to reproduce a copy of that certificate in the subsequent year's report. He stated the City has submitted this year's report for the award. He believes that it meets all the criteria and hopes to receive the award for a fourth consecutive year.

Motion by Commissioner Buchanan to approve the financial report as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

The Commission recessed at 7:04 and reconvened at 7:08.

B. Potential impact on budget from proposed changes in property taxes

City Manager Bollhoefer postponed this item due to the length of the meeting.

C. Proclamation 07-06: Declaring May 20 through May 26, 2007 as National Public Works Week

City Attorney Ardaman read Proclamation 07-06 as Mayor Quesinberry presented it to Assistant to City Manager for Public Works Don Cochran.

4. FIRST READING OF PROPOSED ORDINANCE

A. Ordinance 07-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY AMENDING THE FOLLOWING SECTIONS THEREOF: ARTICLE IV INDUSTRIAL WASTE; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION; SECTION 78-35 TEMPORARY WATER SERVICE; SECTION 78-126 PURPOSE AND POLICY; SECTION 78-127 DEFINITIONS; SECTION 78-128 ABBREVIATIONS; SECTION 78-129 USE OF PUBLIC SEWERS REQUIRED; SECTION 78-130 PRIVATE SEWAGE COLLECTION SYSTEM CONNECTED TO POTW; SECTION 78-131 BUILDING SEWERS AND CONNECTIONS; SECTION 78-132 PROHIBITIONS AND LIMITATIONS ON DISCHARGE INTO THE POTW; SECTION 78-133 ADMINISTRATION; SECTION 78-134 INDUSTRIAL WASTEWATER DISCHARGE PERMITS; SECTION 78-135 PROCESSING AND ISSUANCE IWDPS; SECTION 78-136 PERMIT REQUIREMENTS AND RESTRICTIONS; SECTION 78-137 REPORTING REQUIREMENTS AND RETENTION OF RECORDS FOR IWDP HOLDERS AND OTHER INDUSTRIAL USERS; SECTION 78-138 ENFORCEMENT PROCEDURES; SECTION 78-139 APPEAL OF ENFORCEMENT ACTION; SECTION 78-140 AFFIRMATIVE DEFENSES OF DISCHARGE VIOLATIONS; SECTION 78-141 PROVIDING FOR CODIFICATION, SEVERABILITY AND EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-19 by title only. **Motion by Commissioner Sharman to approve Ordinance 07-19 with a second reading and public hearing on May 24, 2007. Seconded by Commissioner Jowers.** Public Services Director Cochran stated that City staff has been working with Boyle Engineering and that this is a requirement of the renewal of the wastewater permit for the wastewater treatment plant. Florida Department of Environmental Protection has required the City to update its sewer use ordinance. **Motion 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 opened the public hearing. Planning Director Williams requested postponement and re-advertisement of this ordinance. He stated that staff has received comments from the Water Management District and have set it for the first meeting in June. Mayor Quesinberry closed the public hearing until June 14, 2007. **Motion by Commissioner Boulter to postpone Ordinance 05-56 until June 14, 2007. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

B. **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. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 07-20. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

6. **REGULAR BUSINESS**

A. **Request for donation by the Autism and Related Disabilities Gym Program, Inc.**

Joanne Houwers stated that she is a resident of Winter Garden and has a program for Autism and Related Disabilities at the Jim Beach Recreation Center in Ocoee. She stated that it was started in 2000 and went non-profit in 2004. This is the 3rd annual golfing for autism fundraiser and she is asking for sponsorship for a hole and a team. There was discussion among the City Commission regarding fund availability in the donation account. **Motion by Commissioner Jowers to approve a donation of \$250 sponsoring a hole for the Autism and Related Disabilities**

Gym Program, Inc. 3rd Annual Golfing Fore Autism Charity Tournament. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Request for sponsorship by placing an advertisement in the West Orange High School Football Program

Mandy Boyd stated that the City Commission placed an ad last year. Last year the City inquired about a cover page and she believes one is available this year. There was discussion by the City Commission on the City's contribution last year, which was a full page. **Motion by Commissioner Jowers to approve sponsorship of the West Orange High School Football Program by placing a full page ad. Seconded by Commissioner Boulter and carried unanimously 5-0.**

C. Proposal presentation by the West Orange Airport Authority (WOAA) and request for funding

Guy Haggard, Chairman of the West Orange Airport Authority, stated that he would be giving a short PowerPoint presentation on who they are and their status with the establishment of airports in West Orange County. He stated that at the end of the presentation he will be asking the City Commission for funding of \$40,000 in conjunction with funding from Ocoee, Apopka, and Orange County to get the airports going. He stated that then both airports would be donated to WOAA. He then gave the City Commission the presentation of the program and request (*see attached*).

Mr. Haggard explained that an added benefit to Winter Garden is that the WOAA has agreed that they will appoint Ocoee and Winter Garden as their representatives for the seat on the MetroPlan Orlando Board (MPO) which is the regional transportation board. He stated that the City of Winter Garden and the City of Ocoee would then need to determine if they would like to alternate years, or both cities go and share one vote. The City of Winter Garden would need to work this out with the City of Ocoee. He stated that WOAA would pay the dues for this seat on the MPO dues which are \$26,000 per year. He explained that right now the City of Winter Garden has no voice in this organization as only the two largest cities in the county by Florida Statute get to be on this board and they are the City of Orlando and the City of Apopka. He stated that dues for the MPO will be paid as long as WOAA is in existence.

He stated that they are only asking for one year's funding and will come back if they feel they need a second year of funding. He feels they will need the second year, but should be established by the third year.

Mayor Quesinberry stated that he was not convinced that the City of Winter Garden will benefit from this and shared his prior history with this airport issue. Mr. Haggard responded explaining that previously, money was spent on study after study, but this airport is now under a new board and has new people. This is a good product for West Orange County.

Mr. Bollhoefer voiced concerns that this would give the City of Apopka an advantage when competing for businesses to come to the area. Mr. Haggard explained some of the benefits of having the airport in this area.

Bob Loomis, 420 S. Main Street, Winter Garden, Florida stated that he is one of the owners of Orlando North Airport and has been working with WOAA and Mr. Haggard. He addressed Mayor Quesinberry's concerns stating that this is a whole different game now. He stated that he knew in the past there was a lot of money wasted, but stated that they do have an airport and fully intend to donate the runway to WOAA, and the City of Winter Garden is the last hurdle.

Johnnie Brown, 317 Zachary Wade Street, Winter Garden, Florida stated that he pays taxes in Winter Garden and does not like money being thrown away. He has a hanger at this airport and stated that there has been a lot of controversy and problems that have developed. In order to get the straight answer, he and some other pilots went to Tallahassee on this issue. He expressed that he was fact finding as a representative of about 40 individuals. He spoke of a GPS approach and other underlying concerns to be learned about the airport and rights of the runway.

Mr. Haggard responded by stating that the wave of the future is GPS approaches and almost all approaches are going GPS which allows airplanes to track in safely. Right now, the hangars are owned in a condominium association and the condo owners have to vote to give WOAA the runway. He has been to three different condo meetings and all were in favor, including the developer. He stated that this is the first that he has heard of any problem at all.

Mayor Quesinberry stated that he can understand where Orange County is willing to give the amount requested because they will be able to collect the taxes off of the new buildings and warehouses. He is still not convinced that this will help the City of Winter Garden. Mr. Haggard responded by stating that it is his understanding that public use airports are exempt from property tax.

Commissioner Buchanan asked for staff input on this issue, specifically from Shelly Weidenhamer, Director of Economic Development. Mr. Bollhoefer stated that he and Ms. Weidenhamer had asked Mr. Haggard for additional information. There was discussion on the location of the airport and the benefit of this airport to the City of Winter Garden. Ms. Weidenhamer stated that her job is to increase tax revenue for the City and bring in high-paying jobs. This will not increase tax revenue for the City, but will be tool that can be used for attracting technology users, but explained that the full benefits would not be known without an economic impact analysis. The City has asked for the study and was told that WOAA did not want to spend more money on studies.

Commissioner Buchanan asked Mr. Haggard if the \$40,000 would be contingent upon the WOAA actually owning the airport, stating that he would want to know that they owned it, but added that he thought the MPO seat would be worthwhile.

Mr. Haggard replied that before the current owners donate, they have to know that the approval of all listed cities has been met.

City Attorney Ardaman asked for clarification that they are requesting a one year commitment and they may come back next year.

Commissioner Boulter asked what happens if any of the other cities cannot fund this in the second year. Mr. Haggard explained that the company would then have to adjust and reduce their budget in some way. **Motion by Commissioner Jowers to approve funding of \$40,000 for the first year. Seconded by Commissioner Buchanan.** There was some discussion on what would happen next year with this issue and the asset of having a seat on the MPO Board. **Motion carried 4-1; opposed Mayor Quesinberry.**

Dispensed as City Commission at 7:55 p.m. and convened as Community Redevelopment Agency (CRA)

Members Present: Jack Quesinberry, Gerald Jowers, Bob Buchanan, Harold L. Boulter, Colin Sharman and Larry Cappleman

Member Absent: Dale Crosby

D. Appointment to fill seated vacated by incoming Commissioner Boulter on the Community Redevelopment Agency Advisory Board

Mr. Cappleman stated that the Community Redevelopment Agency Advisory Board (CRAAB) met to consider potential applicants to fill the unexpired seat on the CRAAB formerly held by Commissioner Boulter. Consideration was given to Mr. Boulter's request for a District 3 resident, due to the tremendous activity currently in District 3. He stated that they recommend the appointment of Joy Knight to fill this seat of the CRAAB. **Motion by Agency Member Cappleman to appoint Joy Knight for filling the unexpired term of Mr. Boulter. Seconded by Agency Member Boulter and carried unanimously 6-0.**

Adjourned as the Community Redevelopment Agency at 7:57 p.m. and reconvened as the City Commission

E. Request and recommendation for a reduction of Code Enforcement Board fines imposed against Al Rodgers for cases #06-117 and #06-262

City Manager Bollhoefer explained that Mr. Rodgers was cited awhile back for general maintenance issues and structural deficiencies on properties at 100 North Street and 114 North Street. He has since come into compliance at both properties. During that time, he accrued fines of \$63,900. He stated that staff is recommending that a reduction in this fine to \$2,500. The Code Enforcement Board is in agreement with the reduction of this fine. He stated that Mr. Rodgers has given him a check in the amount of \$2,500. Mayor Quesinberry asked if the \$2,500 will cover the costs. Mr. Bollhoefer stated that the expenses are less than \$1,000, so this is more than enough to cover expenses. **Motion by Commissioner Boulter to approve a reduction of Code Enforcement Board fines imposed against Al**

Rodgers for cases #06-117 and #06-262 from \$63,000 to \$2,500. Seconded by Commissioner Sharman. Mayor Quesinberry expressed that he feels the City is setting a bad precedent in bringing someone before the Code Enforcement Board, allowing them to take their time with compliance, and then reducing the fines. **Motion carried unanimously 5-0.**

F. **PUBLIC HEARING ITEM:**

Resolution 07-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING THE CITY OF WINTER GARDEN STORMWATER FACILITIES PLAN FOR DR. BRADFORD MEMORIAL PARK DATED APRIL 2007; AUTHORIZING THE PLAN TO BE SUBMITTED TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP); AND DESIGNATING THE AUTHORIZED REPRESENTATIVE AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 07-04 by title only. **Motion by Commissioner Jowers to approve Resolution 07-04. Seconded by Commissioner Buchanan.** Public Services Director Cochran stated that the City is seeking \$1.5 million in funding from the Florida Department of Protection (FDEP) through the state revolving loan fund (SRF). This is the City's matching portion of the \$1.5 million grant for the funding of this project. He recognized Ted Filster from Angie Brewer and Associates, and David Hamster, Project Engineer from PEC, who gave a brief presentation to the City Commission. Mr. Filster stated that they are required to state certain things for SRF purposes. The purpose of the meeting is to adopt a facility plan. Once the plan is adopted, the City can avail itself for the low cost funds from SRF. The project is needed for the implementation of the total maximum daily load programming Group 1 of the Florida Department of Environmental Protection to approve the quality of the water in Lake Apopka. He stated that this has been defined as a high priority water body which is currently impaired by nutrients. The public purpose is to save rate payers as much as \$835,000 by using a 20-year, low interest, state revolving fund loan at approximately 2.37% versus a 20-year bond for the cost the City would have to pay for construction, above and beyond the grant that the City has. The rate structure of the stormwater utility is sufficient to absorb the debt on this project. Mayor Quesinberry stated that they are getting rid of a good park and asked if this will all be made into a retention pond. Mr. Filster responded that there is going to be a retention pond and an Allen Treatment facility, but they have discussed with the City putting other park amenities on property adjacent to that. Mayor Quesinberry stated that it was suggested but the City does not have the property. **Motion carried unanimously 5-0.**

G. Recommendation to approve a final plat for Stoneybrook West Parcel 19 on the corner of Stoneybrook West Parkway and Avalon Road

City Planner Williams stated that staff recommends approval of this final plat along with the Planning and Zoning Board's approval, subject to the Engineering Department memorandum, the legal department letter and the City Surveyor letter (*see attached*). Representative for the applicant, Jerry Hart, The Barclay Group Vice President, agreed to all of the requirements as written and stated. **Motion by Commissioner Boulter to approve final plat for Stoneybrook West Parcel 19 on the corner of Stoneybrook West Parkway and Avalon Road. Seconded by Commissioner Sharman and carried unanimously 5-0.**

H. Recommendation to approve a site plan for Star Child Academy located off CR 535

City Planner Williams stated that staff and the Planning and Zoning Board recommend approval of the site plan for Star Child Academy, subject to the Engineering Department memorandum and the Planning Department memorandum. Darand Williams of Williams Investment Group, LLC stated that they agree to all of the requirements as written and stated (*see attached*). **Motion by Commissioner Buchanan to approve the site plan for Star Child Academy located off CR 535. Seconded by Commissioner Jowers and carried unanimously 5-0.**

I. Request to authorize the City Manager to execute a Letter of Intent to sell 1472 and 1500 Daniels Road to Birket Properties, LLC and to prepare and execute a Sales Agreement in accordance with the Letter of Intent

City Manager Bollhoefer stated that this is the old Tanner property on Daniels Road. The Birkets own the property adjacent to this property and wish to purchase the City's piece of property to combine the two properties for building a Class "A" office space project. He asked the City Commission to give authority to the City Manager to sell this property. **Motion by Commissioner Sharman to authorize the City Manager to execute a Letter of Intent to sell 1472 and 1500 Daniels Road to Birket Properties, LLC and to prepare and execute a Sales Agreement in accordance with the Letter of Intent. Seconded by Commissioner Boulter and carried unanimously 5-0.**

J. Recommendation to approve an Interlocal Agreement with Orange County for 800 MHz Rebanding Reimbursement Process

Finance Director Strobeck stated the Federal Communications Commission has ordered that the City vacate the radio frequencies that are currently used due to some interference caused by the Sprint/Nextel cellular carriers. As a result, Spring/Nextel has agreed to reimburse the City any costs incurred to accomplish that switch. He stated that this is an Interlocal with Orange County who is the licensee for the City's radio frequency. This will permit the City to receive those reimbursements. **Motion by Commissioner Sharman to approve an Interlocal Agreement with Orange County for an 800 MHz Rebanding Reimbursement Process. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

7. **MATTERS FROM CITIZENS**

Rusty Belcher, 315 West Tilden and 125 North Lakeview, Winter Garden, Florida, stated that he has a concern for the downtown community for recreational activities. He stated that a skateboard park for the youth is needed. He stated that there is too much juvenile activity. These are students who attend our schools and live in our homes and in our community. He spoke of a fire that was started at the First Methodist Church and stated that after meeting with ATF and the State and Local Fire Marshals, the Police Department, and the Fire Department, he would rather be proactive about this and see if the City can upgrade what we currently have. He knows of an individual with all the parts for a skateboard park stored in a storage facility, but just needs a place.

8. **MATTERS FROM CITY ATTORNEY**

A. **Report on the April 12, 2007 Commission directive regarding a private party mobile home sale in Trailer City by a former City Commissioner**

City Attorney Ardaman recommended taking no other legal action other than to send two letters, one to Carol Nichols explaining that her actions are a potential problem and potentially actionable and one to the general counsel of the Florida Department of Law Enforcement (FDLE) inquiring if they approve of the use of their e-mail system for the e-mails that Ms. Nichols sent in respect to the Trailer City and the City's leasing of those properties. He recommended allowing the City Manager to send the letters to Ms. Nichols and to the FDLE rather than commence any action at this time. **Motion by Commissioner Buchanan to authorize the City Manager to send the two attorney drafted letters. Seconded by Commissioner Jowers and carried unanimously 5-0.**

9. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer stated that he is requesting permission to execute the contract for the construction of the new City Hall. He stated that Marc Black, Project Manager, has been negotiating and has gotten a contract for an amount that is just under budget or at budget. This is a good contract and City Staff would like to get this contract approved and get started on the new City Hall in about two weeks. Commissioner Jowers asked if it will be finished in a year. Mr. Bollhoefer replied it will be finished in May or June of next year. He stated that we would like to have a soft opening but would like to have a grand opening on the 4th of July. **Motion by Commissioner Jowers to approve the execution of the contract for the new City Hall. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Jowers

Commissioner Jowers stated that Hennis Road needs to be patched and paved at Plant Street.

Commissioner Boulter

Commissioner Boulter commended City staff on work being done on the pool and Zanders Park.

He indicated that there is a problem with drainage on Bay Street and West Crown Point Road, and also a problem at Center Street and 10th Street. This will be a problem during the upcoming hurricane season.

Commissioner Sharman

Commissioner Sharman reported that he had received a few phone calls regarding a project that Orange County is doing with a daycare facility and spoke with the City Manager, who also had gotten some calls on this issue. Mr. Bollhoefer explained that the County is planning to put a daycare/school on Roberson Road just east of Windermere Road. He explained that City staff has reviewed this issue and concludes that the road cannot handle the traffic there. Many of the City's residents have complained about this issue and although the City has no say in this matter, he suggested sending a letter to express that it would be an inappropriate location for a school. Secondly, if they are going to put the school there, then he suggests that the County fix the road and repair the intersection. **Motion by Commissioner Sharman to give the City Manager permission to send a letter on this subject to the County. Seconded by Commissioner Boulter and carried unanimously 5-0.**

Commissioner Sharman expressed that he felt that there should be some rules with respect to donations. Mr. Bollhoefer replied that the City Clerk has provided him with a new form with new parameters for donation requests and he will bring it to the next City Commission meeting to review. There was some discussion on changing the requirements for donation requests and Commissioner Sharman suggested volunteer hours for those requesting donations.

The meeting adjourned at 8:20 p.m.

APPROVED:

/S/
MAYOR JACK QUESINBERRY

ATTEST:

/S/
City Clerk Kathy Golden, CMC