



# CITY OF WINTER GARDEN

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## OFFICE OF THE CITY CLERK

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## REGULAR MEETING MINUTES CITY COMMISSION

June 28, 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, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Recreation Director Jay Conn, Information Technology Director Bob Reilly, Planning Director Ed Williams, Assistant City Engineer Mike Kelley, Assistant to the City Manager for Public Works Don Cochran, and West Orange Times reporter Michael Laval

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

**Motion by Commissioner Sharman to approve the regular meeting minutes of June 14, 2007 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.**

### 2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 07-22:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 88 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA; PROVIDING FOR THE ASSESSMENT OF COSTS, EXPENSES AND FEES INCURRED BY THE CITY OF WINTER GARDEN IN REVIEWING REQUESTS RELATING TO DEVELOPMENT; PROVIDING FOR FEE SCHEDULES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-22 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-22 with the second reading and public hearing being scheduled for July 12, 2007. Seconded by Commissioner Sharman.** Commissioner Buchanan asked how the City got this far off, from \$400 to \$1,000, before deciding to make a change. He also asked if something was in place to address this before it gets too far out of line in the future. City Manager Bollhoefer replied that there is no mechanism in place for the separate independent review. Staff did a review of the fees and determined that the City was significantly lower. **Motion carried unanimously 5-0.**

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

A. **Ordinance 07-09**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.43 ± ACRES LOCATED AT 12728 WEST COLONIAL DRIVE, 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 07-09 by title only. Mayor Quesinberry opened the public hearing. City Planner Williams stated that the Planning and Zoning Board and staff recommend approval of this request. Mayor Quesinberry closed the public hearing. **Motion by Commissioner Jowers to adopt Ordinance 07-09. Seconded by Commissioner Sharman and carried unanimously 5-0.**

B. **Ordinance 07-10**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.43 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 12728 WEST COLONIAL DRIVE FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-10 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to adopt Ordinance 07-10. Seconded by Commissioner Sharman.** Mayor Quesinberry asked City Planner Williams if the applicants have agreed to all stipulations. Mr. Williams replied yes; the only remaining issue is to hook into the utilities and the applicant would obviously like to do that. **Motion carried unanimously 5-0.**

C. **Ordinance 07-11**: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.43 ± ACRES LOCATED AT 12728 WEST COLONIAL DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-11 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Sharman to adopt Ordinance 07-11. Seconded by Commissioner Boulter and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve the site plan for Phase 1 of the Zion Evangelical Lutheran Church with the conditions in the Engineering Department's memorandum of June 14, 2007**

City Planner Williams stated that staff and the Planning and Zoning Board have reviewed this item and recommend approval. **Motion by Commissioner Buchanan to approve site plan for Phase 1 of the Zion Evangelical Lutheran Church with the conditions in the Engineering Department's memorandum of**

**June 14, 2007 (see attached). Seconded by Commissioner Jowers and carried unanimously 5-0.**

**B. Recommendation to approve the final plat for Daniels Road Business Park with the conditions in the Engineering Department's memorandum of May 11, 2007, the Legal Department's letter dated May 2, 2007 and the City Surveyor's letter of May 9, 2007**

City Planner Williams apologized, stating that staff did receive a letter late yesterday requesting postponement until the next Commission meeting. There are some unresolved issues, not between staff and the applicant, but between two of the property owners affected by the plat. **Motion by Commissioner Sharman to postpone the final plat for Daniels Road Business Park until July 12, 2007 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**C. Discussion and possible action regarding consolidating the 2008 general election (Mayor and District 1) with the Presidential Primary on January 29, 2008**

City Clerk Golden stated that the information that has been distributed to the City Commission is regarding the legislative change to the Presidential Primary from piggybacking the City's election in March to January 29, 2008. As presented by the Orange County Supervisor of Elections, the City stands to save \$15,000 by consolidating our election with theirs. Mayor Quesinberry asked is that what the City is paying. Ms. Golden replied yes, but that does not include the City's legal advertising.

Ms. Golden stated that in conjunction with that change is a requirement that the City have a 14-day qualifying period. She requested that also in giving direction the City Commission would need to declare the qualifying period. Mayor Quesinberry asked if the City has the election on January 29, 2008, does the newly elected person have to wait until March to take office. Ms. Golden deferred to City Attorney Ardaman, who stated that assuming there are no other changes to the charter as contemplated by the current changes that are now in process, the newly elected offices would take effect at the next general meeting after the election. Also, the run-off election's date would be changed in the same manner, to occur in February.

Commissioner Sharman stated that this would actually save the City money on the election. Commissioner Buchanan asked how this change would actually save the City money. Ms. Golden replied that the Orange County Supervisor of Elections would pay the poll workers, establish the precincts, and include their staff time. Commissioner Buchanan asked if right now the City pays for all of those items. Ms. Golden replied yes, as a stand-alone election.

There was discussion on this only being effective every Presidential election; the City's schedule would revert to March the following year. Commissioner Jowers commented that the voters have finally gotten used to March elections. Mayor

Quesinberry stated that if it is a state-wide election there are more people going to the polls for a Presidential election than they would if it were just for their district. He stated that he attended a mayors meeting in which all of the mayors were in favor of the January 29<sup>th</sup> election, but suggested that the approval from the City Commission cover only the 2008 election. **Motion by Commissioner Sharman to approve consolidating the 2008 general election (Mayor and District 1) with the Presidential Primary on January 29, 2008 and have the City Attorney draft an ordinance to that affect. Seconded by Commissioner Boulter and carried unanimously 5-0.**

#### 5. MATTERS FROM CITIZENS

Shirley Smith, 21 West Crest Avenue, Winter Garden, Florida, stated that she was happy to see the drawings of the new City Hall in the newspaper.

Ms. Smith spoke of the southwest corner of Story Road and Ninth Street owned by her mother that the City purchased an easement for widening the road: 14 pieces of equipment and employee's cars are parking there. Their property is in the County and her mother only carries a \$1 million liability policy on the property because of the homeless that have been known to live in that location. She identified Irby Construction and the job superintendent, Benny Bo Wilder, and stated that she spoke to the job site manager, Mr. Hancock. She spoke to Mr. Wilder who stated he had tried to find out who owned the property but could not get this information. He also told her about a Lawrence Speed, at 28 E. Bay Street, who told her he would be removing his equipment. She has also spoken with Commissioner Jowers and City Manager Bollhoefer and they have helped with the handling of this situation. She stated that if the people wanted to be on their property they need to pay rent. It is her mother's property and she is in a nursing home and should be compensated for this use. She stated that they were also worried about the Environmental Protection Agency (EPA) issues because they do not know what might be being dumped there. She asked for assistance from the City with notification when any contractors might be utilizing this property.

James Balderrama, 14315 Hampshire Bay Circle, Winter Garden, Florida, stated that an E-mail was sent to him from Mr. Ed Lynch from the president of the Lane Corporation. He stated that Mr. Bollhoefer and Commissioner Sharman put together a group of homeowners and HOA presidents to meet with the Lane Corporation which is working with the City to build apartments in the residential section of the Fowlers Grove Project. He stated that they met with them, and in his opinion, they were unanimously against any kind of rental properties. The referenced e-mail exchanged asked the President of the Lane Corporation a direct question as to whether they would bring this issue before the Planning and Zoning Board or the City Commission and the president's answer was no and that is why (Mr. Balderrama) is attending this meeting tonight.

He explained that he wanted to address some of the inconsistencies the Lane Corporation had presented, which he reviewed by videotape. The Lane Corporation is

planning to build rental properties instead of the condominiums as they presented to all the residents at the time of the straw poll ballot.

Mr. Balderrama said the wall that was built along CR 535 by Sembler Corporation is ugly and is not what they were told they would be getting. While this is an issue, it is not their issue with the Lane Corporation. It is the crime, the quality of life, and home values that will be affected.

Mr. Balderrama addressed the Lane Corporation's statements regarding the dry ponds, which were to be soccer fields; he spoke of the class of people that apartment rentals would bring and asked the City leaders to please be more responsible when dealing with the developers and get all the facts.

City Manager Bollhoefer briefly stated that the Lane Corporation does not currently have any approvals and it is very early in the process. He stated that staff suggested to the Lane Corporation that they talk to the community and the community leaders. Staff has not decided to support this project, there is no start date, and they are a long way off and still have many unresolved issues.

Harriet Wilson, 1032 Carol Anderson Drive, Winter Garden, Florida, explained that she lives in the Horizon Oaks subdivision, located in District 3, where residents have asked for a new sign at both entrances of Horizon Oaks. She asked when these signs would be installed; City Manager Bollhoefer replied within 30 days.

## 6. **MATTERS FROM CITY ATTORNEY**

- **Canvassing Board Assignment**

City Attorney Ardaman stated that the draft Charter changes the City Commission has seen did not allow the City Commission to assign the canvassing board duties to the County canvassing board. There are also times that the State Statute requires that the County canvassing board actually canvass the elections. There may be times when the City Commission may want to assign the canvassing duties to the Orange County Canvassing Board. He asked permission to allow him to include language to the Charter amendment giving the City Commission the ability to assign canvassing board duties to the County or as required by Florida statute. This gives the City Commission the authority to do so, which they currently do not have. **Motion by Commissioner Sharman to approve adding language to the Charter amendment that allows the City Commission the authority to assign the canvassing board duties to the County or when required by State Statute. Seconded by Commissioner Boulter and carried unanimously 5-0.**

## 7. **MATTERS FROM CITY MANAGER**

A. Financial Statements for May 2007 were distributed.

- **Weather Stations**

Mr. Bollhoefer stated that the City purchased three weather stations to be used during storms and have not used them. An 8<sup>th</sup> grade teacher at Lakeview Middle School, Roger Grant, has indicated he would love to have one of these stations for his class to use as a teaching tool. Mr. Bollhoefer stated that they cost about \$500 and City staff is asking the City Commission for permission to donate one. **Motion by Commissioner Jowers to approve donating one weather station to the Lakeview Middle School. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- **West Orange Foundation**

John Cappleman, 519 N. Woodlawn Street, Winter Garden, Florida, stated that he is the President of the West Orange Foundation, which was established to enhance West Orange High School by providing events and programs such as drama, band, academics, and athletics. Their biggest project to date has been the replacement of the football field surface. He is present to ask for the City's support of the West Orange Foundation in general and for monetary support of their operating budget which at present consists of paying off the football field. He explained that the visionaries, who had this field ready for the football season, borrowed \$500,000 and raised \$100,000. He asked the City Commission for their commitment and financial support of \$25,000 for this year.

Mayor Quesinberry stated that he felt that the City's position with the upcoming cutbacks makes this a "do it now" situation and recommended that a motion be made to give this amount of \$25,000. **Motion by Commissioner Jowers to donate \$25,000 to the West Orange Foundation. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

## 8. **MATTERS FROM MAYOR AND COMMISSIONERS**

### **Mayor Quesinberry**

Mayor Quesinberry recognized the retirement of Trailer City's Manager Johnny Clark and thanked him for his service to the City. City Manager Bollhoefer stated that Mr. Clark has done an excellent job for Trailer City.

Mayor Quesinberry stated to the City Commission that the packet for evaluating the City Manager will be in their mailboxes by Monday morning and asked that they be completed for tabulating by the next meeting or certainly by August 12, 2007 when the contract expires.

Mayor Quesinberry shared the upcoming events planned for the Fourth of July celebration.

### **Commissioner Boulter**

Commissioner Boulter stated that since he has been elected to District 3 and dealing with some of the ills in the east Winter Garden area, he has tried desperately to get the east Winter Garden area out of the "begging business." He spoke of preventive maintenance and addressed crime in the City of Winter Garden, and more specifically

in the east Winter Garden area. He stated that volunteers are needed and it is time to stop thinking that as long as everything is contained in that one area, there is no need to worry about it. He wants everyone to remember that crime moves and again asked for volunteers in that area to help change the attitudes of both the children and some of grownups that have not learned to do better.

Mayor Quesinberry stated that he is aware that the First Methodist Church has been in the east Winter Garden area this week with Bible studies and tonight they will be serving food.

Commissioner Boulter commented that the Winter Garden Police Department has done a wonderful job in that area.

There was discussion on some of the programs currently in place and the work needed in the future to produce a change in the area.

**Commissioner Sharman**

Commissioner Sharman thanked the new attendees for coming and said he is glad to see the new faces in the audience.

Commissioner Sharman addressed an earlier issue by stating that the City's ordinance approved condominiums or townhomes and a firm position should be taken in defining an apartment complex versus a condominium. The City should look into this further. City Manager Bollhoefer advised that this process was started this afternoon.

The meeting adjourned at 7:25 p.m.

APPROVED:

/S/  
MAYOR JACK QUESINBERRY

ATTEST:

/S/  
City Clerk Kathy Golden, CMC