



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

CITY COMMISSION REGULAR MEETING MINUTES September 13, 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, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Building Official Willie Herbert, Fire Chief John Williamson, Information Technology Director Bob Reilly, Recreation Director Jay Conn, Planner Director Ed Williams, Assistant to the City Manager for Public Works Don Cochran, and West Orange Times reporter Michael Laval

1. **FIRST READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2007-2008**

- A. **Ordinance 07-44:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008

City Attorney Ardaman read Ordinance 07-44 by title and the following excerpt from Section 1: The City Commission of the City of Winter Garden hereby adopts, establishes, and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the fiscal year beginning October 1, 2007 and ending on September 30, 2008, at the millage rate of 3.4296 mills (\$3.4296 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of the Winter Garden, Florida. This millage rate is less than the roll back rate of 3.7688 mills by 9.00 percent.

Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 07-44 with the second reading and public hearing on September 27, 2007. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Ordinance 07-45:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN,

FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND
ENDING ON SEPTEMBER 30, 2008

City Attorney Ardaman read Ordinance 07-45 by title and the following excerpt from Ordinance 07-45: Whereas, it is anticipated that there will be available for use and disbursement from the general funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$ 8,303,452
Revenue other than Ad Valorem	<u>19,034,907</u>
TOTAL REVENUES	\$27,338,359

Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-45 with the second reading and public hearing on September 27, 2007. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Ordinance 07-46**: AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008

City Attorney Ardaman read Ordinance 07-46 by title and the following excerpt from Ordinance 07-46: Whereas, it is anticipated that there will be available for use and disbursement from the CRA funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$350,498
Revenue other than Ad Valorem	<u>509,420</u>
TOTAL REVENUES	\$859,918

Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Buchanan to approve Ordinance 07-46 with the second reading and public hearing on September 27, 2007. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- D. **Ordinance 07-47**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2007-2008 IN ACCORDANCE WITH ARTICLE 3 SECTION 30.4 OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA, AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY
City Attorney Ardaman read Ordinance 07-47 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 07-47 with the second reading and public hearing on September 27, 2007. Seconded by Commissioner Sharman and carried unanimously 5-0.**

2. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of August 23, 2007 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.

• **PRESENTATIONS**

Mayor Quesinberry stated that City employees Engineering Technician John R. Teal, Public Service Worker II Amos E. Vaughn, and Storm Water Engineer Alex Z. Nasser, were working in the Traditions subdivision when they saw smoke coming from a home. He told of their gallant efforts in assisting to make the occupants of the home safe while waiting for the Fire Department to respond. Mayor Quesinberry stated that these examples of courage, dedication, and professionalism reinforce the hard work and commitment of all members of the City of Winter Garden's workforce. He thanked them for going above and beyond the call of duty by helping this family and presented them with certificates of appreciation on behalf of the City Commission, City staff, and City residents.

Fire Chief John Williamson stated that the Fire Department has two soldiers who have served in the armed forces; Miguel Hernandez of the Marine Corps and Ken Moisan a Master Sergeant in the Air Force. He stated that the City of Winter Garden supported Ken Moisan while he served in Iraq and indicated that Mr. Moisan would briefly present a slideshow.

Mr. Moisan shared that he is a proud citizen soldier who was notified of his deployment in 2006 to the Ali Base in Iraq for Operation Iraqi Freedom. During his deployment he received 110% support from the City of Winter Garden. He congratulated the City of Winter Garden for receiving the "Above and Beyond Award," stating that out of over 500 nominations, the City of Winter Garden finished in the top 15 for 2006-2007.

3. **REGULAR BUSINESS**

A. **Request for reappointment by Margo Kennington as the City Commission appointed Trustee on the General Employees Pension Board**

City Clerk Golden stated that the agenda package contains a letter requesting reappointment from trustee member Margo Kennington who has served since 1999. Ms. Kennington's term expires at the end of this month and she is offering her services for another term. **Motion by Commissioner Jowers to reappoint Margo Kennington as the City Commission's appointed trustee on the General Employees Pension Board. Seconded by Commissioner Boulter and carried unanimously 5-0.**

B. **Recommendation to approve Change Order #1 for \$209,778.93 to the Emerald Utilities contract for the Ninth Street and Story Street Intersection Improvements Project**

Public Services Director Cochran stated that the City currently has Emerald Utilities under contract for the Ninth Street and Story Road improvements. He noted that the City has similar work to do at the intersection of State Road 50 and CR 535, as well

as Fox Crest Boulevard and Daniels Road. This includes construction of turn lanes, traffic striping, installation of curves, and signalization. He stated that staff has already received competitive bidding on these items and staff recommends approval of this change order with Emerald Utilities.

Mayor Quesinberry asked about their success with the other project, which Mr. Cochran affirmed and stated that the City has been given good pricing.

Commissioner Bouler asked if Emerald Utilities was also completing the Center Street project. Mr. Cochran responded yes. Commissioner Bouler asked if they would also be doing the Bay Street improvements. Mr. Bollhoefer explained that they are on a push button contract and it will be either done by them or one of the other contractors.

Motion by Commissioner Buchanan to approve Change Order #1 for \$209,778.93 to the Emerald Utilities contract as recommended by staff. Seconded by Commissioner Jowers and carried unanimously 5-0.

C. **Recommendation to approve the City's support of the "Upper Ocklawaha River Basin Management Action Plan Statement of Commitment to Plan Implementation"**

Public Services Director Cochran stated that the City is a member of the Upper Ocklawaha River Basin working group that consists of a group of government entities formulating a management plan to reduce the stormwater pollutants into Lake Apopka. The Florida Department of Environmental Protection is requesting that the City send a letter of support of this plan and City staff does recommend approval.

Motion by Commissioner Jowers to approve the City's support of the "Upper Ocklawaha River Basin Management Action Plan Statement of Commitment to Plan Implementation." Seconded by Commissioner Buchanan and carried unanimously 5-0.

D. **Recommendation to approve an Interlocal Agreement with Orange County for widening and improvements to County Road 545 in three phases; Phase 1 from the west boundary of Carriage Pointe to the north entrance of Hickory Hammock; Phase 2 from the north entrance of Hickory Hammock to the southerly right-of-way line of the Florida Turnpike; and Phase 3 from the southerly right-of-way line of the Florida Turnpike to State Road 50**

City Planner Williams stated that the City is preparing to invest approximately \$14 million of transportation impact fees generated in this area for the first phase of widening CR 535. In conjunction with that project, the City Manager felt that it was important to have Orange County make commitments on Phases II and III of the road widening to insure that progress is made throughout the project. The agreement has been prepared, Orange County staff supports it, and staff will present

it to the County Commission. He stated that City staff strongly recommends approval of this agreement.

Motion by Commissioner Sharman to approve Interlocal Agreement with Orange County for widening and improvements to County Road 545 in three phases; Phase 1 from the west boundary of Carriage Pointe to the north entrance of Hickory Hammock; Phase 2 from the north entrance of Hickory Hammock to the southerly right-of-way line of the Florida Turnpike; and Phase 3 from the southerly right-of-way line of the Florida Turnpike to State Road 50. Seconded by Commissioner Jowers.

Commissioner Buchanan asked if there had been any discussion on widening County Road 535 down to State Road 429 (beltway). City Manager stated that this agreement will take the road down to Tilden and at that point it is the County's responsibility and is not a part of this agreement. Commissioner Buchanan stated that he wondered if there was any discussion on this issue and expressed that he would rather see the traffic go in that direction (south) as opposed to having it go back (north) toward State Road 50. There was discussion that traffic would be directed towards the beltway.

Mayor Quesinberry called for the vote. **Motion carried unanimously 5-0.**

5. **MATTERS FROM CITIZENS** – There were none.

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman addressed a recent newspaper article relating to a Florida Supreme Court decision handed down last week. He stated that the decision may put bonds and financing arrangements at risk for cities, counties, and school boards throughout the state. There are concerns from almost all the cities, counties, and school boards who have any bonds that have not been validated. There is an opportunity for the Supreme Court decision to be clarified. The Florida League of Cities, the League of Counties, and the School Board Associations Superintendent, as well as the county involved, have all agreed to file a request for rehearing and clarification. Hopefully the Florida Supreme Court will clarify its decision, which will prevent concerns in the secondary bond markets as well as other concerns for the cities and counties with bond items issued to date.

7. **MATTERS FROM CITY MANAGER** – There were no items.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Mayor Quesinberry

Mayor Quesinberry discussed the recent Philharmonic Concert and stated it was a good turnout for a free concert.

Commissioner Buchanan

Commissioner Buchanan thanked City staff and City Manager Bollhoefer for all the support given to the Rotary Club with reference to this year's Philharmonic Concert. He noted that this is the first year Tanner Hall was used for the VIPs. He addressed the weather as having some bearing on the turnout and shared that it was a great concert.

Commissioner Buchanan stated that several people have asked him about the Health Central Foundation's upcoming Veterans' Day celebration known as "A Day in the Park", which is a family festival held at Health Central Park and the foundation is requesting the City's support with in kind use of the stage and some other things such as that. Mr. Bollhoefer stated that staff is glad to help and he believes the program benefits the school nursing programs.

Commissioner Boulter

Commissioner Boulter stated that he had his first community forum, as a City Commissioner, this past Saturday. He thanked the Mayor and the City Manager for their participation in the forum, sharing that their support goes a long way in showing that the City staff and government are changing. He noted that the perception that the City does not care about all of the citizens has changed. He stated that Mr. Bollhoefer comes to all of the community meetings on the east side of town or sends a representative, along with the Police Chief, and they should be commended for all of their efforts. He again thanked the Mayor and the City Manager.

Commissioner Sharman

Commissioner Sharman made a presentation to the City Commission regarding "Going Green" in which he stated that many top-notch organizations and large cities all around the world are doing. The smallest changes such as changing the type of light bulb you use to the energy efficient types can make a difference. He explained that there is a significant economic impact and the City can implement key steps to positively change our environment. He discussed energy conservation, setting green goals, and named several organizations who are already "Going Green." He suggested a proclamation be written in order for the Commission to show their support in moving forward toward these goals. He encouraged everyone to attend the Orange County Seminar on this subject to be held September 25, 2007. Mayor Quesinberry stated the City Clerk can draft a proclamation if Commissioner Sharman would provide her with the pertinent information.

The meeting adjourned at 7:03 p.m.

APPROVED:

/S/
MAYOR JACK QUESINBERRY

ATTEST:

/S/
City Clerk Kathy Golden, CMC