



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING & COMMUNITY REDEVELOPMENT AGENCY MEETING MINUTES

December 13, 2007

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:30 p.m. at City Hall, 251 West Plant Street, 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, City Clerk Kathy Golden, Assistant City Manager Marshall Robertson, City Planner Ed Williams, Public Services Director Don Cochran, Police Chief George Brennan, Finance Director Brian Strobeck, Fire Chief John Williamson, Information Technology Director Bob Reilly, Human Resources Director Frank Gilbert, Recreation Director Jay Conn, Economic Development Director Dolores Key, Assistant City Engineer Mike Kelley, Assistant City Attorney Daniel Langley, Executive Assistant to City Manager Andrea Vaughn, and West Orange Times reporter Michael Laval.

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the special meeting minutes of November 29, 2007 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.

2. **PRESENTATION**

Supplemental Water Supply Feasibility Study

Public Services Director Cochran stated that a safe reliable water supply is essential to the growth of any community. The City of Winter Garden has been working on this issue on many fronts and a few months ago the City contracted with Boyle Engineering to prepare a feasibility study of alternative water supplies. A presentation of that study was presented by Roberto Gonzalez and Wayne Mather with Boyle Engineering (see attached).

Mr. Cochran stated that even if the City reaches a build-out population of 55,000, there will be 1.8 million gallons available per day through the consumptive use program from St. Johns Water Management District. St. Johns will not allow the City of Winter Garden, or any other Central Florida community to pump more water out of the ground after year 2013. We will be able to get 2 million gallons a day of reuse water Conserve II. If we can produce 3 million gallons a day from our own reuse system at year 2025 with a population of 55,000, we will still be short 1.8 million gallons a day. With reference to water conservation, in order to make up that amount of water on a daily basis, that will require 50 gallons per person. He stated that it is not realistic to believe that we can get people to conserve 50 gallons per person per day. He reiterated Mr. Gonzalez's point that the St. Johns Water Management District has strongly encouraged cities to look at these alternative water supplies. Mr. Cochran stated that he has been attending these meeting and described the progress of some

of the projects. He described cost increases for water supply. The City will be working harder at water conservation and retrofitting our existing neighborhoods that do not have reuse so that the deficit amount we face in the future can be minimized.

Mayor Quesinberry asked about the timeframe for putting in the pipe lines. Mr. Cochran responded 10 to 15 years, but suggested a plan for installing the pipe lines within the next five years.

Commissioner Buchanan asked if there has been any discussion as to whether there is the possibility of filtering reuse water enough times to make it potable water. Mr. Cochran responded no, but technologies are progressing and he described the ability to filter salt water intrusion. He described some of the systems elsewhere that are close and are not unrealistic.

Commissioner Sharman asked Mr. Cochran to elaborate on the difference between pulling water above the Conditional Use Permit (CUP) amount today versus what will happen in 2013. Mr. Cochran responded that he believes the City has a CUP for the next 15 years with a top out draw of 5.8 million. After 2013 the St. Johns River Water Management District has said they will not even consider the drawing of any additional water from the groundwater sources.

Commissioner Jowers asked about the ability to operate any wells installed between now and 2013. Mr. Cochran stated that we will be able to operate them as long as the CUP is not exceeded. The City, on a regular basis, has exceeded the 1.8 million a day but we have been given a grace period because they know the City is participating in the supplemental water supplies, actively seeking alternate water supplies, working on reuse system, and working on a conservation plan. They have given us some slack and are working with us until we get some of these items on line.

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 07-63:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.25 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 311 SOUTH MAIN STREET FROM CITY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-63 by title only. **Motion by Commissioner Jowers to approve Ordinance 07-63 with the second reading and public hearing being scheduled for January 10, 2008. Seconded by Commissioner Boulter and carried unanimously 5-0.**

B. **Ordinance 08-01:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 1536, 1537 AND 1538, ARTICLE X, CHAPTER 118, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REQUIRING DARK SKIES LIGHTING BY PRIVATE DEVELOPMENT; REQUIRING ALL DEVELOPMENTS TO PROVIDE STREET LIGHTING ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR CODIFICATION;

PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-01 by title only. City Manager Bollhoefer stated that at a previous Commission meeting one of the Commissioners requested a brief presentation on what Dark Skies lighting is and recognized Andrea Vaughn, Executive Assistant to the City Manager to give a PowerPoint presentation. **Motion by Commissioner Boulter to approve Ordinance 08-01 with the second reading and public hearing being scheduled for January 10, 2008. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Ordinance 08-02:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ARTICLE II OF CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN PEACETIME EMERGENCY PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-02 by title only. **Motion by Commissioner Buchanan to approve Ordinance 08-02 with the second reading and public hearing being scheduled for January 10, 2008. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- D. **Ordinance 08-03:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 9 OF CHAPTER 106 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REQUIRING THE MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES; PROVIDING FOR ENFORCEMENT OF MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES; PROVIDING FOR OPTIONAL PROCESSES AND MECHANISMS FOR THE CITY OF WINTER GARDEN TO MAINTAIN AND ENFORCE MAINTENANCE OF PRIVATE STORMWATER MANAGEMENT SYSTEMS AND FACILITIES AND CHARGE, LIEN AND ASSESS PROPERTY OWNERS BENEFITED BY OR RELATED TO SUCH MAINTENANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-03 by title only. **Motion by Commissioner Jowers to approve Ordinance 08-03 with the second reading and public hearing being scheduled for January 10, 2008. Seconded by Commissioner Sharman and carried unanimously 5-0.**

Commissioner Sharman asked how unplatted ponds are reviewed and who determines who will be assessed for receiving the benefit from a particular pond. City Manager Bollhoefer stated that there are currently three ponds that the City has reviewed and has determined who benefits from them. Benefits are determined by the properties draining into the pond. There are people who live by these ponds that complain that they are not being maintained. Several residents do not care if they are maintained and do not want to

have to pay to have them cleaned. This will provide a mechanism to assess those that directly benefit as determined by looking at the stormwater systems.

Commissioner Sharman asked the City Attorney what the outcome would be if someone says they do not benefit from the pond. Mr. Ardaman stated this would be a factual determination and an actual stormwater analysis by the City would be done.

Commissioner Buchanan asked if the Crown Point Springs Subdivision retention pond had ever been resolved. City Manager Bollhoefer stated that the City is very near a solution and he explained a possible solution that would fix the ponds. A bid package was created and advertised in an effort to determine the cost to repair it. Many years ago a proposal was brought to the City Commission where the City, developer, and Homeowners' Association would each pay one-third of the cost to fix this problem. The City would like to get them all in agreement again and see if they are all on board with this solution; then bring it back to the City Commission for approval and move forward to fix the pond.

Commissioner Buchanan asked if there was anything in place to be sure that this sort of thing does not happen again and asked how a builder could get a Certificate of Occupancy (CO) until the retention pond is first approved by St. Johns Water Management District? City Manager Bollhoefer stated that the way things are done now those types of issues should not occur.

Commissioner Buchanan stated that he thinks something should be put in place to make sure it does not happen. Mr. Bollhoefer explained that the City does have mechanisms in place to ensure that it does not happen in the future. City Attorney Ardaman added that the City has ordinances in place, and the Development Review Committee (DRC) process brings every department to the table with their checklists so each staff member knows what is needed.

- E. **Ordinance 08-04:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADDING DIVISION 6 IN ARTICLE II OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN DEFINING AND REGULATING PORTABLE STORAGE BUILDING OR CONTAINER, REQUIRING PERMIT FOR SAME AND AUTHORIZING THE ISSUANCE OF SUCH PERMITS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-04 by title only. **Motion by Commissioner Boulter to approve Ordinance 08-04 with the second reading and public hearing being scheduled for January 10, 2008. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- F. **Ordinance 08-05:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 26 IN ARTICLE II OF CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER

GARDEN PROVIDING REMOVAL OF PLANNING AND ZONING BOARD MEMBERS DUE TO THREE UNEXCUSED ABSENCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-05 by title only. Mayor Quesinberry clarified that this relates to three unexcused absences in a year. **Motion by Commissioner Jowers to approve Ordinance 08-05 with the second reading and public hearing being scheduled for January 10, 2008. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- G. **Ordinance 08-06:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 38-56 THROUGH 38-58 AND 38-91 THROUGH 38-103 IN ARTICLE I OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN DEFINING AND REGULATING LOT CLEANING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-06 by title only. **Motion by Commissioner Boulter to approve Ordinance 08-06 with the second reading and public hearing being scheduled for January 10, 2008. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

Commissioner Buchanan emphasized that this gives Code Enforcement a lot of power that needs to be monitored very carefully.

City Manager Bollhoefer explained the City's intention is not to abuse this provision but for enforcement when people will not cooperate and to give the City leverage to take care of the problems. One of the biggest complaints the City has from residents is that they want to know why the City cannot enforce this and we have had to tell them that we really do not have the authority.

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

- A. **Ordinance 07-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.428 ± ACRES LOCATED AT 1225 N. WEST CROWN POINT ROAD, 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 07-48 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 07-48. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Ordinance 07-49:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.428 ± ACRES OF CERTAIN REAL PROPERTY

LOCATED AT 1225 N. WEST CROWN POINT ROAD FROM ORANGE COUNTY RESIDENTIAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-49 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Buchanan to adopt Ordinance 07-49. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Ordinance 07-50**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.428 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1225 N. WEST CROWN POINT ROAD FROM ORANGE COUNTY RESIDENTIAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-50 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 07-50. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- D. **Ordinance 07-56**: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-56 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to adopt Ordinance 07-56. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- E. **Ordinance 07-57**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.41 ACRE PROPERTY LOCATED AT 21 & 35 BROAD STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-57 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Buchanan to adopt Ordinance 07-57. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- F. **Ordinance 07-61**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR REGULATION OF LAWN AND TURF FERTILIZATION; PROVIDING FOR GEOGRAPHIC JURISDICTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING A SEVERANCE AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-61 by title only. City Manager Bollhoefer stated that currently there is a state task force meeting next week to come out with their findings

on January 14, 2008. Florida Pest Management Association and Florida State Representative Bryan Nelson have requested that the City of Winter Garden table this item until they release their findings. The goal of this task force is to come up with a set of ordinances that will match from community to community throughout the state. He suggested tabling this item to a date uncertain until the City hears from the state. **Motion by Commissioner Sharman to postpone Ordinance 07-61 to a date uncertain.** City Attorney advised this item will have to be re-advertised. **Seconded by Commissioner Buchanan and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

A. **Appeal Planning and Zoning Department's denial of a portable sign permit requested by Liberty Tax Service located on the northeast corner of Dillard Street and W. Colonial Drive**

Bob McPherson owner of Liberty Tax Service, 1035 S. Dillard Street, Winter Garden, Florida, was present to address the City Commission.

Mayor Quesinberry stated that last year the City Commission approved a temporary permit for the Liberty Tax portable sign and thought it was to be taken care of before this year. Mr. McPherson responded that he also thought it was resolved until he applied for the sign permit and was denied by Planning and Zoning. He is requesting a variance to his sign permit for the same reasons as last year. He gave the City Commission a photo of a person holding the sign and who would be holding the temporary sign for fewer hours than last year.

City Planner Williams stated that this business already has a sign on State Road 50. Since his portable sign was approved last year, a dozen other businesses have followed and they have become a problem. One example is KB Homes on CR 535 who has been cited with a number of sign violations. KB Homes has been asked by the City to come in to see if those violations could be resolved. Subsequently, KB Homes went around the City and found other properties with a sign they thought did not comply with the code and they were building a case for selective enforcement. The selective enforcement issue will affect the City's ability to not only enforce sign regulations, but to enforce many of the other codes. Staff strongly recommends that the City Commission not grant this type of waiver, especially while the City is in negotiations to resolve the dispute with KB Homes. If the City continues to do selective enforcement and make exceptions, many of the City's codes will be potentially at risk.

City Manager Bollhoefer stated that in January or February staff will be conducting a sign code workshop with the City Commission. Staff has been meeting and reviewing the entire sign ordinance in order to make it better and they have met with businesses, developers, and realtors. The City will be trying to improve and rewrite the entire sign ordinance.

Motion by Mayor Quesinberry to deny a portable sign permit as requested by Liberty Tax Service located on the northeast corner of Dillard Street and W. Colonial Drive. Seconded by Commissioner Jowers.

Mr. McPherson stated that this is a seasonal business and this method of advertising brings in the majority of their business and that is why he is asking for the waiver. Commissioner Jowers stated that last year he lead the charge on this issue with the understanding that by this year Mr. McPherson would have found a solution. Commissioner Jowers stated that he supports a businessman's right to do business and being a businessman himself he supported Liberty Tax Service's sign permit last year, but with no effort being made on Mr. McPherson's part to remedy the problem, he could not support him again this year.

Commissioner Sharman asked how this affects candidates during an election. City Attorney Ardaman stated that political speech is treated a little differently. The City will be reviewing all types of signage. He cautioned regarding distinguishing the content of a sign because of state cases not allowing for a distinction with regard to content.

Commissioner Buchanan suggested that this business join local organizations in order to get the word out stating word of mouth is the best advertisement.

Motion carried unanimously 5-0.

B. Recommendation to approve Change Order #1 with Encore Construction for Phase I Public Access Reuse Storage and Pumping Facilities Project for \$1,254,500.00

Public Services Director Cochran stated that currently the City has Encore Construction under contract for Phase I of the public access reuse and storage pumping project. The City also has a project budgeted for a sludge dewatering system and VFD pump controls at the wastewater plant. He stated that the City is proposing a change order with Encore Construction to have them construct the pre-engineered metal building that would house this equipment and have the City purchase the equipment directly. This would save the City approximately \$221,000. The project is not very complex and is a pre-engineered building so would not need the engineering services.

Commissioner Buchanan asked if the entire payment has to be made at one time or is it broken down in stages. Mr. Cochran stated that \$1.5 million has been budgeted this year. This will cover Encore Construction's cost as well as purchasing the equipment which costs \$273,428.

Motion by Commissioner Jowers to approve Change Order #1 with Encore Construction for Phase I Public Access Reuse Storage and Pumping Facilities Project for \$1,254,500.00. Seconded by Commissioner Buchanan and carried unanimously 5-0.

C. Resolution 07-11: A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, APPROVING THE ANNUAL EXTENSION OF THE THREE YEAR AGREEMENT WITH QUALITY VAULTS INC., PROVIDING FOR CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 07-11 by title only. Mayor Quesinberry stated that last year Commissioner Jowers requested that this be brought before the Commission annually. **Motion by Commissioner Jowers to approve Resolution 07-11. Seconded by Commissioner Sharman.**

Commissioner Jowers asked if the contract has changed in any way. Public Services Director Cochran stated no and Quality Vaults has submitted a letter stating they will honor their prices for another year. **Motion carried unanimously 5-0.**

D. **Recommendation to approve Walker's Grove Townhomes Final Plat with staff recommended conditions**

City Planner Williams stated that staff and the Planning and Zoning Board recommend approval. **Motion by Commissioner Buchanan to approve Walker's Grove Townhomes Final Plat with staff recommended conditions (see attached). Seconded by Commissioner Jowers and carried unanimously 5-0.**

E. **Recommendation to approve an Environmental Contamination Hold Harmless and Indemnity Agreement with Shooting Star, LLC and Williams Investment Group, LLC for StarChild Academy**

City Planner Williams stated this is in conjunction with the plat that is the next item on the agenda and staff recommends approval. **Motion by Commissioner Sharman to approve an Environmental Contamination Hold Harmless and Indemnity Agreement with Shooting Star, LLC and Williams Investment Group, LLC for StarChild Academy. Seconded by Commissioner Boulter and carried unanimously 5-0.**

F. **Recommendation to approve StarChild Academy Final Plat with staff recommended conditions**

Motion by Commissioner Jowers to approve StarChild Academy Final Plat with staff recommended conditions (see attached). Seconded by Commissioner Buchanan and carried unanimously 5-0.

G. **Recommendation to approve a request by Strates Properties, Ltd. for an outdoor carnival at 1500 E. Plant Street commencing April 12, 2008**

City Planner Williams stated that staff is happy to bring this to the City Commission; it was a great success last year and staff thinks it will be a great success this year. **Motion by Commissioner Buchanan to approve the request by Strates Properties, Ltd. for an outdoor carnival at 1500 E. Plant Street commencing April 12, 2008. Commissioner Buchanan stated that they did a lot for the community last year. Seconded by Commissioner Jowers. George Strates stated that each year they try to help with community activities and this year they plan on supporting the Bloom N' Grow Garden Society. Motion carried unanimously 5-0.**

H. **Discussion and possible action regarding recommendation for appointment to the Orange County Community Action Board for expiring term of Commissioner Boulter on December 31, 2007**

Mayor Quesinberry stated that if Commissioner Boulter would be willing to accept this position again he would be glad to submit his name for reappointment. Commissioner Boulter stated the time he has spent on the Community Action Board has been very informative and he has enjoyed his tenure at Orange County and would like to stay if possible. **Motion by Mayor Quesinberry to approve reappointing Commissioner Boulter to the Orange County Community Action Board. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

I. Recommendation to authorize creating a small business Micro-Loan Program (\$5,000 to \$25,000) with BankFIRST with the City Manager executing the necessary agreements

City Manager Bollhoefer recognized Economic Director Key to give a brief outline of this program.

Ms. Key stated that this innovative program is to assist small businesses in our area with micro-loans ranging from \$5,000 to \$25,000. In order to make sure that these companies have a chance to succeed, the City has been able to negotiate a technical service agreement with SCORE Chapter #0138, as the Small Business Administration (SBA) approved technical advisor, which will give companies the tools, materials, and business advice for their specific fields. There will be at no charge to the client or to the City. Applicants will first apply with the City for their loan and after meeting various requirements, the business will be referred to BankFIRST for the final approval of any loans with City funds being used as collateral.

Mayor Quesinberry asked if the City would be responsible for any loans that may default. Ms. Key responded that City funds are used as collateral and the City is basically the co-signer. City Attorney Ardaman verified that the collateral is for the principal, not the interest.

Commissioner Jowers stated that the success factor of this program is very high. Commissioner Sharman asked if part of the approval process will include applications coming to the City Commission for approval. Ms. Key responded no. City Manager Bollhoefer stated that the bank approves the loan, not the City Commission. The staff would pre-approve whether or not they think it is a good business for Winter Garden and if it is worthy or not. Commissioner Sharman asked if it would be possible to have the City Commission also pre-approve the business. Mayor Quesinberry stated that as he understands it, approving this agreement turns the responsibility over to others.

Mr. Bollhoefer stated that the last step after going through the process could include bringing it to the City Commission for final approval. The process can be set up any way the City Commission would like. Commissioner Sharman stated that his thoughts are that the City is backing the loan therefore the City Commission should be a part of the approval process. Mr. Bollhoefer stated that staff would include this step as part of their standard operating procedure.

Motion by Commissioner Jowers to approve the creation of a small business Micro-Loan Program (\$5,000 to \$25,000) with BankFIRST; authorizing the City Manager executing the necessary agreements; and all loans will require final approval by the City Commission before being submitted to the bank. Seconded by Commissioner Sharman and carried unanimously 5-0.

Dispensed as the City Commission and convened as the Community Redevelopment Agency at 7:57 p.m.

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

Member Absent: Dale Crosby

J. **Accept resignations of Community Redevelopment Advisory Board members Bert Valdes (term expires June 2009) and Pam Stewart (term expires June 2008) and appoint their replacements**

CRAB Chairman/CRA Member Larry Cappleman stated that two resignations have been received; Bert Valdes and Pam Stewart. The advisory board met and recommends the CRA accept the resignations. **Motion by Agency Member Buchanan to accept the resignations of Community Redevelopment Advisory Board members Bert Valdes (term expires June 2009) and Pam Stewart (term expires June 2008). Seconded by Agency Member Boulter and carried unanimously 6-0.**

Mr. Cappleman stated that the advisory board reviewed the board appointment interest forms submitted to the City Clerk and are suggesting the CRA appoint Alan Haughey to replace Pam Stewart for her remaining term and Kelly Randall to replace Bert Valdes for his remaining term.

Agency Member Sharman stated that with only two vacant seats for appointment, he would like to see a member of District 4 serve on this board. He stated there a qualified applicant from District 4 and asked why he was not considered or why someone was considered over him for the appointment. Mr. Cappleman explained that the CRAB would like to ask that the City Clerk recertify the board appointment interest forms at least annually. A lot of the applications were dated earlier than 2006. The board assumed that those people with the most current applications were those most interested and that is why the CRAB probably selected from the latest submittals.

Agency Member Sharman asked if any of the applicants were present and noted there was one applicant present from District 4. He expressed that he interprets that those persons most interested in being appointed will attend the meeting the appointment is made.

Agency Member Buchanan stated that he does not think that necessarily makes someone more interested if they just show up for the one meeting. He expressed that he is not aware whether or not any of them were actually notified that they were going to be considered for appointment by the City Commission since the advisory board is the one

doing the assessment and making a recommendation. Mr. Cappleman replied that to his knowledge they did not make contact with their recommendations to let them know that their name was going to be brought to the City Commission.

Motion by Agency Member Sharman to consider Jim Gustino for appointment to the Community Redevelopment Advisory Board. Agency Chairman Quesinberry declared the motion died for the lack of a second.

Agency Member Boulter asked if a decision had to be made tonight. Mr. Cappleman responded no, the CRAB currently has seven members. These two appointments would bring the board to its maximum number and with only seven it will not invalidate the board.

Agency Chairman Quesinberry stated that we have three names for consideration; Alan Haughey, Kelly Randall, and Jim Gustino. Agency Member Cappleman asked if the CRA wants him to take back the three names for consideration by the CRAB. Agency Member Jowers suggested taking those three names back to the board because we now know that Mr. Gustino is directly interested in being appointed regardless of when he submitted his interest form.

There was discussion on the interest forms on file in the City Clerk's office indefinitely, until they are appointed, or whenever someone asks for them to be removed. It was the **consensus** of the CRA that **the City Clerk will certify these interest forms once a year**. It was also the **consensus** of the CRA that **Agency Member Cappleman will take back the names of Alan Haughey, Kelly Randall, and Jim Gustino to the advisory board for their consideration**.

K. Recommendation to approve a \$200,000 donation from CRA funds to the Heritage Foundation for the restoration of the Garden Theater

CRAB Chairman/CRA Member Larry Cappleman stated that the CRAB also received a request from the Winter Garden Heritage Foundation for \$200,000 from the balance of the \$300,000 pledge made by the CRA several years ago. The CRAB heard a presentation and reviewed with staff and the City Manager, the current financial condition of the CRA. The CRAB is recommending the CRA approve the cash contribution of \$200,000 of the \$300,000 remaining pledge so their construction payments can remain current. He recognized Alauna McMillien, General Manager of the Garden Theatre to answer any questions the CRA might have.

Ms. McMillien introduced John Murphy, President of the Winter Garden Heritage Foundation, and Becky Stafford, Chair of the Garden Theatre Board. She explained that this past April the CRA generously awarded the first disbursement that was used as matching funds for a grant from the Orange County Arts and Cultural Affairs. Since the capital campaign began in 2004, they have successfully raised \$2.2 million. They are nearing the end of construction and their vendors for lights, sound, and staging equipment are requesting their payments at this time. She shared that tickets purchased for the theatre that has yet to hold a performance total 677.

Ms. McMillien announced that the soft opening will be held the last week of January 2008, with the Garden Theatre Gala being held February 29 through March 2, 2008. She addressed the positive economic impact the Garden Theatre will have on the night life in the downtown area.

Motion by Agency Member Cappleman to approve a \$200,000 donation from the CRA funds to the Winter Garden Heritage Foundation for the restoration of the Garden Theatre. Seconded by Commissioner Jowers.

Agency Member Buchanan expressed that with the budget cutbacks for the City, he is having a hard time approving a \$200,000 donation. Agency Chairman Quesinberry indicated that the funds are from the CRA. Agency Member Buchanan stated that when a citizen cannot have recreational activities because of cutbacks, they do not care where the funds come from. He expressed that there should be some communication on this issue and asked what happens if the City does not give them the \$200,000. Ms. McMillien responded that a three-tiered capital campaign was launched and they are in the home stretch of that campaign. This capital campaign was already in place and if not funded they would have to go into a begging mode, which they would not like to do. Agency Member Buchanan stated that this is what the City is doing right now with some of the projects that it has had to shut down because of the tax cut issue. Ms. McMillien responded that this is very important because the \$500,000 pledge was pledged over a series of years and is now critical. Agency Member Buchanan stated that this was in 2004 when no one foresaw what the City would experience in 2008. He asked that they understand this in a broad prospective and not just the theatre and stressed that no one is trying to single them out.

Agency Member Jowers stated that he was not on the City Commission when this commitment was made but the funds nonetheless were committed and pledged by the City Commission at that time. He is not going to go back on that pledge even though he did not make it and he may not necessarily agree with the pledge. Agency Member Boulder agreed.

Agency Chairman Quesinberry asked City Manager Bollhoefer how much money was in the CRA fund. Mr. Bollhoefer responded that if the CRA was to give the Winter Garden Heritage Foundation \$200,000 there would be a remaining balance of \$324,000 at the end of this year.

Agency Member Buchanan asked if this money was earmarked for the redevelopment of the Eastside of Winter Garden. Mr. Bollhoefer responded that this was not earmarked for the east side but the next major plan in the CRA is for the redevelopment in East Winter Garden. Agency Member Boulder stated that is why he has no problem with the donation.

Agency Member Sharman asked for the details on where the CRA funds come from so the public understands. Mr. Cappleman explained that the CRA funds come from the county and the city through a tax increment formula within the CRA district as defined in

the CRA enabling ordinance, that froze CRA property values in 1996 (*the initial area taxable value was frozen in 1991*). Any growth in the taxable assessed value since 1996 within the CRA district are collected and paid to the CRA. It is an increment between the 1996 value and today's value that creates the funding into the CRA from both the City and Orange County.

Agency Member Sharman stated that basically the funds are acquired through regular property taxes and put it into a CRA fund. Mr. Cappleman answered that this is correct and explained that the State of Florida challenged the CRAs to drive up the value of property by rehabilitating blighted areas identified within the CRA. As that value is driven up within the blighted area, when the CRA terminates in 30 years, that property will be returned to the taxable entities in a much more valuable condition than they would have been had this money not been focused on correcting slum and blight within that area. Agency Member Sharman stated that it is good to have it in record that this money came from the CRA area and has to be spent there as well.

City Attorney Ardaman stated that when the CRA was created there was plan that had to be adopted. That plan was approved and considered so the items the money goes to should be consistent with that plan, although the plan can change by approval of the entities involved. Chairman Quesinberry stated that the CRA area has been expanded since its inception.

Motion carried unanimously 6-0.

Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 8:24 p.m.

L. Discussion and possible action regarding appointments to the City Canvassing Board consisting of two (2) citizens and two (2) alternates

Mayor Quesinberry asked City Clerk Golden who would make the recommendations. Ms. Golden stated that the appointment process was not established as part of the revised Charter and that is why it is listed on the agenda for discussion.

Commissioner Jowers suggested recommending one citizen from each district. For each election, two of those chosen would serve as regular board members and two as the alternates and they would alternate back and forth with each election. This way anyone appointed would be allowed to serve on the canvassing board.

Mayor Quesinberry stated that each Commissioner should have the name of someone to appoint from their district by the January 10, 2008 meeting, which will allow everyone to make sure their appointee will accept the appointment.

Motion by Commissioner Jowers that each City Commissioner will appoint one member from each district (1 through 4) to serve on the City Canvassing Board; members will alternate serving as a regular member and as an alternate member. Seconded by Commissioner Boulter. City Attorney Ardaman stated the Charter

provides that the City Commission makes the final decision, so each Commissioner can submit a name and the entire City Commission would then vote on the selection. There is no requirement that the City Commission has to accept a name submitted. **Motion carried unanimously 5-0.**

6. **MATTERS FROM CITIZENS** - There were none.
7. **MATTERS FROM CITY ATTORNEY** – There were none.
8. **MATTERS FROM CITY MANAGER**

Black History Committee of Orange County, Inc.

City Manager Bollhoefer stated that the Black History Committee of Orange County Incorporated has asked if the City of Winter Garden would like to purchase a table of six for \$1,000 for their 6th Annual History Month Gala on March 8, 2008. Mayor Quesinberry stated that the City used to buy two tables and dropped it down to one table. **Motion by Commissioner Buchanan to approve supporting the Black History Committee of Orange County, Inc. by purchasing one table for \$1,000. Seconded by Commissioner Boulter and carried unanimously 5-0.** Mr. Bollhoefer asked the Commission to let him know if they are interested in attending.

Boy Scouts of America request for waiver of Fees at Tanner Hall

Mr. Bollhoefer recognized Recreation Director Conn to address the City Commission on this issue. Mr. Conn stated that this is a request for waiving the fees for using Tanner Hall by the Boy Scouts of America for their banquet on Wednesday, March 5th, 2008. He stated that this is their annual fundraising event. **Motion by Commissioner Sharman to approve waiving the fees for Tanner Hall rental by the Boy Scouts of America for their annual fundraiser event, March 5, 2008. Seconded by Commissioner Jowers and carried unanimously 5-0.**

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman stated that the Florida League of Cities is putting together an action plan to send out to the City that will ask us to get the message out on where the City stands on the services that will be cut and how the proposed legislative changes on the ballot will affect the citizens with regards to services provided. City Manager Bollhoefer stated that a part of that plan is a resolution, which he will have for the next City Commission meeting. Commissioner Sharman shared that additional marketing material and literature will be forthcoming from the Florida League of Cities after the first of the year for our use to inform our citizens.

Commissioner Boulter stated that he received several calls from residents at Regal Point on 9th Street concerning an odor from an undetermined location. Some of the residents were here but had to leave. He stated that he has experienced this odor himself and described the location as near 9th Street going towards State Road 50. When turning that corner near the Circle K or

Dodge's it gets strong. Mayor Quesinberry stated that it could be that open area on the other side of 9th Street. Commissioner Boulter stated that he suspects that when it rains there is a wooded area that has puddles and the rotting foliage may be the cause.

He wished everyone a happy holiday since the City Commission will not meet again before the holidays.

Commissioner Buchanan thanked the City for their efforts, especially Recreation Director Conn, for the Christmas Parade. He thought it was spectacular and there were a lot of people that enjoyed it.

He stated that there have been some articles in the paper about the commuter light rail issue starting up again. He wanted to be sure that the City Commission got as much information as possible from some sort of liaison. Although this may not directly impact the City of Winter Garden it will have an affect on the City because we are in Orange County. We could be hit with unforeseen expenses because of it. He would like to have some kind of communication while they are having meetings. Commissioner Buchanan stated that he is aware there is a liaison on the Metropolitan Orlando Board (MPO) but he is not sure if they attend specifically those meetings for the light rail. He would like to make sure that the City has some kind of influence in the proceedings. Commissioner Sharman asked if it were a voting liaison. Mr. Bollhoefer replied no. Commissioner Buchanan stated that it just needs to be someone that can attend the meetings and bring back the information to the City Commission. Mr. Bollhoefer stated that the Mayor is familiar with the MPO, but he stated that the City actually had a citizen representative that has not been attending the meetings and a replacement is needed. The replacement would attend those meetings and would be the appropriate person to seek out that information.

City Manager Bollhoefer made reference to Commissioner Buchanan's earlier appreciation of staff at the Christmas Parade and added that several departments work hard during the holidays and do a great job at making our seasonal events so successful.

Commissioner Jowers stated that in addition to what Commissioner Boulter had to say about the odor earlier, the smell is coming from Ranger Asphalt. They have taken the scrubber socks off of their burners and it is producing ash so they are partly responsible for that smell. City Manager Bollhoefer stated that he will be down at Ranger's tomorrow morning.

Commissioner Jowers wished everyone a Merry Christmas and a Happy New Year.

Mayor Quesinberry stated that it was estimated that close to 6,000 attended Light up Winter Garden and it is getting bigger every year.

He wished everyone a Merry Christmas.

The meeting adjourned at 8:38 p.m.

