



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES January 24, 2008

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, Acting City Attorney Gayle A. Owens, City Clerk Kathy Golden, Assistant City Manager Marshall Robertson, Planner II Brandon Byers, Public Services Director Don Cochran, Police Chief George Brennan, Finance Director Brian Strobeck, Information Technology Director Bob Reilly, Assistant Utilities Director Bart Patria, Recreation Director Jay Conn, Economic Development Director Dolores Key, Assistant City Engineer Mike Kelley, Executive Assistant to the City Manager Andrea Vaughn, and West Orange Times reporter Michael Laval.

1. **APPROVAL OF MINUTES**

Motion by Commissioner Boulter to approve the regular meeting minutes of January 10, 2008 as submitted. Seconded by Commissioner Jowers and carried unanimously 5-0.

2. **PRESENTATIONS AND OATHS OF OFFICE**

A. Senior Intergovernmental Coordinator from the Office of Communications and Governmental Affairs for the St. Johns River Water Management District Nancy Christman presented information on low impact development benefits to local governments. Ms. Christman explained that the District is sponsoring a low impact development workshop in conjunction with Orange County to be held on February 15, 2008. She stated that they are talking to local government about steps that can be taken to help reduce the impact of development on our natural resources. This workshop focuses on water resources, water supply, and storm water. She also explained that the Florida Water Star program would be addressed at this workshop. It is similar to the Energy Star program that encourages water efficiency. She also gave a brief description on e-permitting capabilities that are available via the internet.

B. Certificates of attendance and participation for the Advanced Institute for Elected Officials were presented by Mayor Quesinberry to Commissioners Boulter and Sharman.

C. Oaths of office were administered to four new police officers by Police Chief Brennan. Police Chief Brennan introduced and administered the oath of office to: James C. Cox, Jasen M. Hilden, Brian R. Lancaster, and Charles D. Wilson.

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

- A. **Ordinance 08-08**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 07-45, THE CITY OF WINTER GARDEN FISCAL YEAR 2007-2008 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE
Acting City Attorney Owens read Ordinance 08-08 by title and details for revenue and expenses totaling \$19,325,199. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 08-08. Seconded by Commissioner Boulter and carried unanimously 5-0.**
- B. **Ordinance 08-10**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING APPENDIX A OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ROAD AND DRAINAGE CONSTRUCTION BY AMENDING ARTICLE III, SECTIONS 3.01, 3.02, AND 3.03 OF THE WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
Acting City Attorney Owens read Ordinance 08-10 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Buchanan to approve Ordinance 08-10. Seconded by Commissioner Sharman and carried unanimously 5-0.**
- C. **Ordinance 08-11**: 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 CREATING THE FOLLOWING SECTION THEREOF: ARTICLE I GENERAL; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WATER AND WASTEWATER SYSTEMS, DESIGN, CONSTRUCTION METHODS, MATERIALS AND INSPECTIONS; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
Acting City Attorney Owens read Ordinance 08-11 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 08-11. Seconded by Commissioner Sharman and carried unanimously 5-0.**
4. **REGULAR BUSINESS**
- A. **Recommendation to approve an Environmental Hold Harmless Agreement with West Orange Business Center**
Planner II Byers stated that this is part of the original agreement. **Motion by Commissioner Jowers to approve the Environmental Hold Harmless Agreement with West Orange Business Center. Seconded by Commissioner Buchanan and carried unanimously 5-0.**
- B. **Recommendation to approve the final plat for the West Orange Business Center**
Planner II Byers stated that staff has reviewed this final plat and recommends approval. **Motion by Commissioner Sharman to approve final plat for the West Orange Business Center with staff conditions as submitted (see attached). Seconded by Commissioner Boulter and carried unanimously 5-0.**

C. **Recommendation to approve youth program scholarships to summer day camp participants**

Recreation Director Conn stated that staff is requesting permission from the City Commission to provide scholarships for a portion of the participants in the City's summer youth day camp. Commissioner Jowers asked if any children are turned away from this program. Director Conn responded yes; there is a maximum capacity for the program with a waiting list for the last several years. **Motion by Commissioner Jowers to approve youth program scholarships to summer day camp participants as requested. Seconded by Commissioner Sharman.**

Commissioner Sharman shared that this is a great program that both of his sons attended until they reached the age limit. Commissioner Buchanan asked if this program has anything to do with the YMCA. Mr. Conn responded no, this is a separate program. Commissioner Buchanan stated that he was thinking that it could possibly be turned into a joint venture so kids did not have to be turned away. Mr. Conn stated that the current constraints are due to the building capacity at their two sites. He shared that the YMCA does not offer these kinds of programs at their facility but provide their programs at the schools. Commissioner Buchanan asked if there would be room for expansion when recreation is moved to Dillard Street. Mr. Conn responded yes, the City will have much more room at the new location. **Motion carried unanimously 5-0.**

D. **Recommendation to approve a contract with Planning Innovations, Inc. for \$49,900 to analyze local transportation services**

City Manager Bollhoefer explained that the City would like to hire this company to analyze the feasibility of the City of Winter Garden running some type of bus service. He spoke of a shuttle bus for the elderly and those on a low income which would provide a means of transportation to jobs within the City and gave an example of the ability to get to and from the new mall. He stated that we currently do not know how much this will cost but stated that the study will show us if it is possible.

Mayor Quesinberry stated that the insurance would probably be the highest cost. Mr. Bollhoefer replied that there would also be the expenses for gas, vehicles, and drivers.

Motion by Commissioner Sharman to approve a contract with Planning Innovations, Inc. for \$49,900 to analyze local transportation services. Seconded by Commissioner Boulter. Commissioner Buchanan expressed that staff should make sure that the \$49,900 is a worse case scenario. Mr. Bollhoefer stated that it is and it was reaffirmed to be the most they can charge and could possibly be less.

Commissioner Boulter asked how this would affect our discussions with Lynx. Mr. Bollhoefer stated that this will actually help the City in the long run. Once the bus feasibility study is obtained and there is the option of doing the service ourselves, it will give the City more leverage when dealing with Lynx.

There was discussion on Lynx Bus services and communications with them. **Motion carried unanimously 5-0.**

E. Nomination by District 3 City Commissioner to the election Canvassing Board as the first alternate member

Commissioner Boulter nominated Minister Anthony Hodge. He stated that Mr. Hodge runs the Lost Sheep Ministries. **Motion by Commissioner Boulter to appoint Minister Anthony Hodge to the Canvassing Board. Seconded by Commissioner Sharman and carried unanimously 5-0.**

F. Withdraw appointment of Jerry Carris to the election Canvassing Board because he holds public office on the Planning and Zoning Board; replacement nomination by District 2 City Commissioner

Mayor Quesinberry stated that the Commission has to withdraw the appointment of Jerry Carris to the Canvassing Board due to his holding of public office on the Planning and Zoning Board. Commissioner Buchanan nominated Alex Ramos. **Motion by Commissioner Buchanan to appoint Alex Ramos. Seconded by Commissioner Jowers and carried unanimously 5-0.**

5. MATTERS FROM CITIZENS

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, had the following items:

- Thanked the City Manager for quickly responding to his request to stripe the parking spaces on the east side of the downtown post office.
- Mr. Graham asked if a city representative will be attending the meeting scheduled in Jacksonville on alternative water options for cities. City Manager Bollhoefer stated that he believes City staff has been attending most all the meetings and verified with Public Services Director Cochran that he was not planning on attending this particular meeting.
- Mr. Graham shared that State Representative Bryan Nelson sent him a letter regarding the City of Winter Garden being invited to participate in "Water Day", which is really about cleaning up Lake Apopka on March 29, 2008.
- Mr. Graham recommended the City apply through the County for a Community Development Block Grant (CDBG) before the deadline of March 7, 2008. He felt that since the City is going to renovate the old Dillard Street Elementary School, this would be a good source to request funding. Applicants are encouraged to attend the meeting scheduled for February 7, 2008 at 9:45 p.m. in the public library. For more information, their contact number is (407) 836-5191.
- Mr. Graham stated that he spoke to Representative Daniel Webster about the problem with State Road 50 and Mr. Webster promised to look into this issue and may contact the City.
- Mr. Graham spoke to County Commissioner Teresa Jacobs regarding the Tucker property and wanted them to help with the park area near the cemetery. She stated she would not commit herself but after January 29, 2008 election, the City might be able to address the issue with her.
- Mr. Graham shared that he is paying more in county taxes than city taxes and asked what does he get? He called the county and they told him the City sends them their prisoners; the County sends us fire and rescue. He stressed that we should press the county to get our money's worth.

6. **MATTERS FROM CITY ATTORNEY** – There were none.

7. **MATTERS FROM CITY MANAGER**

A. **Discussion on an annual Dr. Martin Luther King, Jr. Parade**

City Manager Bollhoefer stated that in the past, activities for Dr. Martin Luther King Day have been discussed but staff had never been given any direction to move forward with any events. He and Commissioner Boulter have discussed some ideas for some events such as a multi-cultural day or diversity day.

Commissioner Boulter pointed out several reasons why the City of Winter Garden should hold events of its own and stated that the City of Winter Garden is very diversified. He encouraged the City Commission to adopt something that the City of Winter Garden can be proud of in this effort.

Motion by Commissioner Buchanan directing the City Manager to research and propose activities for the Dr. Martin Luther King holiday in the City of Winter Garden. Seconded by Commissioner Sharman and carried unanimously 5-0.

City Staffing

Mr. Bollhoefer stated that he has finished re-engineering the staff and has hired a new building official and is in the process of hiring a new assistant director to aid in the Planning and Zoning Department.

Architectural Review Board and State Road 50 Board

Mr. Bollhoefer stated that staff would like to move forward with two projects: one is an Architectural Review Board and the other is a State Road 50 Board. The Architectural Review Board would look at creating architectural standards in the downtown area. Staff's vision is for this board to consist of five members, each appointed by an elected official, three staff members, and one architect, for a total of nine members. The board would bring back their ideas to the City Commission for a final decision. He suggested that if the Commission agrees with this idea, the Commission could make their appointments at the next meeting. He explained that this review board would primarily be for the historical buildings in the downtown area.

It was the **consensus** of the City Commission that each Commissioner would choose an appointee for an Architectural Review Board by the next meeting.

Mr. Bollhoefer stated that staff would like to also look at creating a State Road 50 Review Board. He explained that Commissioner Jowers had commented several times that there are issues with the State Road 50 overlay district. He stated that from a staff perspective they believe some items were not done the best way they could have been and they would like to create a review committee. He suggested that the City Commission could choose five business owners on State Road 50 area and then have some staff members work with them to come up with different ideas and options. He stated that this committee would have meetings with all the business owners on State

Road 50 to offer enough public input and then bring their suggestions back to the City Commission on how to modify the State Road 50 overlay.

Mayor Quesinberry suggested having a representative from Orange County because of the enclaves on State Road 50. Mr. Bollhoefer suggested that at least one of the committee member businesses on State Road 50 be from a County enclave.

Commissioner Jowers explained the cost involved to a business owner with the current overlay requirements for State Road 50. He spoke of the grandfathering of existing merchants and the fact that there would be no change to make their property comply with such a high cost factor. He stated that State Road 50 is a gateway to Winter Garden and it needs to be done correctly. There is not a merchant that does not want to make improvements, but they want to be a participant in the plan rather than being told what they are to do.

There was discussion on the status of the State of Florida widening State Road 50. Mr. Bollhoefer stated staff will anticipate the City Commission will be making appointments at the either the next meeting or the meeting thereafter.

Downton Performing Arts Theatre

Mr. Bollhoefer stated that the performing arts theatre will be opening next week and some of the representatives of the theatre came to the City to address the downtown parking issue. He stated there is limited parking and some parking is being taken up by construction. Staff has come up with an interim plan and a parking management plan. He stated that Steve Pounds and Rodney Jolley have given the City permission to use their lots as long as the City likes until they begin to build. The City can patch, stripe, and put in temporary halogen lighting. Staff has spoken to Progress Energy who is willing to help with the lighting also. He stated that he wanted to assure everyone that there would be parking for the patrons of the theatre but also enough for the merchants. He requested that the City Commission to approve these interim steps for a cost of \$10,000 and no more than \$15,000.

Commissioner Sharman asked how long before the City will have its permanent parking on the Pounds property that the City purchased. Mr. Bollhoefer responded that this is actually part of the plan. Assistant City Manager Robertson came up with this plan where the City would put the temporary parking in place. The parking behind pounds would not be started until June when the New City Hall is completed. When the new City Hall is completed there will be 137 parking spots that can be utilized in the evenings and on weekends. **Motion by Commissioner Sharman to approve up to \$25,000 for an interim downtown parking plan and parking management plan as proposed by the City Manager. Seconded by Commissioner Boulter and carried unanimously 5-0.**

Sessions Property School

Mr. Bollhoefer stated that the elementary school project has been moved back to the year 2016. He stated staff is trying to come up with a plan to work with the Orange County School Board to move the plan up to 2011 and possibly 2010. One issue that he wishes to insure through the school board is that the road structure will be in place for the school to open. He stated that the City is currently working with developers and is not sure what it will cost if the four lane road is put in place which is necessary for stacking; it could cost up to an additional \$300,000. He stated that staff is working with developers to try and get them to pay for part of it and to utilize impact fees to pay a portion. He requested that the City Commission give staff direction to do what is necessary to get this road done with final costs coming back to the City Commission for approval. He reiterated that staff would like to move forward with this plan to ensure that these school projects are moved up.

Commissioner Sharman stated that he attended a meeting with Karen Ardaman of the Orange County School Board, City Manager Bollhoefer, staff, and Mack McLaughlin the City's Liaison with Orange County Schools. He reiterated that in addition to the road the Orange County School Board is trying to move the school date up and that the road is the first piece that the City Manager wants to bring to the City Commission in order to get the middle school to open on time in 2010. He stated that the school already has plans to do a two lane road for the middle school but staff believes a four lane road is necessary for the traffic flow.

Motion by Commissioner Sharman to authorize the City Manager to start negotiations for constructing the roads for the Sessions property school site with all parties as necessary. Seconded by Commissioner Jowers. Commissioner Boulter asked what is being done to make sure that when the school opens up that it is not overcrowded. Mayor Quesinberry stated that a school cannot be started with just one child in the area, they have to wait until there are 300 students and then by the time they get it built there has been more development in the area and they have to bring in portables. He stated that there he is not sure there is a way to be assured that there is not going to be a portable on the property. **Motion carried unanimously 5-0.**

Correction to City Flyer Opposing Amendment No. 1

Mr. Bollhoefer stated that the City's flyer mailed out in opposition of Amendment No. 1 included information provided by the Florida League of Cities that it will cost the schools \$3 Billion if passed. Mr. Bollhoefer has subsequently found out that the actual amount is a loss of \$1.5 Billion for schools. He suggested sending a Reverse 9-1-1 call to all our citizens giving them the correct information so they can be confident when making their decision that the City has provided an accurate figure.

Planning and Zoning Board

Mr. Bollhoefer advised that the Planning and Zoning Board currently has five of its seven members, which is sufficient for a quorum until the next City Commission meeting. He stated that the City Commission has the option of appointing replacements tonight.

Mr. Bollhoefer stated that Mr. Xerxes Snell did live in District 2 and has since moved to District 1. Based on the amended ordinance there must be at least one member from each district and no more than two from a single district. Currently there are two from District 4 and two from District 1. The first appointment will have to be from District 3 to comply with the ordinance. The second selection will have to be from District 3 or District 2 in accordance with the ordinance.

Motion by Commissioner Boulter to appoint Rohan Ramlackhan to the Planning and Zoning Board. Seconded by Commissioner Jowers and carried unanimously 5-0.

Motion by Commissioner Buchanan to appoint Jim Gentry to the Planning and Zoning Board. Seconded by Commissioner Boulter and carried unanimously 5-0.

Waiver of Tanner Hall rental fees for the Friends of Lake Apopka

Mr. Bollhoefer stated that Mona Phipps, with the Friends of Lake Apopka, has requested a fee waiver of \$75.00 by the City Commission so they can hold a public meeting on Thursday, March 6, 2008. **Motion by Commissioner Buchanan to waive the \$75.00 rental fee for Tanner Hall for the Friends of Lake Apopka meeting on March 6, 2008. Seconded by Commissioner Sharman and carried unanimously 5-0.**

Update on Tucker Ranch Property

Mr. Bollhoefer stated that he has talked with staff and the representative of Ms. Tucker and our information is that the County is looking at Tucker Ranch property again but it depends on the Amendment No. 1 vote. If it is approved the county will probably walk away from this issue. If it is voted down they may consider it again for the City.

Community Development Block Grant

Mr. Bollhoefer stated that the City submits a project for this grant each year and he had not thought of Dillard Street Elementary but he will consider this carefully and submit a project prior to the March deadline.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Buchanan stated that the Crossings Church sponsored a yard makeover by the Adrenalin Youth Ministry near Story Road and Seminole Street. While the event started out as a \$6,000 yard makeover, people came by and saw just how much the family of five really needed and before everything was all done, a \$6,000 yard makeover turned into a \$50,000 home makeover. He described some of the items that were replaced and how this event that started out as a single group effort became a community effort.

Commissioner Boulter shared some of the efforts that the Adrenaline Group has done in his District and stressed that they are an excellent group and encouraged everyone to visit them.

The meeting adjourned at 7:50 p.m.

APPROVED:

/S/ _____
MAYOR JACK QUESINBERRY

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC