



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES April 10, 2008

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees 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 John Rees, Commissioners Harold L. Boulter, Bob Buchanan, H. Gerald Jowers

Absent: Commissioner Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager Marshall Robertson, Public Services Director Don Cochran, Fire Chief John Williamson, Police Chief George Brennan, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Information Technology Director Bob Reilly, Recreation Director Jay Conn, Economic Development Director Dolores Key, Assistant City Engineer Mike Kelley, Planning Director Ed Williams, Orlando Sentinel reporter Gabrielle Finley, and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of March 27, 2008 as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0.

2. Mayor Rees read **Proclamation 08-02** declaring May 4-10, 2008 as Municipal Clerks Week.

3. **REGULAR BUSINESS**

A. **Recommendation to approve site plan for West Orange Church of Christ located immediately north of the Florida Turnpike at 1450 Daniels Road with conditions**
Planning Director Williams stated that the West Orange Church of Christ has applied and submitted a site plan to renovate and improve their existing facility. The site plans submitted will substantially improve the architectural facade of the existing building which faces the road. Mr. Williams stated that staff has reviewed their plans and recommends approval subject to the two memorandums provided in the agenda packet. **Motion by Commissioner Boulter to approve site plan submitted for West Orange Church of Christ with conditions (see attached). Seconded by Commissioner Jowers and carried unanimously 4-0.**

4. **MATTERS FROM CITIZENS**

Mr. Thomas Gregory stated that at the last Commission meeting, Commissioner Boulter spoke of a noise problem in his community and how the City is looking for solutions. He stated that one of the solutions mentioned was to increase policing in that area. He recommended that a campaign be launched that could include signs with messages like "This is a Silent Community," "We Appreciate your Silence," or "Silence is Respect." He felt that the young people would listen to this type of message. There are always two sides: cost and reward. The cost is what the Police Officers do and the reward is what the kids think. He reiterated that this marketing campaign may help the problem.

Mayor Rees stated that this is an idea that the City can look into further and thanked Mr. Gregory for his input.

5. **MATTERS FROM CITY ATTORNEY**

A. **Update on Districting Commission and possible appointments**

City Attorney Ardaman advised that as of or after April 30, 2008, the City Commission is to establish a districting committee in accordance with the new City Charter. This process is triggered whenever the largest district exceeds the smallest district by 50 percent and when each decennial census occurs. Each Commissioner nominates one registered voter residing within their district to sit on the Districting Commission. The Mayor nominates someone from anywhere in the City as long as they are on the City's voter rolls. The City Commission must approve each of the members. The Districting Commission has 120 days after the City Commission creates the committee to complete and submit a redistricting plan to the City Commission via the City Clerk, Mayor or City Manager. The report is to contain a proposed ordinance which will redistrict the City's existing boundaries, consistent with the law to include certain parameters. He stated that the Charter requires that the populations not deviate over 5 percent of any of other district populations over the average of all of the four districts. There are also federal requirements of a 10 percent maximum deviation. The district boundaries are to be compact and minimized so that the boundaries of each district does not have gerrymandering.

In addition, the City is also subject to a final judgment from a 1983 case that he is waiting for a signed copy of. That judgment requires that the City follow the Voting Rights Act that is in effect. The full primary requirements from the judgment that tracks the law are as follows:

- 1) All future elections must be based on a single district basis.
- 2) We have to conform to the one person, one vote standard as established with the equal protection clause of the United States Constitution.
- 3) The district boundaries, when altered, are not to lead to "retrogression in the position of minorities with respect to their effective exercise of the electoral process or violate Section 2 of the federal Voting Rights Act". He read from the final judgment "any government entity from reducing the effectiveness of minority voters by employing strategies that essentially split or dilute the vote of cohesive minority voting blocks." An example would be drawing district lines to split up a historically cohesive minority district or neighborhood, which in our case would be into four different

quarters and a portion each of that minority cohesive neighborhood to four separate districts thereby diluting the power of that minority group.

- 4) Once every ten years after the census data is received, the City must hold an advertised public hearing to determine any modifications to district boundaries that are required.

Mr. Ardaman stated that City Clerk Golden has established a preliminary schedule. We have to meet as a City Commission to adopt the redistricting ordinance and plan at least 90 days prior to the next general election. He stated that the actual deadline is December 9, 2008, which is the 90th day prior to the next regular election. The plan from the Districting Commission should be adopted prior to that date. If not, the Districting Commission report will take effect as law anyway.

Mayor Rees asked if the Districting Commission would start now being one member short without District 4 appointee or will making the four appointments trigger the 120 days the Districting Commission will have to complete their recommendations. Mr. Ardaman stated that he doesn't have a precise answer and suggested that the City Commission proceeds with the appointments tonight and when the fifth appointment is made, have that person join with the Districting Commission finishing their report within 120 days of now. If that becomes a problem he can look at it again at that time.

Mr. Bollhoefer stated that the 120 days starts from when they first meet. Mrs. Golden stated that her preliminary schedule was created by using the appointment date. Mr. Ardaman stated that he thinks it is by the date it is created. Mayor Rees stated that it will only be two weeks for District 4 appointment and if there is a meeting before then, they will just have to catch up.

Commissioner Boulter asked who triggers the Districting Commission's first meeting. Mr. Ardaman responded that once they are appointed the City Clerk will coordinate a meeting with the new board. They will be educated about the Sunshine Law and give them a schedule. He stated that there is nothing to stop the City Commission from replacing a member if a member cannot attend. Commissioner Boulter asked if the Sunshine Law applies immediately upon appointment or after the first meeting. Mr. Ardaman responded as soon as they are appointed it becomes effective. Mayor Rees called for nominations.

<u>Commissioner</u>	<u>District</u>	<u>Nominee</u>	<u>Vote</u>
Jowers	1	Kent Horsley	3-1; Passed Commissioner Buchanan opposed
Buchanan	2	Fred Crabtree	4-0; Passed unanimously
Boulter	3	Patricia Angry	4-0; Passed unanimously
Sharman (Absent)	4	-----	-----
Mayor Rees	5	Derek Blakeslee	4-0; Passed unanimously

6. **MATTERS FROM CITY MANAGER**

A. **Primary ordinances staff is currently working on include the following:**

- Increase recreation impact fees
- Overall noise control
- Noise/Entertainment district for downtown
Mayor Rees asked if it could be called something other than entertainment. Mr. Bollhoefer stated that a name can be chosen that will please everyone.
- Subdivision regulations for homeowner associations has been drafted
- Signage
- Architectural Review Board has been drafted
- State Road 50 has been drafted and he would like have it on next Commission agenda

• **Tentatively scheduled a workshop for Fire Special Assessment Fee on Wednesday, April 30, 2008 at 5:00 p.m.**

Mr. Bollhoefer stated that this date was chosen because of the availability of the consultants. Mayor Rees stated he would not be available. Mr. Bollhoefer stated he would contact everyone to find a better date.

• **West Orange Culture Keepers**

Mr. Bollhoefer stated that the West Orange Culture Keepers is a non-profit group that does a lot of work with the schools and school children. They have submitted their annual request for the City Commission to waive the rental fees for Tanner Hall for their annual function. **Motion by Commissioner Buchanan to waive Tanner Hall rental fees for the West Orange Culture Keepers. Seconded by Commissioner Boulter and carried unanimously 4-0.**

6. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan stated that at the last meeting the City Commission asked the City Attorney to look into the noise ordinance that turned into a discussion on an entertainment ordinance. Mr. Ardaman responded that they are looking into doing a number of things and he has spoken to the City Manager, the City Planner, and Commissioner Jowers. There will need to be some direction from the City Commission about the Commission wants to do and see downtown. Clearly the noise is an issue. Staff is looking at creating some incentives for downtown. Commissioner Jowers expressed that we could have outdoor music and street entertainment and make sure that the City's code allows and encourages it. He stated that financially there are things that can be done with fees and costs. He stated that there is not a package to present at this time but staff is looking at a lot of alternatives and welcomed any suggestions or ideas.

Commissioner Buchanan asked if a workshop should be scheduled. Mr. Ardaman expressed that a workshop may be a good idea to discuss ideas on the things the City Commission and City could do to enhance the downtown area and guesses that this would occur within the next 30 days. Mr. Bollhoefer agreed that is a good idea. He will be getting examples from other cities to use in the workshop.

Commissioner Jowers suggested that each Commissioner drive to Sanford or Mt. Dora and have dinner and walk around to take a look at their impressive communities. Commissioner Buchanan added Winter Park as an example. There are activities going on everywhere within those cities and they are bringing people in. Mr. Bollhoefer stated that Eustis has done a very good job on their downtown and suggested visiting them as well.

Mayor Rees stated that he spoke with the City Manager about what mix of retail, restaurants, etc. is needed downtown to draw people to the downtown area. He stated that with the economic times the way it is now this is something that the City should probably be looking at and getting input from our downtown merchants. Mr. Bollhoefer stated that staff has already met with a group that is looking to start a farmer's market the first of May of this year.

Commissioner Buchanan asked if there was a definite opening date for the new city hall. Mr. Bollhoefer responded no, but staff anticipates moving in around the middle of June with the grand opening being held the weekend after July 4th.

Mr. Bollhoefer stated he would also like to share that Economic Development Director Key has met with a couple of realtors regarding a meeting in our new city hall on June 21st. This meeting would include a group from HUD and several other organizations to meet with our residents for a seminar on what options are available when facing foreclosure. There are several alternatives and these organizations have found that by giving people the right tools, they can help 50 percent of homeowners facing foreclosure avoid it by renegotiating their loans. Staff would invite all homeowner associations and residents to meet, which he thinks will be very beneficial for our community as a whole. There are currently 350 houses in Winter Garden that are at or near foreclosure proceedings.

Commissioner Bouler expressed that people are in need of this information now and asked if something could be done sooner. Ms. Key stated unfortunately not because there will be representatives from Freddie Mac and other governmental agencies coming in from Washington D.C. Staff really wants people that are very skilled and have this kind of level of expertise to give impartial advice to our residents.

Commissioner Bouler thanked the resident that spoke earlier about his idea for the noise problem we are having in our community. This is one step forward in trying to have this problem alleviated.

Commissioner Bouler announced that on April 26, 2008 there will be a grand re-opening of the Zanders Park. He stated that the City, along with the County, has done a tremendous job in updating the park. The landscaping is fantastic and he invited all city residents to come and participate in the rededication of Zanders Park. He shared that when the people in his community see that the City of Winter Garden as a whole cares about their way of living, he believes we will see a change and we can get away from the "East Winter Garden" nomenclature. It helps when people reach out and show some concern for what is going on and he thinks it will alleviate a lot of the problems we have in that area.

The meeting adjourned at 7:05 p.m.

APPROVED:

/S/
MAYOR JOHN REES

ATTEST:

/S/
City Clerk Kathy Golden, CMC