



# CITY OF WINTER GARDEN

---

## CITY COMMISSION REGULAR MEETING MINUTES

November 13, 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, 300 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 and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, Assistant City Clerk Angela Grimmage, Public Services Director Don Cochran, City Planner Tim Wilson, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Police Chief George Brennan, Finance Director Robin Hayes, Building Official Skip Lukert, Recreation Director Jay Conn, Economic Development Director Dolores Key, Director Of Information Technology Bob Reilly, Assistant City Engineer Mike Kelley, Community Relations Manager Andrea Vaughn, and West Orange Times Reporter Michael Laval

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

**Motion by Commissioner Jowers to approve the regular meeting minutes of October 23, 2008 and special meeting minutes of November 3, 2008 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.**

### 2. **OATHS OF OFFICE**

Police Chief Brennan introduced and administered the oath of office to Police officers James Franquiz and Jackson Litteral.

### 3. **FIRST AND FINAL READING AND PUBLIC HEARING FOR ADOPTING A PROPOSED ORDINANCE**

A. **Ordinance 08-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN; BY ADOPTING AMENDMENTS TO THE CAPITAL IMPROVEMENTS ELEMENT PURSUANT TO SECTION 163.3177 (3) (b), FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-55 by title only. Chief Planner Wilson stated that this is an amendment to the Comprehensive Plan that will now be done on an annual basis. The materials presented include the ordinance to change the (*capital improvement*) element and the draft data and analysis report (DAR) provided for informational purposes. The DAR is still in draft form as staff works with the State Department of Community Affairs Planning Agency to complete the final version. The local Planning

and Zoning Board met on November 3, 2008 and voted in favor of presenting this to the City Commission.

Commissioner Buchanan asked if there would be a budget review for this element each year. Mr. Wilson responded yes for this year and what has been presented to the City Commission is consistent with the adopted budget. Commissioner Buchanan clarified that this is separate from the budget. Mr. Wilson responded yes, hopefully next year it will just be a list of projects and their cost, but this year there were policy and language changes to be made. Commissioner Buchanan suggested having a presentation to review the projects.

Commissioner Sharman asked about the legislative intent of the change that is making the City go through this process. Mr. Wilson responded that in 2005 and 2007 the DCA was trying to link growth with the need for services and facilities while establishing financial feasibility. The City has met those requirements.

Commissioner Sharman clarified that the State wants us to make these improvements and document that we will make improvements as the City grows. Mayor Rees added that that the related costs have been budgeted.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Sharman to adopt Ordinance 08-55. Seconded by Commissioner Jowers and carried unanimously 5-0.**

4. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 08-56:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ANNEXING THE KENNY COURT SUBDIVISION AND ADJACENT PROPERTIES LOCATED APPROXIMATELY 175 FEET WEST OF BETHUNE AVENUE, NORTH OF MAPLE STREET AND SOUTH OF THE RAILROAD RIGHT OF WAY, PENDING A REFERENDUM VOTE OF THE REGISTERED ELECTORS OF SAID AREA; DIRECTING A REFERENDUM ON SAID PROPOSED ANNEXATION PURSUANT TO SECTION 171.0413, FLORIDA STATUTES; ESTABLISHING THE DATE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-56 by title only. City Planner Wilson stated that this item was proposed a couple of years ago and the referendum vote did not pass. There is more interest to move this forward at this time. The election is scheduled for January 27, 2009 and staff is recommending that this proceed to a referendum.

Commissioner Buchanan asked if this was the actual annexation. Mr. Wilson responded no, this is the first reading with the second reading on December 11, 2008, and the vote would occur January 27, 2009.

Commissioner Boulter asked City Manager Bollhoefer about the additional parcel they had discussed. City Manager Bollhoefer replied that he believes he spoke with staff and it should include more than what is displayed. The annexation should include further up Bethune Avenue. Mr. Wilson responded that staff will verify the information and have it for the second reading.

Mayor Rees clarified for the audience that the area is about 10 acres and brings about 84 voters into the City.

City Manager Bollhoefer stated that it has been a practice of the City to allow the County to improve the infrastructure with Community Development Block Grants to bring it up to our standards prior to being considered for annexation. Staff also looked at the Burchshire area but certain legal criteria was not met in order to proceed.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Sharman to approve Ordinance 08-56 contingent upon staff confirming the annexation boundaries, with a second reading and public hearing being scheduled for December 11, 2008. Seconded by Commissioner Boulter and carried unanimously 5-0.**

5. **SECOND READING AND PUBLIC HEARINGS OF PROPOSED ORDINANCES**

- A. **Ordinance 08-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 13.46 ± ACRES LOCATED AT 1006 EAST 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 08-52 by title only. City Planner Wilson stated that this request is to annex a church to connect to City utilities. They have no intention of expanding or changing the use of their property at this time. Staff recommends approval.

Mayor Rees opened the public hearing.

Scott Baker, 315 E. Robinson Street, Orlando, Florida, attorney for the applicant, stated that he was present on their behalf to recommend approval.

Kenric Barnett, Pastor, 319 Courtlea Park Drive, Winter Garden, Florida, gave a brief history of the church stating that they have been in existence for 37 years; seven of which have been at East Crown Point Road. His congregation is approximately 400 people and a daycare center that goes from infant to K-4. He requested approval of the annexation and he looks forward to serving the community.

Mayor Rees closed the public hearing.

**Motion by Commissioner Jowers to adopt Ordinance 08-52. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Ordinance 08-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 6 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR SALE AND SERVICE OF ALCOHOLIC BEVERAGES BY BUSINESSES HOLDING STATE ISSUED BEVERAGE LICENSES ON SUNDAYS; EXPANDING THE HOURS OF SALE AND SERVICE OF SUCH BEVERAGES UNTIL 2:00 A.M. FOR SUCH BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-54 by title only. Mr. Ardaman stated that if approved, this ordinance will achieve consistency with the 2:00 a.m. closing time in the City of Ocoee and generally Orange County; some do sell beyond 2:00 a.m. Approval will allow the City to deal with imparity in unincorporated County enclaves within the City's boundaries. This ordinance is the minimum needed to achieve that parity.

Mayor Rees opened the public hearing.

The following spoke **against** Ordinance 08-54:

Steve Rice, 427 Lake Amberleigh Drive, Winter Garden, Florida  
Gary Haskell, 1025 Horizon Street, Winter Garden, Florida  
Keith Yarborough, 4441 Avalon Road, Winter Garden, Florida  
Theo Graham, 213 W. Tilden Street, Winter Garden, Florida  
K. Fay DeSha, 62 W. Crest Avenue, Winter Garden, Florida  
Reynold Limp, 270 Temple Grove Drive, Winter Garden, Florida  
Rosamond DeSha, 62 W. Crest Avenue, Winter Garden, Florida

The following spoke in **favor** of Ordinance 08-54:

Tony Blair, owner of Benchwarmers Sports Bar, Winter Garden, Florida  
John Murphy, Representative for the West Orange Chamber of Commerce  
Derek Blakeslee, 230 N. Highland Avenue, Winter Garden, Florida

Mayor Rees closed the public hearing.

Commissioner Jowers stated that he has weighed this issue. He has heard the vocal minority tonight and heard from the basically solid majority during the last two weeks and he understands both sides being a merchant himself. He also understands being a Christian. Sometimes Commissioners have to weigh issues that do not necessarily mirror their own life but what the majority of people convey to them.

Commissioner Buchanan shared that a lot of his constituents have asked him his thoughts on this issue and have indicated that their vote for him, when he ran for office, would be

influenced by how he would vote on this issue. The ones that brought it up wanted it changed rather than it stay like it is. He has had many calls from his district asking when this will change. Tonight is the first time he has heard any opposition, except for two residents. He did not want to vote on this item and would have preferred that it go to a city-wide referendum and he still prefers this option even after the vote tonight. This is a very big burden for any Commissioner.

Commissioner Boulter stated that there are a lot of businesses in District 3 that sell alcoholic beverages; some within his own neighborhood are allowed to sell on Sunday because they are in a County enclave, while those within the City are not allowed to sell on Sunday. He does not want to step on anyone's right to do so and he must vote according to their wishes. He has had many ask him why they are not allowed to sell alcohol on Sunday and voiced to him that they lose business because of this restriction. Until tonight, no one has asked him not to vote in favor of this ordinance. He too would like to see this as a referendum, but will vote tonight the way his constituents have requested.

Commissioner Sharman stated that his constituents are overwhelmingly in favor. He stated that his main reason for wanting this change is because many businesses in Orange County enclaves can sell on Sundays are not subject to enforcement by our Code Enforcement or Police Department. He has spoken to some of the business owners and many do not want to annex because they can currently sell alcohol on Sunday and they would lose that right. He believes that by allowing this ordinance to pass the City would be able to annex some of those properties that would allow better police protection and code enforcement to beautify our community. He does not think he would need a referendum because he knows what his constituents would say.

Mayor Rees noted that this is a tough decision and sometimes you have to stop and think whether you vote what your constituents want or perceived want, or vote your conscience.

**Motion by Commissioner Sharman to adopt Ordinance 08-54. Seconded by Commissioner Jowers and carried 4-1; Mayor Rees opposed.**

**6. REGULAR BUSINESS**

**A. Request for open-air vendor and tent permit by Severt Brothers Tree Farm, LLC to sell Christmas trees November 21, 2008 to December 24, 2008 at 14811 W. Colonial Drive (vacant lot just east of Reliable Peat)**

Building Official Lukert stated that the applicant meets all our requirements and has previously sold trees in the City at a location just east of this site. Therefore, staff recommends approval.

**Motion by Commissioner Buchanan to approve open-air vendor and tent permit for Severt Brothers Tree Farm, LLC to sell Christmas trees November 21, 2008 to December 24, 2008 at 14811 W. Colonial Drive. Seconded by Commissioner Jowers and carried unanimously 5-0.**

**B. Recommendation to approve a site plan for Birket Properties, LLC at 152 Daniels Road, with conditions**

City Planner Wilson stated that this site and infrastructure plan is for approximately eight acres on the west side of Daniels Road. There are also some Development Review Committee (DRC) conditions being recommended for City Commission approval.

Mayor Rees stated that he has spoken with the City Manager regarding the turn lanes and those exiting the property can only turn right and asked if there were any perceived traffic issues. Mr. Wilson responded no and added that traffic would have to make a U-turn or go to Roper Road.

**Motion by Commissioner Jowers to approve site plan for Birket Properties, LLC at 152 Daniels Road with conditions (see attached Exhibit A). Seconded by Commissioner Boulter and carried unanimously 5-0.**

**C. Recommendation to approve a site plan for Bright Horizons at 152 Daniels Road, with conditions**

City Planner Wilson displayed the site plan showing this as lot #1 (daycare). The Development Review Committee (DRC) has reviewed this item and recommends approval with conditions. A general rendering of the area along the frontage of Daniels Road was provided as supplemental information.

Mayor Rees stated his concern about the visibility of the chain link fence, but noted that it will be behind a wrought iron type fence so it is blocked and there will be a hedge so it will not be seen. Mr. Wilson stated that staff is working with the developer on the landscaping design and it will not be totally exposed to the street.

Commissioner Sharman commented on other businesses that will soon be approaching the City for similar types of development and how the City will be able to look at this more comprehensively.

**Motion by Commissioner Sharman to approve the site plan for Bright Horizons at 152 Daniels Road with conditions (see attached Exhibit B). Seconded by Commissioner Jowers and carried unanimously 5-0.**

**D. Recommendation to approve and award contract for Dillard Street Stormwater Pond Improvements to Emerald Utilities in the amount of \$226,599.98 (includes a 10 percent contingency)**

Public Services Director Cochran stated that this project consists of expanding the existing Dillard Street pond located by the Dillard Street Elementary School. The expansion will provide stormwater retention for the downtown redevelopment area. Staff recommends approval of the bid and awarding the contract to Emerald Utilities to include a 10 percent contingency which brings the contract amount to \$226,599.98.

Mayor Rees noted the savings of \$245,000. Mr. Cochran responded that construction prices are coming in at approximately 40 percent less than what the engineer estimates are.

Commissioner Buchanan asked if this is strictly the pond. Mr. Cochran replied that there is some pipe work that will be on Main Street to divert some water to the pond. Main Street, just west of the pond, may be closed for a short period of time. He described diverting the trucks in order to not disrupt traffic flow near the school or the downtown area.

Mayor Rees asked how long the street would be closed. Mr. Cochran responded that it may be closed for a few days just to get the pipe work across the street. The traffic around the elementary school will not be interrupted.

Commissioner Jowers asked if it will be a live pond or just a hole in the ground. City Manager Bollhoefer answered that it will be a wet pond with the intent of putting a fountain in the middle. It will become a part of the recreation center with landscaping and a foot path around the pond as an amenity for the community.

Commissioner Buchanan asked if the improvements indicated are a part of this contract amount. Mr. Bollhoefer responded that parts of the improvements have been included and some will come in as part of the cost for the recreation center.

**Motion by Commissioner Jowers to approve and award the contract to Emerald Utilities for Dillard Street Stormwater Pond Improvements in the amount of \$226,599.98. Seconded by Commissioner Buchanan.**

Commissioner Sharman asked if other projects are being moved up to take advantage of the lower construction prices. City Manager Bollhoefer replied that staff will be reviewing that as part of the interim budget process.

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

- E. **Resolution 08-15:** 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 08-15 by title only. Public Services Director Cochran requested postponement of this item until the next meeting due to new information relating to the rates.

**Motion by Commissioner Boulder to postpone Resolution 08-15 until December 11, 2008. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- F. **Resolution 08-16:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING SUPPORT FOR NATIONAL SCENIC BYWAY DESIGNATION FOR THE GREEN MOUNTAIN SCENIC BYWAY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 08-16 by title only. City Manager Bollhoefer stated that this resolution supports the scenic byway as a national designation and doesn't make any other changes.

**Motion by Commissioner Buchanan to approve Resolution 08-16. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- G. **Recommendation to approve a contract to purchase 104 S. Lakeview Avenue and 230 W. Plant Street**

City Manager Bollhoefer stated that the City Commission previously approved negotiating a contract to purchase this property. The parcel is the paved corner lot just to the west of the Pounds building and goes back in an "L" shape. In the interim, a conceptual plan will be brought back to the City Commission for using the location for the Farmer's Market.

Mayor Rees asked about an environmental study being done on this property. City Attorney Ardaman stated that these two parcels owned by the Pound's have been subject to years of investigations, contamination assessment, and remediation. The seller has said they are now limited to only monitoring the contamination. The seller has represented that it is not the owner's responsibility, but available by the state. These representations have been made by the seller and our preliminary investigation confirms that is the case. Mayor Rees asked if there is any liability to the City. Mr. Ardaman responded yes and in fact there are two provisions within the contract addendum whereby the seller has been asked to indemnify and hold the City harmless to the extent that they have made those representations to the City as true. Independently from those hold harmless agreements, staff will check further to be sure. If there are any issues outside what the conditions are, it will be brought back to the City Commission.

**Motion by Commissioner Sharman to approve the contract to purchase 104 S. Lakeview Avenue and 230 W. Plant Street. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- H. **Appointment to fill the unexpired term of Rocco Williams until March 1, 2011 on the Code Enforcement Board**

Assistant City Clerk Grimmage stated that with the resignation of Mr. Williams from the Code Enforcement Board, the City Commission needs to make a replacement appointment.

Commissioner Buchanan nominated Del Heidt. Commissioner Sharman stated that she had approached him regarding her interest in the seat.

**Motion by Commissioner Buchanan to appoint Del Heidt to the unexpired term of Rocco Williams until March 1, 2011. Seconded by Commissioner Sharman and carried unanimously 5-0.**

I. **Appointment to the Planning and Zoning Board for expiring term of Mr. Snell**

Commissioner Jowers stated that he wishes to nominate Kent Horsley for the seat. Commissioner Boulter acknowledged that he did have the opportunity to nominate someone but had a difficult time finding a qualified member so he is yielding his nomination to Commissioner Jowers.

**Motion by Commissioner Jowers to appoint Kent Horsley. Seconded by Commissioner Sharman and carried 4-1; Commissioner Buchanan opposed.**

7. **MATTERS FROM CITIZENS**

Sophia Chasteen, 736 Hurley Drive, Winter Garden, Florida, stated that she purchased a foreclosed home in her neighborhood that has been vacant for five months and she does not feel it is right that she has to pay a readiness to serve fee of \$72.41 a month.

Commissioner Jowers stated that he has heard from property owners all over the city about the readiness to serve fee. He has spoken to the City Manager regarding this fee that he feels is a very unfair fee as it causes an undue burden on property owners. He thanked Ms. Chasteen for bringing this up. **Motion by Commissioner Jowers to discontinue charging the readiness to serve fee. Seconded by Commissioner Sharman for the purpose of discussion.**

City Manager Bollhoefer stated that a prior rate study and recommendation included a change to the way the fee was administered. In the past, without the readiness to serve fee the residents living here year around ended up subsidizing those who only live here part time. He explained that 80 percent of the monthly charges are for fixed costs. So whether or not a person is in the home the debt is still being paid, contributions are still being made to the R and R fund and labor is not reduced. Before the readiness to serve charge was applied, the long term residents were subsidizing the short term residents because they were paying their fixed costs when the short term residents were not in town. He suggested allowing the upcoming rate study to show the City Commission how the costs breakdown. One way or another someone pays the costs, it just a matter of how you allocate the costs. The theory behind the readiness to serve charge is that it is a fair way of allocating those costs.

Mayor Rees stated that he thinks that the intent is to try to allocate fixed and variable costs appropriately to the residents. He is not saying that it is justifiable or correct. He does not have enough information at this point in time to make that determination.

Commissioner Sharman asked when there would be a rate structure review. Mr. Bollhoefer responded that a contract for reviewing impact fees and our fee structure will hopefully be presented to the City Commission at the first meeting in December.

**Commissioner Jowers withdrew his prior motion to discontinue charging the readiness to serve fee and Commissioner Sharman withdrew his second to the original motion.**

**Motion by Commissioner Jowers to include in the fee structure analysis an independent report regarding our readiness to serve cost. Seconded by Commissioner Sharman and carried unanimously 5-0.**

Mayor Rees asked for a response to Ms. Chasteen's request for relief. City Manager Bollhoefer replied that Finance Director Hayes will work with Ms. Chasteen on a solution to meet her needs.

Kay Cappleman, 519 N. Woodland Street, Winter Garden, Florida, representative of the Winter Garden Heritage Foundation, gave a brief summary of some of the things the Foundation is doing. She thanked the City for their help at the recent Music Fest in October which had approximately 18,000 attendees. Mayor Rees thanked the Heritage Foundation for all that they do for the City.

Theo Graham, 213 Tilden Road, Winter Garden, Florida, stated that a group of local ministers met with the City Manager this morning to discuss serving alcohol beverages in the public way. He addressed prior problems with merchants placing merchandise on the streets that became a hazard and brought about an ordinance that allowed the City to control what items could be placed on the right-of-way or sidewalks. At that time, the City presumably owned the sidewalks and made improvements downtown. Now it comes up that some of the merchant's deeds give them eight feet from the front of their building out to include the sidewalk and have built barriers to do as they want on the sidewalk. The City has paved private property and spent thousands of dollars. The permit process for the barriers should have included a diagram showing private and public property. They would not have been allowed to block the public right-of-way. He believes the ordinance should be reviewed regarding the sidewalk cafes and he read the referenced ordinance title.

Mayor Rees suggested having the City Attorney review the issue of sidewalk ownership. City Attorney Ardaman responded that his staff has reviewed three specific properties for outside sales. Their documentation does show ownership of roughly eight feet out from the front of their building on the south side of Plant Street and there was no expressed written easement recorded in the public records. The City may have rights but to assert those rights could be costly and creates potential ill will, but the City can attempt to assert some rights if the Commission would like.

Commissioner Sharman asked if the only deed research done was for those owners who wanted to do sales on the sidewalk. Mr. Ardaman responded yes.

Mayor Rees asked the City Commission if they wanted to entertain an action or gather more information.

Commissioner Buchanan expressed his opposition to an action that could cause litigation.

City Manager Bollhoefer interjected that at this morning's meeting, the real concern was about the outside alcohol sales downtown and Sunday sales. One suggestion to settle this question was to have a referendum in March and ask both questions; Sunday and outdoor alcohol sales to let the voters decide.

Mayor Rees stated that it does not appear anything will get resolved right at this moment and he understands the pros and cons of a referendum and agrees in letting the citizens decide unless there is a legal issue that the referendum will not address. Mr. Bollhoefer stated that if the real issue is alcohol and it passed allowing it and there is any issue with the laws, the laws could be adjusted to accommodate it one way or the other.

8. **MATTERS FROM CITY ATTORNEY**

**Potential defamation action against Gravitte for her flyer**

City Attorney Ardaman stated that the Commission's direction to evaluate a potential defamation action against Ms. Gravitte is not a viable mechanism. However, suit for defamation by the City Commission, Commissioners and staff could be viable if the group she referred to had been disparaged reasonably enough to identify them. He added that malice is very difficult to prove and costly. Because of the expense and difficulty he recommended that the City Commission not pursue an action. Mayor Rees agreed and the point has been made that our process was above board.

**Litigation brought by Jim Gustino against the City**

Mr. Ardaman stated a lawsuit against the redistricting ordinance has been received. Mr. Ardaman stated his office will be responding and look into pursuing a motion to dismiss as well as other legal mechanisms to get it dealt with quickly.

**Wrecker Services Contracts**

Mr. Ardaman stated that with regard to the wrecker service contracts expiring November 23, 2008, he would like the vendors to have the opportunity to review the new contracts and asked the City Commission to consider giving the City Manager authority to extend the contracts through December 2008.

**Motion by Commissioner Jowers to authorize the City Manager to extend the current wrecker service contracts through December 2008. Seconded by Commissioner Sharman and carried unanimously 5-0.**

9. **MATTERS FROM CITY MANAGER**

A. **Presentation on testing golf cart usage on designated city streets**

City Manager Bollhoefer recommended and asked for authorization to begin a trial route from Trailer City up Lakeview to the downtown area and monitor it for three to six months and come back with a report to the City Commission in three months.

**Motion by Commissioner Jowers to authorize a pilot program for six months to allow golf carts on a safe route with a status report given to the City Commission by the City Manager in 90 days. Seconded by Commissioner Boulter.**

Commissioner Buchanan stated that he does not like using Winter Garden citizens as a test. He has spoken with Police Chief Brennan on this issue. Places where these programs are allowed have been golf course communities and he is not in favor of this item.

Mayor Rees stated that he reviewed this issue in several different ways and he sees it from a standpoint of the environment, the costs, clean air, and from a socio-economic standpoint where people are out and socializing, sort of similar to a bicycle environment. He thinks this is at least a compromise. He would like to try it for those that have golf carts and if it does not work then do away with the program.

Commissioner Sharman noted that bicycles go about the same speed so we should try it and get a report.

**Motion carried 4-1; Commissioner Buchanan opposed.**

- **Construction Contract to refurbish the old library into headquarters for the Fire Department**

Mr. Bollhoefer asked the City Commission to consider this contract because a local construction company is the low bidder at \$674,000 and because of the economy they would like to start sooner than later.

Commissioner Sharman asked what was budgeted. Mr. Bollhoefer responded that it was estimated at \$750,000.

**Motion by Commissioner Buchanan to approve the contract for the lowest bid by Southern Building Services to refurbish the old library as the headquarters for the Fire Department. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- **Digital arts company looking to locate in Winter Garden**

Mr. Bollhoefer stated that a local digital arts and video production company is looking to locate permanently in downtown Winter Garden. As an inducement for them to come here they want to apply for QTI grant, which the City has done in the past for ADS (Advanced Draining Systems). In a QTI grant, the City agrees to pay a certain amount for each new job created over a certain amount of years and the State agrees to pay. They have projected they will create 27 new jobs. The amount the City would have to commit to pay is \$21,600 spread out over seven years and not paid until the jobs are created. A commitment by the City is needed for the State grant application. The company name is not being released in accordance our adopted ordinance.

Commissioner Jowers stated that he has no problem with this economic stimulus for the downtown area that currently has 14 unoccupied buildings.

**Motion by Commissioner Jowers to approve commitment to the funding of this program. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- **Downtown Sidewalks**

Mr. Bollhoefer stated there has been an issue with people being able to walk the sidewalks downtown with the planters and railings in the way. Staff will be meeting with the merchants to solve some of the bottlenecks.

- **City Holiday Luncheon**

Mr. Bollhoefer invited the City Commission to attend a holiday luncheon paid for and served by the City's department heads on December 3, 2008 at Tanner Hall from 11:30 a.m. to 1:00 p.m. Mayor Rees stated that he thought the City Commission would also be willing to make a donation.

- **Events and Announcements**

Mr. Bollhoefer announced the upcoming dedication ceremony honoring former Mayor Jack Quesinberry on Saturday, November 15, 2008 at 9:30 a.m. at the Oakland Park Subdivision.

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** stated that he is attending the National League of Cities and that they have some good exhibits planned this year.

**Mayor Rees** asked the City Commission to speak with the City Manager over the next two weeks and decide what they want to do regarding the issue brought to their attention by Mr. Graham.

The meeting adjourned at 8:51 p.m.

APPROVED:

/S/  
MAYOR JOHN REES

ATTEST:

/S/  
City Clerk Kathy Golden, CMC