



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

October 9, 2008

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:31 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 Assistant City Attorney Dan Langley, Assistant City Clerk Angela Grimmage, Public Services Director Don Cochran, Planning Director Ed Williams, 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, Communications Specialist Reid Revels, Assistant City Engineer Mike Kelley, Community Relations Manager Andrea Vaughn, and West Orange Times Reporter Michael Laval

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

Assistant City Clerk Grimmage stated that there was a correction to the minutes distributed to the City Commission and requested that the approval include the correction.

**Motion by Commissioner Jowers to approve the regular meeting minutes of September 25, 2008 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.**

### 2. **FIRST READING OF PROPOSED ORDINANCES**

A. **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 a correction was made under Section 1(b) noting the phrase "except those places qualifying under subsection (c) of this section" should be stricken since subsection (c) is being deleted.

Mayor Rees stated that he struggled with the 2:00 a.m. provision of this ordinance but understands it was drafted to match Orange County's regulations.

Commissioner Buchanan noted our ordinance can be amended to say whatever the Commission desires and asked the Commissioners to share their thoughts.

Commissioner Jowers stated that he feels that we will be the only City setting the precedence, but an ordinance is easier to enforce if it is uniform with the County's. He does not have a problem with it the way it is presented.

Commissioner Sharman suggested moving forward with the public hearing at the second reading.

**Motion by Commissioner Jowers to approve Ordinance 08-54 with the second reading and public hearing on November 13, 2008. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

- A. **Ordinance 08-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE WINTER GARDEN COMPREHENSIVE PLAN TO IMPLEMENT PUBLIC SCHOOL CONCURRENCY; ADDING A PUBLIC SCHOOL FACILITIES ELEMENT REQUIRING COORDINATION OF PUBLIC SCHOOL PLANNING WITH LAND USE PLANNING AND DEVELOPMENT APPROVALS; SETTING LEVEL OF SERVICE STANDARDS AND SERVICE BOUNDARIES AND PROVIDING FOR DEVELOPMENT REVIEW COORDINATION TO ACHIEVE CONCURRENCY; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT TO INCLUDE NEW OBJECTIVES AND POLICIES PROVIDING FOR COORDINATION WITH ORANGE COUNTY PUBLIC SCHOOLS; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO INCLUDE NEW OBJECTIVES AND POLICIES AND STANDARDS FOR BACKLOGGED CONCURRENCY SERVICE AREAS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND AN EFFECTIVE DATE

**INTERLOCAL AGREEMENT** WITH ORANGE COUNTY SCHOOL BOARD FOR COORDINATION TO IMPLEMENT THE PLANNING OF NEW SCHOOLS AND ESTABLISHING SCHOOL CONCURRENCY FOR NEW RESIDENTIAL GROWTH

City Attorney Ardaman read Ordinance 08-34 by title only. City Planner Wilson stated that this ordinance intends to adopt a new element and amend other elements to the comprehensive plan to establish a new public school facilities element within the comprehensive plan. He noted there is also an interlocal agreement in conjunction with this ordinance for the City Commission's approval for school coordination and concurrency. This item has been submitted to the Department of Community Affairs (DCA) who have given their comments and this ordinance has been amended to comply with their concerns and comments.

Mr. Wilson announced that there is a sign-in sheet for anyone interested in receiving notification from the DCA regarding the final ruling on this matter.

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

**Motion by Commissioner Buchanan to adopt Ordinance 08-34 and approve the interlocal agreement with the Orange County School Board. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 08-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-57 (1) OF CHAPTER 78, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN BY AMENDING THE PROCEDURES AND FEES OF THE CITY OF WINTER GARDEN WATER AND SEWER ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-38 by title only. Public Services Director Cochran stated that presentations were previously made to the City Commission on Ordinances 08-38 and 08-39 and he is available for questions.

Commissioner Jowers asked what happened to the ordinance passed several years back that automatically increased the water fees every year. City Manager Bollhoefer responded that the automatic increase was for the first five years and it has since terminated.

Mr. Cochran stated that in the coming year, staff would have a rate consultant evaluate the City's domestic water rates. The rates being discussed tonight are only for irrigation and reclaimed water.

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

**Motion by Commissioner Boulter to adopt Ordinance 08-38. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- C. **Ordinance 08-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE WINTER GARDEN CODE OF ORDINANCES BY AMENDING SECTION 78-243 RECLAIMED WATER RATES AND CHARGES; PROVIDING FOR A WATER CONSERVATION RATE STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-39 by title only. Public Services Director Cochran stated that he is available to answer any questions. Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Jowers to adopt Ordinance 08-39. Seconded by Commissioner Boulter and carried unanimously 5-0.**

**D. Ordinance 08-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING VOTING DISTRICT BOUNDARIES; ADOPTING THE REPORT OF THE DISTRICTING COMMISSION, INCLUDING THE MAP AND DESCRIPTION OF PROPOSED ELECTION DISTRICTS FILED WITH THE CITY BY THE DISTRICTING COMMISSION ESTABLISHED PURSUANT TO SECTION 25 OF THE CITY CHARTER; ENACTING THE DISTRICT BOUNDARIES PROPOSED BY SUCH REPORT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-42 by title only. City Manager Bollhoefer stated that this item has been discussed in several meetings and it establishes new district boundaries.

Commissioner Jowers stated that he is still not completely sold on it but he can live with it and he will go with the desire of the group.

Commissioner Sharman stated that he voted no against the plan in a previous meeting because the map was drawn to accommodate where the current commissioners live instead of drawing the best map. He feels that the Commission could do it slightly better but they never explored alternatives from the City Commission's perspective.

Mayor Rees stated that he thinks each Commissioner could draw a different plan. The City Commission appointed a redistricting committee. Everyone had the ability to show up at those meetings and give them input. In his opinion, they could continue this for a good while until forced to accept it or adopt one and move on. He thinks we could keep drawing up different plans.

Mayor Rees opened the public hearing

Jim Gustino, 13914 Eylewood Drive, Winter Garden, Florida, distributed copies of his e-mail to Commissioner Sharman expressing his serious legal concerns regarding the proposed map. His concerns include that the committee was not directed to pay proper attention to what the charter explicitly requires. At no fault of the committee because he does not believe they were directed in specifically Charter Section 25(1) that states "The aggregate length of all district boundaries shall be as short as possible." Clearly, comparing the boundaries of all four districts, they are not as short as they could possibly be drawn while adhering to and honoring the other parameters of the charter. His district (3) gerrymanders and to his knowledge the aggregate length of all district boundaries was not computed. The redistricting process must adhere to the clear unequivocal, unambiguous verbiage of the charter provision. He asked if there had been a determination of the aggregate lengths of all the district boundaries during deliberations that lead to the proposed map.

Assistant City Attorney Langley stated that there are multiple factors considered in the redistricting process and the committee did a good job looking at all the factors and

weighing them in different ways without focusing on one single factor. Mr. Gustino points out the phrase that the aggregate length of all district boundaries shall be as short as possible. The word as "possible" is basically given to all the other factors. If you were to solely look at the aggregate length of the districts, it is very possible you would not meet the average population for all commission districts. The aggregate boundary length is basically a compactness issue. One of the reasons a district is made longer is because of the city's boundaries and there are a lot of gaps representing unincorporated Orange County. He believes the map before the City Commission is defensible in court and that the Districting Commission did take into account the aggregate length. He described compactness as a district that is not bizarrely drawn or configured as to evidence the city's intent to either break up or dilute the vote of certain minorities or constituents. Generally the courts do not like to be involved in political questions and often will not consider challenges to redistricting maps unless there is a clear violation of a Federal constitutional standard, which the districting committee did a fine job of avoiding. As to the lengths, he has not measured them.

City Attorney Ardaman addressed the graphical fact that the depiction is visible to the City Commission, the public, and the redistricting committee. He stated that each committee member used their own method of determination and they are not here to testify as to whether they did or did not measure the aggregate perimeters of each district.

Mr. Gustino stated that what he has heard is that there is no evidence before the City Commission that anyone has made any attempt to determine the measurements of the boundaries. He spoke of resolving this amicably without litigation and asked that the City Commission look at the issues he has raised. He stated that his argument is that the map violates the charter mandate. He restated that his only quarrel is that he believes the map violates the specific language that states the aggregate length of all district boundaries shall be as short as possible. He asked that the City Commission take his position into consideration.

Commissioner Boulter stated that he attended several public meetings of the Districting Commission and they did a wonderful job. He is satisfied with the process by which the map was drawn. He will receive 4,000 more constituents in his District 3. It would be unfair to any City Commissioner, no matter where they preside or where their district is, to prolong this when there is an election coming up for three commissioners. He thinks the three commissioners should have the opportunity to get to know their new constituents. He stands by the decision of the Districting Commission. The process was done fairly and offered an opportunity for our citizens to participate.

Commissioner Sharman stated that he believes the Commission needs to get this right for our citizens and nothing is stopping the Commissioners from meeting any potential constituents. He asked the City Attorney if all seven scenarios presented to the Districting Commission met all the criteria, if any of those were of a shorter aggregate length would it not be a better choice.

City Attorney Ardaman replied not necessarily, again that is a single factor. If you meet one factor that causes other Federal constitutional requirements not to be met, it creates a problem. He told the City Commission that based on what is presented before them tonight they have a solid basis to make a decision in favor of the map, choose other options, or modify this map as long as those factors are taken into consideration. He told them that they are not locked into this scenario but they do have good support for this option.

Commissioner Sharman asked that the City Commission look into it before making a final decision and possibly postpone it another two weeks to give them another opportunity to look at it.

Commissioner Bouler stated that he thinks the City Commission has had plenty of time to look at what has been brought before them tonight. There have been many opportunities for reviewing and now is the time for a decision.

Mayor Rees stated that he is not sure what two more weeks will do since this has been going on since about May.

Commissioner Buchanan stated that there were at least five publicly posted meetings in which anyone with any concerns could have attended and make comments. He attended all of the meetings and watched the process that narrowed the map decision down to this map. He stated that if the members had questions they could have met with the City Attorney after their meeting or anyone else and now it is time for making a decision.

Mayor Rees stated that he attended a meeting and decided to stay away so that he would not influence the process and let the Commission appointed representatives come up with a plan.

City Attorney Ardaman stated that the agenda package includes the minutes of the Districting Commission meetings of May 14, 2008, June 4, 2008, July 9, 2008, and July 16, 2008 and district maps. The City Commission has heard from the Districting Commission Chairman, seen their report, had discussions, and received input. The proposed ordinance includes a map and legal descriptions for review and consideration of compactness of the districts which clearly does affect the aggregate length of the district boundaries. He just wanted to make it clear that they have had and do have all of the necessary items required to make a final decision, whichever way they decide to go.

**Motion by Commissioner Buchanan to adopt Ordinance 08-42 as submitted by the Redistricting Commission. Seconded by Commissioner Bouler and carried 4-1; opposed Commissioner Sharman.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve and award the contract for Crest Avenue to Dreyfus Reuse Water Main Project to American Persian Engineers and Contractors, Inc. for \$676,557.20 (includes a 10 percent contingency)**

Public Services Director Cochran displayed a map and explained that bids were received on August 21, 2008 for the Crest Avenue to Dreyfus Reuse Water Main Project. The engineer's estimate was \$700,000. The overall lowest qualified bidder was American Persian Engineers and Contractors, Inc. in the amount of \$615,052. Staff is recommending that the bid be awarded to American Persian Engineers and Contractors, Inc. for \$676,557.20 that includes a 10 percent contingency for minor change orders. He explained that these lines will allow the City to pump reuse water from the wastewater plant down to the Dreyfus lines. This project should be completed around December 2009 or January 2010 allowing reuse water to be pumped to those neighborhoods.

**Motion by Commissioner Sharman to approve and award the contract for Crest Avenue to Dreyfus Reuse Water Main Project to American Persian Engineers and Contractors, Inc. for \$676,557.20. Seconded by Commissioner Jowers and carried unanimously 5-0.**

**B. Recommendation to approve and award the contract for West Crown Point Road Force Main and Reuse Water Main Project to Southern Site Works, Inc. for \$764,999.24 (includes a 10 percent contingency)**

Public Services Director Cochran stated that bids were received on August 27, 2008 for the West Crown Point Force Main and Reuse Project. The engineers estimate was \$900,000 and because of the economy the bids came in at almost 40 percent lower than anticipated. Southern Site Works, Inc. was the overall lowest qualified bidder at \$695,453.85. He displayed and explained the location of the project that connects to a reuse main that was installed with the Fullers Cross reuse storage tank and pumping station installed last February. The line will extend down to Crown Point Cross Road allowing the City to pump reuse water to Chapin Station, Trails of Winter Garden and eventually down to the Britt Commercial Business Park. Staff recommends awarding this project to Southern Site Works, Inc. in the amount of \$764,999.24 that includes a 10 percent contingency.

**Motion by Commissioner Boulder to approve and award the contract for West Crown Point Road Force Main and Reuse Water Main Project to Southern Site Works, Inc. for \$764,999.24. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

Public Services Director Cochran mentioned that within the next couple of meetings a presentation will be given of the master reuse water plan for the whole City showing the next 20-25 years.

**C. Recommendation to approve and award the contract for Boyd Street Parking Lot Project to J. Malever Construction Company for \$455,092.00 (Alternate #2 and a 10 percent contingency)**

Public Services Director Cochran stated that bids were received on September 26, 2008 for the Boyd Street Parking lot project. The engineers estimate was \$700,000. The bids came in quite a bit lower than what was anticipated. J. Malever Construction Company was the lowest qualified bidder. He stated that staff has selected their Alternative #2 at

\$413,720.00 with a 10 percent contingency and recommends approving the bids and the contract for \$455,092.00.

**Motion by Commissioner Jowers to approve and award the contract for Boyd Street Parking Lot Project to J. Malever Construction Company for \$455,092.00. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**D. Recommendation to approve and transmit to the Orange County Board of Commissioners an annexation report of the Burchshire area**

Planning Director Williams stated that this annexation report is required as part of the annexation of properties that we submit to Orange County, detailing our ability to provide the full range of urban services to the area under consideration. Staff is asking the City Commission to officially adopt and transmit this study to Orange County.

Commissioner Buchanan asked how soon this will happen after submittal to Orange County. Mr. Williams answered that after the election contract is approved, it will be very quickly. He added that the Commission's action on the property tax rate was a big push in favor of people annexing into the City.

Commissioner Sharman asked if the property owner or the resident has the right to annex. Mr. Williams explained that one procedure is when a majority of the property owners agree, it is done after you process it through a hearing. When we do not receive a majority of the property owners in favor then you go to a vote of the residents, which is where we are now.

**Motion by Commissioner Jowers to approve and transmit to the Orange County Board of Commissioners an annexation report of the Burchshire area. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**E. Recommendation to approve and transmit to the Orange County Board of Commissioners an annexation report of the Kenny Court area**

Planning Director Williams stated that this is the Kenny Court annexation which staff is also requesting a motion to approve and transmit that study to Orange County.

Commissioner Sharman asked if this effort is to help the Police Chief in his efforts to keep down crime in that area. Mr. Bollhoefer replied that it has been the philosophy of this Commission that when you have all of these enclaves and we do not have Police and Code Enforcement in these neighborhoods, they tend to be in worse shape and have bigger problems with crime. The County just does not have the resources to take care of these enclaves. By the City annexing enclaves, we tend to do a better job with code enforcement and managing the crime. This is better for our community because when people drive by they cannot tell the difference between what area is in an enclave and what is in the City, so he thinks it is in the best interest of the City of Winter Garden to annex these enclaves.

Mr. Williams stated that these are the types of annexations that Orange County supports. Mr. Bollhoefer stated that what has been done in the past is the County has installed the infrastructure to bring it up to our standards. We have told the County that we will not consider annexation until they have improved the infrastructure.

**Motion by Commissioner Boulter to approve and transmit to the Orange County Board of Commissioners an annexation report of the Kenny Court area. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**F. Recommendation to approve an Environmental Hold Harmless and Indemnity Agreement with Winter Garden Commerce Center**

Planning Director Williams stated that this project was previously approved by the City Commission. This is the final agreement that completes the package for the plat and other outstanding issues. Staff recommends approval of the Hold Harmless agreement.

**Motion by Commissioner Jowers to approve Environmental Hold Harmless and Indemnity Agreement with Winter Garden Commerce Center. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**G. Recommendation to approve a site plan for Belle Meade Commercial Outparcel #2 with conditions**

Planning Director Williams stated that this property is located at the corner of Avalon Road and includes 28,000 square feet of retail and 9,000 square feet of office. At the last Planning and Zoning Board meeting, the board approved the architectural drawings for the buildings. The board felt that they were appropriate and of a quality that should be supported. Staff recommends approval subject to the conditions.

**Motion by Commissioner Buchanan to approve a site plan for Belle Meade Commercial Outparcel #2 with conditions (see attached Exhibit A). Seconded by Commissioner Sharman and carried unanimously 5-0.**

**H. Recommendation to approve and authorize entering into an agreement with the Orange County Supervisor of Elections to conduct annexation referendums for Kenny Court and Burchshire areas**

**Motion by Commissioner Jowers to approve and authorize entering into an agreement with the Orange County Supervisor of Elections to conduct annexation referendums for Kenny Court and Burchshire areas. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**I. Appointments to the Police and Fire Pension Board for two expiring terms (Joe Morabito and Mildred Holt-Washington on November 30, 2008)**

Commissioner Jowers asked if both members want to remain on the board. City Manager Bollhoefer replied yes they do.

**Motion by Commissioner Jowers to approve reappointments of Joe Morabito and Mildred Holt-Washington to the Police and Fire Pension Board for another term. Seconded by Commissioner Sharman and carried unanimously 5-0.**

J. **Appointments to the Planning and Zoning Board for three expiring terms (Balderrama, Gentry, and Snell)**

Mayor Rees stated that this item was postponed from our last meeting. There was discussion that Mr. Snell had missed more than the allowable number of meetings in order to stay on the board. Commissioner Boulter stated that he had spoken with Minister Snell and his wish is to stay on the board. However, there are rules and regulations that the City has to adhere to and Minister Snell will accept the Commission's decision.

Commissioner Sharman asked where Pastor Snell lives and how many members are there from each district. Mayor Rees replied that currently we have two in District 1, two in District 2, one in District 3, two in District 4.

Commissioner Jowers stated that Pastor Snell was appointed by the late District 3 Commissioner. At the time he was appointed he lived in District 2 but none the less he was appointed to represent District 3. Pastor Snell has since moved and is in District 2 and has been passed around again. He does represent District 3. If Commissioner Boulter wants to keep him as a representative of District 3 he has no problem with that. Mayor Rees asked Commissioner Boulter if Pastor Snell indicated he would make every effort to attend. Commissioner Boulter stated that he has indicated that it would be easier now because a lot of his out of town work has slacked off and he understands the rules and regulations we must follow.

Mayor Rees asked if the other two members (Balderrama and Gentry) have expressed a willingness to continue serving. City Manager Bollhoefer replied yes.

There was discussion on how many meetings Mr. Snell has missed and it was determined that under the rules, he should not be reappointed.

**Motion by Commissioner Sharman to approve reappointing Mr. Balderrama and Mr. Gentry to the Planning and Zoning Board for another term. Seconded by Commissioner Boulter.**

Commissioner Buchanan and Commissioner Jowers voiced their concerns about the reappointment of James Balderrama. Commissioner Sharman shared that he has heard from other board members that Mr. Balderrama has done a good job running the meetings and has kept it fair.

Mayor Rees stated that he would be basing his vote on the opinions expressed to him by the Planning and Zoning Board members and he then called for the vote.

**Motion carried 3-2; opposed Commissioner Buchanan and Commissioner Jowers.**

Mayor Rees stated that the remaining action is the appointment to fill Mr. Snell's seat. Commissioner Jowers asked for a postponement to allow him more time to speak with his candidate. Commissioner Boulter clarified that he has but one representative from District 3 on the board and he deserves the right to appoint someone else from his district. Commissioner Jowers disagreed by stating that District 3 made the last appointment so it is his appointment to be made. City Manager Bollhoefer added that according to the residency requirements of the ordinance, an appointment can be made from either District 1 or 3.

Mayor Rees suggested and it was agreed that the Commissioners of Districts 1 and 3 will speak with their candidates to see if they want to be appointed and provide the City Manager with their names by early next week so they may be forwarded to the City Commission.

**K. Selection of the National League of Cities voting delegate and alternate**

Assistant City Clerk Grimmage stated that the National League of Cities is requesting that the City of Winter Garden select a voting delegate and an alternate. The National League of Cities Annual Business Meeting will be held Saturday, November 15, 2008 and the voting delegate or alternate needs to attend. Commissioner Sharman volunteered to be one or the other. Commissioner Buchanan nominated Commissioner Boulter.

**Motion by Commissioner Buchanan to approve the National League of Cities voting delegate and alternate as Commissioner Boulter and Commissioner Sharman. Seconded by Commissioner Jowers and carried unanimously 5-0.**

**5. MATTERS FROM CITIZENS**

Theo Graham, 213 West Tilden Street, Winter Garden, Florida, addressed Ordinance 08-38 regarding water fees. He explained that the water fees were not stated. Mayor Rees apologized stating that at the first reading all the information was read and should have been read tonight.

City Manager Bollhoefer gave a brief overview of Ordinances 08-38 and 08-39 and stated that approximately 90 percent will not see any effect. He stated that these are punitive rates for those high end users. Mr. Graham stated that in the future it would be good to have the fees noticed in advance so that those who are opposed may attend the meeting.

Mr. Graham recommended that Brian Strobeck be nominated for an award from the League of Cities to recognize his achievements in receiving financial award recognition the last several years. City Manager Bollhoefer stated that staff will look into it and if so, we will submit the paperwork.

Jerry Carris, 347 Bayside Avenue, Winter Garden, Florida, presented a photo of Bahia grass that has not been watered this year. The second photo is of mostly weeds and wild Bermuda grass that the owner only mows. He encouraged that the City to look closely at water conservation options for any new subdivision and building permit. The University of Florida

has a long list of other ground covers available. He suggested utilizing mulch and/or ground cover as another alternative to deter all the water usage.

City Manager Bollhoefer stated that the City Utility Department is currently looking into this subject by looking at other city ordinances so that we can bring something back to the City Commission.

6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER**

A. **Presentation on golf cart plan**

City Manager Bollhoefer stated this item has been delayed awhile and he will ask to delay the final decision in order to get direction from the City Commission. Staff is looking at two locations for a trial run to see how it works. One location is from Trailer City up to the downtown area and possibly over to the Bravo grocery store. The other trial route would be from Valencia Shores to the downtown area. The Florida Statutes does not allow the City to add any more restrictions to licensed drivers, but the City can add restrictions to unlicensed drivers.

Commissioner Sharman stated that he has had several requests about a study area from the entrance of Stoneybrook to CR 545 where Publix is located.

Mr. Bollhoefer stated that for safety standards, staff wants to limit golf carts to roads with a speed limit of 25 mph or lower. In addition, not allow golf carts to cross over roads with speeds limited to over 30 mph because the earlier studies done on injuries shows us that the real risk for them is when they are crossing these roads if they are hit, golf carts have no protection. Any proposal for DOT roads would also need their permission. He would like to see a three month trial run for these two roads and bring back a report. He believes by state law a safety determination has to be made on these roads and then post signs that identify them as a golf cart road.

Mr. Ardaman stated that the Florida Statutes provides that prior to the City authorizing the operation of golf carts on city roads, the City Commission must make a determination that the golf carts may safely travel on or across the public road or street.

Mr. Bollhoefer stated that he will bring back a proposal to the next meeting a for a three month trial for golf cart usages on the two suggested routes.

B. **Proposal presentations for recreational projects on Daniels Road**

City Manager Bollhoefer stated that two businesses would like to purchase the City owned property known as the Tanner property located on Daniels Road just south of the Florida Turnpike bridge on the west side of the road. He stated that they would like to present their proposals to the City Commission.

There is also a third person proposing another idea for that property. Staff is currently working with the two adjacent property owners Jonathan Moore (south of our property)

and Todd South (west of our property) to build a cross through road linking Daniels Road to CR 535.

Newton's Law Family Golf and Sport presented the following:

18 Hole miniature golf course

7 Cage batting facility

2 cage soccer facility

Approximately 30 arcade and virtual reality games, concession stand, banquet/party rooms

West Orange Skate World presented the following:

Roller skating rink and indoor skate part

C. **Announcement of new business hours for the Building and Business Tax offices beginning September 29, 2008; Monday through Friday 8 a.m. to 6 p.m.**

Mr. Bollhoefer announced that the Building Department and Business Tax offices will now be open the same hours as the Utility Billing Department for those who work during the day.

D. **Recommendation to cancel the regular City Commission meetings of November 27, 2008 for Thanksgiving and December 25, 2008 for Christmas**

**Motion by Commissioner Jowers to cancel the regular City Commission meetings of November 27, 2008 for Thanksgiving and December 25, 2008 for Christmas. Seconded by Commissioner Boulter and carried unanimously 5-0.**

E. **Recommendation to close city offices the day after Christmas, Friday, December 26, 2008**

City Manager Bollhoefer stated that many citizens have complimented our city employees that do a fabulous job at many of our events and he thinks they deserve the day off after Christmas.

**Motion by Commissioner Jowers to close city offices the day after Christmas, Friday, December 26, 2008 with pay. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

• **Tri-County League of Cities Luncheon Meeting**

Mr. Bollhoefer reminded the City Commission of the luncheon next Thursday, October 16, 2008 at Tanner Hall.

• **Farmer's Market Fall Fest**

Mr. Bollhoefer stated that on Saturday, October 18, 2008, at 8:00 a.m., the City will have its Farmer's Market Fall Fest which is the grand opening of their fall harvest season.

• **Melissa Fest**

Mr. Bollhoefer announced the Melissa Fest fundraiser Saturday, October 18, 2008, at 4:00 p.m.

- **Teach-In at Dillard Street Elementary School**

Mr. Bollhoefer stated there will be a teach-in at Dillard Street Elementary School and City Commissioners were asked if they would like to participate on Wednesday, November 19, 2008, between the hours of 8:15 a.m. and 1:45 p.m.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Boulter stated that he had a great time at the Music Fest this past weekend. He stated that the City of Winter Garden is making a footprint in the state of Florida all its own. He encouraged everyone to attend next year.

Mayor Rees agreed that the Music Fest was great and thanked both the city staff for their hard work and the Winter Garden Heritage Foundation.

The meeting adjourned at 8:40 p.m.

APPROVED:

/S/  
\_\_\_\_\_  
Commissioner Harold L. Boulter  
Presiding Officer

ATTEST:

/S/  
\_\_\_\_\_  
City Clerk Kathy Golden, CMC