



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES March 27, 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, and 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, Building Official Skip Lukert, 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, and Executive Assistant to the City Manager Andrea Vaughn

1. **APPROVAL OF MINUTES**

Motion by Commissioner Boulter to approve the regular meeting minutes of March 13, 2008 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.

2. **PROCLAMATION AND SPECIAL PRESENTATION**

A. **Proclamation 08-01:** Water Conservation for the month of April was presented as read by Mayor Rees.

- **City Tag Line**

Consultant Patty Doherty stated that she was given the task of coming up with a tag line for the City of Winter Garden. She acknowledged the focus group which consisted of ten residents and city staff. Ms. Doherty explained the process of devising a tag line and the focus group ultimately agreed on the City of Winter Garden is “A charming little city with a juicy past”. A list of possible tag lines was given to the City Commission.

Motion by Commissioner Buchanan to adopt “A charming little city with a juicy past” as the City of Winter Garden’s official tag line. Seconded by Commissioner Jowers and carried unanimously 5-0.

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

A. **Ordinance 08-21:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADDING DIVISION 6 IN ARTICLE II OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN ENTITLED “DOWNTOWN WINTER GARDEN MINIMUM MAINTENANCE CODE”; PROVIDING FOR

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

City Attorney Ardaman read Ordinance 08-21 by title only. Mayor Rees opened the public hearing.

Shirley Smith, City of Winter Garden business owner explained that with the economy currently being so bad she hoped that the code would be gently enforced. She described some of her past building vandalism issues and spoke of plans to improve her property with hopes of renting it. She spoke in favor of the ordinance and asked that the city have compassion in its enforcement when the ordinance is implemented.

Mayor Rees, hearing and seeing no others who wished to comment, closed the public hearing. **Motion by Commissioner Sharman to adopt Ordinance 08-21. Seconded by Commissioner Jowers and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve agreement with Nodarse & Associates, Inc., Ardaman & Associates, Inc. and Universal Engineering Sciences for environmental, geotechnical and materials testing services**

Public Services Director Cochran stated that this is an annual services contract for environmental, geotechnical and materials testing services. This work will be performed on various construction projects throughout the year. Through the request for qualifications process, staff selected three firms to do the work on an as needed basis, with compensation being calculated on an hourly fee schedule.

Mayor Rees asked Mr. Cochran to give a brief explanation of why the process of selection is done this way. Mr. Cochran responded by giving an example of a recent project and stated that these firms are used by the City and not the contractor. Three firms are selected because the City may call one who is not able to get to the project in a timely manner. This leaves way for some flexibility.

Motion by Commissioner Jowers to approve the agreements with Nordarse & Associates, Inc., Ardaman & Associates, Inc., and Universal Engineering Sciences for environmental, geotechnical and materials testing services. Seconded by Commissioner Boulter and carried unanimously 5-0.

B. **Recommendation to approve annual services contracts for cleaning and television inspection services of sanitary sewer and stormwater systems with Altair Environmental Group, LLC; DeWitt Excavating, Inc; Absolute Line Technologies, Inc. on an as needed basis**

Public Services Director Cochran stated that this is an annual services contract. Three companies were selected through the request for qualifications process. All three companies have agreed to honor the lowest bidder's bid. These companies will be called on as needed. Three were selected so that the City could be served in a timely manner.

Commissioner Buchanan asked why this was on an as needed basis. If it is an annual service contract, why wouldn't they just go in and do the work. Mr. Cochran responded that the City is capable of doing this type of work with our own forces and is planning to do existing sanitary sewer and stormwater lines, cleaning and televising the existing infrastructure with our own crew and equipment. These contractors will be used for new development, new subdivisions will be cleaned and televised, and they will be compensated by the developer. Mr. Cochran stated that the City will be better able to serve the developer in a timely manner by contracting out the work to these three firms rather than trying to interrupt the work of our in-house crews.

Mayor Rees further clarified that these three firms have been approved by the City, are on retainer, and are not paid up-front fees. They have all agreed to work at the minimum bid, utilizing the same type of materials as required in the minimum bid, which would then be monitored by the City.

Mr. Cochran stated that they are not guaranteed any work, but when called they would be compensated for their services then.

Motion by Commissioner Jowers to approve annual services contracts for cleaning and television inspection services of sanitary sewer and stormwater systems with Altair Environmental Group LLC, DeWitt Excavating, Inc., and Absolute Line Technologies Inc., on an as needed basis. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **MATTERS FROM CITIZENS** – There were none.

5. **MATTERS FROM CITY ATTORNEY** – There were no matters.

6. **MATTERS FROM CITY MANAGER**

- Mr. Bollhoefer stated that the financial statements have been distributed.

- **Meeting with Downtown Merchants**

Mr. Bollhoefer stated that staff met with the downtown merchants and discussed issues they have had. One of their items was the fact that the Dixie jazz band only plays every other Friday night and staff has looked into having different kinds of bands playing on the alternating Friday nights. He asked the City Commission for approval to move forward at a cost of approximately \$300 per night. It was the **consensus** of the City Commission to approve allowing additional bands to play on the alternating Friday nights. Mayor Rees suggested checking with The Sembler Company for similar functions at the mall on Friday or Saturday nights. Mr. Bollhoefer stated that several different groups have shown an interest.

- **Diamond R Fertilizer Fire**

Mr. Bollhoefer stated that he is meeting tomorrow morning with the Fire and Police Chiefs, and the City Attorney will attend via telephone. They will look into this issue and see if something can be done by the City to ensure safety. After they have their meeting, he will report their findings to the City Commission.

A. **Discussion regarding a policy for naming public parks and recreational facilities**

Mr. Bollhoefer stated that the park located to the south is getting ready to open and the new recreation center is being refurbished. We will need to find a way to name our new parks and acknowledged Recreation Director Conn to share with the City Commission the different approaches that can be taken to name the facilities.

Mr. Conn stated that it has been some time since the City has had the opportunity to name a facility. There will be a soft opening of the park located on the corner of Warrior and Windermere Road. Staff would like to develop some signage for the event. He shared that some names are selected with public input, other cities form committees, and some are driven by the Commission. He asked for direction from the City Commission on this issue.

Commissioner Jowers suggested that a committee be formed to choose the appropriate park name. City Manager Bollhoefer stated that the committee recommendation would be brought to the City Commission for approval. Mayor Rees suggested that Commissioners could submit to the committee any park names they would like considered. *There were no objections noted.*

B. **Update on two proposed boards; Downtown Architectural Review Board and State Road 50 Beautification Committee**

Mr. Bollhoefer stated that he is still working on getting these ordinances done and would rather have it done right than have it done quickly. Mayor Rees suggested leaving this item open until they are completed as opposed to giving a deadline of the next meeting. It was the **consensus** of the City Commission to leave this item open until it is ready to be presented to the City Commission.

• **Districting Commission as required by the revised Charter**

Mr. Bollhoefer stated that this committee does have a deadline and recommended that the City Commission have names ready for the next meeting. He has asked the City Attorney to provide some guidelines at the next Commission meeting on how this would work. Mr. Bollhoefer stated that a City Commissioner has brought to his attention that this committee may need professional assistance in helping them establish the new districts and noted that a facilitator provided services to the Charter Review Committee.

Mayor Rees suggested that each Commissioner select someone from their district and have an alternate name ready just in case their first choice is not confirmed by the Commissioners.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan stated that the noise ordinance needs to be addressed soon and he believes Mr. Bollhoefer is working on this. While there have been some complaints made, some real specific guidelines for our entertainment venues need to be established as we try to liven up the downtown area. He stated that he is not saying that we do not need a noise ordinance but we need to make sure that it is fair for everyone.

Commissioner Jowers asked if any thought has been given to turning the downtown area into an entertainment district. This would attract people to our downtown area. **Motion by Commissioner Jowers to instruct the City Attorney to look into drafting an ordinance to classify the businesses in our historic downtown area as an entertainment district and bring this information back to the City Commission for further discussion and decision. Seconded by Commissioner Sharman.** City Attorney Ardaman clarified that he would be working with the City Manager and City Planner. **Motion carried unanimously 5-0.**

Commissioner Boulter stated that there is a problem in some parts of the City with noise. He described automobiles with speakers mounted on the outside and some who ride with the doors open. He also described that they go so far as to warn each other of approaching law enforcement by signaling each other. He asked if more could be done to prevent this activity. In addition to being so loud, the language and innuendoes are down right degrading.

Mr. Bollhoefer responded that there is something in the code about this issue and staff is in the process of rewriting our entire noise ordinance. He shared that he complains often about this same problem near his home. The difficulty is in the enforcement because they will post people to watch and turn down the music when law enforcement approaches.

Commissioner Jowers asked if these situations could be approached by police stings such as drug busts and suggested unmarked vehicles. Mr. Bollhoefer responded that he has spoken to Chief Brennan about this but once an unmarked vehicle is used, it is no longer unmarked.

Mr. Bollhoefer asked Chief Brennan when someone is ticketed for a noise violation is it a significant fine. Chief Brennan responded that when this violation is in a vehicle the City ordinance is not used, the State statute is used because it goes against their driver's license.

Commissioner Sharman asked if it could fall under a public offense for the foul language in the music even if it doesn't meet the decibel requirement. Chief Brennan responded that vehicles are the easiest ones to enforce because all they need is a distance factor if it is being heard beyond 25 feet. The other violations are difficult to enforce. He stated that part of the problem is that no one wants to be known as the complainant and they want to make that phone call anonymously. He explained that the courts require that someone from the community be the one to state that their peace is being violated, not the police. He gave an example of a community holding a block party where all of the community is involved; we can't expect an officer to drive down the street saying they are making too much noise and they are going to cite them. The community must voice that they are disturbed or that their peace is violated and sign an affidavit in order for them to proceed unless, it is in a moving vehicle then they can give a state traffic ticket.

Chief Brennan explained that this is why he has spoken with the City Manager in hopes that a rewrite of the ordinance will make it stronger and can be better enforced.

Commissioner Sharman stated that the West Orange High School PTA is kicking off a mentoring program for their youth on a weekly basis. They are looking for volunteers and have asked if the City Commission could help them with volunteering their time or with a monetary contribution to help pay for mentoring books and materials. He stated that he told them that he could bring it before the City Commission and suggested to them that they raise funds and the City could possibly match up to a certain dollar amount. Mayor Rees stated that he would personally donate some money and if he has the time he is willing to volunteer as he is doing at his wife's school. Mayor Rees asked the Commission to remember that whenever considering a donated dollar amount, we may be asked to do the same throughout our community.

Motion by Commissioner Sharman to donate up to \$500 to match those funds raised by the West Orange High School PTA for their mentoring program. Seconded by Commissioner Boulter and carried unanimously 5-0.

Mayor Rees acknowledged that the Lions Club and the City of Winter Garden's egg hunt was a great success with a lot of people in attendance.

Mayor Rees asked the Commissioners to think about creating a task force or advisory committee made up of a person from each school as selected by the school either in the City of Winter Garden or a school that takes in City of Winter Garden children, to meet with the school board to give the City more clout with regard to our schools.

Mayor Rees stated that he would also like the Commission to meet with all of the homeowner association presidents, possibly on a quarterly basis, and asked the City Commission for their thoughts as we move forward.

Commissioner Sharman suggested moving City Commission meetings to different locations throughout the City to make the meetings more accessible to residents within their communities. Mayor Rees stated the City Manager can look into this possibility.

Thank You to Fire and Police Department

Mr. Bollhoefer thanked the City's Fire and Police Departments for their fast response to the Diamond R Fertilizer fire. He stated that he talked with many of the residents and both departments did a great job.

Mayor Rees echoed the City Manager's comment and stated that he went to Dillard Street Elementary School and talked to the residents and he heard nothing but positive things about our Fire and Police Departments. Businesses came down and donated food. Citizens at the Dillard Street Elementary School were very complimentary of the City's staff, which he thinks is great.

The meeting adjourned at 7:28 p.m.

APPROVED:

/S/ _____
MAYOR JOHN REES

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC