



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

August 13, 2009

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 Kurt Ardaman, City Clerk Kathy Golden, Police Chief George Brennan, Deputy Fire Chief Matt McGrew, Finance Director Robin Hayes, Public Services Director Don Cochran, Assistant Public Services Director Mike Kelley, City Planner Ed Williams, Community Development Director Tim Wilson, Building Official Skip Lukert, Recreation Director Jay Conn, Information Technology Director Bob Reilly, Economic Development Director Dolores Key, Community Relations Manager Andrea Vaughn and West Orange Times Report Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of July 23, 2009 as submitted. Seconded by Commissioner Jowers and carried unanimously 5-0.

2. **PRESENTATIONS**

• **Winter Garden Rotary Club Paul Harris Fellow Award**

Rod Talbert of the Winter Garden Rotary Club stated that they have approximately 75 members in Winter Garden. He gave the history of the Rotary Club and briefly explained that the Paul Harris Fellow Award recognizes people that have a very large impact on the community, the United States or internationally. City Manager Mike Bollhoefer was recognized as this year's recipient for all the contributions he has made to the Winter Garden community.

Mayor Rees announced that the presentations are being changed (agenda item B would be heard before agenda item A).

A. **Orange County School Board Member Christine Moore PowerPoint**

Orange County School Board Member Moore's presentation was titled "Strategic Plan Update, School Grades, and AYP (Adequate Yearly Progress)" (*see attached Exhibit A*).

Ms. Moore explained that the grades may change due to the implementation of much higher standards.

Commissioner Buchanan asked what has been implemented to help those schools that are not meeting the standards. Ms. Moore stated that a lot depends on what the principal wants to do. There are resources available in terms of curriculum and training.

B. Part I Fund Accounting: Budgeting and Revenues

City Manager Bollhoefer gave a PowerPoint presentation that he explained is a very basic lesson on accounting for government (*see attached Exhibit B*). There was discussion on separate proprietary funds that are set up to run as if they were their own separate business. These funds are not available to make up deficiencies within the general fund which is financed through taxes.

3. REGULAR BUSINESS

A. Recommendation to approve bids and award the Trunk Line "C" Phase #4 Project to DeWitt Excavating, Inc.

Public Services Director Cochran stated that the City received bids for Trunkline "C" Phase 4 project on July 22, 2009. The project consists of approximately 1700 feet of 12 inch reuse main and 18 inch force main. He stated that Phases 1, 2, 3 and 5 have been constructed; Phase 6 is under design and will be prepared for bid in the next few months. This will take the project down County Road 545/Avalon Road, down to the Stoneybrook area. There were 19 bidders on this project and the lowest qualified bidder was DeWitt Excavating, Inc. with a bid of \$559,722.27. Staff recommends awarding the bid to DeWitt Excavating with a 10 percent contingency bringing the total approved project amount to \$615,694.50.

Motion by Commissioner Boulter to approve the bids and award the Trunk Line "C" Phase #4 Project to DeWitt Excavating, Inc., with a bid of \$559,722.27 and a 10 percent contingency, bringing the total approved project amount to \$615,694.50. Seconded by Commissioner Buchanan and carried unanimously 5-0.

B. Recommendation to approve bids and award the Dreyfus Reuse Water Line Tie-Ins Project to Crossroads Site Development

Public Services Director Cochran stated that this bid is for the Dreyfus Reuse main water tie-ins. This project consists of the Dreyfus lines which are dual 12 inch water mains that extend from the existing Dreyfus plant down Ninth Street to Daniels Road and then to Roper Road over to County Road 545, around Black Lake and then further south. He explained that once these tie-ins are made reuse water will be supplied to Stone Crest, Black Lake subdivisions and the Winter Garden Village mall. Staff recommends approval to the lowest qualified bidder Crossroads Site Development with a bid of \$83,875.00 and a 10 percent contingency, bringing the total approved project amount to \$92,262.50.

Motion by Commissioner Jowers to approve bids and award the Dreyfus Reuse Water Line Tie-Ins Project to Crossroads Site Development with a bid of \$83,875.00 and a 10 percent contingency, bringing the total approved project amount to \$92,262.50. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. **Recommendation to approve amending the Locally Funded Agreement with the State of Florida Department of Transportation to remove the vendor names for decorative fencing and brick pavers**

Community Development Director Wilson explained the agreement with the Florida Department of Transportation (FDOT) approved back in June needs to be amended. There were vendor names listed in the documents and FDOT's current practice does not allow that. This amendment removes those names and there is no financial impact to the agreement. Staff recommends approval.

Motion by Commissioner Jowers to approve amending the Locally Funded Agreement with the State of Florida Department of Transportation to remove the vendor names for decorative fencing and brick pavers. Seconded by Commissioner Boulter and carried unanimously 5-0.

D. **Request for reappointment by Trustee Marguerite Kennington to the General Employees Pension Board for a two-year term**

City Clerk Golden stated that Ms. Kennington's term is expiring at the end of September and she has indicated her interest in being reappointed.

Motion by Commissioner Boulter to approve reappointment of Trustee Marguerite Kennington to the General Employees Pension Board for a two-year term. Seconded by Commissioner Buchanan and carried unanimously 5-0.

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

5. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that some residents of Westside Townhomes have requested that the City take over ownership and responsibility for the private roads within their five-phase development. He explained that the roads within phase 5 are in good shape and the City has the right to take care of those roadways. Phases 1 through 4 do have some problems. If the City Commission does desire to move forward, the City would have to establish some public right in the private roadways. This can be accomplished by granting an easement. He noted that the City must have ownership of the roads in order to expend public funds to bring the roads up to standards and maintain them. The Westside Townhomes Declaration of Covenants and Restrictions allows for conveyance of the common roadways and other common areas of the development to a public entity such as the City. Such a conveyance requires at least a two-thirds affirmative vote of all the lot owners in the development and the City Commission must then agree to accept it.

Mr. Ardaman stated that if the City requires their roadways to be brought up to an acceptable standard before accepting them, then the cost would have to be paid by the owners of that development. This can be accomplished by a special assessment of those lot owners who would be benefiting from the improved roadways.

City Manager Bollhoefer stated that the homeowner association itself and several of the residents are not opposed to a special assessment. They are willing to try to get the two-

thirds vote with the understanding that all of those in favor are agreeable to repaying the cost as an annual special assessment included on their property taxes. The City would have to come up with the money up front as the roads are being constructed.

Mr. Bollhoefer stated that the public purpose is that the current situation is that some of the roads are in pretty bad shape and Westside Townhomes does not have a sufficient means of raising the funds to do the roads themselves.

City Attorney Ardaman clarified that if the residents voted their approval, the City Commission approved it and it was paid back to the City, once the City owns their roadways the City would then be responsible for all future maintenance; not through a special assessment.

Mayor Rees stated that in his opinion the homeowners need to decide what they want to do, the City Commission needs to know the upfront costs to rebuild the roads so the homeowners will know the amount of their assessment and the payment duration. In addition, what the ongoing costs associated with maintaining the roads will be.

Mr. Bollhoefer responded that initially, to get the roads up to City standards, it will roughly cost \$500,000. A ten to twenty year payback would be more affordable on their property taxes. He stated that he would have to get more information regarding the ongoing maintenance costs.

Mayor Rees asked if it (the assessment) is done, is it computed at the present value of the funds or do we collect interest. Mr. Bollhoefer replied that it is not at present value. It is a straight value if they are done all at once and they would not have to be done all at once. If done at the present value it would probably be less, but also you have to consider the increased costs of building the roads, so it would be difficult to calculate. He will get specific numbers from the engineers and bring them back to the City Commission.

Commissioner Buchanan asked if only two-thirds voted for approval and the other one-third either can't or won't pay. What will the City do to collect? Will their homes be taken from them? Mr. Bollhoefer explained that this could actually be the risk; if two-thirds vote their approval and a special assessment is implemented, then 100 percent are responsible.

Commissioner Buchanan expressed that this may cause a hardship for some owners. Commissioner Jowers responded that Westside Townhomes is coming to the City, not the City going to them. He encouraged the Commission that if the owners want the City's assistance, then the City should move forward.

Commissioner Sharman stated that he has seen the roads first hand and if the residents get the required two-thirds vote, the City Commission needs to do something to fix them. He stated his full support on this matter.

Motion by Commissioner Jowers for staff to bring back to the City Commission the specific costs for road improvements within Westside Townhomes with optional repayment plans. Seconded by Commissioner Sharman. Motion carried unanimously 5-0.

6. **MATTERS FROM CITY MANAGER**

STARS Program

Community Relations Manager Vaughn noted that the City held the Relay for Life for the American Cancer Society earlier this year. This summer the City decided to support the STARS Program of West Orange. She explained that the City donated money to STARS who in turn bought backpacks and school supplies for children who would not otherwise have anything for their first day at elementary, middle, and high school. City employees raised a donation of \$665 through a spaghetti lunch fundraiser.

Legislative Luncheon

Community Relations Manager Vaughn announced that the legislative luncheon for the Chamber of Commerce is coming up on Wednesday, September 2, 2009 and they are looking for the City to reserve a table.

Mayor Rees thanked staff for their efforts and hard work on the STARS program.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Jowers shared that the Florida League of Cities conference is going on and the exhibits are very interesting.

Commissioner Buchanan reiterated that the Florida League of Cities conference is very interesting and they have a lot of new vendors. He also attended the finance meeting today. He keeps hearing how good Winter Garden is doing in so many different areas but primarily with how we have handled our budget and the new things that are going on within our City. He stated that it is fun to be a part of what's going on and to listen to the people talking so positive about us.

Commissioner Boulter stated that he underscores what Commissioner Buchanan has said about what people are saying about Winter Garden. You would really be surprised at what the other city officials are saying about how we are running our City, city government and city staff.

Commissioner Boulter announced that this Saturday local radio station WOKB is having a Family Fun Day at the Mildred Dixon Center on West Crown Point Road from 12:00 noon to 4:00 p.m. and everyone is invited to attend. The main reason for this event is to help underprivileged children with their school supplies. He stressed that donations are down this year as everyone is having a hard time during this recession.

Mayor Rees asked Police Chief Brennan for the status on the red light cameras. Police Chief Brennan responded that the City Attorney has re-drafted the ordinance and staff has looked at another vendor to provide the service. He believes it is being narrowed down rather quickly now.

City Attorney Ardaman added he has a drafted the ordinance and received comments from a second vendor who appears to be head and shoulders above most of the others. They have given staff favorable comments on the ordinance and hopefully this matter will be to the City Commission by the next meeting.

Commissioner Buchanan stated that the sign code workshop scheduled for August 20, 2009 is the same night as the Chamber function and Commissioner Jowers will be out of town. There was discussion on combining the signage workshop with the budget workshop on August 24, 2009 at 5:30 p.m. There was **consensus** by the City Commission to combine the two workshops on August 24, 209 at 5:30 p.m.

City Manager Bollhoefer asked everyone to remember Herschel Parrish in their prayers who suddenly passed away this week, who was a great person and Winter Garden resident.

Downtown Car Shows

Andy Bruns thanked staff for the work they do for the car shows downtown. He announced that there will be a car show this coming Saturday night. He believes it is a very good event and he wants to see it continue. The theory behind the car shows is to bring people to our downtown area to help it thrive. He has been working on promotional giveaways and encouraged the public come out and participate.

The meeting adjourned at 7:41 p.m.

APPROVED:

_____/S/_____
MAYOR JOHN REES

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC