



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 22, 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 A. Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, Assistant Public Services Director Mike Kelley, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Deputy Fire Chief Matt McGrew, Police Lieutenant Bill Sullivan, Economic Development Director Dolores Key, Building Official Skip Lukert, Recreation Director Jay Conn, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Mayor Rees noted a correction to the minutes of October 8, 2009 under Item 6.A; the expiration date for the reappointments to the Planning and Zoning Board should be October 31, 2011.

Motion by Commissioner Boulter to approve the regular meeting minutes of October 8, 2009 as corrected. Seconded by Commissioner Jowers and carried unanimously 5-0.

2. **PRESENTATIONS**

- A. Mayor Rees read and presented **Proclamation 09-12** to Dr. Albert H. Gleason on his 98th birthday to celebrate his lifelong role as a distinguished member of the community, his personal endeavors, and his career in the medical profession.
- B. Employee recognitions (*There was no action on this item.*)

3. **FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 09-66:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-51 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO PROVIDE AN EXEMPTION FOR THE PAYMENT OF WATER AND SEWER IMPACT FEES AND CONNECTION FEES FOR PREMISES WHICH ARE OWNED AND OPERATED BY THE CITY AND GOVERNMENT OWNED AND OPERATED PARKS AND RECREATION FACILITIES IN WHICH THE CITY PARTICIPATES IN THE CONSTRUCTION, OPERATION OR MAINTENANCE OF SUCH PURSUANT TO AN AGREEMENT BETWEEN THE CITY AND ANOTHER GOVERNMENTAL ENTITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN

EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-66 by title only. City Manager Bollhoefer stated that this ordinance will make it more affordable for the City and other governmental agencies to build parks and recreational facilities within the City of Winter Garden. One of the City's goals is to increase our parks and recreational facilities; staff recommends approval.

Motion by Commissioner Boulter to approve Ordinance 09-66 with the second reading and public hearing being scheduled for November 12, 2009. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. Ordinance 09-61: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.15 ± ACRES LOCATED AT 519 BETHUNE AVENUE, 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 09-61 by title only. Community Development Director Tim Wilson stated that the next three hearings are to annex, rezone and amend the land use of the property located on Bethune Avenue between E. Bay Street and Edgewood Drive. The property is owned by the West Orange Habitat for Humanity and they are in the process of building a home on the property which will need the City's utilities. This has been reviewed by Development Review Committee and the Planning and Zoning Board; both recommend approval.

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

Motion by Commissioner Sharman to approve Ordinance 09-61 with the second reading and public hearing being scheduled for November 12, 2009. Seconded by Commissioner Boulter and carried unanimously 5-0.

- B. Ordinance 09-62: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.15 ± ACRES LOCATED AT 519 BETHUNE AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Ardaman read Ordinance 09-62 by title only.

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

Motion by Commissioner Sharman to approve Ordinance 09-62 with the second reading and public hearing being scheduled for November 12, 2009. Seconded by Commissioner Boulter and carried unanimously 5-0.

- C. **Ordinance 09-63:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.15 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 519 BETHUNE AVENUE FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-63 by title only.

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

Motion by Commissioner Sharman to approve Ordinance 09-63 with the second reading and public hearing being scheduled for November 12, 2009. Seconded by Commissioner Boulter and carried unanimously 5-0.

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

- A. **Ordinance 09-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.74 ± ACRES LOCATED ON THE NORTH AND WEST SIDE OF COUNTY ROAD 545 (PARCEL ID 33-22-27-0000-00-014), 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 09-48 by title only. Community Development Director Wilson stated that this is the second hearing for annexing this City owned property into the City. Only the annexation is being done at this time; the land use and rezoning will be done with the updating of the City's comprehensive plan.

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

Motion by Commissioner Jowers to adopt Ordinance 09-48. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- B. **Ordinance 09-49:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 40.28 ± ACRES LOCATED AT 13036

ROPER 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 09-49 by title only. Community Development Director Wilson stated that this is the second reading and adoption for annexing this property. The property is owned by Grace Church of Orlando, Inc. The land use portion will be done with the comprehensive plan updates. Staff recommends approval.

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

Motion by Commissioner Buchanan to adopt Ordinance 09-49. Seconded by Commissioner Jowers and carried unanimously 5-0.

- C. **Ordinance 09-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.28 ± ACRES LOCATED AT 120 TILDENVILLE SCHOOL 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 09-50 by title only. Community Development Director Wilson stated that the next three ordinances deal with annexation of this individual lot, which includes a home. The ordinances will establish residential land use as well as an R-2 zoning on this property. This has gone through the Development Review Committee and Planning and Zoning Board public hearings; approval is recommended.

Commissioner Buchanan asked if the property next door has asked to be annexed. Mr. Wilson stated that they have been sent a letter but he is unaware if there have been any discussions with them.

There was discussion regarding the City being allowed to ask if someone would like to annex into the City. City Attorney Ardaman advised that there is no prohibition.

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

Motion by Commissioner Boulter to adopt Ordinance 09-50. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 09-51:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.28 ± ACRES LOCATED AT 120 TILDENVILLE SCHOOL ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-51 by title only.

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

Motion by Commissioner Jowers to adopt Ordinance 09-51. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- E. **Ordinance 09-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.28 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 120 TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY A-1 TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-52 by title only.

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

Motion by Commissioner Boulter to adopt Ordinance 09-52. Seconded by Commissioner Sharman and carried unanimously 5-0.

- F. **Ordinance 09-65:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 90, ARTICLE II OF THE WINTER GARDEN CODE OF ORDINANCES TO CONFORM WITH FEDERAL LAW AND NEWLY ENACTED FEDERAL EMERGENCY MANAGEMENT AGENCY REGULATIONS AND COMPLY WITH THE PARTICIPATING CRITERIA OF THE NATIONAL FLOOD INSURANCE PROGRAM AND FLOODPLAIN MANAGEMENT RELATED REQUIREMENTS OF THE STATE OF FLORIDA; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-65 by title only.

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

Motion by Commissioner Buchanan to adopt Ordinance 09-65. Seconded by Commissioner Jowers and carried unanimously 5-0.

6. **PUBLIC HEARING MATTER**

A. **Renewal of an Interlocal Agreement with Orange County, Florida, for the Watershed Atlas Project at a total cost of \$5,856**

Public Services Director Cochran stated that the Watershed Atlas Project is a geographic based website that provides information on watershed throughout Orange County. This interlocal agreement has been in effect for three years with Orange County and is up for renewal. The total cost to the City is \$5,856 and is to be made in three annual payments of \$1,952 each.

Motion by Commissioner Jowers to approve Interlocal Agreement with Orange County, Florida, for the Watershed Atlas Project at a total cost of \$5,856. Seconded by Commissioner Sharman and carried unanimously 5-0.

7. **REGULAR BUSINESS**

A. **Recommendation to piggyback the Orlando Utilities Commission, Jacksonville Electric Authority, and the City of Winter Park contract with HD Supply Waterworks for the purchase of water and wastewater related construction materials**

Public Services Director Cochran stated that the State Road 50 road widening project will be starting within the next month or so. Included with that project are approximately three miles of utility relocations. In an effort to complete this job in the most cost effective manner, staff researched how to purchase the materials themselves; saving the taxes that the contractors would have to pay on the materials as well as on contractor's mark up. A piggyback contract that exists between the City of Winter Park, Orlando Utilities, and Jacksonville Electric Authority with HD Waterworks Supply is being presented for consideration. The contract's most attractive feature is that the supplies do not need to be purchased all at once. The supplier is required to store six week's worth of materials for the construction project to not delay the contractor's work. In addition, they are also required to hold their material prices for a full year with a couple of exceptions on commodity based products, which are to be reviewed each year. The contractor is required to give us the same prices of the original bid with the other utility companies or lower. They came back with a total estimate of materials needed for this project of \$1,713,186.59, which is approximately \$480,618 less than the original bid.

Motion by Commissioner Buchanan to approve piggybacking the Orlando Utilities Commission, Jacksonville Electric Authority, and the City of Winter Park contract with HD Supply Waterworks for the purchase of water and wastewater related construction materials. Seconded by Commissioner Jowers and carried unanimously 5-0.

B. **Recommendation to approve the bid of \$160,710.00 and award contract to Middlesex Corp. for street resurfacing projects #09-48, 49 and 50, with a 10 percent contingency for a total approved project amount up to \$176,781.00**

Public Services Director Cochran stated that on October 14th the City received bids for the street paving projects which was carried over from last year's budget. He described the project location area as being South Lakeview Avenue from Lafayette to Palmetto; North Street from Plant Street to 11th Street; and Warrior Road from Beulah Road to Windermere. The engineer's estimate was \$228,307. Middlesex Corporation was the low bid at \$160,710.00 and staff recommends adding a ten percent contingency bringing it to \$176,781.00.

Mayor Rees noted that this bid was \$51,000 less than the original estimate.

Motion by Commissioner Jowers to approve the bid of \$160,710.00 and award contract to Middlesex Corp. for street resurfacing projects #09-48, 49 and 50, with a 10 percent contingency for a total approved project amount up to \$176,781.00. Seconded by Commissioner Buchanan and carried unanimously 5-0.

C. Recommendation to approve the site plan for Hope Charter / Legacy High School located at 1550 East Crown Point Road

Community Development Director Wilson stated that this project is located on East Crown Point Road and expands the existing school and church facility. The expansion will accommodate up to an additional 170 students, making the total maximum enrollment 360 students. The Planning and Zoning Board reviewed the special exception back in August. The project has been through a technical review with the Development Review Committee and their recommendation has been included in the agenda package and contains recommended conditions of approval. Mr. Wilson also noted that there was consideration of the traffic conditions on East Crown Point Road and Fullers Cross Road. The applicant has made a contribution for future intersection improvements.

Mayor Rees asked for clarification regarding the current total number of students being 350 and if approved, the expansion would go to 530 students. Staff members will be increased by 18 for a total increase of about 200. Mr. Wilson replied yes.

Commissioner Buchanan mentioned the turn lanes which lead to discussion on staff's review of the traffic. Mr. Wilson replied that there was a pretty rigorous review. They not only looked at the entrance but the upstream and downstream traffic on the Fullers Cross intersection as well. There is no signalization at the Fullers Cross intersection and future turn lanes will be needed at the intersection.

Mayor Rees asked if this expansion will build out the school. Mr. Wilson responded that this will be all they can accommodate or at least what can be approved by the City. Any additions would require more land.

Motion by Commissioner Boulter to approve the site plan, with conditions (*see attached Exhibit A*), for Hope Charter / Legacy High School. Seconded by Commissioner Sharman and carried unanimously 5-0.

8. **MATTERS FROM CITIZENS**

Charlie Mae Wilder, 284 11th Street, Winter Garden, Florida, invited everyone to attend the third annual Veteran's Appreciation event on November 21, 2009 at 3:00 p.m. and asked for the City's support by placing a program advertisement, individual ads, or monetary donations.

Ms. Wilder thanked the City of Winter Garden for their support for the Fall Festival benefiting the Winter Garden Community Garden Project. She especially thanked Recreation Director Conn for his support.

Motion by Commission Buchanan to purchase the front inside cover of the Veteran's Appreciation program on November 21, 2009 for \$100. Seconded by Commissioner Jowers and carried unanimously 5-0.

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

10. **MATTERS FROM CITY MANAGER**

A. **Recommendation to cancel the regular City Commission meetings of November 26, 2009 and December 24, 2009 for the holidays**

City Manager Bollhoefer stated that the second meeting in November falls on Thanksgiving and the second meeting in December falls on Christmas Eve. Traditionally, the City has cancelled these meetings and staff recommends cancelling these meetings. He added that staff has been doing a great job for the City and he requested that the City Commission allow staff to have Christmas Eve off; it is not a scheduled holiday.

Motion by Commissioner Buchanan to approve cancelling the City Commission meetings for November 26, 2009, December 24, 2009 and allowing employees to be off Thursday, December 24, 2009. Seconded by Commissioner Boulter and carried unanimously 5-0.

• **National League of Cities**

Mayor Rees noted that Commissioner Boulter is attending the National League of Cities Conference November 12th to the 14th, which is a regular meeting night and asked if the City Commission would like to move the meeting back a day or two to accommodate Commissioner Boulter.

Motion by Commissioner Jowers to move the regular meeting of Thursday, November 12, 2009 to Tuesday, November 10, 2009 at 6:30 p.m. and designate Commissioner Boulter as the voting delegate at the National Leagues of Cities conference. Seconded by Commissioner Buchanan and carried unanimously 5-0.

City Clerk Golden shared that changes to the regular meeting date in November does affect the public hearing dates established for the ordinances passed earlier in the

meeting. City Attorney Ardaman advised that the legal advertisements would suffice for notifying the public of revised hearing date.

11. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Jowers asked the City Manager about the status of golf cart usage. City Manager Bollhoefer replied that there was a status report done Wednesday with a group being put together to include GIS and Planning Department staff putting the routes together for the downtown area and a route from Hyde Park. Staff is hoping to bring this to the City Commission as soon as possible.

Commissioner Jowers asked if a motion could be made that would blanket the entire downtown area of Winter Garden as a "Golf Cart Friendly Community" with signs posted at every entrance to the City. That way the only roads that would have to be marked are those not golf cart accessible because they are 35 mph and higher or are a four-laned highway. City Manager Bollhoefer replied that the attorney is reviewing this issue, but this idea could definitely be included in the plan. He stated that he wants to be sure that if a route is placed on the map, it meets the law. He will push staff to get it on the first meeting in November.

Commissioner Boulter thanked the City of Winter Garden Police Department for the good job they are doing on the east side of Winter Garden and remarked on the noticeable difference.

Commissioner Sharman thanked the Recreation staff for their assistance with the Winter Garden Community Garden. He also thanked Public Services Director Cochran and his staff for their help in setting up the garden. He stated that Orange County Commissioner Scott Boyd came out last month with some staff members and previewed the garden. Ours is the largest community garden in Orange County, which resulted in some press for the City.

Mayor Rees announced that the City Commission will be going back to coat and tie at the next meeting in November.

The meeting adjourned at 7:11 p.m.

APPROVED:

____/S/_____
MAYOR JOHN REES

ATTEST:

____/S/_____
City Clerk Kathy Golden, CMC