



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

November 10, 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, Public Services Director Don Cochran, Assistant Public Services Director Mike Kelly, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Community Development Director Tim Wilson, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Police Chief George Brennan, Building Official Skip Lukert, and Recreation Director Jay Conn

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

**Motion by Commissioner Jowers to approve the regular meeting minutes of October 22, 2009 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.**

### 2. **OATHS OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

Police Chief Brennan introduced and administered the oath of office to Police Officers Kenneth Duda, Joshua Graham, and Gerald Peace.

### 3. **PRESENTATIONS:**

#### A. **Employee recognitions**

City Manager Bollhoefer stated that one of the City's recent goals has been to find ways to do more with less as the City faces shrinking revenues in a difficult economic time. The only way the City can continue to be successful is by employees stepping up and do more than they are asked or expected. He recognized four Public Service Supervisors; Jeffrey Cotton, Michael Cotton, Gary Sapp, and Gary Skipper whose efforts have assisted the City of Winter Garden in becoming the best small city in the State of Florida. Their contribution of reducing overtime by 66.5 percent has saved the City \$96,526.

City Manager Bollhoefer also recognized Thomas Knappman, Building Department Inspector, who has taken on additional responsibilities as the Chairman of the Safety Committee. He was also recognized for his above and beyond efforts in assisting employees and aiding in making the City of Winter Garden the best small city in the State of Florida.

- B. **Proclamation 09-13**: Mayor Rees read and presented Proclamation 09-13 to Sergeant Ruth McMahon in honor of her retirement after 25 years of dedicated service to the City.
- C. **Proclamation 09-14**: Mayor Rees read and presented Proclamation 09-14 to Ms. Belinda Davis in honor of her retirement as Principal of Maxey Elementary School.

4. **FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 09-64**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 98-151 AND 98-153 OF CHAPTER 98, ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING THE MEMBERSHIP OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-64 by title only. Community Development Director Tim Wilson stated that this ordinance will reduce the Development Review Committee from seven to five members and reduce a quorum from four to three members. Staff recommends approval with the second reading and public hearing being held on December 10, 2009.

Mayor Rees clarified, for the benefit of the audience, that the members being removed as active voters are the Assistant City Engineer and the City Manager.

**Motion by Commissioner Jowers to approve Ordinance 09-64 with the second reading and public hearing being scheduled for December 10, 2009. Seconded by Commissioner Boulter and carried unanimously 5-0.**

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

- 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 the primary reason for this ordinance is to make it more affordable for the construction of parks and recreational facilities within the City of Winter Garden; staff recommends approval.

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

**Motion by Commissioner Boulter to adopt Ordinance 09-66. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **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 this is the second reading for annexing this property located at 519 Bethune Avenue. The three related ordinances will annex, amend the land use and rezone the property into the City. There is a house under construction by the West Orange Habitat for Humanity, which needs City utilities and thus has agreed to come into the City. Staff recommends approval of all three items.

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

**Motion by Commissioner Boulter to adopt Ordinance 09-61. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- C. **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 Buchanan to adopt Ordinance 09-62. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **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 adopt Ordinance 09-63. Seconded by Commissioner Jowers and carried unanimously 5-0.**

Commissioner Boulter asked if there was a reason why the homes further to the north on Bethune were not also being annexed. Mr. Wilson stated that the City has sent a series of letters but he would need to verify if they specifically went to that area. He noted that letters were sent to all County enclave areas.

6. **REGULAR BUSINESS**

A. **Recommendation to approve an interlocal agreement with Orange County, Florida, for fire dispatch services with the City of Winter Garden**

Fire Chief Williamson stated that this is a continuation of an agreement that the City already has with Orange County for dispatching fire and rescue services through their communication center. Because these are lean times, the City has looked into the possibility of doing this function internally and found that it is a better deal to go through the County. It would potentially cost over \$300,000 to perform this internally and staff feels that this is the best way to go and recommends approval.

Mayor Rees clarified that this service instead will cost the City \$159,000. Fire Chief Williamson replied yes.

Mayor Rees stated that there are eight dispatchers listed but it says nothing about the County. He asked if the eight dispatchers were specifically allocated to the three cities (Ocoee, Maitland, and Winter Garden). Fire Chief Williamson replied yes, that is how they arrive at the cost per dispatcher. Then, based on the percentage of volume, they bring it all together and the City would then pay their share of that cost.

**Motion by Commissioner Jowers to approve an interlocal agreement with Orange County, Florida, for fire dispatch services with the City of Winter Garden. Seconded by Commissioner Boulter and carried unanimously 5-0.**

B. **Recommendation to declare surplus two older Lifepak12 battery chargers and donate one each to the Ocoee Fire Department and the Central Florida Fire Academy**

Fire Chief Williamson stated that the City has received the new LifePak15 battery chargers, which makes the LifePak12 battery chargers obsolete. There are a few other small parts that the City wants to move over to these other agencies that could use them.

Mayor Rees read for the benefit of the audience that there is no trade-in value on the LifePak12 battery chargers.

Commissioner Buchanan asked if these LifePaks are certified in some way. He wanted to be sure that if they were to malfunction, there would be no repercussions on the City.

Fire Chief Williamson responded that there is no real certification process. They are a bank of battery chargers. The City could have a hold harmless agreement and deferred to the City Attorney. Fire Chief Williamson stated that there is no ongoing certification. Commissioner Jowers shared that the battery chargers go until they wear out.

**Motion by Commissioner Boulter to approve declaring surplus two Lifepak12 battery chargers and donate one each to the Ocoee Fire Department and the Central Florida Fire Academy. Seconded by Commissioner Jowers and carried unanimously 5-0.**

**C. Recommendation to approve the landscape design and final construction documents with Foster Conant and Associates (Project No. 9026a) in an amount not to exceed \$46,000 for State Road 50 medians**

Community Redevelopment Director Wilson stated that the agenda packets include material on the concept of the proposed medians on State Road 50. Back in May, when the City was working with the Florida Department of Transportation (FDOT), the City provided the Commissioners with the hardscape elements and other amenities. The City has a joint planning agreement (JPA) with the FDOT for this project. He stated that the City needs to adopt the landscape design, which was not part of that JPA. The approval tonight will allow Foster Conant to finish their design work on the landscape medians and the construction documents. The City would then be in a position to coordinate the work with the FDOT contractor. Staff recommends approving Foster Conant to do the work.

**Motion by Commissioner Buchanan to approve the landscape design and final construction documents with Foster Conant and Associates (Project No. 9026a) in an amount not to exceed \$46,000 for State Road 50 medians. Seconded by Commissioner Jowers and carried unanimously 5-0.**

**Dispense as the City Commission and convene as the Community Redevelopment Agency at 7:07 p.m.**

**Present:** Agency Chairman John Rees, Agency Members Harold L. Boulter, Bob Buchanan, H. Gerald Jowers, Colin Sharman and CRAAB Chairman/CRA Member Larry Cappleman

**D. Recommendation to approve no more than \$37,000 for two way-finding signs at the intersection of Dillard and Plant Streets**

CRAAB Chairman/CRA Member Cappleman stated that the CRA Advisory Board heard a presentation from Community Development Director Wilson regarding the construction of two signs downtown. The CRAAB has approved making a recommendation to the CRA to fund up to \$37,000 for two signs to be located in the downtown CRA area. Mr. Cappleman recognized Community Development Director Wilson to address this issue.

Mr. Wilson directed the CRA to the examples provided of the proposed signage. He stated that these signs are called way-finding signs but they really serve two purposes. One sign is really a welcome to Winter Garden, which would be at the northwest corner of Plant Street and Dillard Street. This sign will allow two panels to announce City-sponsored events. The additional sign, which would replace the two banner pole signs on the northeast corner of Dillard Street and Plant Street, would be used for non-City sponsored events that occur within the downtown area. The signs are being designed so they are similar.

Mr. Wilson shared that the signs would be fabricated by Phoenix Rising and the designer was Miller Clark Design. This team was used because they are local and came highly recommended.

CRA Member Buchanan asked how soon the signs would be up. Mr. Wilson replied that after approval, they could be done by the middle of January or in approximately 60 days.

Mr. Cappleman stated regrettably that this project will require the demolition of one of the brick pedestals that was erected during the downtown renovation. There was discussion on whether there was a way around this demolition. City Manager Bollhoefer stated that staff would see what could be saved of the prior sign.

CRA Member Sharman asked about the type metal work to be used. Mr. Wilson replied that it is like aluminum coated plating. Mr. Bollhoefer stated that it would hold their color for a long period of time and probably produce a patina coloring.

**Motion by CRA Member Jowers to approve no more than \$37,000 for two way-finding signs (see attached Exhibit "A") at the intersection of Dillard and Plant Streets. Seconded by CRA Member Boulter and carried unanimously 6-0.**

**Adjourn as the Community Redevelopment Agency and reconvene as the City Commission at 7:15 p.m.**

**E. Resolution 09-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT APPLICATION TO UNITED STATES DEPARTMENT OF ENERGY RECOVERY ACT FOR VARIOUS ENERGY EFFICIENCY AND CONSERVATION PROJECTS**

City Attorney Ardaman read the Resolution 09-16 by title only.

Finance Director Hayes stated that staff is looking at submitting several projects to the Department of Energy for the Energy Efficiency and Conservation Block Grant. Staff does not have a particular project identified but there will be a workshop on Thursday and another one next week. The City is working with various contractors and may have to piggyback a contract in the future, but all those details are not available at this time. This block grant is due December 14, 2009 and is being brought to the City Commission for consideration so staff can submit their approval in Resolution form to the Department of Energy in hopes of receiving some of the Recovery Act Funding.

Commissioner Buchanan asked if it will be submitted as one package. Ms. Hayes stated that it will be submitted according to which of two topics is chosen. Most of the City's submittal will fall under topic two, which is the state funding that will be as one package.

Commissioner Sharman stated that this grant has a tight timeline. The State has not come out with its full packet of requirements yet. The State is asking the cities to bear the burden of being fast. He stated that he understands that the groups are for small towns, medium cities, and larger cities. He thinks that the City can get up to \$1.2 million. Ms. Hayes added that it could go as high as \$5 million if the City qualifies for some of the mixed groups, which have not yet been defined.

City Manager Bollhoefer stated that these are stimulus dollars which are being tossed out very quickly and the City has a very short time to respond.

**Motion by Commissioner Sharman to adopt Resolution 09-16. Seconded by Commissioner Jowers and carried unanimously 5-0.**

7. **MATTERS FROM CITIZENS**

Larry Cappleman, as representing the Winter Garden Rotary Club, requested permission for the Rotary Club of Winter Garden to use Tanner Hall on March 27, 2010 for the Annual Philharmonic by the Lake Concert at no charge. He also requested permission from the City Commission to sell and serve beer and wine in unmarked cups within a marked off perimeter. In addition, he asked to use of the City's new cooking grill.

**Motion by Commissioner Jowers to approve waiving the rental fees for Tanner Hall for the Winter Garden Rotary Club Annual Philharmonic by the Lake Concert on March 27, 2010, selling and serving beer and wine in unmarked cups, and use of the City's grill. Seconded by Commissioner Boulder and carried unanimously 5-0.**

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

9. **MATTERS FROM CITY MANAGER**

A. **Discussion on golf carts**

City Manager Bollhoefer stated that he has shown some of the Commissioners the proposed route for golf carts, which is approximately 80-85 percent complete for the downtown historic area. He gave a general overview for the benefit of the audience; a northern border of Fuller's Cross Road, a western border of Park Avenue, a southern border of Story Road, and an eastern border of Dillard Street. They would also have two golf cart pathways that lead into the golf cart zone. One would run down Bay Street, taking in the neighborhoods of Temple Grove and Valencia Shores. The other would run from Hyde Park to get them into the golf cart area, which is the downtown area. He spoke of the possibility of adding golf cart crossways, similar to walkways, to other areas. He anticipates presenting this plan at the next Commission meeting.

Mayor Rees commended staff on the hard work done thus far and asked when the route would be implemented. Mr. Bollhoefer stated that his goal for the next meeting is to have the map ready but the actual implementation depends on the City Attorney having the resolution available. He suggested it be adopted by resolution with a map attachment for clarification of the golf cart approved routes.

Mr. Bollhoefer added that the routes are being designed so they have the least amount of signs as possible and described the use of shorter dark black signs.

10. **MATTERS FROM MAYOR AND COMMISSIONERS** - There were no items.

The meeting adjourned at 7:26 p.m.

APPROVED:

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MAYOR JOHN REES

ATTEST:

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