



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

January 14, 2010

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 (*arrived at 6:37*)

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, 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 Lieutenant Bill Sullivan, Building Official Skip Lukert, Recreation Director Jay Conn, Planning Consultant Ed Williams and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of December 10, 2009 and Special Meeting of December 17, 2009 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.

At this time, Mayor Rees acknowledged Mona Phipps to come forward and address the City Commission.

Mona Phipps, 102 W. Hull Avenue, Oakland, Florida, member of the Green Mountain Scenic Byway Committee, noted that the scenic byway currently ends at County Road 545 in Winter Garden. The committee is working, with the support of the City of Winter Garden, on applying to extend the byway down Plant Street to the historical district. Ms. Phipps provided the City Commission with a proposed letter supporting the byway extension and asked the City Commission for their approval.

Motion by Commissioner Boulter to approve sending the letter in support of extending the Green Mountain Scenic Byway easterly on Plant Street. Seconded by Commissioner Jowers and carried unanimously 5-0.

2. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 10-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 09-58, THE CITY OF WINTER GARDEN FISCAL YEAR 2009-2010 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-07 by title only. Finance Director Hayes stated that what is being presented is the carry forward items from the 2008-2009 into the 2009-2010 budget. She stated that Exhibit 1 shows there are mainly projects and a few operating items such as equipment. The total carry forward equals \$13,781,379 in adjustments and staff recommends approval.

Mayor Rees asked, for the benefit of the audience, Ms. Hayes to share some of the major projects listed that will be carried forward. Ms. Hayes stated some of those items and noted that some of the items were just completed in the last quarter of last year but are paid in the first quarter of the new fiscal year.

City Attorney Ardaman read Ordinance 10-07 by title and the following excerpt from Section 1: The sum of \$13,781,379 is to be appropriated as follows:

REVENUES	
General Fund	\$ 1,658,332
Downtown Parking District	9,929
Community Redevelopment Agency	-
Law Enforcement Grants Fund	88,540
Local Option Gas Tax Fund	237,307
General Impact Fee Fund	2,943,289
Transportation Impact Fee-South of Turnpike Fund	832,290
CR 545 Special Benefit Impact Fee Fund	-
Transportation Impact Fee Fund	1,340,196
Utilities Impact Fee Fund	6,068,467
Utilities Renewal & Replacement	584,286
Stormwater Fund	-
Trailer City Fund	18,743
	<u>18,743</u>
	\$13,781,379

Mr. Ardaman also noted the Expenses mirror the revenue amounts as itemized.

Commissioner Buchanan asked if the transportation impact fee adjustments were included. Finance Director Hayes responded that those fees have been included in this fiscal year and not in the prior fiscal year. Therefore, this fiscal year's adjustment will be brought to the City Commission in March.

Motion by Commissioner Jowers to approve Ordinance 10-07 with the second reading and public hearing being scheduled for January 28, 2010. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- B. **Ordinance 10-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 98, ARTICLE II, SECTION 98-26 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR UNIFORM COMMENCEMENT, EXPIRATION, AND LENGTH OF TERMS OF OFFICE IN OCTOBER; PROVIDING FOR TERM LIMITS; PROVIDING FOR FILLING OF

VACANCIES AND TRANSITION OF PREVIOUS TERMS ENDING IN MONTHS OTHER THAN OCTOBER; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-09 by title only. City Manager Bollhoefer stated that staff and the City Attorney were given direction by the City Commission to draft an ordinance creating term limits for City boards. Tonight, the Code Enforcement Board and the Planning and Zoning Board are being presented. He explained that this ordinance will allow those wanting to serve on the Planning & Zoning Board to be able to serve two consecutive 3-year terms. Once those terms expire, they have been termed out and must sit out a year before they become eligible to sit on the boards again. It also allows for those currently sitting on the boards to complete their current term and serve another term.

Motion by Commissioner Buchanan to approve Ordinance 10-09 with the second reading and public hearing being scheduled for January 28, 2010. Seconded by Commissioner Boulter and carried unanimously 5-0.

- C. **Ordinance 10-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, SECTION 2-61 OF THE WINTER GARDEN CITY CODE PERTAINING TO THE COMPOSITION AND APPOINTMENT OF THE CODE ENFORCEMENT BOARD; PROVIDING FOR CODE ENFORCEMENT BOARD TERMS OF THREE YEARS TO BEGIN AND END IN JUNE; PROVIDING FOR CURRENT MEMBERS TO SERVE OUT THE REMAINDER OF THEIR CURRENT TERMS; REQUIRING THE CITY ATTORNEY TO SERVE EITHER AS COUNSEL TO THE CODE ENFORCEMENT BOARD OR PROSECUTOR OF CODE ENFORCEMENT VIOLATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-10 by title only. City Manager Bollhoefer stated that this ordinance is similar to the Planning and Zoning Board's with the 3-year terms and that a person would have to sit out one year in order to be eligible to serve again. Currently, the Mayor appoints members of the Code Enforcement Board and the Commission approves them. Staff has changed it to have the Code Enforcement Board members be appointed by the entire City Commission including the Mayor who sits as a Commissioner.

Commissioner Boulter asked about district equality. Mr. Bollhoefer replied that those requirements are still in place.

Motion by Commissioner Jowers to approve Ordinance 10-10 with the second reading and public hearing being scheduled for January 28, 2010. Seconded by Commissioner Boulter and carried unanimously 5-0.

- D. **Ordinance 10-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II,

PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-27, MEMBERSHIP; AMENDING SECTION 54-29, FINANCES AND FUND MANAGEMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-11 by title only. City Manager Bollhoefer stated that the City has two different types of pension plans; a defined benefit plan and a defined contribution plan. Almost all of the City's employees are a part of the defined benefits plan. A few employees are in the defined contributions plan, which was implemented so that the City could attract certain professionals. This ordinance changes which positions are in the defined contribution plan and who can be in the defined contribution plan. He explained some of the inequities that were created in the original ordinance and stated that those inequities are being corrected with this ordinance. In addition, this ordinance changes what types of investments the Pension Board can invest in. This was done at the recommendation of the investment advisors. With the changing market and how quickly things can change, this gives the Pension Board more freedom to move the money into investments that give them an opportunity for the best return.

Motion by Commissioner Boulter to approve Ordinance 10-11 with the second reading and public hearing being scheduled for January 28, 2010. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

- A. **Ordinance 10-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 42-55 OF THE CITY'S CODE OF ORDINANCE ENTITLED "ROAD IMPACT FEE SCHEDULE" BY REPLACING EXHIBIT "A" WITH NEW TABLES TO REDUCE THE ROAD IMPACT FEE, ELIMINATING THE ANNUAL INFLATION INCREASE TO THE ROAD IMPACT FEE AND MAKING ROAD IMPACT FEE DUE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY; AMENDING SECTION 42-54 ENTITLED "LIMITATION ON ISSUANCE OF BUILDING PERMIT" AND SECTION 42-62 ENTITLED "COLLECTION" OF THE CITY'S CODE OF ORDINANCE TO REQUIRE PAYMENT OF ROAD IMPACT FEE PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY AND TO PROVIDE A DISCOUNT FOR PAYMENT OF IMPACT FEES AT TIME OF ISSUANCE OF BUILDING PERMIT; AMENDING SECTION 42-57 ENTITLED "DEVELOPMENT AGREEMENTS" TO INCLUDE INTEREST FOR DEFERRED PAYMENT AND TO WAIVE SECURITY REQUIREMENTS FOR CERTAIN CHANGES OF USE; AMENDING SECTION 42-60 ENTITLED "APPLICATIONS AND EXEMPTIONS" AND SECTION 42-64 ENTITLED "COLLECTION OF FEES WHEN BUILDING PERMIT ISSUED BY MISTAKE OR INADVERTENCE; LIENS" OF THE CITY'S CODE OF ORDINANCE TO "COLLECTION OF PAST DUE FEES; LIENS" AND TO REMOVE INCONSISTENCIES REGARDING THE COLLECTION OF ROAD IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-01 by title only. Community Development Director Wilson stated that essentially this ordinance adjusts the cost table equivalent to a 33 to 43 percent reduction. Provided in the agenda package is a cost comparison on how the new fees compare with our adjacent communities. This reduction would provide sufficient revenue to take care of funding the projects that will be done over the next several years.

City Manager Bollhoefer noted that this reduction is in line with the cost reductions that have been seen with building roads.

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

Motion by Commissioner Boulter to adopt Ordinance 10-01. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 10-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.56 ± ACRES LOCATED AT 13000 WEST COLONIAL DRIVE, 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 10-02 by title only. Community Development Director Wilson noted that the next three hearings are on the same property; annexation, land use change and rezoning of the property into the City to establish a commercial and C-2 zoning. Staff recommends approval.

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

Motion by Commissioner Jowers to adopt Ordinance 10-02. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- C. **Ordinance 10-03:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.56 ± ACRES LOCATED AT 13000 WEST COLONIAL DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-03 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 10-03. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 10-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.56 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 13000 WEST COLONIAL DRIVE FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-04 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 10-04. Seconded by Commissioner Jowers and carried unanimously 5-0.

- E. **Ordinance 10-05:** *(Formerly known as Ordinance #09-60)* AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 (“ZONING”) OF THE WINTER GARDEN CODE OF ORDINANCES, SAID CHAPTER BEING PART OF THE CITY OF WINTER GARDEN LAND DEVELOPMENT CODE, BY AMENDMENT TO CHAPTER 98, ARTICLE VII TO BE ENTITLED “CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT OVERLAY”; PROVIDING FOR UNIFORM STANDARDS AND REGULATIONS FOR NEW DEVELOPMENT AND PROPERTIES WHICH UNDERGO MODIFICATION WITHIN A SPECIFICALLY DESCRIBED AREA OF DOWNTOWN WINTER GARDEN WITHIN THE JURISDICTION OF THE CITY OF WINTER GARDEN, FLORIDA; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR THE ADOPTION OF DESIGN STANDARDS MANUAL; PROVIDING FOR CODIFICATION, ENFORCEMENT, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-05 by title only. Community Development Director Wilson displayed a map of the area the overlay will address. He stated that the district is approximately 116 acres and is the downtown core of the City.

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

Motion by Commissioner Jowers to adopt Ordinance 10-05. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Resolution 10-01:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA ADOPTING THE DESIGN STANDARDS AND GUIDELINES MANUAL IDENTIFYING DESIGN STANDARDS AND GUIDELINES IN THE HISTORIC DOWNTOWN DISTRICT; PROVIDING FOR THE ADOPTION

OF THE DESIGN STANDARDS AND GUIDELINES MANUAL; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 10-01 by title only. Community Development Director Wilson stated that this is the document that will implement the design standards adopted in Ordinance 10-05. He explained this document gives examples of what is encouraged as well as what is discouraged. This will become the guidelines used whenever applications are reviewed. He explained that the standards were designed so that there is more than one way to conform to the requirements. There is enough flexibility built into it.

Commissioner Jowers expressed that he sincerely hopes that the City will allow flexibility within the standards. He wants to be sure it is known that it is a guideline and not a bible as referenced by Mr. Wilson.

Mr. Wilson stated that he thinks the work done on this item by staff and the committee, is done right. As with any document, it can be re-evaluated as we move forward and work with it for a while.

City Manager Bollhoefer stated that this document is not a bible but is a design standards and guideline manual. He thinks the key with any ordinance or manual is that it is not perfect; it is how it is implemented and how staff handles it.

Commissioner Buchanan noted that a homeowner has the right to come before the City Commission if they feel they are not being treated properly by this board.

Mr. Bollhoefer responded that is the fail-safe for someone that is not happy because they do have that option available.

Mr. Wilson shared that applicants have access to the Architectural Review and Historic Preservation Board (ARHPB) and the City Commission on the review of their application or interpretation of the ordinance.

Motion by Commissioner Jowers to adopt Resolution 10-01. Seconded by Commissioner Buchanan and carried unanimously 5-0.

City Attorney Ardaman noted and read the provision added on page 16 within the ordinance (#10-05) that allowed the implementation and adoption of this resolution that he thinks achieves what Commissioner Jowers' has said.

- B. **Resolution 10-02:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING A DOWNTOWN GOLF CART DISTRICT PURSUANT TO § 74-4 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; IDENTIFYING STREETS UPON WHICH GOLF CARTS MAY BE OPERATED; PROVIDING FOR SIGNAGE; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 10-02 by title only. City Manager Bollhoefer stated that two new maps were distributed to the City Commission before the meeting. He explained that the primary difference is that the new map includes Temple Grove and Valencia Shores subdivisions. The maps are created in sections and are being called the Downtown Golf Cart Zone (District). He displayed a map and noted that the speed limit on Division Street is 25 mph heading east until you reach Courtlea Oaks and at that point it changes to 30 mph. Staff recommends changing the speed limit on Division Street to 25 mph all the way to Hennis Road. He explained that this limit is not just for the golf carts. At the bottom of the hill there is a bike path and this takes into account their safety as well.

Mr. Bollhoefer stated Temple Grove and Valencia Shores communities connect to West Bay Street which has a lot of children going to school and he suggested changing the speed limit from 30 mph to 25 mph. This will make it safe not only for golf carts but the children that are going to and from school. The one other item to note is that on the golf cart district map it shows a crossing of Story Road at one point. The crossing is at Main Street to allow people to get to the Bravo Supermarket. There is a four way stop sign at that location that follows the City's guidelines.

Mr. Bollhoefer stated that the next place he is looking to include is Hyde Park and he feels that the challenges in this area can be overcome. He described the streets in Burch's quarters that the City would like to use. Some are County roads that the City would need to get permission to use. He anticipates that some time in the future this area will be annexed into the City. Staff is also looking at trying to cross through Veterans' Park. Once these issues are worked out, this will be brought back to the City Commission.

Commissioner Buchanan stated that his one concern was the age and equipment requirements that now state you must be at least 18 and have turn signals and stop lights to run the carts on the streets. His other concern was that since there are not going to be that many golf carts on the road, lowering the speed limit on certain streets was not warranted to just accommodate golf carts. However, with the paths being where children are on West Bay Street it is a very good idea to lower the speed limit to 25 mph as well as for the West Orange Trail.

Mr. Bollhoefer shared that this task has been tricky in that there are many variables that have to be satisfied in order to do this. One of the things the City Commission directed staff to do is to minimize the number of signs. The design presented does minimize the number of signs needed.

Commissioner Jowers addressed some streets that were not included such as Park Avenue. Mr. Bollhoefer replied that the reason those were not included was at the request of the neighbors. He stated that he wants to go to the HOAs first. The private communities will need to send a letter of request to the City Commission.

Mr. Bollhoefer stated that one change that staff is requesting is the elimination of the provision that requires the Police Department to offer a safety course. Staff thinks that this creates liabilities and does not believe it is feasible or practical. This will be brought back at the next meeting.

Mayor Rees asked about the intersection at Story Road and Main Street being the only way to get to Bravo. Mr. Bollhoefer replied that it is the only location with a four-way stop.

Commissioner Jowers stated that he normally receives calls from the Fullers Cross Road / East Crest Avenue area and Magnolia Woods where some residents have golf carts that want to use them; there needs to be a way for them to use them. Mr. Bollhoefer replied that from the map there is one option and that is to put them out on Fullers Cross Road.

There was discussion on the use of sidewalks for golf carts, which Mr. Bollhoefer indicated is against state law. He noted that new resolutions could be created for additional districts.

Mayor Rees asked if the Police Department prefers the speed limit on West Bay Street to be 25 mph mainly because of the children going to school there. He wanted to be sure that the speed limits are not being changed just to accommodate the golf carts. Mr. Bollhoefer responded that the Police Chief agrees that 25 mph is good for golf carts and the fact there are children using the street frequently as their main path to school.

Commissioner Bouler addressed downtown parking for golf carts. Mr. Bollhoefer responded that they can park in regular parking spaces but he advised not all the spaces are taken up by golf carts. A separate area can be created similar to how motorcycle parking is designated.

Commissioner Bouler voiced his concerns regarding the lack of accessibility of the citizens on the east side who also want to participate in this program and the message it is sending is they can't participate. Mr. Bollhoefer replied that when going down this path, it will be impossible to allow everyone to participate without being unsafe.

Mayor Rees stated that he understands the issues and he thinks this is something we should continue to try and work on and find out if there is a path that can be safely used to cross Dillard Street. He noted that we currently cross Dillard on bicycles and when walking.

Mr. Bollhoefer responded that the difference is the liability factor because State law allows bicycles to cross and forbids golf carts from crossing. The City Commission is not voting to authorize it, they are voting to state that it is safe to do so. If someone does die, the true blame falls back on the City Commission who said it was safe when it was not.

Motion by Commissioner Jowers to adopt Resolution 10-02 with the most extensive exhibit map to include Inland Seas (Boulevard). Seconded by Commissioner Boulter and carried unanimously 5-0.

The City Commission dispensed and convened as the Community Redevelopment Agency at 7:27 p.m.

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

C. Request for a \$135,000 donation to the Heritage Foundation to pay R.C. Stevens for the construction costs to refurbish the Garden Theatre – CRAB Chairman/CRA Member Cappleman

Mr. Cappleman stated that at Tuesday's CRA Advisory Board meeting they were presented with the proposal adopted by the City Commission last December for paying off and transferring the Garden Theatre to the City. It includes transferring up to \$135,000 of CRA funds for partially paying off the contractor. The board looked at the impact of a \$135,000 donation against the projects that are underway and the board does not believe it will impact them. The CRA Advisory Board voted unanimously to recommend approval of up to \$135,000 for the purpose of transferring the Garden Theatre to the City.

Motion by Board Member Cappleman to approve a donation of \$135,000 to the Heritage Foundation to pay R. C. Stevens for the construction costs to refurbish the Garden Theatre. Seconded by Commissioner Sharman and carried unanimously 6-0.

City Attorney Ardaman advised that the related documents for this action are nearing completion.

Commissioner Buchanan asked if the City Commission will see these documents. Mr. Ardaman replied yes, the City Commission will need to see them because they involve modifications to the existing lease, note, mortgage, etc.

The Community Redevelopment Agency adjourned and reconvened as the City Commission at 7:29 p.m.

5. MATTERS FROM CITIZENS

Daryl Westberry, 15348 Oakland Avenue, Winter Garden, Florida, asked about the plan for the oak trees in front of his home. City Manager Bollhoefer shared that the City is in the process of cleaning the trees and removing the moss on the advice given to the City by an arborist on what is needed in order to save the trees and ensure they last a long time.

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, stated he has a recommendation on a way to help City Commissioner Boulter and the east side resolve the golf cart issue that is

leaving them out of the plan. He explained that instead of using the streetlight at Story Road, the City could pick a street half way from Plant Street to Story Road that crosses Dillard Street, paint a cross walk with two signs on either side stating it is a golf cart crossing. He noted that handicap scooters cross Dillard all the time. He feels Commissioner Boulter's community has been left out.

Commissioner Boulter stated that he is not saying there will be 25 or 100 golf carts but it is the mindset that needs to be addressed. The idea of what it used to be and what it is today, he is still having a hard time changing that mindset to where everyone feels included in the changes.

Commissioner Buchanan asked if staff could be directed to look into the costs of doing some kind of crossing for Dillard Street as suggested by Mr. Bruns. At least Commissioner Boulter would be able to say the City is looking into it. He suggested hiring a traffic engineer to see if there is something that can be done. Mayor Rees asked Mr. Bollhoefer to look into the options.

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that his office has filed suit with respect to Ms. Smith and they are proceeding with the action.

7. **MATTERS FROM CITY MANAGER**

A. **Comprehensive Plan Update**

City Manager Bollhoefer recognized Community Development Director Wilson who gave a brief update on the comprehensive plan, as provided in the agenda package. Mr. Wilson stated that staff will be bringing the entire re-adoption of the comprehensive plan to the City Commission in March. He noted that there will be workshops and public hearings taking place before that time.

B. **Stormwater drainage issues on private property**

Public Services Director Cochran stated that on several occasions over the past couple of years, staff has received requests from homeowners to investigate stormwater and drainage issues on their private property. To address this situation staff has developed a Stormwater Action Team which is made up of the Engineering staff. He explained that the engineers go out and meet with the homeowners to investigate the problem. Staff has found that changes have been made in the lot's grading or landscaping either on the homeowner's or their neighbor's property which has created these problems. Many of these problems are easy to solve but in some cases they are complicated and may result in a very expensive solution. In these situations, the residents have come to the City and requested financial assistance. He stated that the intent is to bring this to the attention of the City Commission and ask for direction on how they would like staff to handle these situations.

City Manager Bollhoefer stated that many times after the developer is gone the residents don't discover the flooding issues until after they have added a shed or a building and there is a severe rain. That is when people start to complain about stormwater issues and

it is hard to determine who is actually at fault. The Stormwater Action Team will review each case to see if it is justified for the City to either help with the repair or even do the repairs. Staff would like to bring back an ordinance to the City Commission creating a \$0.25 a month stormwater fee, which equates to \$3.00 a year per person, to be set aside and would create approximately \$50,000 a year to address these issues. He thinks it is a small amount that will go a long way to help a lot of people.

Mr. Bollhoefer stated that when it comes to stormwater approval in a subdivision it is the St. Johns Water Management District that approves them, not the City. Staff looks to see that it is built in accordance with what the design engineers have designed.

There are five homes along Lindzlu Avenue in Chapin Station that have had serious problems. Primarily one home [1826 Lindzlu Street] is getting the worst of it but there are four others. This home can be fixed for \$15,000. There is also a home in Crown Pointe Springs [1665 Spring Ridge Circle] which would cost \$5,000 to fix. He asked the City Commission for permission to allow staff to fix these two homes. He noted that staff would come back at a later date with an ordinance to move forward with his proposed plan.

Motion by Commissioner Jowers to approve the City Manager's request to address the stormwater problems as stated and bring back an ordinance addressing this entire issue by assessing homeowners 25 cents a month for stormwater drainage issues. Commissioner Jowers noted that he knows of two more properties with similar problems the City has inherited when they were annexed. **Motion was seconded by Commissioner Sharman.**

Commissioner Buchanan stated that he would like to see the two properties separated. He does not know what the \$5,000 is for and this is \$20,000 that the City Commission is giving away, which he knows nothing about. He does want to move forward with the \$0.25 cents for the other properties.

City Manager Bollhoefer gave a brief explanation of the two properties and possible solutions. Public Services Director noted that the cost breakdown and details could be found in the City Commission's agenda package.

Commissioner Sharman asked about the status of the Rice property. Mr. Bollhoefer stated that the resolution of that problem has been working great.

City Manager Bollhoefer noted the public purpose for this action is that our citizens have systems that have been built and are now in situations where their properties are not working correctly so they are not able to enjoy their homes.

City Attorney Ardaman stated that the Stormwater Action Team has seen some problems and will see more. The City will be brought into these issues one way or the other given its involvement in the process as the controlling local government. The City may have to spend taxpayer dollars for defending itself in legal expenses and engineering expenses.

The proactive mechanism is by creating something like this fund will go a long way to preventing a lot of those claims before a homeowner brings in an outside lawyer or outside engineer. He thinks it is a great way to deal with it on the front end.

Mr. Bollhoefer stated that staff will review these on a case-by-case basis because there may be sometimes it will not be justified.

Commissioner Buchanan stated that he thinks that the City is opening itself up to a can of worms by giving away money to solve problems on private property.

There was discussion that the City Commission would wait to vote on this matter until after having more time to review it.

Public Services Director Cochran stated that the remedies staff comes up with will handle most rain events with the possible exception of a hurricane or major storm.

Mayor Rees asked the City Commission what they wanted to do.

Commissioner Jowers stated he was amending his original motion to give direction to the City Manager to start the action to bring an ordinance back to the City Commission for the additional 25 cent stormwater assessment. This will allow the Public Services Director time to meet with Commissioner Buchanan to review the two properties discussed earlier. **Commissioner Sharman, seconder of the original motion, agreed to the amended motion and the motion carried unanimously 5-0.**

Mayor Rees stated that the two properties will be brought back to the next meeting.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Boulter recognized Recreation Director Jay Conn for giving details on the Martin Luther King, Jr. event to be held downtown this weekend.

Mr. Conn announced that there will be a food festival with 11 restaurants participating. He explained that with the purchase of a wrist band you can sample from all the booths. He stated that there will be entertainment going on all afternoon from 2:00 p.m. to 6:00 p.m.

Commissioner Boulter stated that this is the first time that the event will be celebrated in the downtown area and he hopes that it will be an opportunity for fellowship with others in the City.

The meeting adjourned at 7:56 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC