



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 25, 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 Commissioner Colin Sharman

Also Present: City Manager Mike Bollhoefer, Assistant City Attorney Dan Langley, City Clerk Kathy Golden, Community Development Director Tim Wilson, Planning Consultant Ed Williams, Public Services Director Don Cochran, Building Official Skip Lukert, City Engineer Art Miller, Finance Director Robin Hayes, Human Resources Director Frank Gilbert, Director of Information Technology Bob Reilly, Fire Chief John Williamson, Police Chief George Brennan, Recreation Director Jay Conn, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of February 11, 2010 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 Carlos Chaparro Barreto, Anthony Dewald, and Michelle Poldino.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 10-14:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 74-72 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN BY INCREASING PARKING FEES, AMENDING THE APPEALS PROCESS AND PROVIDING FOR TRANSMISSION OF PARKING VIOLATION DATA TO THE FLORIDA DEPARTMENT OF TRANSPORTATION; ESTABLISHING SECTION 74-77 DESIGNATING THE WINTER GARDEN CODE ENFORCEMENT BOARD AS THE OFFICIAL APPEALS BOARD FOR PARKING VIOLATION CONTESTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUPPLEMENTAL AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Langley read Ordinance 10-14 by title only. City Manager Bollhoefer distributed a highlighted version of this ordinance with additional minor revisions that are meant to bring the ordinance in agreement with other areas within Section 74. The primary purpose of this ordinance is to raise the parking fees; most are being raised from \$10 to \$30. One change is to the parking fine for handicap spaces from

\$100 to \$250, which is in line with what the State charges. As the City implements restricting downtown parking to two hours, it is believed that the \$10 fee would not be a sufficient deterrent to keep people from parking in excess of two hours downtown. The ordinance also creates an appeals process for those who wish to contest their parking violation.

Mr. Bollhoefer briefly reviewed some of the other minor changes.

Motion by Commissioner Boulter to approve Ordinance 10-14 with the second reading and public hearing being scheduled for March 25, 2010. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Resolution 10-03:** A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING THE SEARCH FEE TO CONDUCT RESEARCH ON ALL FEES DUE UPON A SPECIFIC REAL PROPERTY PARCEL LOCATED WITHIN THE CITY OF WINTER GARDEN AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Langley read Resolution 10-03 by title only. Finance Director Hayes stated that these are the fees that staff would like to re-cooperate for faxing and staff's time involved in responding to requests for payoffs for fees due the City. Ms. Hayes stated that the requests have skyrocketed. Recently, staff responded to 196 inquiries in the past four months, which averages out to about three per day. Staff is requesting approval to charge a \$30 fee and provided a list of several cities and what they currently charge for the same service. Ms. Hayes noted that the response would be provided to the requestor within five to seven business days.

Commissioner Sharman asked about who is primarily requesting the information. Ms. Hayes replied that they are predominately title companies and banks.

Motion by Commissioner Jowers to adopt Resolution 10-03. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. **Appointments to Code Enforcement / Nuisance Abatement Board**

City Manager Bollhoefer stated that the City Commission recently passed an ordinance for Code Enforcement Board members limiting the terms they can serve, which has created a gap of a few months between the end of their current terms and the new appointment (going from April to June). Staff is requesting that the City Commission appoint all seven members to serve during this gap in the respective year in which their appointment expires.

Commissioner Buchanan asked that when reappointments are brought to the City Commission, could staff include the residential district the board member lives and their attendance record.

City Manager Bollhoefer replied that yes, the attendance reports will be provided and noted that this board has no district appointment requirements.

City Clerk Golden noted that the seats held by board members Goodwin and Sherron are expiring in 2010 and will be placed on the June agenda.

Motion by Commissioner Sharman to approve appointing all current Code Enforcement Board members to serve April to June of the year their terms expire. Seconded by Commissioner Boulter and carried unanimously 5-0.

5. **MATTERS FROM CITIZENS** - There were no items.

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

7. **MATTERS FROM CITY MANAGER**

• **Art in Public Places**

Community Relations Manager Andrea Vaughn announced the art exhibit currently on display in the City Hall lobby until the end of May. The photographer is Peter Schreyer of Crealde School of Art, who was taking pictures of the City of Winter Garden when most were not taking photos of the City. A small reception will be held tomorrow afternoon from 5:30 to 7:00 p.m.

Commissioner Sharman suggested having the group photos of past commissioners displayed somewhere in City Hall and the Mayor agreed.

• **Broadband Grant Opportunity**

City Manager Bollhoefer shared that stimulus funding, in the form of a grant, has become available to install broadband cable. It is a Federal grant whereby they will pay 80 percent and the City would match 20 percent. Included are alternative ways to fund the 20 percent. He described where the cable could run with emphasis on our schools, industrial areas, and government buildings. He stated that \$15,000 is needed for hiring a consultant because this is a complicated process. There is a very good chance that the City of Winter Garden would qualify for this grant, which is several million dollars.

Mr. Bollhoefer stated that the Federal government is trying to find ways to install infrastructure for broadband. He explained that there was a recent study that shows in America, when it comes to infrastructure for broadband, we are on a par and level with that of third world countries.

Commissioner Sharman asked if there were any studies available on the cost to maintain the cables. Mr. Bollhoefer replied that there is a cost to maintain the line. The City would maintain the cable itself, which would then be leased to other companies with the equipment on either end. The real cost is in the installation, not the maintenance.

There was discussion on the possibility of generating revenue with the broadband cable.

Motion by Commissioner Sharman authorizing the expenditure of up to \$15,000.00 for consultant fees for the purpose of applying for a Federal grant for broadband cabling. Seconded by Commissioner Buchanan and carried unanimously 5-0.

A. Presentation on stormwater drainage alternatives on private property

Mr. Williams made a PowerPoint presentation regarding a proposal to create a stormwater grant program (*See attached Exhibit "A"*).

Commissioner Buchanan addressed the proposal to collect \$.25 to \$.50 from every Winter Garden citizen by noting that this charge equates to everyone paying for someone else's problem.

Mayor Rees shared that the fee is added to the utility stormwater bill for every household.

City Manager Bollhoefer explained that the City could increase the stormwater fee and dedicate those funds for grants. He confirmed that in some cases residents could be paying to solve problems that someone else has caused. That is why the grant program is being proposed. At times there is no solution, so if you wanted to go this route, you would definitely want to have a dedicated revenue source and limit the fixes to the amount of funds on hand. Anyone could apply and then the funds would be awarded based on the merits of all the criteria which would be brought back to the City Commission.

Commissioner Sharman stated that the grant could be created so the applicant would pay a percentage of the total cost. Mr. Bollhoefer replied absolutely, this is very common when you look at competitive grants.

Commissioner Sharman stated that he likes the grant process because he likes the applicant paying a portion of the cost to resolve the problem.

City Manager Bollhoefer explained that the Municipal Services Taxing Unit (MSTU) would be separate from the grants and would be used when there is no funding source such as for retention ponds the City has inherited from the County and are not being maintained.

Commissioner Sharman stated that some HOAs have funds set aside for this purpose. He asked if anyone thought the HOAs might be interested in implementing an MSTU. Mr. Williams explained that it can go both ways. For instance, Stonebrook maintains their ponds to a much higher level than we as a government would. A subdivision that has no HOA or funding to maintain those areas would be more likely go the MSTU route because they would have some reasonable amount of maintenance through this type of funding to keep them functioning.

Commissioner Bouler addressed specific problems with the retention ponds within Horizon Oaks and the Bay Pointe Apartments. City Manager Bollhoefer replied that staff actually had those ponds in mind when discussing this issue. Mr. Williams noted that at

one time they did have an MSTU that was collected by the County, but when they annexed into the City, the County let the collection expire.

There was discussion on other properties with drainage problems and it was stated that these issues would be addressed in conjunction with the Plant Street widening.

Commissioner Sharman stated that with reference to requiring the homeowner to obtain civil engineered plans for permitting purposes, he sees it as a down side for people who do not apply for a permit. He asked if this is feasible because he sees people bypassing the permitting system just as they do now.

City Manager Bollhoefer replied that he does not see it as feasible but he has to include the language because oftentimes people will put in an addition on or add a structure without the permit and without an engineering study, they may cause flooding problems. Without forcing residents to get the civil engineering permit, then it becomes their personal responsibility if they cause a problem, they should be responsible for repairing it. He prefers the homeowner be able to make the decision themselves but he had to include this language as an option.

Commissioner Sharman asked if developers have to provide a bond for a warranty period. Mr. Williams replied yes, for the one year. Commissioner Sharman asked what would be the cost to the developer if they had to go to a two year period. Mr. Williams replied that it would be double the cost of the one year bond. City Manager Bollhoefer stated that staff previously approached developers about a two year warranty period and they did not like it because someone else could come in during the warranty period and cause problems for which they would try to shift the blame to the developer.

Commissioner Sharman asked Mr. Williams' opinion on the current reviews preventing future problems. Mr. Williams confidently assured the Commission that the newer projects are not where the problems are. The majority of the problems are where there is no system or there is the old system with inadequate design.

Mr. Bollhoefer added that it is also a matter of perception. St. Johns River Water Management District standard is to allow water to sit for 48 hours but it upsets residents when it sits that long. It was agreed that educating residents is a component of the overall plan.

Commissioner Boulter asked about the Federal subsidized housing at Bay Pointe Apartments and whether or not they can be forced to help solve the problem. Mr. Bollhoefer stated staff will take a look at this property that he does not believe will be an easy fix.

Mr. Bollhoefer stated that staff will move forward with developing a stormwater grant proposal. Mayor Rees suggested that the City Commission keep in touch with staff if they have any additional suggestions or questions.

B. Status report from the West State Road 50 Commercial Corridor Review Board

Community Development Director Wilson stated that he has provided the City Commission with a brief update on the West State Road 50 Overlay zoning ordinance in their agenda packets. He noted that back in August 2008 the City Commission appointed a board to revise the existing West State Road 50 overlay ordinance. The board sat down and looked at what worked well and what did not and used that as its launching point. The board has hosted two public workshops and tried to make this process as transparent as possible. The board has basically concluded their work and staff will be bringing back a series of recommendations.

Mayor Rees asked when the report would be made available to the City Commission. Mr. Wilson replied that the board will vote on it for their April meeting and it will be to the City Commission as early as May. Commissioner Jowers stated that the City Commission will need to see the original version versus the recommendations. Mr. Wilson advised that the ordinance will be presented in a strike through format for easy viewing of the changes.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Boulter announced there would be a day honoring prior City Commissioner Mildred Dixon in Zanders Park in conjunction with the Maxey Community Center from 10:00 a.m. to 3:00 p.m. this Saturday and invited everyone to attend.

Commissioner Sharman stated that he has a constituent who has been asking about the latest news regarding the Turnpike Authority (bridge over the Turnpike). City Manager Bollhoefer stated that the latest is that he still expects that they will be done at the end of March. It has been very disappointing and frustrating because he has called them and they will not even return his calls now. The Turnpike Authority has shown a complete lack of concern for the residents and businesses in this area and they should be ashamed of themselves.

Mayor Rees stated that the City needs to send a letter to convey the City's displeasure over this project. Commissioner Boulter added that the businesses believe the City is not doing anything in this effort. City Manager Bollhoefer stated that he will gladly write the letter.

The meeting adjourned at 7:36 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC