



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

April 8, 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 6:34*)

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

At this time Mayor Rees welcomed the students from Kensington School of Troy, Michigan and recognized Commissioner Boulter to speak regarding the purpose for their visit to Winter Garden.

Commissioner Boulter shared that the students were in Winter Garden as volunteers, during their spring break, to work on improving the homes of underprivileged senior citizens in East Winter Garden, Tildenville and Oakland. He expressed his astonishment at their work ethics and praised them for all their efforts.

Kensington Community Church members shared that they will be opening a new campus in Winter Garden and they look forward to becoming a part of the community. Commissioner Boulter expressed his appreciation for their future volunteer work in Winter Garden. At this time, the Commissioners personally thanked each of the members.

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

**Motion by Commissioner Jowers to approve the regular meeting minutes of March 25, 2010 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

A. **Proclamation 10-03** declared the month of April as Water Conservation Month as read and acknowledged by Mayor Rees.

### 3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 10-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 78, ARTICLE II, WATER AND SANITARY SEWER SYSTEMS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES BY REPEALING SECTIONS 78-50 THROUGH 78-60 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTIONS 78-50

THROUGH 78-63 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; REPEALING SECTION 78-243, RECLAIMED WATER RATES AND CHARGES OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTION 78-243 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; AMENDING CHAPTER 78, UTILITIES OF THE WINTER GARDEN CODE OF ORDINANCES BY CHANGING REFERENCES OF UTILITIES DEPARTMENT TO PUBLIC SERVICES DEPARTMENT; MODIFYING WATER AND WASTEWATER IMPACT FEE AMOUNTS AND ASSESSMENT METHOD TO A METER BASED IMPACT FEE; PROVIDING FOR WATER AND WASTEWATER IMPACT FEE COLLECTION, ADMINISTRATION, AND DISPOSITION; MODIFYING AND PROVIDING FOR WATER, IRRIGATION AND WASTEWATER CONNECTION FEES; MODIFYING AND PROVIDING FOR SECURITY DEPOSITS, INITIATION OF SERVICE CHARGE, AND MISCELLANEOUS CHARGES AND FEES; MODIFYING AND PROVIDING FOR WATER, IRRIGATION AND WASTEWATER USEAGE RATES, ADMINISTRATION AND COLLECTION; MODIFYING AND PROVIDING FOR FIRE PROTECTION CONNECTION AND SERVICE CHARGES; MODIFYING AND PROVIDING FOR RECLAIMED WATER CONNECTION CHARGES AND USEAGE RATES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-21 by title only. Public Services Director Cochran noted that a presentation was given at the last meeting. He shared that Mr. Henry Thomas was available for any additional questions.

City Manager Bollhoefer stated that he would give an abbreviated overview of the presentation given at the last City Commission meeting. The utility rate increase being presented is not a bad news story, but a great news story. He explained that across the State of Florida, utility companies are raising their rates significantly and dealing with unsatisfactory infrastructure. The City of Winter Garden is in great financial condition and so its infrastructure is in good shape. The City has been able to keep the utility rates low because of our reserves. He explained the ways in which the City has been able to save money.

Mr. Bollhoefer distributed a copy of his PowerPoint presentation (*see attached Exhibit A "Utility Rate Recap"*).

Mr. Bollhoefer asked the City Commission to delay implementing the one percent increases for one year until July 2011 and explained ways in which the City can accommodate the delay.

Mayor Rees asked about the amount of revenue will be lost with a one year delay. Mr. Henry Thomas replied that reserves would drop from 115 days to 97 days with 90 days being a reasonable floor financially.

Mr. Bollhoefer noted that other cities are able to keep their rates low by not addressing their infrastructure, which can be costly to those cities in the future when they have to address the issue.

Mr. Bollhoefer reiterated that this is actually a success story. Winter Garden has gone seven years without a rate increase and is now proposing a one percent increase per year for five years. The City of Winter Garden is a low cost quality service provider and this should be the City's goal moving forward.

Mr. Bollhoefer addressed the issue of water systems and alternative water supplies as a major concern. He is not sure what we will do regarding this issue but staff is looking for alternative water sources and some type of funding to help pay for it.

Commissioner Sharman asked about any concern that the City may be over the cap at some point as set by the St. Johns River Water Management District.

Mr. Bollhoefer replied that the year 2013 is when the City may get to that point. He feels that going toward the year 2020, the City will go over that cap at some point in time.

Public Services Director Cochran noted that the City's max will be 5.8 million in 2013. Mr. Cochran spoke of stormwater harvesting to augment the water use supply as one of the alternative sources.

Mr. Bollhoefer stated that staff's recommendation is to approve the ordinance with an amendment to delay the one percent increase until July 2011.

Mr. Henry Thomas stated that the impact on revenue would be approximately \$105,000.

Mayor Rees inquired about delaying the increase and wondered if the City should consider not taking any action now and revisiting the issue next year because things do change.

Mr. Thomas replied that the City has already done the work to identify its needs. It would be best to adopt the plan and adjust it if needed. Waiting until next year could require a new study and another expense.

City Attorney Ardaman stated that as required by Florida State Statute, the study has been done and requires the use of the most recent data when adopting new rates. If the City waited until next year, the analysis would have to be redone.

**Motion by Commissioner Boulter to approve and amend Ordinance 10-21 to delay the one percent increase until July 2011 with the second reading and public hearing being scheduled for April 22, 2010. Seconded by Commissioner Jowers and carried unanimously 5-0.**

- B. **Ordinance 10-22:** AN ORDINANCE PURSUANT TO SECTION 125.01(1)(Q), FLORIDA STATUTES, CONSENTING TO THE ORANGE COUNTY LAKE ROBERTS MUNICIPAL SERVICE BENEFIT UNIT AND THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN BENEFITTED PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF WINTER GARDEN, FLORIDA IN ORDER TO PAY A PORTION OF THE COSTS OF LAKE MAINTENANCE AND CLEANING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-22 by title only. Public Services Director Cochran stated that the purpose of adopting this ordinance is for the City of Winter Garden to grant the Municipal Service Benefit Unit special assessment for those properties within the Lake Roberts Subdivision. Staff recommends approval of this ordinance.

**Motion by Commissioner Jowers to approve Ordinance 10-22 with the second reading and public hearing being scheduled for April 22, 2010. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

- A. **Ordinance 10-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-191 (a) AND (c), BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-13 by title only. City Manager Bollhoefer stated that the City previously passed an ordinance changing the vesting period from ten years to six years, but failed to include a provision that allows the firefighters and officers to take advantage of the secure vesting.

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

**Motion by Commissioner Buchanan to adopt Ordinance 10-13. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 10-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.06 ± ACRES LOCATED AT 1170 EAST PLANT STREET, 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 10-15 by title only. Community Development Director Wilson stated this is the second reading on property known as the VFW property. This ordinance and the following ordinance deal with the same property that will annex and rezoning it into the City.

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

**Motion by Commissioner Jowers to adopt Ordinance 10-15. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Ordinance 10-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1170 EAST PLANT STREET FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-16 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 10-16. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- D. **Ordinance 10-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.16 ± ACRES LOCATED AT 564 PINE STREET AND PARCEL ID# 24-22-27-5584-04-080, 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 10-17 by title only. Community Development Director Wilson stated that this ordinance and the following item are on the same property that will annex and rezone the property into the City. Mr. Wilson displayed the property and stated that there are two residential lots that will come into the City as R-4 zoning. There is currently a house on one lot and a shed on the second lot. If they redevelop the property, they will have utility access to both lots.

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

**Motion by Commissioner Sharman to adopt Ordinance 10-17. Seconded by Commissioner Boulter and carried unanimously 5-0.**

- E. **Ordinance 10-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.16 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 564 PINE STREET AND PARCEL ID# 24-22-27-5584-04-080 FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-18 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 10-18. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- F. **Ordinance 10-23:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 18-57 OF CHAPTER 18, SECTIONS 46-58, 46-60, 46-61, AND 46-62 OF CHAPTER 46, ARTICLE II, AND SECTION 88-8 OF CHAPTER 88, OF THE CITY CODE OF ORDINANCES FOR THE CITY OF WINTER GARDEN, FLORIDA, TO REMOVE CERTAIN FEE SCHEDULES AND CHARGES ASSOCIATED WITH BUILDING PERMITS, FIRE INSPECTION REVIEW, PLAT REVIEW, AND OTHER MATTERS FROM THE CITY'S CODE OF ORDINANCES AND PROVIDE FOR SUCH FEE SCHEDULES AND CHARGES TO BE SET AND AMENDED BY RESOLUTION OF THE CITY COMMISSION; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-23 by title only. Community Development Director Wilson stated that this is the adoption reading of this ordinance that removes various fee schedules for building, fire, and inspections. This ordinance includes the ability to adopt these fees by resolution.

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

**Motion by Commissioner Buchanan to adopt Ordinance 10-23. Seconded by Commissioner Jowers and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

- A. **Recommendation to adopt a scholarship policy for various Parks and Recreation programs**

Recreation Director Conn stated that he is asking the City Commission to adopt a scholarship policy. Typically he comes before the City Commission each year to request

permission to grant summer youth day camp scholarships. The programs have been expanded and he would also like to offer scholarships for swim lessons, youth summer and soccer camps that go on throughout the year.

Mayor Rees asked for an estimated cost.

Mr. Conn replied that he thinks the City will not really lose revenue, but gain children who have not been able to participate because the City did not have a policy. He thinks it will be negligible.

**Motion by Commissioner Jowers to adopt the scholarship policy as presented for various Parks and Recreation programs. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Resolution 10-05:** A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING VARIOUS APPLICATION FEES FOR HISTORIC DOWNTOWN DISTRICT APPLICATION REQUESTS AND PROVIDING FOR AN EFFECTIVE DATE

Community Development Director Wilson stated that a list of residential and commercial application fees was created for the Historic Downtown District. As the City gets into various types of projects, the City will want to have different fees for additions or minor improvements as opposed to major improvements. He noted that a special fee for demolitions was created and included because there are special requirements for this type of application. Also included is a special fee for the recovery of expenses associated with consultant reports.

Commissioner Jowers stated that he understands the need for the fees and the true need of preserving the heritage of downtown Winter Garden, but he feels the City can sometimes overburden those who have to do the work by placing too many fees on them. He voiced his reservations on whether or not this resolution will overburden the citizens or not.

Mr. Wilson responded that staff has not yet had any applications go before the board for review. He suggested reviewing it again in approximately six months.

Commissioner Jowers asked if the City really wants to penalize its citizens with a fee in order to come before the City Commission.

Mr. Wilson noted that this is a policy issue. Staff is trying to recover the time it takes them to review and process the applications.

Mr. Bollhoefer agreed that it is a policy question; do the taxpayers pay for the review or does the applicant? Staff does not expect many applications to go to the Architectural Review Board because staff has found a good middle ground. Mayor Rees noted some additional costs are involved with a review by the board.

Commissioner Jowers noted that residents will pay more to be in the district and pay more for their repairs because they are in the historic district. He expressed that he does not know where it stops.

Mayor Rees stated that he also debated this issue and reconciled, in his own mind, that the fees are not significant.

Commissioner Sharman asked for clarification that these fees are only for those residents going before the Architectural Review Board. Mr. Wilson responded yes, only on residential issues.

Commissioner Boulter noted that he has not seen a fee in which someone could not ask for a waiver. He asked if this was a possibility. There was discussion on the possibility of there being hardship cases.

**Motion by Commissioner Sharman to adopt Resolution 10-05. Seconded by Commissioner Boulter and carried 4-1; Commissioner Jowers opposed.**

- C. **Resolution 10-06:** A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING VARIOUS APPLICATION FEES AND CHARGES FOR OPEN AIR VENDORS, MOBILE FOOD VENDORS, OPEN AIR SPECIAL EVENT, AND OPEN AIR SOLICITOR APPLICATION REQUESTS AND PROVIDING FOR AN EFFECTIVE DATE

Community Development Director Wilson stated that back in October the City Commission adopted Ordinance 09-25 that established new procedures for open-air related sales. This resolution establishes the fees associated with processing those applications. In the past, the applicants came before the City Commission to request approval. Additionally, Mr. Wilson noted that this resolution addresses the fees associated with appealing a denied application and that there is no charge to non-profit organizations.

**Motion by Commissioner Boulter to adopt Resolution 10-06. Seconded by Commissioner Jowers and carried unanimously 5-0.**

6. **MATTERS FROM CITIZENS** – There were no items.

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

8. **MATTERS FROM CITY MANAGER**

- **CDC [East Winter Garden Community Development Corporation, Inc.] Black Tie Event**

City Manager Bollhoefer stated that the CDC is a non-profit organization, who works locally in the eastern area of Winter Garden, who is hosting their first formal event in June. He noted that charitable donations were eliminated from the budget a couple of

years ago. However, the CDC does work within Winter Garden to improve the City. They are requesting that the City waive the use fee for Tanner Hall for their formal event and that the City purchase an event program advertisement. The advertisement can be either a half page advertisement for \$250 or a full page for \$500.

**Motion by Commissioner Boulter to approve waiving the usage fee for the CDC event at Tanner Hall and the purchase of a full page advertisement in their event program for \$500. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Jowers** stated that he was happy to be back.

**Commissioner Buchanan** thanked City staff for their help with the Pops concert this past weekend. The City got some of the best comments it has ever had.

**Commissioner Boulter** again thanked the students from Troy, Michigan for all their efforts.

**Commissioner Sharman** addressed the issue of a new 40 mph speed limit on County Road 535.

**Mayor Rees** announced this weekend's Bloom N' Grow event and the locally filmed movie *Letters to God* will be showing this Sunday at 6 p.m. at Lakeview Middle School.

The meeting adjourned at 7:35 p.m.

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

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