



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

May 13, 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

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

1. **APPROVAL OF MINUTES**

Motion by Commissioner Boulter to approve the regular meeting minutes of April 22, 2010 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.

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

This item was covered later in the meeting.

3. **PRESENTATION OF THE ANNUAL DROP SAVERS POSTER CONTEST**

Water Conservation and Recycling Coordinator Angela Stout stated that the City of Winter Garden supported the nationally proclaimed drinking water celebration May 2-8, 2010. In an effort to promote public education on this important issue, the water conservation program held the annual Drop Savers poster contest. The contest encourages students to use their own water conservation ideas to create a t-shirt poster. Students from Dillard Elementary and Tildenville participated in this year's contest. Ms. Stout announced the winners and they were congratulated by the Mayor and City Commissioners.

4. **FOURTH READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

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. City Manager Bollhoefer asked the City Commission to postpone this item until their meeting of June 10, 2010. He stated that staff has received requests from the City Commission for additional information. Staff would like to do further analysis and look at other options. The information would be given to the City Commission two weeks before the June 10th meeting for ample time to review the material.

Motion by Commissioner Jowers to postpone Ordinance 10-21 until the City Commission meeting of June 10, 2010 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. THIRD READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

- A. **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 this ordinance grants consent for the County to issue special assessments against those properties within Winter Garden for the clean-up of Lake Roberts.

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

Motion by Commissioner Boulter to adopt Ordinance 10-22. Seconded by Commissioner Sharman and carried unanimously 5-0.

6. **REGULAR BUSINESS**

- A. **Resolution 10-07**: A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING ORANGE COUNTY LOCAL MITIGATION STRATEGY RESOLUTION

Fire Chief Williamson stated that this resolution is required in order for the City to participate in the National Flood Insurance program, which we do. This also allows the City to participate in Federal Mitigation grants.

Motion by Commissioner Jowers to adopt Resolution 10-07. Seconded by Commissioner Boulter and carried unanimously 5-0.

- B. **Appointment to the Code Enforcement Board for the unexpired term (until June 2012) of resigning member Charlie Mae Wilder**

Commissioner Boulter asked that this item be postponed. *There were no objections noted.*

- C. **Request by Tony Richardson and Dennis Castle to credit prior service time in the General Employees Pension Plan**

Human Resources Director Gilbert stated that Mr. Richardson of the Solid Waste Division and Mr. Castle of the Police Dispatch 9-1-1 Division have requested that their previous service time be re-instated so that they can be credited for that time in the pension plan. Mr. Gilbert noted that both employees left the City in good standing and are exemplary employees. They respectfully request reinstatement of their prior city service time.

Motion by Commissioner Jowers to approve awarding a credit for prior service to Tony Richardson and Dennis Castle to be applied towards their General Employees Pension. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- D. **Recommendation to approve an agreement with Bradford Properties of Central FL, LLC and Bradford Development Corporation to acquire additional right-of-way from two parcels identified as 13-22-27-0000-00-039 and 13-22-27-0000-00-008, for East Plant Street improvements**

Planning Consultant Williams stated that before the City Commission are two agreements for which staff is requesting approval and authorization to enter into to purchase right-of-way for Plant Street. This involves properties owned by Bradford Properties of Central FL, LLC and Bradford Development Corporation. It would pick out the building located on the property at the present time; the City needs almost the entire parcel. In addition, the City has a large need for land for retention ponds and there is an additional 33 acres to the rear of that parcel across the railroad tracks. The City would be trading some of the city-owned railroad track property in the area, paying him \$500,000 and taking possession of over 14½ acres of land. Staff has met with the homeowner's association board of Courtlea Oaks and they are very supportive of this proposal because such a large

portion of this property would then be under the control of the City. This includes Lulu Creek, an upland buffer area, as well as the retention ponds that the City needs to support the development of the road project. Staff feels it is a very good agreement for all of the parties involved, and recommend approval.

Mayor Rees asked how much of the 14½ acres would be used as a retention pond.

Mr. Williams answered about 6½ acres, but they will be dry retention ponds. They will not have water in them all the time so they will look like soccer or ball fields. They will be large sod fields with a very aesthetic look to them rather than something that would be containing water all of the time. In addition, a large 50 foot buffer of upland trees will be left along the creek and before those ponds. That property slopes a great deal so the City will need that buffer to minimize the impact of any development on the remainder of the property. Bradford Properties will not have a lot of property remaining to develop on that site; there will be about six acres of residential property, seven acres of warehousing property, and three acres of commercial property out of the entire tract.

Commissioner Buchanan asked about the zoning of the remaining acreage that the City will own. Mr. Williams replied that it will be mostly Lulu Creek and the upland buffer. The City has lost some grants for drainage improvements because the City did not own Lulu Creek. The City will now be eligible for grants to help solve flooding problems along Lulu Creek with it in the City's possession.

Motion by Commissioner Jowers to approve an agreement with Bradford Properties of Central FL, LLC and Bradford Development Corporation to acquire additional right-of-way from two parcels identified as 13-22-27-0000-00-039 and 13-22-27-0000-00-008, for East Plant Street improvements. Seconded by Commissioner Sharman and carried unanimously 5-0.

At this time, City Manager Bollhoefer requested that the following CRA item be **withdrawn**.
No objections were noted.

E. Request for the Community Redevelopment agency to fund up to \$120,000 to build four affordable houses on Tenth and Center Streets by the Arts and Architecture Group

• **OATHS OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

Police Chief Brennan introduced and administered the oath of office to Police Officers James C. Jackson Jr., Michael Mason, T. Joe McKenna, Miguel Torres, and Chris Chambers.

7. **MATTERS FROM CITIZENS**

Jerry Carris, 347 Bayside Drive, Winter Garden, Florida, stated that he is again approaching the Commission regarding the City's need of the services of a certified arborist. He explained that there are trees with known life expectancies. The arborist would inventory the existing trees and issue tree removal permits. He stated that he wanted the City Commission to think about this issue.

Mayor Rees noted that he has been speaking to the City Manager about our trees and their removal.

Commissioner Bouler asked if the City Manager would look at other cities that have arborists.

8. **MATTERS FROM CITY ATTORNEY**

A. **Recommendation to approve a tri-party agreement with Orange County and the Orlando-Orange County Expressway Authority for right-of-way parcels and drainage easements**

City Attorney Ardaman apologized for the late submittal of this agreement and explained that he did not get it until the day before the meeting. This is a proposed tri-party agreement between the City of Winter Garden, Orange County and the Orlando-Orange County Expressway Authority. The only reason he requested that this item be brought before the City Commission tonight in such a rush, is because this agreement is part of the CR 535 agreement. The CR 535 road widening agreement requires that the City provide a stormwater pond in the very southwest corner of the Stoneybrook Parkway and CR 535. This separate agreement is needed to solve the part whereby all three entities need to use the pond. The county has stated that they will not present this agreement to the Board of County Commissioners until the Expressway Authority and the City Commission have considered and approved it. In addition, he noted that the City will end up with approximately 78 acres of property, which are pieces and parts along Stoneybrook Parkway.

Commissioner Jowers asked City Attorney Ardaman if he was comfortable with this agreement. Mr. Ardaman replied that he does not like the complexity of it, but it works to do what it needs to do and he is comfortable with it.

Motion by Commissioner Jowers to approve the tri-party agreement with Orange County and the Orlando-Orange County Expressway Authority for right-of-way parcels and drainage easements as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

9. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer recognized Public Services Director Cochran to give a status update on road paving projects and Community Relations Manager Vaughn to follow with announcements of upcoming events.

A. **Discussion on street paving projects**

Public Services Director Cochran gave a PowerPoint presentation on the status of the City's Street resurfacing program (*see attached Exhibit A*).

City Manager Bollhoefer stated that these projects are tentative and could be modified with input from the City Commission on other possible problem areas. He also noted that he expects next year to be in good shape with our local option gas tax funds to see some significant road work next year.

Mayor Rees asked about the plans for the road from Dillard Street to State Road 50 that the City recently took ownership of. He would like to see the process go the same as it did with the State Road 50 project by getting input from businesses and residents.

Mr. Bollhoefer replied that this road will take some major work. The City does not want to start any major construction on it while State Road 50 and Plant Street are under construction. Staff is looking to move forward with the early phases of this project because the most difficult part of this project will be the conceptual part in determining what the City Commission wants this road to look like.

Commissioner Buchanan stated that it was mentioned that some of projects could be moved up and he suggested moving up the project between Plant Street and Tilden because he thinks this road is as bad as Park Avenue.

Mr. Cochran noted that this particular section is currently under design this year.

Commissioner Buchanan requested patching some of the holes be considered now.

Mr. Cochran replied that he will take care of it and review it next week.

Upcoming Event Announcements

Community Relations Manager Andrea Vaughn thanked Mimi Forness, Lakeview Middle School instructor, who continues to provide the student's historic projects to be displayed in City Hall.

- Employee Luncheon at the Jessie Brock Community Center on Thursday, May 20, 2010, at 11:30 a.m.
- Orange County Commissioner Luncheon sponsored by the West Orange Chamber of Commerce; if there is enough interest, a table will be reserved.
- Food Drive the month of June with food drop-off locations at City Hall, Police and Fire Headquarters.
- Photography Exhibit
Nine artists who participated in the Spring Fever Festival will display their works June through the end of August with the opening reception held on June 11, 2010 from 5:30 p.m. to 7:00 p.m. at City Hall.

10. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Buchanan reiterated that he would just like to see the roads fixed.

Commissioner Sharman announced that Commissioner Boulter is a new father again.

The meeting adjourned at 7:30 p.m.

APPROVED:

 /S/
Mayor John Rees

ATTEST:

 /S/
City Clerk Kathy Golden, CMC