



# CITY OF WINTER GARDEN

---

## CITY COMMISSION REGULAR MEETING MINUTES

May 27, 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, Public Services Director Don Cochran, Police Chief George Brennan, Building Official Skip Lukert, Finance Director Robin Hayes, Fire Chief John Williamson, 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 Jowers to approve the regular meeting minutes of May 13, 2010 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.**

### • **PRESENTATION**

Sherry Holcomb presented the Mayor and City Manager with the 10<sup>th</sup> Annual Spring Fever in the Garden poster as created by Andy Crabtree.

### 2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 10-08:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLES IX AND X OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES PRESCRIBING STANDARDS FOR THE S.R. 50 COMMERCIAL CORRIDOR OVERLAY BY REVISING LANGUAGE; PROVIDING FOR APPLICABILITY IN INSTANCES OF ANNEXATION, SUBSTANTIAL MODIFICATION, AND EXISTING NONCONFORMITIES; PROVIDING ADDITIONAL DEFINITIONS AND REVISING EXISTING DEFINITIONS; PROVIDING AND REVISING DESIGN AND TECHNICAL STANDARDS FOR DEVELOPMENT, INCLUDING BUILDING MATERIALS, SHOPPING CART CORRALS AND SIGNAGE; REMOVING CERTAIN RESTRICTIONS ON LOCATING OUTDOOR VENDING MACHINES AND AMUSEMENTS; MODIFYING SETBACK AND BUFFER REQUIREMENTS; REFERENCING LIGHTING REQUIREMENTS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

Mayor Rees stated that Ordinance 10-08 will not be heard as a public hearing but will be read and presented to the City Commission as a draft for their review. City Attorney Ardaman then read Ordinance 10-08 by title only.

City Manager Bollhoefer noted that in the future, staff will present all significant ordinances as a draft version to allow the City Commission to have ample opportunity to read and review the material. Mr. Bollhoefer asked if the City Commission needed to vote to table this item because it has been advertised. City Attorney Ardaman responded that the vote must include a date and time certain. There was also discussion that at the June 10, 2010 meeting the changes between the prior version and the revised version would be provided.

**Motion by Commissioner Jowers to postpone Ordinance 10-08 until June 10, 2010 at 6:30 p.m. Seconded by Commissioner Boulter and carried unanimously 5-0.**

3. **REGULAR BUSINESS**

- A. **Recommendation to approve a request by the Winter Garden Heritage Foundation for their 2010 MusicFest October 1, 2, and 3, 2010 on Plant Street from Woodland Street to Highland Avenue, waiver of special event permit fee, provide city equipment at no cost, allow alcohol sales, and provide city staff services at no cost**

Parks and Recreation Director Conn stated that he is presenting two requests to the City Commission for special events in the downtown area. The first is from the Winter Garden Heritage Foundation for their 5<sup>th</sup> Annual MusicFest. This is a 3-day festival to be held October 1, 2, and 3<sup>rd</sup>. He stated that staff recommends approval and Mr. Ron Sikes is present from the Heritage Foundation, should the City Commission have any questions.

**Motion by Commissioner Buchanan to approve the request by the Winter Garden Heritage Foundation for their 2010 MusicFest October 1, 2, and 3, 2010 on Plant Street from Woodland Street to Highland Avenue, waiver of special event permit fee, provide city equipment at no cost, allow alcohol sales, and provide city staff services at no cost. Seconded by Commissioner Boulter and carried unanimously 5-0.**

- B. **Recommendation to approve a request by the Bloom 'N Grow Garden Society for their annual Spring Fever in the Garden festival April 9 and 10, 2011 on Plant Street, waiver of special event permit fee, and provide city staff services and equipment at no cost**

Parks and Recreation Director Conn stated that his second request is from the Bloom 'N Grow Garden Society for their 11<sup>th</sup> annual festival. They are requesting the festival be held April 9 and 10, 2011. In addition, they are asking for the City's support by providing services and equipment. He stated that Sherry Holcomb, President of Bloom 'N Grow Garden Society, is present to answer any questions from the City Commission.

**Motion by Commissioner Boulter to approve the request by the Bloom 'N Grow Garden Society for their annual Spring Fever in the Garden festival April 9 and 10, 2011 on Plant Street, waiver of special event permit fee and provide city staff services and equipment at no cost. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**C. Request by the Orange County Culture Keepers (non-profit) to waive rental fees for use of Tanner Hall on April 2, 2011**

Parks and Recreation Director Conn noted that the Culture Keepers have held their fundraiser dinner and awards banquet at Tanner Hall for the past 5 or 6 years. They are again requesting that the fees be waived for next year's banquet at Tanner Hall on April 2, 2011.

**Motion by Commissioner Sharman to approve waiving the rental fees for Tanner Hall on April 2, 2011 for the Orange County Culture Keepers (non-profit) event. Seconded by Commissioner Jowers and carried unanimously 5-0.**

**D. Recommendation to approve 9<sup>th</sup> Street Sewer Replacement Project bids and award a contract to All State Paving for \$294,909.00, with a 10% contingency bringing the total project amount to \$324,399.00**

Public Services Director Cochran stated that on May 4<sup>th</sup> the City received bids for the 9<sup>th</sup> Street sewer main replacement project. The purpose of the project is to replace 849 feet of 30 inch sewer main on 9th Street. The scope of work is to replace the sewer main from the lift stations across from the entrance of the Regal Point subdivision, south to the driveway point of the credit union. The plan is to have this work done during the summer months as soon as school is out to minimize the impact on the traffic in that area. There will be a detour with the southbound lanes of 9th Street fully open with access to the businesses on 9th Street. The detour will go to the north on Carter Road which allows access back onto Story Road, which can lead back to 9th Street. The duration of the project is approximately 60 days. All State Paving was the low bid at \$294,909.00 and staff is recommending a 10% contingency be included to bring the project amount to \$324,399.00.

Mayor Rees expressed that he was amazed at the bid differences and asked if staff was happy with the work All State Paving has done in the past.

Mr. Cochran responded yes, they have worked with the City on the Dillard Street pond at the Community Center. Staff has checked their references and they have all come back positive.

There was discussion on the possibility of bringing the Beulah Street road extension to 9th Street.

**Motion by Commissioner Buchanan to approve 9<sup>th</sup> Street Sewer Replacement Project bids and award a contract to All State Paving for \$294,909.00, with a 10% contingency bringing the total project amount to \$324,399.00. Seconded by Commissioner Jowers and carried unanimously 5-0.**

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

Commissioner Boulter requested a postponement of this item to allow him the opportunity to speak with possible applicants for this position. *There were no objections noted.*

F. **Recommendation to approve applying for the Edward Byrne Memorial Justice Assistance Grant (JAG), which has been earmarked at \$24,948.00 for the City to purchase four digital mobile radios**

Police Chief Brennan stated the 2010 Edward Byrne Memorial Justice Assistance Grant has earmarked \$24,948.00 for the Winter Garden Police Department. He stated the application must be submitted by June 30, 2010 and he would like to use these funds to purchase four digital mobile radios to replace four non-compliant analog radios. He stated that as part of the application process he has to bring this before the governing body in at least 30 days in advance of the application and allow for public input.

**Motion by Commissioner Jowers to approve applying for the Edward Byrne Memorial Justice Assistance Grant (JAG), which has been earmarked at \$24,948.00 for the City to purchase four digital mobile radios. Seconded by Commissioner Boulter and carried unanimously 5-0.**

4. **MATTERS FROM CITIZENS**

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, invited everyone to attend the Memorial Day service at Veterans Memorial Park this Memorial Day. He shared that a P51 will be flying over the park as part of the ceremony, so be sure to bring your cameras.

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

6. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer introduced his new Executive Assistant, Amy Dunn. He also noted that an offer for our new Economic Director was made and accepted today.

- **Property Tax Figures Down**

Mr. Bollhoefer announced that new property tax figures were released from Orange County Property Appraiser Bill Donegan's office and the City's figures are expected to be down by 14 percent. This is a significant amount, which will be around one to two million dollars less revenue for the City. Mr. Bollhoefer shared that he met with staff today to discuss this issue to be addressed in next year's budget. He expressed that it is a sign of the economic world we are facing today.

- **Utility Rates**

Mr. Bollhoefer stated that it was his intention to give the City Commission a report on the utility rates, but there have been some things that have transpired since then. Just in the past week and a half, the City has received information from the St. Johns River Water Management District (SJRWMD) that they will most likely give the City a consent order.

The order is their way of encouraging and requiring cities to expedite their policies, procedures and projects for water conservation. This changes the entire formula for water rates.

Mr. Bollhoefer stated that at the next meeting staff will ask that the rates ordinance be tabled indefinitely until staff can obtain more information from SJWMD.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Boulter addressed the issue of small children riding miniature motorcycles on the east side of Winter Garden and he is afraid that one of them may be harmed. He asked if something can be done to prevent it. Police Chief Brennan stated that the City has an ordinance that addresses this issue and he will have the officers look into it.

Commissioner Buchanan noted that we are entering the hurricane season and asked if the City's plans for such an event were current. City Manager Bollhoefer replied that the City does have a plan in place that is reviewed after each season.

Commissioner Jowers stated that over the last four months there have been concerns expressed to him about bicyclists riding on the trail not yielding to traffic. He requested that a stop sign be placed for bicyclists at the intersection of Lakeview Avenue and Plant Street.

The meeting adjourned at 6:58 p.m.

APPROVED:

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

ATTEST:

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