



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

June 10, 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, Economic Development Director Tanja Gerhartz, 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 Jowers to approve the regular meeting minutes of May 27, 2010 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.

2. **PRESENTATION**

Mayor Rees presented a plaque honoring Charlie Mae Wilder for her many years of dedicated service and contributions to our community.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 10-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2009-2010 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-24 by title and an excerpt from Section 1 that the sum of \$188,780 is to be appropriated as follows:

REVENUES

General Fund	\$ 27,654
Downtown Parking District Fund	64,478
Community Redevelopment Agency Fund	27,916
Local Option Gas Tax Fund	373,266
General Impact Fee Fund	458,311
Transportation Impact Fee-South of Turnpike Fund	--
Transportation Impact Fee-CR545	
Special Benefit Area Fund	(62,798)
Transportation Impact Fee-General Fund	323,587

Utility Operating Fund	60,800
Utility Impact Fee Fund	(980,552)
Utility Renewal and Replacement Fund	(52,600)
Stormwater Fund	7,918
Solid Waste Fund	(73,110)
Trailer City Fund	<u>13,910</u>
	\$ 188,780

Expenses are identically itemized to those of revenues with total expenses also equaling \$188,780.

Finance Director Hayes stated that this is the mid-year budget amendment and noted some items included within the general fund. All the revenue savings have been included.

Ms. Hayes stated that the City has not had to use funds from General Fund (unreserved) fund balance. Staff was able to balance from expenditures with all departments coming up with funds by reducing their expenditure funds to fund the mid-year budget. The only (reserved) fund balance used was from the Building fund or the Police Department fund.

Mayor Rees stated that he has spoken to the City Manager regarding finding a way for the City Commission to view the entire financial structure in a simpler global manner.

Motion by Commissioner Boulter to approve Ordinance 10-24 with the second reading and public hearing being scheduled for June 24, 2010. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **SECOND 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

City Attorney Ardaman read Ordinance 10-08 by title only. City Manager Bollhoefer stated that on the State Road 50 item, staff is requesting that this item be deferred to a date certain in order to give the City Commission more time to review the information.

Motion by Commissioner Buchanan to table Ordinance 10-08 with the third reading and public hearing being scheduled for June 24, 2010 at 6:30 p.m. Seconded by Commissioner Jowers and carried unanimously 5-0.

5. FIFTH 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. Public Services Director Cochran stated that staff is requesting a postponement of this ordinance until the City hears back from St. Johns River Water Management District (SJRWMD). Staff has some concerns from its last meeting with SJRWMD. Mr. Cochran noted that SJRWMD may come back with a request in the form of a consent order or there could be negotiations with the consent order that may have a major impact on the water and sewer rates. Staff needs to see what impact may be before this item is brought back to the City Commission.

Commissioner Buchanan asked if there is anything specific that staff is questioning. Mr. Cochran replied that from that meeting it appears SJRWMD may request the City accelerate its capital plan for expanding its water reuse system. This was not included in the rate study. If SJRWMD comes back with an accelerated schedule on some of these major projects, it could equal millions of dollars which would have an impact on how

these rates would be spent, the percentage of the rate increase, or what year this may need to begin. Until staff has this information, it is difficult to bring something to the City Commission.

City Manager Bollhoefer stated that it may be an issue of the SJRWMD not asking the City to do something, but requiring us to do something.

City Attorney Ardaman added that the City could go forward and adopt the ordinance or not. However, the SJRWMD did ask the City to delay it and passage of the ordinance would send the message to SJRWMD that we are not interested in what they have to say. SJRWMD could impose some more stringent standards. Staff would like to try and work with SJRWMD.

Motion by Commissioner Jowers to postpone Ordinance 10-21 to a date and time uncertain. Seconded by Commissioner Buchanan and carried unanimously 5-0.

City Attorney Ardaman noted that this item will have to be re-advertised.

6. **REGULAR BUSINESS**

A. **Recommendation to approve Street Paving Project bids and award contract to Middlesex Corporation for \$118,989.75, with a 10% contingency bringing the total project amount to \$130,888.72**

Public Services Director Cochran stated that the City received bids on the street paving projects for 2010. The projects include North Park Avenue from Plant Street to Tilden Street; then north Boyd Street from Tilden Street to Division Street. Middlesex Corporation was the low bid at \$118,989.75. Staff recommends approving the bids and awarding the contract with the addition of a 10% contingency bringing the total project amount to \$130,888.72. Mr. Cochran stated that staff has budgeted \$196,000 for street resurfacing. He requested approval for this project; then once the City has the contractor on board, have them review other streets. The excess funds, already budgeted, could then be used to cap some of the other streets that are needed this year.

Mr. Cochran stated that when he receives a price or proposal from the contractor, he will bring that back as a change order. The City Commissioners may have some streets that they are considering for a cap overlay, but right now staff is considering Donald Street, Bray Street, Foster Street, Oak Street, and North Plant Street.

Mayor Rees asked when the North Park Avenue project will begin. Mr. Cochran replied that as soon as staff gets this contract approved, there will be a pre-construction meeting the first of next week, they will be given a notice to proceed, and then they will be given one week to get started. Once they get started, it should take no more than a week to get the job completed.

There was discussion on the repair of potholes throughout the City and improvements to infrastructure in some areas during the summer months when school is out.

Motion by Commissioner Jowers to approve Street Paving Project bids and award the contract to Middlesex Corporation for \$118,989.75, with a 10% contingency, bringing the total project amount to \$130,888.72. Seconded by Commissioner Boulter and carried unanimously 5-0.

B. Recommendation to approve the reduction of Code Enforcement Board fines in Case #07-1106 for 215 S. Highland Avenue (Property Owners are John and Sally Harvey) and authorize the release of lien if paid within 30 days

Community Development Director Wilson stated that this item is a request to reduce a code enforcement lien on a single family residence at 215 S. Highland Avenue. The property came into compliance on May 24, 2010. The property owner is asking that the fine be reduced to the actual cost to the City, which is \$805.36.

Motion by Commissioner Boulter to approve the reduction of Code Enforcement Board fines in Case #07-1106 for 215 S. Highland Avenue (Property Owners are John and Sally Harvey) and authorize the release of lien if paid within 30 days. Seconded by Commissioner Jowers and carried unanimously 5-0.

C. Recommendation to approve an agreement to acquire .256 acres of land (Parcel 115) and lease one acre, for one year, of parcel number 13-22-27-0000-00-031 from GPC Properties, Inc. for widening and improving Plant Street and East Crown Point Road

Planning Consultant Williams stated that this item includes two agreements; 1) to acquire the property and 2) a one-year lease for one acre of land that the City needs in conjunction with widening Plant Street. There is one issue on the lease, the dates are not completed and will be included at closing when the City acquires the property. This is the old Britt mansion at the northwest corner of E. Crown Point Road and Plant Street. Staff recommends approval of both the lease and the agreement.

Motion by Commissioner Boulter to approve an agreement to acquire .256 acres of land (Parcel 115) and lease one acre, for one year, of parcel number 13-22-27-0000-00-031 from GPC Properties, Inc. for widening and improving Plant Street and East Crown Point Road. Seconded by Commissioner Buchanan and carried unanimously 5-0.

City Manager Bollhoefer stated that Planning Consultant Williams has done a very good job on these property acquisitions and saved the City a lot of money.

D. Appointments to the following boards

• Code Enforcement Board for the unexpired term of resigning member Charlie Mae Wilder until June 2012

Commissioner Boulter stated that he had asked for a postponement of this item at the last two meetings so that he had an opportunity to canvass the community. He noted that it was agreed that each district would have representation on the Code Enforcement board. He received a lot of applications but stated that Wanda Patterson of 1202 Edgeway Drive, Winter Garden, was being recommended. He shared a brief

background on Ms. Patterson and recommended her for the appointment to the Code Enforcement Board.

Motion by Commissioner Sharman to appoint Wanda Patterson for the unexpired term of resigning member Charlie Mae Wilder until June 2012. Seconded by Commissioner Jowers and carried unanimously 5-0.

Code Enforcement Board for expiring terms of Vincent Goodwin and Jeffrey Sherron

Commissioner Jowers nominated Jeffrey Sherron for District 1. Commissioner Sharman nominated Vincent Goodwin for District 4.

Motion by Commissioner Jowers to appoint Jeffrey Sherron and Vincent Goodwin to the Code Enforcement Board. Seconded by Commissioner Boulter and carried unanimously 5-0.

- **Architectural Review and Historic Preservation Board for expiring terms of Michael Morrissey, Cathy Klauzowski, Herschel (Buddy) Nash, Charles (Chuck) Simikian**

Commissioner Jowers nominated Mary Zahl to replace Buddy Nash. There was discussion that Cathy Klauzowski did not want to continue serving and only attended one meeting. Michael Morrissey and Chuck Simikian would like to remain on the board. Commissioner Jowers stated that Len McClung had at one time asked to be on this board and would be a good candidate. It was the **consensus** of the City Commission to appoint the three candidates and come back with a candidate for the required business owner in the downtown district at the next meeting.

Motion by Commissioner Buchanan to appoint Mary Zahl (replacing Buddy Nash), Michael Morrissey and Chuck Simikian to the Architectural Review and Historic Preservation Board. Seconded by Commissioner Boulter and carried unanimously 5-0.

- **Election Canvassing Board for expiring terms of Andy Bruns, Alex Ramos, Sherry Jackson (1st Alternate), and a vacant seat (2nd Alternate)**

It was noted that all current board members wished to be reappointed. Other applicants on file were canvassed and one (Wendy Byrd Jung) shared her interest in being considered for a seat on the Election Canvassing Board. There is a vacancy for the second alternate's seat.

Motion by Commissioner Sharman to appoint Andy Bruns, Alex Ramos, Sherry Jackson (1st Alternate) and Wendy Byrd Jung (2nd Alternate). Seconded by Commissioner Boulter and carried unanimously 5-0.

Dispensed as the City Commission and convene as the Community Redevelopment Agency at 7:07 p.m.

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

E. **Appointment to the Community Redevelopment Area/Brownfield Advisory Board for expiring term of Ron Sikes**

Agency Board Member Cappleman stated that Board Member Ron Sikes' term expires in June. Mr. Sikes was last appointed to fill out an unexpired term and has been a participating member with good attendance. CRAAB voted unanimously to recommend that Ron Sikes be reappointed to the advisory board.

Motion by Agency Member Buchanan to appoint Ron Sikes as a Community Redevelopment Area/Brownfield Advisory Board member. Seconded by Agency Member Jowers and carried unanimously 6-0.

Adjourned as the Community Redevelopment Agency and reconvene as the City Commission at 7:09 p.m.

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

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

9. **MATTERS FROM CITY MANAGER**

• **New Economic Development Director**

City Manager Bollhoefer introduced the new Economic Development Director Tanja Gerhartz.

A. **Update on red light cameras**

City Manager Bollhoefer stated that the legislature has changed the rules and there are now new laws concerning red light cameras. The City has met with a judge to get clarification. Criteria will be created to hire a vendor, under the new laws, and a resolution will be drafted to designate the traffic lights. There was discussion on the City's ability to include State Road 50 without the Florida Department of Transportation's approval.

• **Comprehensive Plan**

The City is currently in communication with the Department of Community Affairs (DCA) regarding the comprehensive plan. The City is on a very tight timeframe with this issue and will not have the leeway of postponing. He requested that the issue be reviewed and suggested that some changes may need to be made at the meeting.

• **Term Limits for the Community Redevelopment Advisory (CRA) Board**

City Manager Bollhoefer stated that the City Attorney's office is drafting an ordinance to establish term limits for members on the CRA Board. This City Commission directed staff to establish ordinances that would impose term limits on all boards and this is the next ordinance that staff has been working on to bring back to the City Commission.

• **Downtown Pavilion and Interactive Fountain**

City Manager Bollhoefer stated that the City is getting ready to send out the Request for Proposal (RFP) for the downtown pavilion and interactive fountain. Staff will be

bringing back an amendment to the purchasing policy that will award extra points to local contractors bidding on our RFP's.

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Boulter announced that the East Winter Garden Community Development Corporation will be having a black tie fundraising event on June 26, 2010 at Tanner hall. It is a function that is meant to build a bridge between the African-American community and its local government. He invited everyone to attend.

Commissioner Buchanan addressed that an issue has been noted to him regarding the Garden Theatre Board and the Winter Garden Heritage Foundation and suggested that a workshop be held so all the issues can be laid out and discussed.

City Manager Bollhoefer responded that a proposal is in the works for the end of June to be presented to the City Commission. Once those documents are in hand, there will be something to work with.

Commissioner Jowers asked about what happened to the agreement that was established back on December 4, 2009.

Mr. Bollhoefer confirmed there was an agreement and since that time there has been some disagreement within the Winter Garden Heritage Foundation Board (WGHF). There was no change made on the part of the City Commission. He told the WGHF that if they wanted to make any changes, they need to submit their proposal to the City Commission. This City Commission previously agreed that the Heritage Foundation would run the theatre and the City would manage the actual building and the building's assets. Mayor Rees added that we will end up with a workshop to discuss what will or will not be done.

Commissioner Jowers addressed the continuing problem of bicyclists not yielding the right-of-way to vehicles and he feels that someone is going to get hurt. City Manager Bollhoefer responded that he has met with Police Chief Brennan regarding a proposal and a mini workshop at the next meeting on this subject.

Mayor Rees read a letter of thanks written regarding a motorcycle accident on April 23, 2010 whereby two City employees in a utility truck wearing blue uniforms, assisted him and would like them to each know how much he appreciated their assistance. Mayor Rees asked the City Manager to find out who those employees were so that they can be properly recognized.

The meeting adjourned at 7:21p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC