



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

April 14, 2011

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, Colin Sharman (*arrived at 6:34 p.m.*), and Commissioner-Elect Kent Makin

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, Finance Director Robin Hayes, Communication Specialist Reid Revels, Community Development Director Tim Wilson, Fire Chief John Williamson, Human Resources Director Frank Gilbert, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, 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 March 24, 2011 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.**

### 2. **RUN-OFF ELECTION RESULTS**

A. **Resolution 11-04:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE RUN-OFF ELECTION HELD ON APRIL 12, 2011 FOR COMMISSIONER DISTRICT 1 AND AUTHORIZING ISSUANCE OF A CERTIFICATE

City Attorney Ardaman read Resolution 11-04 by title only. City Clerk Golden stated that the winner of the election was Kent Wesley Makin and read the results as follows:

	<b>Kent Wesley Makin</b>	<b>Henry L. Wright</b>
<b>TOTAL VOTES</b>	348	310
<b>PERCENTAGE OF VOTES</b>	52.89 %	47.11 %

The voter turnout for the election was 14.7%.

**Motion by Commissioner Boulter to adopt Resolution 11-04. Seconded by Commissioner Jowers and carried unanimously 5-0.**

Mayor Rees allowed citizen Andy Bruns to speak. He thanked Commissioner Jowers for his service as Commissioner of District 1. Mr. Bruns stated that he was a good Commissioner and wished him well.

3. **PRESENTATION**

Mayor Rees presented outgoing District 1 City Commissioner H. Gerald Jowers with a plaque expressing appreciation for all his service on the City Commission and a framed group photo. He also expressed his appreciation of their long-time friendship.

Commissioner Jowers shared what a wonderful experience it has been and thanked everyone.

4. **OATH OF OFFICE**

A. District 1 City Commissioner Kent Makin, as elected in the April 12, 2011 run-off election, was administered the Oath of Office by City Clerk Golden.

5. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 11-04:** AN ORDINANCE PURSUANT TO SECTION 125.01(1) (Q), FLORIDA STATUTES, CONSENTING TO THE ORANGE COUNTY BLACK LAKE/LAKE TILDEN 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 11-04 by title only. Community Development Director Wilson stated that this Ordinance acknowledges the City's consent to the County's action to establish the Municipal Service Benefit Unit (MSBU) for both Black Lake and Lake Tilden. This will allow for the cleanup and lake maintenance, and aquatic vegetation control for the lake. This has already been adopted by the county. Staff recommends approval and wishes to address the second reading of this ordinance at the next City Commission meeting on April 28<sup>th</sup>.

City Manager Bollhoefer stated that this was done at the request of the residents who wanted to have a mechanism to pay for cleaning the lake.

**Motion by Commissioner Boulter to approve Ordinance 11-04 with the second reading and public hearing being schedule for April 28, 2011. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

6. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 11-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.5 ± ACRES OF RIGHT-OF-WAY FOR BURCH AVENUE AND JACKSON 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 11-08 by title only. Community Development Director Wilson stated that these two roadways are being requested to be annexed into the City. Staff recommends approval for adoption tonight as this is the second reading.

City Manager Bollhoefer stated that the purpose of the annexation of the two roads is to allow the golf carts in Hyde Park to use the roads for accessing downtown.

Mayor Rees opened the public hearing.

Ana Bello, 711 Burch Avenue, unincorporated Winter Garden, Florida, stated that she was opposed to the annexation as she did not know enough about it and was not notified.

City Manager Bollhoefer explained that this only affects the roads and would not change anything for the homes in the area. This will allow the Police to patrol the area and the golf carts to maneuver from Hyde Park.

At hearing this explanation Ms. Bello stated that she was then fine with it.

Mayor Rees closed the public hearing.

**Motion by Commissioner Sharman to adopt Ordinance 11-08. Seconded by Commissioner Boulter and carried unanimously 5-0.**

7. **REGULAR BUSINESS**

A. **Recommendation to approve the 6<sup>th</sup> Annual MusicFest on October 7, 8, and 9, 2011, as requested by the Winter Garden Heritage Foundation to include blocking downtown streets, allowing alcohol to be served, waiving the event fee and Tanner Hall rental fee, and providing city staff at no cost**

Parks and Recreation Director Conn stated that the Winter Garden Heritage Foundation has approached the City with a request to hold their 6<sup>th</sup> Annual MusicFest in downtown Winter Garden this fall. This event brings thousands of visitors to the downtown area.

Mr. Conn stated that there are a number of items included in the request that requires City Commission approval. These items include blocking downtown streets and allowing alcohol to be served during the event. He stated that they also hold a tune-up event which is a precursor to the MusicFest event and request that the Tanner Hall rental fee be waived. There is a special event permit fee that they are asking to be waived as well and that city staff be provided at no cost.

Mayor Rees asked if the alcohol was beer and wine. Mr. Conn stated yes and Mr. Ron Sikes of the Winter Garden Heritage Foundation was available also to answer any questions about this event.

Mr. Conn stated that staff does recommend approval.

Commissioner Sharman asked Mr. Conn if this is everything the City did last year.

Mr. Conn responded yes there is nothing different this year.

Mayor Rees stated that this is a good event and brings a lot of people to our City.

**Motion by Commissioner Buchanan to approve the 6<sup>th</sup> Annual MusicFest on October 7, 8, and 9, 2011, as requested by the Winter Garden Heritage Foundation to include blocking downtown streets, allowing alcohol (beer and wine) to be served, waiving the event fee and Tanner Hall rental fee, and providing city staff at no cost. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**B. Recommendation to approve bids and award contract to DeWitt Excavating, Inc. for the Sessions School Roadway Project to include a 20% contingency for a total project allowance of \$2,433,564.80**

Public Services Director Cochran stated that the bids presented are for the Sessions School road. The City of Winter Garden entered into an agreement with the Orange County Public School Board to construct the road to the Sessions school property off of Avalon Road. This includes extending the utility lines.

The bid opening was held on March 23, 2011. DeWitt Excavating was the apparent lowest bidder with a bid of \$2,027,970.67. Staff recommends awarding the contract to DeWitt Excavating with a contingency of 20% for the project for a total of \$2,433,564.80.

City Manager Bollhoefer clarified that this is a unit-based bid upon which the City will pay based on the unit of pieces put into the ground. This unit-based price cannot be changed. Public Service Director Cochran added that there can be a change to the quantity.

There was discussion on the need for the 20% contingency which allows the City some flexibility because some things may change. When these changes happen, it would not be necessary for staff to continually come back to the City Commission with every little change. Instead, staff can address these kinds of changes with the City Manager.

City Manager Bollhoefer stated that it would still only be based on the unit-price.

There was discussion that the school board is still on schedule to open the school at the end of August.

Commissioner Makin asked about the timeframe for completion of the road.

Mr. Cochran responded approximately nine months to one year.

**Motion by Commissioner Sharman to approve the bids and award the contract to DeWitt Excavating, Inc. for the Sessions School Roadway Project to include a 20% contingency for a total project allowance of \$2,433,564.80. Seconded by Commissioner Boulter and carried unanimously 5-0.**

- C. **Resolution 11-05:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM  
(*Mayor Rees postponed this item until the April 28, 2011 meeting.*)

8. **MATTERS FROM CITIZENS**

Pat Primrose, 117 Steinbeck Street, Winter Garden, Florida, stated that she was speaking on behalf of the Winter Garden Community Garden and asked for donations to the Winter Garden Community Garden.

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, stated that in the last meeting the issue of the pill mill clinics was addressed. He wondered if it would be addressed under City Manager comments. Mr. Bollhoefer stated that staff did not want to bring it up tonight because there is a new commissioner on board but it will be on the agenda for the next meeting. He stated that the Attorney has drafted the ordinance.

City Attorney Ardaman stated that he has crafted an ordinance which if passed would create a moratorium on the pill mill locations. The draft ordinance could be applied if someone were to come in to establish a pill mill between now and the next City Commission meeting.

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, congratulated the new Commissioner of District 1 and invited him to the Trailer City Homeowners meeting on Monday night at 6:00 p.m. He also announced the car show this Saturday night and requested help and donations.

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

10. **MATTERS FROM CITY MANAGER**

• **State Road 429 and Stoneybrook Intersection Changes**

City Manager Bollhoefer stated that there was road work that the City was going to do on CR 535 at the State Road 429 and Stoneybrook intersection. The plans have been completed and an extra left turn lane will be added to get on State Road 429. This will also take the middle straight lane when heading west coming off of the State Road 429 and make that a straight left turn lane. He stated that the City has met with the OOCEA who has agreed to pay for adding a separate lane to get onto State Road 429 when heading east. They want the City to have our contractor do the work but they will pay the City approximately \$70,000.

He also noted that the cost of moving the toll booth is only \$1 million but of the extra space needed, they would need to widen the bridge at a cost of \$5 million and they don't have the funding at this time.

• **Bloom 'N Grow**

Mr. Bollhoefer thanked staff and everyone involved for doing a great job at the Bloom 'N Grow event. He stated that the interactive fountain was opened for the event but was closed the days following in order to complete some necessary punch list items. He stated that it will be back up tomorrow.

11. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman thanked former Commissioner Jowers for his service.

Commissioner Boulter thanked and commended Commissioner Jowers for his service and his genuine care for this City.

Commissioner Buchanan thanked Commissioner Jowers and stated it was a privilege to sit next to him.

Commissioner Buchanan especially thanked all of those who came out and supported the Crabtree family. He offered his condolences to the family of James “Jim” Crabtree.

Commissioner Buchanan said “thank you” for repaving Plant Street by the telephone site. The City is looking good. The wading pond [interactive fountain] is great as was Bloom ‘N Grow.

Commissioner Makin thanked Commissioner Jowers for his service, friendship and support. He thanked God, his family and friends and the supporters in District 1. He thanked the City of Winter Garden for the hard work they do during an election. He stated that it is an honor and a privilege to have this position and again thanked everyone.

Mayor Rees stated that the Bloom ‘N Grow this weekend was a fabulous event. He commended all of those that were previously mentioned by the City Manager for their hard work during this event. He stated that he looked forward to everyone coming out on Thursday [Saturday] night to the car show.

A. **Discussion on meeting attire**

Mayor Rees stated that all the City Commissioners will go back to their [logo] shirts and if the Commission wants to go to different shirts, get your request into the City Manager. He asked that whatever the choice is made, all the Commissioners should do the same.

The meeting adjourned at 7:12 p.m.

APPROVED:

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

ATTEST:

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