



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

May 12, 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, Kent Makin, and Colin Sharman (*arrived at 6:42 p.m.*)

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Assistant City Clerk Angee Grimmage, Public Services Director Don Cochran, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Community Development Director Tim Wilson, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Boulter to approve the regular meeting minutes of April 28, 2011 as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0.

2. **PRESENTATIONS**

A. **Introduction of Kathy Salerno, Outreach and Education Coordinator for the State of Florida Chief Financial Officer Jeff Atwater**

Kathy Salerno, Outreach and Education Coordinator for the State of Florida Chief Financial Officer (CFO) Jeff Atwater apologized for missing the prior meetings due to schedule conflicts. She introduced herself and explained that the CFO of the State oversees the Department of Financial Services, investigates fraud in the State of Florida as related to auto and Medicaid insurance. She explained her mission and goal of meeting with cities is to educate organizations on the services provided by their office. She noted that they offer education in financial literacy, safeguarding of our seniors, and homeowners and car insurance. Their biggest push right now is for assistance in the area of disaster preparations.

B. Mayor Rees and the City Commissioners thanked John Love for his 30 years of service to the citizens of Winter Garden and presented him with a plaque and watch with the City's logo.

Mr. Love thanked the City Commissioners and staff for putting up with him for 30 years.

Commissioner Sharman arrived at this time.

- C. Guy Haggard, Esq., Chairperson of the West Orange Airport Authority gave a PowerPoint presentation and updated the City Commission on the status of their recent activities.

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

- A. **Ordinance 11-09:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 78-57 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO REMOVE OBSOLETE PROVISIONS PERTAINING TO SUPERSEDED IMPACT FEE RATES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-09 by title only.

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

Motion by Commissioner Buchanan to adopt Ordinance 11-09. Seconded by Commissioner Boulter and carried unanimously 5-0.

- B. **Ordinance 11-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA RELATING TO PAIN MANAGEMENT CLINICS AND THE ABUSE OF PRESCRIPTION PAIN MEDICATION; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A TEMPORARY MORATORIUM ON THE OPENING OF NEW PAIN MANAGEMENT CLINICS AND ON THE EXPANSION OR RELOCATION OF EXISTING PAIN MANAGEMENT CLINICS; RESTRICTING HOURS OF OPERATION FOR SUCH CLINICS; DIRECTING STAFF TO STUDY AND REPORT TO THE CITY COMMISSION ON ISSUES RELATING TO PAIN MANAGEMENT CLINICS BY A DATE CERTAIN; PROVIDING FOR PENALTIES, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-10 by title only.

City Manager Bollhoefer stated that this creates a 1-year moratorium on any new clinics and establishes operating hours for existing clinics in order to give us more time to see what can be done to address the issue of “pain clinics” that have been causing problems in the State of Florida. He noted that drugs are being purchased in the State of Florida and resold in other states.

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

Motion by Commissioner Sharman to adopt Ordinance 11-10. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve entering into an interlocal agreement with Orange County giving the City of Winter Garden jurisdiction to operate and maintain certain local roads**

Public Services Director Cochran stated that the City of Winter Garden and Orange County have been working on this agreement for a quite a few years. This agreement would transfer jurisdiction to the City to include operations and maintenance of several local roads located within the City of Winter Garden, but were still owned and operated by Orange County. Exhibit A lists the roads. Mr. Cochran clarified that there is a jog in Beard Road, about a 100 foot portion, that has been identified by Orange County as Ninth Street.

Motion by Commissioner Boulter to approve an interlocal agreement with Orange County giving the City of Winter Garden jurisdiction to operate and maintain certain local roads. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. **Recommendation to approve entering into an interlocal agreement with Orange County for transferring Winter Garden Vineland Road from the south right-of-way line of State Road 429 to the north right-of-way of Stoneybrook West Parkway**

Public Services Director Cochran explained that this is the section where Daniels Road meets up with Stoneybrook. The section that lies underneath State Road 429 from Stoneybrook West Parkway to the south right-of-way line of Stoneybrook East is owned by Orange County and is considered a part of CR 535. The City has requested that this portion of the road be transferred to the City so that the City can construct a double left turn lane heading south to alleviate that location's traffic congestion. This includes some signalization changes and he noted that staff has been working with the Expressway Authority to do some additional work to the entrance ramp heading east on State Road 429. Mr. Cochran stated that although this is not included in this letter, it will be part of the project. Mr. Cochran stated that he has also included the engineer's estimate for the total project at about \$400,000.00.

City Manager Bollhoefer stated that this is probably one of the City's most needed road improvement projects in the south area.

Mayor Rees asked what the timeframe is from start to finish.

Mr. Cochran replied that engineering should be completed shortly. The plans for doing the road construction will be under a push button contract. He is hoping to have the construction done in about 60 days.

City Attorney Ardaman noted that there is one provision in the agreement on page 4 under the last sentence of Section 2.B. which deals with liability for the roadway. He noted that the sentence leaves a little ambiguity regarding liability for accidents occurring prior to the City taking over the responsibility. Mr. Ardaman referenced an e-mailed communication with Joel Prinsell of Orange County dated May 12, 2011, regarding

replacement of the noted section with “*Pursuant to Section 337.29(3), Florida Statutes, to the extent that sovereign immunity has been waived (if at all) and with neither party waiving sovereign immunity, liability (if any) for torts for the Winter Garden Vineland Road Segment shall be in the City, except that liability (if any) for torts shall be in the County for any traffic accidents on the Winter Garden Vineland Road Segment that may have occurred prior to when the City accepted and acknowledged jurisdiction under Section 2.A.*”

Motion by Commissioner Sharman to approve the interlocal agreement with Orange County for transferring Winter Garden Vineland Road from the south right-of-way line of State Road 429 to the north right-of-way of Stoneybrook West Parkway, with the change as noted by the City Attorney. Seconded by Commissioner Buchanan and carried unanimously 5-0.

5. **MATTERS FROM CITIZENS**

Norman Rein, 1355 Castleport Road, Winter Garden, Florida, spoke in favor of establishing a week of remembrance September 5 through September 12. He proposed that the residents of Winter Garden set this week aside and proclaim the week as 9/11 the week of remembrance and tribute and suggested that the lobby of City Hall be utilized to exhibit memorabilia relating to 9/11.

Mayor Rees stated that he did meet with Mr. Rein and he thinks it is a worthwhile cause for our city to honor those first respondents in memory of 9/11.

There was discussion on running this in the City’s quarterly newsletter.

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

7. **MATTERS FROM CITY MANAGER**

Florida Government Finance Officers Association (FGFOA) Award

City Manager Bollhoefer congratulated Finance Director Hayes and the Finance Department for their submittal and award of the FGFOA prestigious budget award. He noted that this is the first time the City has applied for and won this award.

Pension Plan Costs

City Manager Bollhoefer stated that with these tough times and our revenue shrinking, he has been looking at ways to reduce costs. One area he has looked at is the City’s pension costs. He requested that the City Commission allow him to hire an actuary that he and the Human Resources Director have been meeting with, to conduct a study that will provide us with different options; this study will cost approximately \$30,000.00.

His target goal is to create half-a-million dollars in savings in the general fund this year. He feels that this is attainable with the actuarial study. He requested permission to move forward so this can be accomplished by October.

Commissioner Sharman asked the City Manager if he anticipates the Governor's changes to the State's pension will affect ours.

Mr. Bollhoefer replied to a small degree but not much. Our changes, we have met with a lot of our employees, are not extremely drastic, reasonable, with a lot of savings. We have found ways to make changes to the plan on the way certain things are measured. There is a "start/stop" feature than can alone save \$200,000.00 that will benefit the employees. It will not harm the employees much and will benefit the taxpayers significantly. In this year's budget employee contributions was added and to be phased in probably up to five percent. Another item being looked at is to limit sick leave payout.

Mayor Rees clarified that the consultant will come back with a cost-benefit associated with the ideas and the benefit to either the City or the employees.

Mr. Bollhoefer responded yes it will show the options and what each will generate. He expects the report by late June and will be meeting with employees to discuss it with them and to the City Commission.

Motion by Commissioner Sharman to approve the study as outlined by the City Manager. Seconded by Commissioner Boulter and carried unanimously 5-0.

Pawn Shops

City Manager Bollhoefer noted that he has distributed two draft ordinances regarding pawn shops. He guesses that with the popularity of a show called *Pawn Stars* a lot of people want to get into the pawn shop business. The City has some holes in its ordinances that need to be addressed. One deals with the hours of operation; at least one business has approached the City to operate their business 24-hours a day. He is concerned about the safety factor that allows regulating pawn shop open hours.

Mr. Bollhoefer stated that the other ordinance is regarding the zoning of pawn shops. Right now he does not believe that is clear in our ordinances.

City Attorney Ardaman noted that once ordinances have been presented to the City Commission for consideration, they would constitute pending ordinances. Should the City actually move forward and contemplate them for adoption, any new or pending applications would become subject them assuming they are ultimately adopted within a reasonable amount of time.

Mayor Rees asked the Commission to read over the material and discuss them with the City Manager so we can continue to move forward.

Tri-County League of Cities Luncheon

City Manager Bollhoefer announced the Tri-County League of Cities luncheon on Thursday, May 19, 2011 at Tanner Hall at 12:00 noon.

Community Relations Manager Andrea Vaughn was recognized to announce the following upcoming events.

- **Relay for Life** will be held in historic downtown Winter Garden Friday night and Saturday morning, May 20–21, 2011 with the opening ceremonies beginning at 6:00 p.m. and will end Saturday at 9:00 a.m.
- **Stars of West Orange Fundraiser** will hold a spaghetti lunch at the Jessie Brook Center on June 9th. Each lunch is \$5.00 to benefit underprivileged children in need of school supplies before they go back to school in August.
- **Art in Public Places** reception will be held on June 9th before the regularly scheduled City Commission meeting for their summer edition. This will be a reflection of the 11th annual Spring Fever in the Garden event.

Heritage Foundation Event

Mr. Bollhoefer stated that the Heritage Foundation will be having a dedication ceremony for the Roper family from 5:30 p.m. until 7:00 p.m. on May 19th.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman stated that he is glad to see the project going forward underneath State Road 429.

Commissioner Sharman shared that some residents met with Sembler recently who pitched their ideas to the residents for the new mall. Ed Williams can fill everyone in on the details. He thinks Mr. Williams has a good vision for the area.

Mayor Rees encouraged everyone to come out to the Relay for Life on Friday night and thanked Ms. Vaughn for all her efforts.

The meeting adjourned at 7:21 p.m.

APPROVED:

_____/S/_____
Mayor Pro Tem Harold L. Boulter

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC