



# CITY OF WINTER GARDEN

---

## CITY COMMISSION REGULAR MEETING MINUTES

June 9, 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 6:36 p.m.*)

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

Mayor Rees gave a special welcome to former Mayor Jack Quesinberry who was present in the audience.

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Buchanan to approve the regular meeting minutes of May 26, 2011 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.**

*(Commissioner Sharman arrived at this point in the meeting.)*

### 2. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 11-13:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118, ARTICLE VI, DIVISION 7, SECTION 118-1297 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO STANDARDS AND REQUIREMENTS FOR FENCES, WALLS, AND SWIMMING POOL ENCLOSURES; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-13 by title only.

City Manager Bollhoefer stated that he is asking that this item be postponed for two weeks so changes could be made. Mr. Bollhoefer stated that Planning Consultant Williams would like to address some of these changes.

Mr. Williams stated that some of the technical issues related to where the fence locations will go, which did not get into all the appropriate sections. Also, there are some typographical errors have since been found. He asked for direction from the City Commission regarding allowing chain link fencing to be installed in the front yard and whether all front yard fencing should be three or four feet high.

Mayor Rees stated that he thought front yard fencing was a thing of the past and he is not sure it is appropriate anymore.

Commissioner Buchanan agreed with the Mayor and stated that he believes chain link fencing should not go past the front of the house. A corner lot may have somewhat of an exception and for those houses that stick out further than the house behind it.

Mayor Rees stated that someone owning a couple of acres could be challenge.

Mr. Bollhoefer stated that staff can look at an exception for larger parcels.

Mr. Williams asked the City Commission for their thoughts on his two items.

It was the **consensus** of the City Commission that the proposed ordinance includes prohibiting chain link fencing beyond the front of a house, with exceptions for corner lots and those with multiple acres, and no front yard fencing in excess of three feet in height.

**Motion by Commissioner Sharman to approve postponing Ordinance 11-13 until the June 23, 2011 as requested by the City Manager. Seconded by Commissioner Makin and carried unanimously 5-0.**

- B. **Ordinance 11-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2010-2011 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-15 by title and an excerpt from Section 1 that the sum of \$17,016,045 is to be appropriated as follows:

<b>REVENUES</b>	
General Fund	\$1,551,140
Downtown Parking District Fund	(6,754)
Community Redevelopment Agency Fund	5,239
Law Enforcement Trust Fund	(31,371)
Local Option Gas Tax Fund	88,333
General Impact Fee Fund	2,144,125
Transportation Impact Fee-South of Turnpike Fund	1,337,257
Transportation Impact Fee-CR545 Special Benefit Area Fund	645,903

Transportation Impact Fee-General Fund	-
Utility Operating Fund	4,905,658
Utility Impact Fee Fund	721,260
Utility Renewal and Replacement Fund	5,354,094
Stormwater Fund	315,424
Solid Waste Fund	(14,263)
Trailer City Fund	-
	<hr/>
	\$17,016,045

Expenses are identically itemized to those of revenues with the same itemized amounts.

City Manager Bollhoefer stated that he has distributed a sheet with interim budget highlights.

Finance Director Hayes gave a PowerPoint presentation that highlighted some of the mid-year interim budget adjustments.

Mr. Bollhoefer indicated that he anticipates that the additional \$200,000.00 for environmental clean-up of 848 E. Plant Street will be the last major expense, but also noted that this project is under the jurisdiction of the Department of Environmental Protection.

Historic downtown area audio system added \$45,000.00 from the contingency fund and \$35,000.00 from the Community Redevelopment Agency. This system will run from the pavilion to the fountain and down the trail from Main Street to the roundabout. At this time, wireless will only be available at the pavilion.

There was extensive discussion on the alternatives for deodorizing the 9<sup>th</sup> Street lift station. Public Services Director Cochran added that recommended option for \$80,665.00 will work for the last station before the treatment plant. Mr. Bollhoefer stated that without rebuilding the entire lift station, this is the most cost effective option to deal with the problem.

**Motion by Commissioner Boulter to approve Ordinance 11-15 with the second reading and public hearing being scheduled for June 23, 2011. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 11-14:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING THE LOCATION OF PAWN SHOPS, FIREARM SALES, FIREARM ASSEMBLY AND MANUFACTURING, AND GUN RANGES; AMENDING ARTICLE I, SECTION 118-1 DEFINITIONS; AMENDING ARTICLE IV, DIVISION 8, SECTION 118-535 PROHIBITED USES AND STRUCTURES FOR C-1 ZONING DISTRICT; AMENDING

ARTICLE IV, DIVISION 9, SECTIONS 118-577 AND 118-579 PERMITTED USES AND STRUCTURES AND SPECIAL EXCEPTIONS FOR C-2 ZONING DISTRICT; AMENDING ARTICLE IV, DIVISION 11, SECTION 118-680 PROHIBITED USES AND STRUCTURES FOR C-4 ZONING DISTRICT; AMENDING ARTICLE IV, DIVISION 12, SECTION 118-727 PERMITTED USES FOR I-1 ZONING DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-14 by title only.

Mayor Rees asked if this item is to be tabled.

Planning Consultant Williams responded that the Planning and Zoning Board was not receptive to all the proposed changes. Their primary concern was that specific criteria and guidelines were not also being proposed. He stated that staff would like to come back with those types of criteria and specifications or as an alternative, give the City Commission a second choice of an overlay zone to clearly identify where these uses would be appropriate. The overlay option would prevent the need for the special exception process.

Mayor Rees asked if more than two weeks was needed.

Mr. Williams stated that this is needed quickly due to so many requests.

**Motion by Commissioner Buchanan to postpone Ordinance 11-14 until June 23, 2011 at 6:30, or as soon thereafter as possible, as requested by Mr. Cochran. Seconded by Commissioner Boulter and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve entering into a contract for \$135,000.00 with MaintStar, Inc. for a computerized maintenance management system**

City Manager Bollhoefer stated the reason this software is needed is due to the growth of businesses in the City over the last ten years as indicated on the handout provided to the City Commission. He noted some of the uses for this software that include managing building maintenance as well as fleet maintenance to management of all the City's vehicles. He indicated that this was the lowest price system to meet the City's needs. Mr. Bollhoefer feels that over time this will save the City money when it comes to staffing needs and make the City more effective in tracking all of its assets.

Mayor Rees stated that he thinks having a PM [program maintenance] program is beneficial and needed.

Commissioner Sharman asked about the cost involved in getting the data into the system.

City Business Analyst Marc Hutchinson stated that amount was built into the implementation cost and we will utilize the vendor's resources as well as staff. This system will interface with our GIS system.

Mayor Rees asked if the maintenance fee of ten percent has been locked in and noted that usually software programs run about 30 to 40 percent annually.

Mr. Hutchinson replied yes.

**Motion by Commissioner Boulter to approve entering into a contract for \$135,000.00 contract with MaintStar, Inc. as proposed by staff. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**B. Request authorization to dispose of two 2006 Harley-Davidson police motorcycles to Orlando Harley-Davidson for \$14,000.00 and authorize the proceeds to be used towards purchasing a replacement police vehicle**

Police Chief Brennan stated that he is seeking authorization to dispose of two 2006 Harley-Davidson police training motorcycles by selling them to Orlando Harley-Davidson for \$14,000.00 and utilize these funds towards purchasing a replacement police vehicle.

**Motion by Commissioner Sharman to approve disposing of two 2006 Harley-Davidson police motorcycles to Orlando Harley-Davidson for \$14,000.00 and authorize the proceeds to be used towards purchasing a replacement police vehicle. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**C. Annual appointments to the election Canvassing Board**

City Clerk Golden stated this item is for appointing two regular members and the first and second alternates. Since the agenda was distributed, there has been a resignation by Alex Ramos who has relocated out of the City. There has been no word from Mr. Gregory and Mr. Bruns has indicated his desire to be reappointed. There are two interest forms submitted for the Commission's consideration.

**Motion by Commissioner Buchanan to postpone the matter until June 23, 2011. Seconded by Commissioner Boulter and carried unanimously 5-0.**

**D. Appointment to the Code Enforcement Board for resigning member Jeffrey Sherron for his unexpired term until July 1, 2013 and for expiring terms of John Benoit, III, and Henry Wright**

City Clerk Golden stated there has been one additional interest form submitted and has handed it out for consideration by the City Commission.

Mayor Rees asked which districts are currently represented on this board.

Ms. Golden responded that there are two in District 1, one in District 2, two in District 3 and one in District 4. Mr. Bollhoefer noted that currently there is no district residency requirement for the Code Enforcement Board.

**Motion by Commissioner Buchanan to reappoint John Benoit III and Henry Wright to the Code Enforcement Board for an additional term expiring July 1, 2014 and postpone filling Mr. Sherron's vacancy until the June 23, 2011 meeting. Seconded by Commissioner Boulter and carried unanimously 5-0.**

5. **MATTERS FROM CITIZENS** – There were no items.
6. **MATTERS FROM CITY ATTORNEY** – There were no items.
7. **MATTERS FROM CITY MANAGER**

A. **Discussion on leasing sidewalk space to historic area restaurants**

City Manager Bollhoefer recognized Planning Consultant Williams to address this item.

Mr. Williams stated that the commercial buildings along the north side of [historic] Plant Street do not extend beyond their footprint into the sidewalk. The commercial buildings along the south side do and because of that, they were allowed to have sidewalk seating which has had a substantial positive impact on those businesses and on the downtown overall. The businesses on the north, that do not have that same ability to have the outdoor seating, have proposed to staff that they be allowed to lease a portion of the sidewalk, if possible, so that they can install some seating for their businesses. Staff has reviewed the proposal and believes there is a sufficient area of sidewalk to accommodate some seating for those restaurants and pedestrian access to the area without adversely impacting the area.

Mr. Williams noted that Bistro 24 is relocating to 160 E. Plant Street at the corner of Plant and Dillard Street. They have approached the City about leasing a portion of the public parking behind the building for public outdoor seating. Mr. Williams stated that staff believes it is in the City's best interest to have that corner developed and used. Staff recommends that the City Commission lease public property to the Chef's Table, Thai Blossom and Bistro 24. Staff is requesting authorization to enter into individual leases for that area. There will also have to be a lease with the owner and they will have to comply with all City codes and regulations.

Mr. Williams stated that because of the economic impact to downtown, the first year lease rate would be nominal to each restaurant such as \$10 to \$30 to see if it is successful. The second year would be \$600 and the third year could go to a market rate of \$1,400.

Mayor Rees asked if this plan would box out the business *Scoops*.

Mr. Williams replied no, staff would not allow any seating that would infringe on accessibility to any other businesses.

Commissioner Makin addressed the issue of the handicap ramp near the Chef's Table and the ability of foot traffic to maneuver.

Mr. Williams stated that staff will do what it can to accommodate these businesses with their seating but it does have to be fenced and it will not impede any pedestrian access or handicap access.

Commissioner Makin asked if the price is set by a per square foot area.

Mr. Williams stated that it is, but staff would like it to be very nominal in the first year so we can be sure that it is successful or not.

Commissioner Makin asked how many parking spaces will be used at the Dillard and Plant Street location.

Mr. Williams replied 11 spaces would be impacted but it is an area totaling only four-and-half to five spaces. They are looking at 20 feet by 80 to 90 feet to the rear of the building. Re-stripping the lot will get a lot of the spaces back.

City Manager Bollhoefer added that the business and property owner will be required to have sufficient insurance that would cover the City. Any property tax increases to the City would also have to be paid by the businesses. He noted that instead of setting an amount going into the second year, it would be brought back to the City Commission for review to be sure it is affordable.

Commissioner Buchanan added that if the business is sold, at that time the contract would need to be renegotiated with any new business coming in.

**Motion by Commissioner Sharman to approve the City Manager negotiating leasing sidewalk space for outdoor seating with the owners of the Chef's Table, Thai Blossom and Bistro 24 and land owners for a period of three years, with the first year rate at a minimal cost and the remaining two years to be determined each year by the City Commission. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**B. Request for \$15,000.00 for a landscaping buffer for Winter Garden Village at Fowler Groves**

City Manager Bollhoefer stated that we currently have approximately \$50,000 plus in the tree fund from tree permit fees and fines. There were complaints about people loitering around the trees behind the mall and they were asked to trim the trees. They were a little aggressive with trimming them and it has become an inconvenience for those living near the area. The mall management company has indicated they are willing to contribute \$5,000.00 in addition to the City's \$15,000.00 to fill in the gaps.

The justification for using these funds is that the mall spends somewhere around \$25,000.00 a year on landscaping and they are generating three-quarter of a million dollars a year in taxes. He believes that if they pay the entire amount, they would take it from their landscaping funds and it would suffer.

**Motion by Commissioner Sharman to approve \$15,000.00 from the City's tree fund for landscape buffer enhancements at Winter Garden Village at Fowler Groves. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

C. **Discussion on painting water towers**

City Manager Bollhoefer stated that he has provided pictures of three proposed water tower emblems to be painted on the Palmetto tower. The prices are still to be provided. He believes the City is going to receive an offer for the tower on Fuller's Cross Road that we are no longer using. He will bring the figures back to the next meeting.

Mayor Rees asked if lighting the tower will be included. He has seen towers that are lighted look good at night.

Mr. Bollhoefer stated that staff can include the lighting cost at the next City Commission meeting.

**8. MATTERS FROM MAYOR AND COMMISSIONERS** – There were none.

The meeting adjourned at 7:26 p.m.

APPROVED:

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

ATTEST:

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