



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

June 23, 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

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

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of June 9, 2011 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.

2. **FIRST READING OF PROPOSED ORDINANCE**

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.

Planning Consultant Williams summarized the changes made to the ordinance. He stated language has been removed that allows chain link fencing in front yards, except under extreme circumstances such as agriculture use. Three options have been added for side and rear yard fencing. The resident who provides a scaled drawing with the survey can place fencing or a wall directly on the property line. Residents who do not provide the drawing, which would allow staff to determine exactly where the property line is, would have set their fence or wall back from the property line by six inches. The third option is if there is no drawing is provided but you have consent from their neighbor(s), they can install on the property line. Additionally, minor changes have been made to include fence setbacks for unpaved alleyways. Mr. Williams noted that some flexibility was added to

the ordinance that allows for higher walls or a different type of fencing whenever residential and commercial property abuts one another.

City Manager Bollhoefer noted the additional changes have been distributed and stated that item number (3) for rear yards needed further clarification. Also, it was assumed that all alleyways were paved but they are not, so those changes were addressed.

Motion by Commissioner Buchanan to approve Ordinance 11-13 with the second reading and public hearing being scheduled for July 14, 2011. Seconded by Commissioner Makin 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.

City Manager Bollhoefer stated that staff would like to postpone this item to a date uncertain to meet the advertising requirements.

Motion by Commissioner Sharman to postpone Ordinance 11-14 to a date uncertain. Seconded by Commissioner Boulter and carried unanimously 5-0.

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

- A. **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:

REVENUES

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	-
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	\$17,016,045

He also noted that the expenses are identically itemized to those of revenues with the same itemized amounts.

Finance Director Hayes stated that staff recommends this interim budget for approval.

City Manager Bollhoefer stated that at the last meeting there was discussion on the alternatives to controlling the odor being generated from the lift station near 9th Street. The alternative proposed by staff in the budget amendment was approximately \$80,000.00. He would like to have additional time to review the alternatives and bring it back to the City Commission for further discussion at a later date. He recommended approving the \$80,000.00 for this project and staff will bring their analysis back to the City Commission.

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

Motion by Commissioner Boulter to adopt Ordinance 11-15. Seconded by Commissioner Buchanan and carried unanimously 5-0.

5. **REGULAR BUSINESS**

A. **Recommendation to approve the request to block Plant Street to hold the 12th Annual Spring Fever in the Garden Festival on April 14th and 15th, 2012**

Recreation Director Conn recognized Ann Wincey, President of the Bloom 'N Grow Society, to make a presentation on behalf of Bloom 'N Grow.

Ms. Wincey thanked the City Manager, City Commission, and City staff for all of their support with the Spring Fever in the Garden Festival. Ms. Wincey gave a special thanks to Recreation Director Conn for all his help. Ms. Wincey stated that it helps their organization to give back to the community. She presented the City Commission with a check for \$3,000.00 to purchase two benches for the new downtown park and for a garden sculpture that will be displayed in one of the City parks. Ms. Wincey again thanked everyone and stated that they look forward to the City's continued cooperation.

Recreation Director Conn stated that the Bloom 'N Grow Garden Society is requesting to hold their 12th Annual Spring Fever in the Garden Festival on April 14th and 15th, 2012. Mr. Conn stated that this is the City's best event and is very successful in bringing people from around the country who schedule their vacations around this event. Mr. Conn stated that staff recommends approval of this event.

Mayor Rees stated that the City does appreciate the hard work that they do in bringing this event to the City of Winter Garden and reiterated that it is one of our best events.

Commissioner Sharman asked if this event will utilize the new pavilion. Mr. Conn replied yes, the intent was to have it ready for this event.

Motion by Commissioner Buchanan to approve the request to block Plant Street to hold the Spring Fever in the Garden Festival on April 14th and 15th, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

B. Recommendation to amend scope of work with Utility Services, Inc. for painting two exterior elevated water storage tanks by removing the Fullers Cross water tank and painting two sides of the Palmetto tank; amended contract amount becomes \$88,000.00

Public Services Director Cochran stated that the City Commission previously approved painting two water tanks one on Palmetto and one on Fullers Cross. The City Commission recommended that staff go back and look at the cost of placing the logo on the Palmetto water tank. Painting one side is \$3,000.00 and the second side is \$2,500.00 for a total of \$5,500.00. Mr. Cochran asked, if this item is approved, which direction the City Commission wants the logo facing.

Mayor Rees stated that he likes the idea of a blue tank but it does cost more so we are stuck with aluminum paint. Also, he was looking for more than just the logo on the tank. He asked the City Commissioners if they want it painted and lighted to advertise the City or do they want to spend a lot less money and take it down.

Commissioner Buchanan stated that he knows they make a paint that they could paint over old lead based paint without any sand blasting.

Mr. Cochran stated that the company is telling staff that they can do this with the aluminum paint, but they will not guarantee the white paint or any other color for more than one year.

Commissioner Makin clarified that for the other option they are guaranteeing us five years.

Mr. Cochran replied yes.

City Manager Bollhoefer stated that there are other alternatives and described that the tank on Fullers Cross Road could be taken down. He noted that the City is not using the tank on Palmetto however the City does have contracts with certain companies that have their equipment there, which generates \$100,000.00 a year in revenue. He stated that it is definitely worth keeping the tank on Palmetto for advertising and it probably makes more sense to remove the water tank on Fullers Cross Road.

Commissioner Buchanan asked if this was only company quoting this project.

Mr. Cochran stated that staff did send out a request for proposal (RFP) and this was the lowest bid and best proposal for painting the tanks.

City Manager Bollhoefer stated that there are not a lot of companies that do this type of work on water towers.

Mr. Cochran added there are only about one half dozen companies across the country.

Commissioner Sharman asked if there are any companies that would be interested in renting space on the tower that is not gaining revenue right now.

Mr. Bollhoefer replied that it is always possible. There was discussion that this is something that staff could look into.

Mr. Bollhoefer stated that this is an issue that can be postponed if there is the need for additional information.

Mr. Bollhoefer also mentioned that staff could look into the possibility of selling the tower to another City and have the other city remove it at no cost to our City.

Motion by Commissioner Buchanan to postpone action on the two water tanks (Fullers Cross Road and Palmetto Street) until staff has completed their review of all the available options. Seconded by Commissioner Boulter and carried unanimously 5-0.

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

Mayor Rees stated that the City Clerk has suggested that if the City Commission was struggling on getting applicants for this board that she could run an advertisement in the newspaper. There is ample time to make the appointments. He asked if anyone had someone they wanted to appoint.

The Mayor noted that there are two interest applications; one is from David Buckles and one is from Bobby Olszewski.

City Clerk Golden updated the City Commission that she had not heard back from Mr. Thomas Gregory as to his interest in remaining on the Canvassing Board.

Mayor Rees suggested there be a motion to postpone the Canvassing Board appointment until after it is advertised. It was the **consensus** of the City Commission that appointments would be made after the vacancies have been advertised. There was discussion on moving forward with reappointing Andy Bruns.

Motion by Commissioner Boulter to approve reappoint Andy Bruns to the Canvassing Board as a regular member. Seconded by Commissioner Buchanan 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**

Commissioner Boulter recommended David Buckles for appointment to the Code Enforcement Board and noted that he has done a lot of volunteer work in the community and the City, and he would like to give him the chance to serve on this board.

Motion by Commissioner Boulter to appoint David Buckles to the Code Enforcement Board to serve the remaining unexpired term of Jeffrey Sherron until July 1, 2013. Seconded by Commissioner Makin and carried unanimously 5-0.

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

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

8. **MATTERS FROM CITY MANAGER**

• **MetroPlan Orlando Board**

City Manager Bollhoefer shared that those working on the airport in the Apopka area [West Orange Airport Authority] previously came before the City Commission [May 10, 2007] and discussed there being a seat available on the MetroPlan Board that could be split between the Cities of Winter Garden and Ocoee at an annual cost of \$26,000.00. The terms included alternating which City sits on the board with voting rights and the cost being split at \$13,000.00 for each City. He recommended that the City of Winter Garden approve an agreement for one year and then reassess to see if it is worth the cost.

Commissioner Sharman asked what this board does for the City of Winter Garden.

Mr. Bollhoefer replied they haven't done a lot for Winter Garden, he is not sure what leverages one seat will give the City but it would give the City a voice on issues being voted on. This board prioritizes roads for when they will be built and they receive federal funding and grant funding.

Mayor Rees stated that when you look at the \$13,000.00 cost and the possibility of influencing one road project being moved up, then this pays for itself. He agrees that the City should try it for one year. In the past it has not been overly beneficial. Mr. Bollhoefer added that the City of Winter Garden has not had any representation in the past.

Commissioner Buchanan asked about how the board member selection will be made.

Mr. Bollhoefer replied that he does not know how the selection works, but once the City approves this item the details will be brought back to the City Commission.

Commissioner Buchanan asked what would happen if the City of Ocoee backs out.

Mr. Bollhoefer stated that the City Commission would then have to decide if we would want to spend the entire \$26,000.00. He stated he is pretty sure that if the City of Winter Garden agrees, then the City of Ocoee will also agree.

Motion by Commissioner Buchanan to approve paying \$13,000.00 for half of a membership, with the City of Ocoee paying the other half, on the MetroPlan Orlando Board. Seconded by Commissioner Boulter and carried unanimously 5-0.

• **Shade for Interactive Fountain area**

City Manager Bollhoefer stated that he has received more [positive] comments on this one project than any other City project. He noted that the merchants have stated that their business has increased during these summer months, which are typically their slow months.

Mr. Bollhoefer stated that one issue with the fountain is the need for shade over the concrete benches. He stated that he wanted the community to know the City is moving forward with providing some type of shade and will be taking care of the issue.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin shared that someone from Pennsylvania, who was recently in Orlando, came to Winter Garden and was so impressed by it that they are looking to relocate to Winter Garden next year. He has heard a lot good comments about the fountain and how downtown is thriving and people love it.

Commissioner Buchanan stated that he has driven downtown many times in the last few weeks and the fountain is a great thing. He thanked the Mayor's wife for her input on the idea of the fountain. He mentioned some of the events downtown and stated that it is a good experience to be downtown.

City Manager Bollhoefer announced that the Pavilion will officially open the Fourth of July weekend.

Recreation Conn stated that there is currently no burn ban and all events are moving forward as planned.

Commissioner Boulter stated that he also has received accolades on what is happening in Winter Garden.

The meeting adjourned at 7:11 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC