



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

July 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, Kent Makin, and Colin Sharman (*arrived at 6:49 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, Community Development Director Ed Williams, Planning 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, Communication Specialist Reid Revels, Community Relations Manager Andrea Vaughn and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of June 23, 2011 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.

2. **PRESENTATIONS**

A. **Relay for Life 2011 Committee appreciation and announcement regarding the 2012 event**

Ms. Laura Miller, City liaison with the American Cancer Society, came forward and thanked everyone for allowing them to have the Relay for Life in the downtown area. She stated that it was huge improvement and they were able to raise over \$108,000.00. Ms. Miller stated that some of the Survivor Committee members would like to present a special gift, which they presented to the City Commission.

Ms. Miller announced that the 2012 Relay for Life event would be held in the same location on April 20th and 21st. The new event chair for 2012 will be County Commissioner District 1, Scott Boyd.

B. **Budget overview for 2011/2012**

City Manager Bollhoefer gave a PowerPoint presentation of a preliminary budget overview for 2011/2012 (*see attached Exhibit A*). He noted that tax decreases have occurred over the past five years and that this year the City is facing an additional 7.5 percent tax decrease, forcing us to do more with less. He projects the fund balance at the end of this year will be 16 percent, he believes the fund balance should be at 20 percent for a city our size and a healthy fund balance is at 30 percent. Not included is City

owned properties and he envisions these are long-term fund balance because when the market values rebound they could be sold. He emphasized that the City's success is mainly the result of investing in the community such as the infrastructure, park and recreation improvements, and investments in our future. He spoke of long-term matters such as maintaining what we have, employee benefits, and items that will need to be addressed this coming year. He stated that later in the meeting he will be recommending that the City Commission keep the same millage rate this coming year, which will result in an average decrease of 7.5 percent for all City residents.

Commissioner Sharman arrived during the Budget Overview at 6:49 p.m.

3. **FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 11-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING AND REVISING CHAPTER 78, ARTICLE IV OF THE WINTER GARDEN CODE OF ORDINANCES PERTAINING TO UNIFORM REQUIREMENTS FOR PUBLICLY OWNED TREATMENT WORKS, INDUSTRIAL WASTE HANDLING, AND TREATMENT OF WASTEWATER IN ACCORDANCE WITH THE CLEAN WATER ACT AND RULE 62-625 OF THE FLORIDA ADMINISTRATIVE CODE AND OTHER APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-12 by title only.

Public Services Director Cochran stated that the Department of Environmental Protection Agency (EPA) has made some adjustments to the Industrial Wastewater Pretreatment Program. As a result, the Florida Department of Environmental Protection has local governments making adjustments to our industrial wastewater pretreatment ordinance. This ordinance will make the City of Winter Garden's in compliance with their changes.

Motion by Commissioner Boulter to approve Ordinance 11-12 with the second reading and public hearing being scheduled for July 28, 2011. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **SECOND READING AND PUBLIC HEARING 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.

Community Development Director Williams stated that primarily this item changes the way the City establishes setbacks. This ordinance corrects past problems with some fences having to be six inches off the property line. He noted that changes have been to chain linked fencing in the front on properties and limits the circumstances they can be used. The use of barbed wire has also been limited. Some flexibility has been provided for residential properties abutting commercial and industrial properties, which allows for higher buffer walls if the circumstances dictate it. In addition, steps have been taken to ensure that there are no fences or other structures built within the utility or drainage easements along the side of the lots. Staff recommends approval.

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

Motion by Commissioner Buchanan to adopt Ordinance 11-13. Seconded by Commissioner Makin and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Resolution 11-08:** A RESOLUTION OF THE CITY OF WINTER GARDEN AMENDING THE CITY OF WINTER GARDEN PURCHASING MANUAL ADOPTED BY RESOLUTION NO. 09-13 AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 11-08 by title only.

City Manager Bollhoefer stated that in at looking at our purchasing manual, staff thought there were problems. Primarily, there are situations in the current market whereby some contractors bid very low, get awarded the contract, and then they start raising the price with change orders. Our purchasing manual was written so it does not give us the leeway to address this issue and forces the City to accept a proposal as it is. The City Attorney's office has drafted this item so it will give the City Commission a lot more freedom and leeway when it comes to selecting contractors. This will assure us that we can get the best qualified contractor and not just the lowest bidding contractor.

Motion by Commissioner Sharman to adopt Resolution 11-08. Seconded by Commissioner Makin and carried unanimously 5-0.

- B. **Recommendation to approve distribution of \$17,941.00 awarded Justice Assistance Grant (JAG) funds to purchase Police Department equipment as outlined in the grant application**

Police Chief Brennan stated that the City of Winter Garden has been earmarked by the Bureau of Justice Administration to receive a direct grant to the Police Department for \$17,941.00. He presented a summary of how the Edward Byrne Memorial Justice Assistance Grant (JAG) funds would be used (*see attached Exhibit B*). The purchase would include three ballistic shields, two in-car video systems, and two large map display

screens for dispatch. The process is this needs approval by the City Commission and the public must be allowed to comment.

Commissioner Makin asked about the size of the shields.

Police Chief Brennan stated that shields will be two feet by four feet to give a little more protection. There was brief discussion on transporting the shields in their trunks.

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

Motion by Commissioner Buchanan to approve distribution of \$17,941.00 awarded Justice Assistance Grant (JAG) funds to purchase Police Department equipment as outlined in the grant application. Seconded by Commissioner Boulter and carried unanimously 5-0.

C. Recommendation to approve distribution of \$13,095.00 awarded Justice Assistance Grant (JAG) to fund Police Department in-car video system upgrade

Police Chief Brennan stated that this is the same type of Bureau of Justice Administration Grant that will go to the County rather than directly to the Police Department. Each agency receives funds based on a formula. The agencies must get together and agree on how they will spend the funds. The City of Winter Garden is earmarked to receive \$13,095.00 (*see attached Exhibit C*). These funds will be used to purchase an additional in-car video system upgrade with the set up and installation of the appropriate software.

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

Motion by Commissioner Sharman to approve distribution of \$13,095.00 awarded Justice Assistance Grant (JAG) to fund Police Department in-car video system upgrade. Seconded by Commissioner Boulter and carried unanimously 5-0.

D. Recommendation to approve setting the proposed tax millage rate at 4.2500 mills for Fiscal Year 2011/2012

City Manager Bollhoefer stated that as discussed earlier staff is recommending setting the millage rate the same as it was last year, which will result in a decrease of approximately seven-and-one-half percent reduction in property taxes.

Motion by Commissioner Sharman to approve setting the proposed tax millage rate at 4.2500 mills for Fiscal Year 2011/2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.

E. Appointments to the Architectural Review and Historic Preservation Board for expiring terms of Tim Keating (Licensed General Contractor) and John Murphy (Winter Garden Heritage Foundation Board Member)

City Manager Bollhoefer stated that both members have expressed an interest in remaining on the board.

Motion by Commissioner Sharman to approve reappointing Tim Keating (Licensed General Contractor) and John Murphy (Winter Garden Heritage Foundation Board Member) to the Architectural Review and Historic Preservation Board for and additional term. Seconded by Commissioner Buchanan and carried unanimously 5-0.

6. **MATTERS FROM CITIZENS**

Jerry Carris, 347 Bayside Drive, Winter Garden, Florida, reported that the garden plot he took over for Commissioner Sharman is doing well. He shared that Becky Sanders, who has worked hard in the community garden, has donated a large amount of produce to the Christian Service Center.

Mr. Carris also requested that some thought be given to a solution that will aide pedestrians who are trying to cross State Road 50 since it has been widened.

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

8. **MATTERS FROM CITY MANAGER**

A. **Discussion on proposed Ordinance 11-18 to amend the Pension Plan for Firefighters and Police Officers**

City Manager Bollhoefer noted the proposed changes in the Police and Fire Pension plan by stating that Sections 1, 3, and 4 are required by State law. These changes have been reviewed by the pension board attorney as well as an independent attorney. These changes are required and the City really does not have an option. If the City were to not follow the rules we would have to give up revenues we receive from the State, which is a significant amount of money. He stated that Section 2 is optional for the City. This section gives them almost carte blanche in choosing their investments.

Mr. Bollhoefer stated that he is just introducing this tonight, but staff can bring back additional information and details.

Commissioner Buchanan asked if there was someone from the agency that could come and present the information.

Mr. Bollhoefer replied, yes they do and he can bring someone to come in and give a presentation.

Mayor Rees stated that he thinks the biggest issue is the investments because it is desirable to be semi-conservative.

Mr. Bollhoefer stated that he will set up something for the next meeting for the first reading and bring in someone from the investment firm and the pension board to discuss any issues.

Mayor Rees confirmed that someone from the investment firm is what he would think is appropriate.

B. Discussion on amending the City Code for storing residential solid waste containers

City Manager Bollhoefer stated that our code does not require you to take your trash can to the back or the side of your house. It only states that it has to be moved to the edge of the curb. He stated that most codes explain it in further detail. He stated that suggested language is to return the containers to a location at the side or the rear of the property being served. He stated that Commissioner Makin requested the added language for those in instances where townhomes do not have a side or rear area. Therefore, he suggested the additional language state “or designated enclosure” because they have such an area.

Mr. Bollhoefer stated that there was a problem in Westside Townhomes and in order for us to police the problem, the code needs to be changed. He stated that this can be brought back as an ordinance.

Also discussed was defining the penalties and how aggressive the City would be in enforcement. Mr. Bollhoefer will discuss this with the City Attorney and bring back the information to the next meeting.

• **Westfield Subdivision Sidewalk**

City Manager Bollhoefer stated that there have been requests from the Westfield Subdivision about the south side of Warrior Road not having a sidewalk. Some of the children are walking in the grass and in the streets. Staff will take a look at this area and see what is needed to install a sidewalk before school starts and bring back the bid information at the next meeting.

• **Bicycle Parking**

City Manager Bollhoefer announced that budgeted bicycle parking in the downtown area near the old Planning and zoning building has begun.

• **9th Street Lift Station Odor Problem**

City Manager Bollhoefer stated that the analysis on the 9th Street lift station is being completed and he anticipates bringing this item back to the next City Commission meeting.

• **Water Towers**

City Manager Bollhoefer stated that the water tower issue [painting] will be brought back to the City Commission at a later date. He noted that staff will start advertising the tower on North Fullers Cross to other cities who are willing to pay for the removal and take the tower. There is no pressure to remove it as it is not really an issue or a problem. He

stated that staff will come back at the next meeting with photos of the remaining tower to discuss what to do with it and address any other issues.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

A. **Florida League of Cities annual conference voting delegate**

Commissioner Sharman volunteered and there was no objections noted for him serving as the voting delegate.

Commissioner Buchanan asked that staff look into doing more at Bradford Park. He noticed there is nothing on the list for the park so he wanted someone to look into it.

City Manager Bollhoefer encouraged the City Commission to submit their suggestions of what to include in the budget.

Commissioner Buchanan asked if the City was actively seeking grants for Tucker Ranch.

City Manager Bollhoefer replied yes, the City is actively seeking grants but the downside of this is in this economy it seems a lot of the parks and recreation grants have gone away.

Commissioner Buchanan stated he asked because he would like to go to the Rotary Club and other organizations to seek out community projects for which they could do fundraisers.

Commissioner Buchanan stated that the Hyde Park right turn-in from a traffic lane on State Road 50 needs addressing as soon as possible. He described a recent incident.

Mr. Bollhoefer stated that the FDOT has agreed to add that project but only according to their scheduling, which they must accomplish first. He will ask them to move it up. He mentioned that Hyde Park does have a back entrance, which would be a safer alternative to State Road 50.

Commissioner Sharman shared that he is continually getting compliments about the City of Winter Garden. He spoke of adding Winter Garden to the tour given by the Florida League of Cities.

Mayor Rees thanked the City Manager for his presentation of the budget overview and stated that it gives the City Commission something to review and helps with understanding the process.

Mayor Rees thanked the City staff for all their hard work and noted that he receives compliments on what a pleasure it is to work with the staff of the City of Winter Garden. He noted that it makes his job a lot easier and makes the City a very welcoming place to be.

Mayor Rees stated that the YMCA is once again starting the "Get Moving West Orange Program" and is offering City employees and he thinks others who get involved a free

membership for one month. He shared that they are trying to get everyone to take at least 10,000 steps per day.

The meeting adjourned at 7:27 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC