



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 27, 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, Human Resources Director Frank Gilbert, Police Lieutenant Bill Sullivan, Deputy Fire Chief Matt McGrew, Information Technology Director Bob Reilly, Economic Development Director Tanja Gerhartz, and Parks and Recreation Director Jay Conn

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the executive session and regular meeting minutes of October 13, 2011 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

A. Mayor Rees read and presented Proclamation 11-09 to Victoria Laney declaring October 29 to November 5, 2011 as the Week of the Family.

Victoria Laney accepted the proclamation and thanked the City of Winter Garden for being family friendly with events that the City sponsors.

B. Mayor Rees and the City Commission presented Mr. Carris with a key to the City in recognition of his many years of volunteer service on Planning and Zoning and Code Enforcement Boards.

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

A. **Ordinance 11-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 209+/- ACRES LOCATED ON THE WEST SIDE OF AVALON ROAD AND SOUTH OF THE FLORIDA TURNPIKE 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 11-27 by title only. City Manager Bollhoefer stated that this is the second reading for this ordinance as previously discussed at the last meeting for the Tucker Ranch property.

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

Motion by Commissioner Boulter to adopt Ordinance 11-27. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- B. **Ordinance 11-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 7.88± ACRES LOCATED ON THE EAST SIDE OF 9th STREET, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE 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 11-28 by title only.

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

Motion by Commissioner Sharman to adopt Ordinance 11-28. Seconded by Commissioner Makin and carried unanimously 5-0.

- C. **Ordinance 11-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 7.88± ACRES OF LAND LOCATED ON THE EAST SIDE OF 9th STREET, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW-MEDIUM DENSITY RESIDENTIAL TO CITY MULTI OFFICE INDUSTRIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-29 by title only.

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

Motion by Commissioner Makin to adopt Ordinance 11-29. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 11-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 7.88± ACRES OF LAND LOCATED ON THE EAST SIDE OF 9th STREET, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW-MEDIUM DENSITY RESIDENTIAL TO CITY MULTI OFFICE INDUSTRIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-30 by title only.

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

Motion by Commissioner Boulter to adopt Ordinance 11-30. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- E. **Ordinance 11-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 13.39± ACRES OF REAL PROPERTY GENERALLY LOCATED EAST OF 9th STREET, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM CITY I-1 LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT AND CITY C-2 ARTERIAL COMMERCIAL DISTRICT TO CITY I-2 GENERAL INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-31 by title only. City Manager Bollhoefer stated that this property adjoins the same piece of property that the City is annexing and is part of the same process of changing the zoning for the entire piece.

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

Motion by Commissioner Buchanan to adopt Ordinance 11-31. Seconded by Commissioner Makin and carried unanimously 5-0.

- F. **Ordinance 11-32:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-190, CONTRIBUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-32 by title only. City Manager Bollhoefer stated that as discussed at the last meeting, this ordinance increases the City's Police and Firefighter Pension contribution from one percent to three-and-one-half percent.

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

Motion by Commissioner Sharman to adopt Ordinance 11-32. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- G. **Ordinance 11-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING AND RESTATING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, SECTIONS 54-26 THROUGH 54-185, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-33 by title only. City Manager Bollhoefer stated that currently the general employees are not contributing to the pension plan. This ordinance requires an employee contribution of two-and-one-half percent. Also included are some changes required by state law such as limiting the amount of overtime and sick time payouts that can be counted towards a pension.

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

Motion by Commissioner Bouler to adopt Ordinance 11-33. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Recommendation to approve an interlocal agreement with Orange County for Fire Dispatch Services**

Deputy Fire Chief McGrew stated that this interlocal agreement is with Orange County to provide Fire Dispatch Services. It is the same agreement that has been in place for the past six years and staff is very happy with the service. This agreement is for three years and one change has been made; Orange County must provide a ten month notice if they wish to make any changes to the agreement. The County must also provide the City with the costs involved in such a change to allow the City to make a decision as to whether or not to accept the changes. The City shares dispatchers with the surrounding cities. Staff recommended approval.

Motion by Commissioner Buchanan to approve the interlocal agreement with Orange County for Fire Dispatch Services. Seconded by Commissioner Boulter and carried unanimously 5-0.

B. Appointments to the Planning and Zoning Board for a term of three years, for expiring terms of Mac McKinney (District 1), Jerry Carris (District 2), Rohan Ramlackhan (District 3) and James Dunn (District 4) on October 31, 2011

City Clerk Golden shared that Mr. Carris has decided not to seek reappointment, whereas the other three members are requesting reappointment.

Mayor Rees asked about the attendance record of those seeking reappointment. Ms. Golden responded that everyone has been attending.

Mayor Rees recognized that Mr. Carris resides in District 2 and asked Commissioner Buchanan if he had anyone that he wished to nominate for the seat.

Commissioner Buchanan noted that Mr. Eric Weiss was present and asked that he come and introduce himself to the City Commission.

Mr. Weiss came forward and shared with the Commission that he is a resident of the Lakeview Reserve Subdivision where he serves on the homeowner's association board. He also noted that he is currently serving as the chairperson on the Architectural Review Board for his subdivision. He has lived in Winter Garden for the past 10 years.

Commissioner Buchanan stated that after reviewing the applications submitted, he felt Mr. Weiss was the most qualified for this appointment.

Motion by Commissioner Buchanan to appoint Eric Weiss to the Planning and Zoning Board (District 2) for a three-year term. Seconded by Commissioner Sharman and carried unanimously 5-0.

Motion by Commissioner Makin to reappoint Mac McKinney to the Planning and Zoning Board (District 1) for a three-year term. Seconded by Commissioner Buchanan and carried unanimously 5-0.

Motion by Commissioner Boulter to reappoint Rohan Ramlackhan to the Planning and Zoning Board (District 3) for a three-year term. Seconded by Commissioner Sharman and carried unanimously 5-0.

Motion by Commissioner Sharman to appoint Jimmy Dunn to the Planning and Zoning Board (District 4) for a three-year term. Seconded by Commissioner Makin and carried unanimously 5-0.

- C. **Resolution 11-09:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AUTHORIZING BINGO TO BE CONDUCTED AT A MUNICIPAL OWNED PROPERTY AS A FUNDRAISER TO BENEFIT THE AMERICAN CANCER SOCIETY "RELAY FOR LIFE" BY THE CITY EMPLOYEE TEAM, PURSUANT TO SECTION 849.0931(11)(D), FLORIDA STATUTES AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 11-09 by title only. Community Relations Manager Vaughn stated that as an internal (staff only) fundraiser for the American Cancer Society, they would like to conduct bingo and therefore this resolution would be required. She noted that this is for a one day event.

Motion by Commissioner Sharman to approve Resolution 11-09. Seconded by Commissioner Makin and carried unanimously 5-0.

5. **MATTERS FROM CITIZENS** – There were no matters.
6. **MATTERS FROM CITY ATTORNEY** – There were no matters.

7. **MATTERS FROM CITY MANAGER**

A. **Recommendation to schedule the 2012 run-off election date for April 10, 2012**

City Manager Bollhoefer stated that the City Commission needs to schedule the run-off election date.

Motion by Commissioner Sharman to approve the run-off election date (April 10, 2012) four weeks after the general election, if needed. Seconded by Commissioner Buchanan and carried unanimously 5-0.

• **Winter Garden Heritage Foundation**

Ron Sikes, 291 Gary Drive, Winter Garden, Florida, with the Winter Garden Heritage Foundation, stated the rain experienced during the MusicFest affected their revenues from the sale of merchandise. He noted that one way of making some of this up would be if they could be allowed to have a beer cart and offer evening entertainment to the public on Plant Street during the Art Festival being presented by the Downtown Merchants Guild November 19th and 20th (Saturday and Sunday). He noted the Merchants Guild has endorsed this opportunity and this is a one-time request.

Commissioner Makin asked about the location of their setup.

Mr. Sikes responded that it would be west of the fountain.

Commissioner Buchanan asked about the specifics for the times because he would not want it to be too early or too late.

Mr. Sikes responded that it will not be before noon and would stop the music and beer sales in the evening about 11:00 p.m. He noted that some of the bands have already committed to performing for free, should the City Commission approve this request. They are also looking to use the gazebo east of the fountain for their stage. They may also want to use the City stage at the corner of South Boyd Street and Plant Street.

Commissioner Buchanan stated that he is okay with the noon until 11:00 p.m. for Saturday, but he would prefer not to have alcohol sold on Sunday.

Mr. Sikes responded that they would not sell any later than the art festival would run on Sunday.

Mayor Rees stated that he has concerns on this issue and he would be willing to make a donation instead of selling alcohol on Sunday.

Andy Bruns stated that this event is the same night as the car show on Saturday from 3:30 p.m. until 8:30 p.m. He noted that his event also benefits the Toys for Tots to be held in Tremaine Street parking lot.

City Manager Bollhoefer asked Mr. Bruns if the live music could be used instead of the car show's recorded music so there is no conflict. Mr. Bruns replied that his disc jockey plays music and makes announcements during the car show.

Mr. Sikes stated that his sound system could be made available for any car show announcements.

There was discussion on possible alternatives for setting up each venue and will be resolved with staff.

Motion by Commissioner Sharman to approve allowing the Winter Garden Heritage Foundation to have an outside event with beer sales on Saturday, November 19, 2011, from 12:00 noon until 11:00 p.m. and on Sunday, November 20, 2011, from 12:00 noon until 5:00 p.m. Seconded by Commissioner Boulter and failed 2-3; Mayor Rees, Commissioner Makin and Commissioner Buchanan opposed.

Motion by Commissioner Buchanan to approve the Winter Garden Heritage Foundation to have an outside event with beer sales from 12 noon until 11:00 p.m. on Saturday, November 19, 2011 only. Seconded by Commissioner Makin and carried unanimously 5-0.

- **Plant Street Post Office**

City Manager Bollhoefer stated that staff would like to make the post office an offer that he thinks will help keep the Plant Street post office open. The post office currently pays the City \$847 a month in rent, which includes renting the building, power, water, and use of a janitor for cleaning. He stated that in order to keep the post office in the downtown

area he proposes sending them a letter offering them the use of its building for a lesser amount or for free in order to get to increase our chances of keeping the post office downtown.

Motion by Commissioner Buchanan to approve the City Manager's request to offer less rent to the United States Postal Services for their Plant Street location. Seconded by Commissioner Sharman and carried unanimously 5-0.

City Manager Bollhoefer announced that at on November 16th at 5:30 p.m. at Tanner Hall there will be a meeting regarding this issue and encouraged everyone to attend.

8. MATTERS FROM MAYOR AND COMMISSIONERS – There were no matters.

The meeting adjourned at 7:15 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC