



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

July 26, 2012

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 Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to the City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, Police Chief George Brennan, Fire Chief John Williamson, Building Official Skip Lukert and West Orange Times Reporter Michael Laval, and Orlando Sentinel Reporter Stephen Hudak

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

**Motion by Commissioner Buchanan to approve regular meeting minutes of July 12, 2012. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

A. Mayor Rees and the City Commission presented a Certificate of Completion to Commissioner Olszewski for his completing the 2012 Institute for Elected Municipal Officials.

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

A. **Ordinance 12-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 63.06 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF ROPER ROAD ON THE EAST AND WEST SIDE OF WINTER GARDEN VINELAND ROAD (CR 535) AND ON THE WEST SIDE OF DANIELS ROAD AT 420 AND 421 WINTER GARDEN VINELAND ROAD, FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE BRADFORD CREEK PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-30 by title only. Community Development Director Williams stated that this planned development is on two parcels totaling 63 acres. The PUD will have lots from 60 to 70 feet wide, with additional lots on the west side above 70 feet wide and a total of 118 units. The property is participating in a portion of the signalization at Roper and Daniels Road. He noted that community meetings were

held and that the Planning and Zoning Board and staff are recommending approval subject to conditions.

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

**Motion by Commissioner Buchanan to approve Ordinance 12-30 with the second reading and public hearing being scheduled upon receipt of school concurrency and capacity enhancement determination by Orange County Public Schools. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

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

- A. **Ordinance 12-43**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2011-2012 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-43 by title and the following excerpt from Section 1 that the sum of \$27,300 is to be appropriated as follows:

REVENUES	General Impact Fee Fund	\$27,300
EXPENDITURES	General Impact Fee Fund	\$27,300

Police Chief Brennan stated that these funds are to be used for upgrading the City's dispatch center back-up system, which reached its electrical capacity. During the generator testing, the back-up functions did not work so this expense will get the system upgraded and working properly.

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

**Motion by Commissioner Buchanan to adopt Ordinance 12-43. Seconded by Commissioner Sharman and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

- A. **Request by Anthony Peterson to waive special event and staff fees to hold their annual Unity in the Community event at Zanders Park on Saturday, August 18, 2012**

Recreation Director Conn stated that a request has been received from Anthony Peterson to hold their fifth annual Unity in the Community Festival at Zanders Park. Mr. Conn stated that Mr. Peterson has complied with the City's request to identify parking areas that will be used for this festival. Mr. Conn recognized Mr. Peterson to address the City Commission regarding the event and the fee waiver request.

Mr. Anthony Peterson stated that he started this event in 2000 and shared his story of coming out of the Federal prison with a different mindset to hopefully change the youth in the community. Once he saw the kids on the streets with nothing to do, he felt that they were in need of role models. He shared that event includes basketball, car show, and entertainment that are used to grab their attention. People from all walks of life are brought in to share their stories and encourage the youth. He asked for permission to continue the event this year.

**Motion by Commissioner Olszewski to approve waiving the special event and staff fees to hold their Unity in the Community event at Zanders Park on Saturday, August 11, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.**

6. **MATTERS FROM CITIZENS**

Mattie Wilson, 1015 Lincoln Terrace, Winter Garden, Florida, stated that the Bay Street Church of God In Christ is giving away school supplies at an event on July 28, 2012 on the church campus. She asked the City Commission for their support by providing funds for the school supplies.

Commissioner Olszewski acknowledged the upcoming event and encouraged everyone to participate and that he will personally be by with a donation and supplies.

City Manager Bollhoefer asked if the supplies are for the Bay Street School or the public school. **Ms. Wilson** responded for the community. **Mr. Bollhoefer** shared that the Community Relations Manager, Andrea Vaughn works on raising funds for the backpacks and supplies. He advised that Ms. Vaughn will get with Ms. Wilson on how the funds get distributed.

Kenneth Wood, resident of Crown Point Springs subdivision, stated that he has saw a fire truck from Winter Park being used in Winter Garden and is concerned about the safety issue of our staff utilizing equipment they are unfamiliar with and are not trained on. We should have our own trucks and our fleet is quite old. **City Manager Bollhoefer** stated there is a fire truck in next year's budget. It is standard business practice in fire departments in Florida to share fire engines. He will be bringing back this budget item to the City Commission for their review.

Commissioner Makin stated that he understands we borrowed a fire truck from the City of Ocoee. **Mr. Bollhoefer** replied yes. **Commissioner Makin** asked if it was because a unit was down and we needed a back-up. **Mr. Bollhoefer** replied that a few units are down. He noted that we have frequently utilized other city fire trucks and loaned fire trucks. Sharing makes it so we can keep our costs down. Smaller fire departments have consolidated to cut the cost of the assets. A new fire engine can cost from \$600,000 to \$800,000, which will be included in the upcoming proposed budget. He shared that three years ago the Commission considered a fire fee to residents to upgrading our assets and it was decided not to. Staff has

looked at barely used fire trucks that are significantly less. He shared that there have not been any incidents to date with this practice.

7. **MATTERS FROM CITY ATTORNEY**

Mr. Ardaman advised that the City Commission passed a resolution to take a parcel on Plant Street and that negotiations failed prior to the taking, so the condemnation case was filed. There is a hearing scheduled for August 9<sup>th</sup>. After extensive negotiations, there was an agreement arrived at just yesterday.

Community Development Director Williams came forward and shared that the agreement deals with two buildings on the property, with four businesses that have been in the buildings during the course of the negotiations. On the property there is a billboard and parking. The parking needs to be removed from the front of the building and that would cause a parking lot to be built in the rear; Mr. Williams indicated that the issues go on and on. The approach by staff has been a partial taking for the road right-of-way and the owner wants the City to consider buying the entire property. After doing the business damage analysis and receiving the final appraisal, we are down to \$750,000 to purchase the entire property. Staff recommends that this amount is fair and equitable for the property owner and the City. The City will be able to sell the excess land, after the road is widened, and recoup a lot of the funds invested. He noted that this purchase is from impact fee funding and not tax funds.

**Mayor Rees** asked Mr. Williams what he thought the figure would be if we went to the hearing to condemn the property. **Mr. Williams** gave a range of \$600,000 to \$700,000. **Mr. Bollhoefer** clarified that the figures Mr. Williams is giving is for the 15 foot strip and not the entire property.

**Mr. Ardaman** stated that when government, in Florida, takes a portion of a piece of property, it creates two separate claims for a property owner and a business owner. Taking the whole property limits them to one claim. **Mr. Bollhoefer** stated he believes Mr. Williams has saved the City millions of dollars by negotiating for right-of-way on Plant Street.

**Mayor Rees** asked Mr. Williams what he believes the remaining piece would sell for. **Mr. Williams** believes the present market would be in the \$300,000 to \$400,000 range. **Mayor Rees** stated his opinion is to purchase the entire property.

**Commissioner Makin** stated he would like to go through the proposed agreement before making a decision. He asked if there was a timeframe that the impact fees collected would have to be spent. **Mr. Bollhoefer** responded that it is generally six to seven years.

**Commissioner Olszewski** asked about the billboard on the property. **Mr. Williams** responded that if the City purchases the property, the City would become the owner of the lease, and not the structure, at \$200 a month for the next 18 years.

**Motion by Commissioner Sharman to approve of the City Manager signing the settlement agreement, as presented, on Monday, July 30, 2012, by 5:00 p.m. pending the review by the City Commission and if any one Commissioner objects to the settlement agreement, then a special meeting will be scheduled. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

8. **MATTERS FROM CITY MANAGER**

A. Discussion on public use of City owned property. *This item was not discussed.*

B. **Discussion on ambulance service**

City Manager Bollhoefer stated that Rural Metro has been providing Winter Garden with ambulance services and the contract is scheduled to expire. He shared that we have almost a year's worth of data and he would like to exercise the renewal option in the contract for one year and to hire an outside consultant to help us analyze the data to see whether or not it is financially feasible to bring the service in-house. If the City Commission would like a consultant do the analysis, he would bring the contract back to the next City Commission meeting.

Mayor Rees asked how much the City Manager thought the contract would be. Mr. Bollhoefer responded that his guess would be \$15,000, but he doesn't know exactly. It was the **consensus** of the City Commission for the City Manager to proceed as he has presented the matter.

C. Discussion on tent sales. *This item was not discussed.*

• **Alcohol Sales Downtown**

Mr. Bollhoefer stated that when alcohol sales was approved for downtown outside the businesses a few years back, there was concern expressed at that time that we would start to see open bars. Residents have been sharing that there are some that are trying to open outside bars without a meal. He would like the City Attorney to review the existing ordinance to see if any changes could be made to ensure alcohol will only be served in restaurant type settings. He asked the City Commission if they would like to move forward with the attorney making his review and submitting an ordinance that addresses this issue. It was the **consensus** of the City Commission to have the City Attorney review the existing ordinance and bringing back to them any proposed changes.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Olszewski** shared the following items:

- Congratulated all the Winter Garden Elementary and Middle Schools receiving an A or B State grade.
- On July 27 to 28, the St. Paul AME Church on Center Street will conduct a Winter Garden Community Health weekend event.
- On July 28, the Bay Street Church of God in Christ will be collecting school supplies.

- The 10 and under Winter Garden All Star Little League team lost in the State Championship in Fort Lauderdale. This team has had the most All Star wins of any little league team in Winter Garden history.
- Congratulated Jeff Demps on being named to the U.S. Olympic Team for the 4x100 relay team.

**Mayor Rees** also congratulated the Winter Garden Little League for doing so well.

**Commissioner Sharman** announced that residents will be seeing a hot air balloon on the Fowler property Sunday morning 7:30 to 9:30. **Mr. Bollhoefer** shared that there will be a reverse 911 call going out to residents to let them know. **Commissioner Sharman** stated that at the community meeting the issues of traffic and the helicopter came up. **Mr. Bollhoefer** stated that there was an economic analysis done which shows that the impact to Winter Garden over a five to eight year period will generate \$3.5 billion into Winter Garden.

The meeting adjourned at 7:24 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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City Clerk Kathy Golden, CMC