



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET WORKSHOP AND REGULAR MEETING MINUTES August 23, 2012

A **BUDGET WORKSHOP** and **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Bob Buchanan 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 Pro Tem Bob Buchanan, Commissioners Kent Makin, Robert Olszewski and Colin Sharman

Absent: Mayor John Rees

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Assistant City Clerk Angee Grimmage, Assistant to the City Manager – Administrative Services Frank Gilbert, Assistant to the City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Information Technology Director Bob Reilly, Recreation Director Jay Conn, Police Chief George Brennan, Fire Chief John Williamson, and Orlando Sentinel Reporter Stephen Hudak

1. **WORKSHOP ON PROPOSED BUDGET FOR FISCAL YEAR 2012/2013**

City Manager Bollhoefer began with discussion on the downtown parking (*See attached Exhibit A*) and gave a PowerPoint presentation. He also handed out an analysis performed by staff for the City Commission to review. Without the land, to build a plain three-story parking garage with roof level parking would be about \$4.6 million and with a brick façade for the entire garage it would be about \$5.25 million. To build a plain two-story parking garage with roof level parking it would be about \$3.8 million for the plain version and \$4.3 with the brick façade.

Commissioner Buchanan asked the City Manager how long these figures provided would be good for. Mr. Bollhoefer replied that one never knows with this economy.

Mr. Bollhoefer noted that the City's downtown is currently 98 percent occupied with parking near or at capacity. He named several events that draw crowds to the downtown area that each will require some type of parking plan.

Mr. Bollhoefer highlighted commercial vacancies downtown, areas available for parking and changes since the 2005 parking study that indicated we needed 500 more spaces. He also gave highlights of the updated parking analysis that has indicated we are at a deficit of 349 parking spaces. The real question is not whether you need a parking garage in Winter Garden, but what size of parking garage and when. He believes it is important to secure the land to ensure the space to build the parking garage.

Commissioner Sharman asked what locations have been looked into for additional parking. **Mr. Bollhoefer** replied that several locations have been reviewed but the best location is behind the Edgewater Hotel. Other areas include the corner of Park Avenue and Plant Street, near the old utility department building and Boyd Street for a parking garage. There are other smaller locations that are a little tricky. The size and shape of the property makes it a lot easier and keeps the cost lower. He suggested that the optimum site would be 200 feet by 200 feet.

Commissioner Olszewski requested clarification from the last meeting on whether the potentially \$6 million set aside in the budget, was now to be set aside to acquire the land to explore the need for parking and if need be a parking garage. **Mr. Bollhoefer** responded no, not exactly. We have always tried to be ahead of the curve with our parking needs. He noted that waiting too long to address parking could have a negative impact downtown and possibly discourage developers from coming in to develop their properties. At a bare minimum we should secure the land and at least as we go through this process, look at those other parking options.

Commissioner Olszewski asked for clarification on whether the City Manager is asking to purchase the land first and then come back to the City Commission for approval on moving forward with building the structure. **Mr. Bollhoefer** responded that he definitely would like approval to purchase the land; it's the right area for a parking garage. He suggested leaving his numbers in the budget, continuing the debate, and staff will bring back a better analysis back at a later date.

Commissioner Olszewski stated that the City Manager has identified a number of developers and land owners in his presentation and said that the City would lose existing parking. He asked how many of those developments are eminent to where the City is going to lose parking. **Mr. Bollhoefer** responded that no one has submitted plans as of yet. There have been discussions. Even with submitted plans it is not always eminent.

Commissioner Olszewski suggested stackable parking garages as the need arises. **Mr. Bollhoefer** expressed that option is probably the most expensive. He can get better numbers by the next meeting on how much more it would cost. **Mr. Bollhoefer** added that the worse thing to do is build a four level garage and have the two levels sit empty most of the time.

Commissioner Makin stated that he was under the impression that when the Pounds Motor Company properties were purchased and the South Boyd Street parking lot was installed, that it would be a parking garage one day. **Mr. Bollhoefer** noted that there have been several ideas throughout the years that included a parking garage. With the pavilion and making Tremain a walkable street, in his opinion it is not the best place for a garage. **Commissioner Makin** asked Mr. Bollhoefer what he thought would be the most viable piece of property for the City to look into. **Mr. Bollhoefer** replied that the best location is behind the Edgewater Hotel.

Commissioner Olszewski acknowledged planning for the future and the parking garage is a wonderful idea but expressed his concerns about building a \$6 million parking garage in this economy that would sit empty most of the time and is where he has his reservations.

Commissioner Sharman suggested staff further review building a two level garage that could support a third level in the future. **Mr. Bollhoefer** replied that staff would bring the numbers back to the City Commission. He noted that staff has also reviewed the possibility of having retail on the bottom level with parking above that really drives the cost up.

2013 Budget

Mr. Bollhoefer stated that he would give a brief presentation on the budget with a more in-depth presentation at the first budget hearing in September. (*See attached Exhibit B*)

Mr. Bollhoefer noted that the City's goal is to be a high service, top quality city with low taxes. At a millage rate of 4.25, the City of Winter Garden will remain in the bottom third of all local city tax rates.

Mr. Bollhoefer highlighted changes to the City's organizational chart and staff structure. He noted that the City of Winter Garden is doing a lot more with a lot less and is one of the reasons that the City's quality of services is so high. He shared that the City has just been unofficially informed by the International County Managers Association (ICMA) that we could be one of the top ten cities in the entire country based on a poll performed on quality of services provided.

Mr. Bollhoefer referred the City Commission to page 217 in their proposed budget book. He noted the reduction of staff positions to 288 for this coming fiscal year. He noted the reductions have occurred during a time of increase in population and commended the staff for their efforts.

Mr. Bollhoefer noted that a two percent pay increase is being proposed for all employees. Although not a significant amount, he does not want to lose our competitiveness with wages. A recent review of the City of Winter Park wage study was used to gauge where we are in terms of wages and we are right in the middle. He noted that the total cost of the two percent pay raise is \$295,000.

Mr. Bollhoefer displayed information on the actual, amended, and proposed budget for pension contributions. He noted that the actuarial changes made will cut the City's general pension costs to 11 percent and fire and police to 12 percent without cutting employee benefits.

Mr. Bollhoefer highland some general fund items removed and included in the proposed budget.

Mr. Bollhoefer specifically addressed the senior utility discount program that keeps increasing each year and ultimately is paid for by the regular rate payers. There has been a request at a City Commission meeting about expanding the program to residents with disabilities and what that cost would be. There are no good demographics to be able to determine how much it would cost. He thinks that if the City Commission wants to consider helping the disadvantaged that we could budget it and try it for one year on a first come first served basis to see how many apply, which he thinks is the best option.

Mr. Bollhoefer noted his concern that we have not been spending enough money on resurfacing, repaving, and patching our roads. Therefore, he is proposing to shift the money into the general fund and dedicate a minimum of \$500,000 of Local Option Gas Tax to be spent every single year on repaving and patching our roads. He feels this is very important because there will be significant issues with our roads in five to ten years from now.

Mr. Bollhoefer explained the \$80,000 for aid to private organizations and explained the funding obligations.

Mr. Bollhoefer highlighted health insurance and a possible increase of 8 percent in January. He also spoke of how in the long term focusing on the wellness of employees does reduce our costs.

Mr. Bollhoefer highlighted some of the City's park projects.

Commissioner Olszewski suggested that staff look into the management and maintenance of the two City-owned pools being privatized rather than having that burden fall on the City. **Mr. Bollhoefer** agreed that this is a good solution if someone could be found to take it over.

Mr. Bollhoefer noted that the City's solid waste trucks are getting very old and need replacement. He wants to keep the old trucks as back-up and purchase a new rear and front loader.

Commissioner Olszewski commended staff's efforts on preparing the [proposed] budget. He addressed that the fund balance that is currently at 18 percent, which is at the 1999 level and the need to plan for the future. He asked if there is anything the City Manager thinks the City Commission should look at specifically. Also, he asked the City Manager if he has thought of looking at the general employee's pension plan for new employees to be in a defined contribution plan to control the expense. **Mr. Bollhoefer** responded that government pension costs probably are one of the biggest issues out there. When you change your plan from a defined benefit to a defined contribution for only new employees, you don't really start to see the savings for several years. You will eventually get to the point you are saving money and in twenty years you will have everybody on the plan and there would be significant savings. The only place you really want to look at this option is your middle and senior management positions. When you hire for these positions, many of the best people will choose the organization that has pension benefits. Most governments are reluctant to

make the change because if they are the only ones to change, they will be hurt during the hiring process.

Commissioner Olszewski stated his agreement that there would be no immediate savings but over time it would be a significant savings for the citizens. Is this worth exploring? **Mr. Bollhoefer** responded that if it is the desire of the City Commission staff he would be glad to take a look at it, but the best way is to have an actuary do a study. **Commissioner Olszewski** indicated he would like to see the study. **Mayor Pro Tem Buchanan** asked how much a study would cost. **Mr. Bollhoefer** responded that he could get estimates and bring them back to the City Commission.

Mayor Pro Tem Buchanan closed the budget workshop and convened the regular meeting at 7:17 p.m.

2. **APPROVAL OF MINUTES**

Motion by Commissioner Sharman to postpone the regular meeting minutes of August 9, 2012. Seconded by Commissioner Makin and carried unanimously 4-0.

3. **FIRST PUBLIC HEARING ON A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION**

- A. CDBG Funding Overview and Process was given by Economic Director Gerhartz.
- B. Mayor Pro Tem Buchanan opened the public comment session at this time.

Pat Primrose, Chairman of the CDBG Citizen Advisory Task Force came forward and stated that their task force met earlier today and they concluded that the housing grant is the most important grant to apply for Winter Garden.

Mayor Pro Tem Buchanan closed the public comment session.

At the request of Mayor Pro Tem Buchanan, the CDBG application consultant Fred Fox came forward and explained the different categories and the process.

Motion by Commissioner Olszewski to direct staff to proceed with the development of an application in the Housing Rehabilitation category for the CDBG application. Seconded by Commissioner Makin and carried unanimously 4-0.

Mayor Pro Tem Buchanan moved forward Regular Business Item G and called on Recreation Director Conn to come forward.

G. **Recommendation to approve request to block Plant Street downtown, waive event fees, and approve event date of April 13 and 14, 2013 for Spring Fever in the Garden festival**

Mr. Conn stated that the Bloom N Grow Garden Society has requested permission to hold their thirteenth annual Spring Fever in the Garden event April 13 and 14, 2013. They have also requested that event fees be waived and any fees for staff to host the event.

Motion by Commissioner Olszewski to waive event fees and approve the Spring Fever in the Garden event on April 13 and 14, 2013. Seconded by Commissioner Sharman and carried unanimously 4-0.

4. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 12-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING A NEW CHAPTER 19 OF THE CITY CODE TO BE ENTITLED FAIR HOUSING CODE; PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE CITY OF WINTER GARDEN AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATION OF SUCH CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-38 by title only. Economic Development Director Gerhartz stated that this is a part of the groundwork required to apply for the CDBG grant. This is the fair housing ordinance that is required in order to be eligible for the grant. This ordinance creates a new Chapter 19 in the City's code and aligns the City code with Federal laws and guidelines as it relates to fair housing laws.

Motion by Commissioner Olszewski to approve Ordinance 12-38 with the second reading and public hearing being scheduled for September 13, 2012. Seconded by Commissioner Sharman and carried unanimously 4-0.

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

A. **Ordinance 12-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.897 ± ACRES LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD

AVENUE AND N. WEST CROWN POINT ROAD 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

- B. **Ordinance 12-35:** 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 0.897 ± ACRES OF LAND LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 12-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.897 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-1B SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-34, 12-35, and 12-36 by title only. Community Development Director Williams stated that the applicant has requested annexation, comprehensive plan designation and zoning. This has been reviewed by staff and the Planning and Zoning Board; both recommend approval of the annexation, comprehensive plan designation of low density residential and rezone the property to R1-B single family residential. There was no opposition at any of the meetings.

Mayor Pro Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinances 12-34, 12-35, and 12-36. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- D. **Ordinance 12-40:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.405 ± ACRES LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW 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

- E. **Ordinance 12-41:** 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 0.405 ± ACRES OF LAND LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 12-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.405 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-40, 12-41, and 12-42 by title only. Community Development Director Williams stated that the property owner of this 0.4 acre parcel is requesting annexation in order to obtain services from the City. They are requesting a commercial land use and it is located in the State Road 50 Overlay District with C-2 zoning. It has been reviewed by staff and the Planning and Zoning Board; both recommend approval. There has been no opposition at any of the public hearings.

Mayor Pro Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 12-40, 12-41, and 12-42. Seconded by Commissioner Makin and carried unanimously 4-0.

- G. **Ordinance 12-37:** 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 54-186, DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-37 by title only. City Manager Bollhoefer stated that this is required by State law to change the City's definition of salary. The City really has no option in this matter and he recommended approval.

Mayor Pro Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 12-37. Seconded by Commissioner Sharman and carried unanimously 4-0.

6. **COMMUNITY DEVELOPMENT BLOCK GRANT MATTERS**

- A. **Resolution 12-13:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA ADOPTING A POLICY RELATING TO THE CONTRACTING WITH SMALL, WOMEN-OWNED, MINORITY-OWNED AND/OR SECTION 3 BUSINESSES FOR USE IN ADMINISTERING COMMUNITY DEVELOPMENT BLOCK GRANTS; ADOPTING A POLICY RELATING TO THE EMPLOYMENT OF MINORITIES BY THE CITY OF WINTER GARDEN; PROVIDING DEFINITIONS; DEFINING AN ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE
- B. **Resolution 12-14:** ANTI-DISPLACEMENT AND RELOCATION POLICY OF THE CITY OF WINTER GARDEN
- C. **Resolution 12-15:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA ADOPTING A POLICY RELATING TO COMPLAINT AND GRIEVANCE PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

City Attorney Ardaman read Resolutions 12-13, 12-14, and 12-15 by title only. Mr. Ardaman noted that the resolutions in the agenda packet are slightly different than the ones he read. He stated that the redline version has been distributed by staff which reflect some minor changes. Mr. Ardaman noted that these changes have been reviewed by the application consultant Fred Fox, who believes that these changes are consistent with the State's legal requirements. Most of the changes are not substantial but they do clean it up and make it consistent with the State guidelines and requirements of the grant.

Economic Development Director Gerhartz stated that all three resolutions lay the groundwork for the City to be eligible for a Community Development Block Grant. These resolutions must be adopted before the City makes application. These resolutions relate to the process the City has to follow should the City receive the grant.

Motion by Commissioner Makin to approve Resolutions 12-13, 12-14, and 12-15 as presented to the City Commission with changes recommended by the City Attorney. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- D. **Consider adoption of a Citizens Participation Plan, Procurement Policy, and Housing Assistance Plan**

City Attorney Ardaman noted that these three items are also required in order to process the [CDBG] application although they are not required to be approved tonight.

Economic Development Director Gerhartz stated that these are three items with the first being a Citizen Participation Plan that sets the guidelines for the Citizen Advisory Task Force appointed by the City Commission. It describes the process for community input and how meetings are to be advertised and noticed. The Procurement Policy and Housing Assistance Plan provide even more detail on the processes for hiring contractors and then the processes for a housing rehabilitation program.

Commissioner Buchanan asked how the citizens would be selected in the Citizens Participation plan. Mr. Fox responded that the Citizens Participation Plan spells out how you conduct the public hearings and appoint the taskforce. The procurement policy relates only to procurement utilizing CDBG funding. The Housing Assistance Plan goes into how the City would select the homes to be addressed and the extent of the rehabilitation.

City Manager Bollhoefer clarified that primarily the detail work would be done by Mr. Fox's organization. City staff would work with Mr. Fox, not the citizens. Mr. Fox explained that it is a plan on keeping the citizens involved in the process.

Commissioner Olszewski requested confirmation that the plans and policies had been reviewed by staff. Mr. Fox and Ms. Gerhartz responded that they have been reviewed by staff.

Motion by Commissioner Sharman to approve the Citizens Participation Plan, Procurement Policy, and Housing Assistance Plan as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.

7. **REGULAR BUSINESS**

- A. **Resolution 12-12:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, REQUESTING FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA A NON-EXCLUSIVE EASEMENT UNDER, OVER, AND UPON A PORTION OF THE WEST ORANGE TRAIL FOR THE PURPOSES OF ACCESS, DRAINAGE, UTILITIES, ROADWAY, AND OTHER PUBLIC USES, PROVIDING FOR AN EFFECTIVE DATE (Oakland Park Trail Easement Acceptance)

Community Development Director Williams stated that this is a resolution to support granting this easement to Oakland Park. He noted that we as the local government have to request and support this easement for one of their roads crossing the trail with their utilities. This has been done in the past and the project is approved for several crossings. Therefore, staff recommends approval.

Commissioner Sharman inquired of the timeline that the trail would be closed. John Rinehart, 15241 East Oakland Avenue, Oakland, Florida, replied that this is for a crossing that has not yet been designed but is in the plan. In February, an amendment to

the Oakland Park plan development was approved and this is to access the property that is immediately north of the Tilden estate home.

Commissioner Makin asked if instead of coming around the back of the home where the cul-de-sac is located and cutting that road to the piece of property, they will access it from the north. Mr. Rinehart responded yes.

Commissioner Olszewski asked Mr. Williams if there has been any aversion. Mr. Williams responded no; procedurally the City must support it or it would not happen.

Commissioner Makin expressed that he thought it would be the best way to go instead of cutting into the cul-de-sac. Mr. Williams agreed.

Motion by Commissioner Sharman to approve Resolution 12-12. Seconded by Commissioner Makin and carried unanimously 4-0.

B. Recommendation to approve amendment to Oakland Park Development Agreement

Community Development Director Williams stated there was a recent change approved to the development plan and as part of that their commitment to the improvements at the intersection of Plant Street, Oakland Avenue and Tildenville School Road, this agreement memorializes the commitment and percentages of their share of the intersection improvements. It is based on their share of the traffic that is impacting the intersection at various sections of the intersection. Staff recommends approval.

Motion by Commissioner Makin to approve the amendment to the Oakland Park development agreement as submitted. Seconded by Commissioner Olszewski and carried unanimously 4-0.

C. Recommendation to approve Hickory Hammock Development Agreement

Community Development Director Williams stated that Hickory Hammock is a project that has been impacted by the economy and has been dormant. The current owner has some type of contractual arrangement to sell it to MI Homes and Ryland. This agreement is memorializing, changing, and firming up some of the commitments that the older project has so that the current owner, the new owner, and the City will have a clear understanding of who is responsible for what improvements. This does include the two year bond for improvements. This agreement will allow the project to move forward but additional changes to the land use plan are anticipated.

Commissioner Olszewski asked if the City Commission would be approving something that the potential new owners would favor. Mr. Williams replied yes they have been involved in all of these negotiations. The agreement will run with the land so if purchased they are saying that they agree with these conditions.

Motion by Commissioner Sharman to approve the Hickory Hammock Developer's agreement as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.

D. Recommendation to approve Waterside on John's Lake Development Agreement

Community Development Director Williams stated that this is the new project for which the City Commission has seen the zoning and comprehensive plan amendments over the last twelve months for Centerline's Properties Waterside project. This agreement memorializes all of their obligations to the City for utilities, extensions, sewer, water, reuse lines, and other improvements. It is the same type of agreement that keeps the City out of the mix should something happen between the three developers. The agreement allows them to handle those issues privately between themselves rather than having the City involved. Staff recommends approval.

Commissioner Olszewski asked if the legal aspects are out of this or is this protecting the City. Mr. Williams replied that this has nothing to do with the lawsuit that is ongoing with the adjacent property owner.

City Attorney Ardaman clarified that this development is being challenged in current litigation but the developer has chosen to move forward at their risk.

Motion by Commissioner Makin to approve Waterside on John's Lake Development Agreement as submitted. Seconded by Commissioner Olszewski and carried unanimously 4-0.

E. Recommendation to approve extending the Rural Metro ambulance service contract for one year (This item was postponed to September 13, 2012.)

F. Recommendation to approve the consultant agreement to review the financial feasibility of the City providing ambulance service (This item was postponed to September 13, 2012.)

G. Recommendation to approve request to block Plant Street downtown, waive event fees, and approve event date of April 13 and 14, 2013 for Spring Fever in the Garden festival (This item was covered earlier in the meeting.)

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

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

10. **MATTERS FROM CITY MANAGER**

A. City Manager Employment Agreement (This item was postponed to September 13, 2012.)

