



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET HEARING AND REGULAR MEETING MINUTES September 13, 2012

A **BUDGET HEARING** and **REGULAR MEETING** of the Winter Garden City Commission were called to order by Mayor Rees at 6:37 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 – 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 West Orange Times Reporter Kelsey Tressler

1. **FIRST READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2012/2013**

City Manager Bollhoefer noted that there were two changes made to the budget ordinance and have been distributed. He noted that one of the changes made is on page 134 that has \$250,000 budgeted in the general fund for the round-about on Windermere/Roberson Road project. Staff would like the funding moved to impact fees because of the increase to capacity.

Mr. Bollhoefer also noted that under Parks and Recreation there is an additional \$30,000 for the refurbishing of the Tucker House. He noted that the plans are to pay a full time groundskeeper to keep an eye on the park.

Mr. Bollhoefer noted that by shifting the \$250,000 to impact fees and adding the \$30,000, this actually brings the budget to a surplus of approximately \$5,000 instead of using \$200,000 from fund balance.

Mr. Bollhoefer gave a PowerPoint presentation on the City's Economic Growth (see attached **Exhibit A**). He highlighted articles written about the City, efforts made to lure high tech companies, and partnerships with local cities. He described some of the investments the City has made in the community in the last decade and new events that bring visitors to the City.

Mr. Bollhoefer recommended moving forward with this budget, which he believes will continue what the City has been doing in the last ten years. He stated that investing in our community, using sound financial fiscal judgment to move forward will make us one of the

best small cities, not just in the State of Florida, but in the entire United States of America. He stated that staff recommends approval with the changes.

- A. **Ordinance 12-45:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-45 by title and stated that the ordinance establishes a millage rate of 4.2500 mills with the millage rate being less than the roll back rate of 4.3585 mills by 2.49 percent.

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

Motion by Commissioner Olszewski to approve ordinance 12-45 with the second reading and public hearing on September 27, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- B. **Ordinance 12-46:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-46 by title only and read the following excerpt from Ordinance 12-46:

Collection of Ad Valorem	\$ 7,770,831
Revenue other than Ad Valorem	<u>16,622,056</u>
TOTAL REVENUES	\$24,392,887
Appropriations from Fund Balance	<u>46,344</u>
TOTAL AVAILABLE FOR EXPENDITURES	\$24,439,231

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

Commissioner Olszewski stated he is pleased we can hold our millage rate and make no increase in taxes. However, he is concerned about a \$6 million expense without details on the parking garage. **Mayor Rees** stated we are a long ways from that item coming to the City Commission for approval or anything else. **City Manager Bollhoefer** asked to clarify and apologized for not doing a good job at the budget workshop. The money is in the budget as a placeholder but would still have to be approved to purchase the property and build a parking garage. It is actually in the Community Redevelopment Agency

funds. An analysis will be done at a later date and come back to the City Commission with an amount and for a decision.

Commissioner Olszewski asked if there are any other concerns about the budget and how items are being allocated now and then dealt with another day. He gave an example of the conversation about moving from a defined benefit to a defined contribution [pension plan], which he would like pursued. **City Manager Bollhoefer** stated that staff is securing an actuary to perform the analysis to bring back to the City Commission. The change can be made at any time during the year or when the City Commission would decide.

Commissioner Sharman shared that there are certain items in the budget that have to come back to the City Commission but there are also certain things that once the budget is approved the City Manager has latitude over. Those may be items the City Commission may want to scrutinize. **City Manager Bollhoefer** identified those items as over \$50,000.00 in accordance with the purchasing policy. **Commissioner Sharman** stated that between now and before the second reading is the time to look at those budget items under \$50,000.00.

Commissioner Olszewski stated that in his opinion it would be more economically prudent to use our in-house resources instead of always paying outside consultants. He stated his apologizes for misunderstanding the information from the meetings he has attended, but he is still looking out for the people.

Motion by Commissioner Buchanan to approve Ordinance 12-46 with the second reading and public hearing on September 27, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

- C. **Ordinance 12-47**: AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-47 by title and the following excerpt from Ordinance 12-47

Collection of Ad Valorem	\$ 305,342
Revenue other than Ad Valorem	<u>7,069,860</u>
TOTAL REVENUES	\$7,375,202
Appropriations from Fund Balance	<u>576,596</u>
TOTAL AVAILABLE FOR EXPENDITURES	\$7,951,798

Mayor Rees opened the public hearing.

Rod Reynolds, 1308 Vic Kay Court, Winter Garden, Florida, asked how is the public to know which budget items are approved expenditures under the control of the City Manager or the City Commission. **Mayor Rees** replied that whenever you see capital expenditures, there are things that are being allocated that do not actually mean that the City Commission will agree, vote, or expend those funds. He noted that there is a \$50,000.00 threshold that the City Manager can do anything with. **Mr. Reynolds** asked if the \$10 million does not get allocated, would the funds be rebated to the residents. **Mayor Rees** responded no.

Mayor Rees closed the public hearing.

Commissioner Olszewski clarified his comments in the prior meeting minutes; when he said City employees moving from a defined benefit to a defined contribution, he was referring to general employees and not police and fire or any current employee. He stated that his proposal would only be for all new employees.

Motion by Commissioner Makin to approve Ordinance 12-47 with the second reading and public hearing on September 27, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- D. **Ordinance 12-48**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2012-13 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

City Attorney Ardaman read Ordinance 12-48 by title only.

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

Motion by Commissioner Buchanan to approve Ordinance 12-48 with the second reading and public hearing on September 27, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

REGULAR CITY COMMISSION MEETING

2. APPROVAL OF MINUTES

Motion by Commissioner Olszewski to approve Budget Workshops and Regular Meetings of August 9, 2012 and August 23, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

(Item 10.A was addressed at this time)

Mayor Rees indicated that he believes this item is a matter of the City Commission and should be addressed as a regular business item.

Mayor Rees recognized City Attorney Ardaman to address three suggested clarifications/corrections to previously distributed copies of the proposed contract.

Mr. Ardaman noted that the use of the phrase “effective date” to determine the term of the agreement under section 2 is not really defined. He suggested the addition of the term “(effective date)” to the first line of the first page. Secondly, on page 3 under section 3.D., subsections 1 through 4 are required statutory provisions. He stated that under D (4) the words “known policy” should be replaced with the word “standard” to be consistent with the statute. Finally, under section 15.C. on page 5, he suggested adding the following language: “*when executed and delivered between the parties.*”

City Manager Bollhoefer noted that he has distributed to the City Commission a salary comparison of three like size cities in Orange County for their reference.

Motion by Commissioner Buchanan to approve the City Manager’s contract with the City Attorney’s suggested changes. Seconded by Commissioner Makin and carried unanimously 5-0.

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 12-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 105.68 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD(CR 545) ON THE NORTH AND SOUTH SIDE OF MARSH ROAD, AT 17201, 17301 AND 17310 MARSH ROAD AND 1751 WILLIAMS ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN’S LAKE PHASE 2 URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EEFECTIVE DATE (Waterside on John’s Lake Phase II)

City Attorney Ardaman read Ordinance 12-44 by title only. Community Development Director Williams stated that this is a rezoning for a 105 acre piece of property that is located generally on both sides Marsh Road on the southwest corner of Johns Lake and

East of Williams Road. He noted that it is a part of McKinnon's Grove property and adjoins the property that is being developed to the east, which is the Waterside Phase I Urban Village PUD.

Mr. Williams noted that the applicant has submitted a very complete application and supporting documentation and that staff has reviewed it against the City's comprehensive plan policies, land development code, future land use map, a Joint Planning Area 6 requirements, zoning criteria, Wekiva Protection Act and all of the City's regulations and codes.

Mr. Williams stated that staff has looked closely at the protection of the lake. There are 313 residential units, 296 single family residential units, and 17 live/work units. He noted that the residential component on John's Lake does not have lots that front on the lake; this area is being maintained so everyone can have access to the lakes. A major park facility is planned on the lake and they are considering a boat dock. This is not a gated community which will allow others in the local community to enjoy those recreational facilities.

Mr. Williams stated that staff has reviewed this project and there have been community meetings as well as the Planning and Zoning meeting regarding this property. He noted that the community spoke favorably of this project. The project meets the City's requirement of concurrency and approval is recommended.

Mr. Williams stated that the applicants are present and would like to give a brief presentation.

Mr. Tom Sullivan, representing Centerline Homes, gave a brief presentation stating that they were in complete agreement with staff and thinks this project is compatible with the surrounding area.

Commissioner Buchanan clarified that it is not going to be a gated community and asked if they were comfortable with people coming in and out to use the facilities. Mr. Sullivan replied that it is something the developer is comfortable with keeping open and will work.

City Manager Bollhoefer shared that this concept was also done within Oakland Park which is right off the bike trail and that has worked well.

Mayor Rees asked how many units will be included if this community is R-1. Mr. Williams replied that they will probably get about 20 percent more under the straight zoning because of the amount of open space and environmental protection. Mr. Williams noted that the lots are smaller than the standard R-1, but the density they achieve is less than they could have which was up to four units to the acre, and they are not even at three at this point.

Commissioner Olszewski asked City Attorney Ardaman if the City Commission desires to move forward on this ordinance would it have any bearing on current litigation concerning this property. Mr. Ardaman replied that it certainly could affect us but it is up to the developer to choose to move forward with this at their risk. He noted that they have evaluated it and are comfortable with moving forward with the City Commission's consideration and approval. Commissioner Olszewski asked if there would be any additional risk to the City. Mr. Ardaman replied no there would be no additional risk to the City; it is strictly a developer exposure. If it were ultimately overturned it could affect the City, but doesn't create an additional liability.

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

Motion by Commissioner Buchanan to approve Ordinance 12-44 with the second reading and public hearing being scheduled for September 27, 2012. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 12-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 62 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR REVISED DEFINITIONS; PROVIDING FOR REVISED STANDARDS, REQUIREMENTS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-53 by title only. Community Development Director Williams stated that before the City Commission is the sidewalk café ordinance and proposed changes that staff would like the City Commission to consider. He noted that the original ordinance was intended to allow patrons to have lunch or dinner in the café style atmosphere in an enclosed fenced in area and have an alcoholic drink with their meal. He stated that it was clear that the City did not want to have a bar atmosphere. Staff has gone back through the ordinance because we have had requests to have open-air facilities that will be more bars like than a patron having lunch or dinner and a drink in an enclosed area. He specifically noted page 3 under Section 26 states "Bars, counters, countertops and other furniture and fixtures upon which food or beverages may be served which are not designed, constructed or oriented primarily to accommodate two to five patrons to face one another when seated, are prohibited in sidewalk cafe areas..." The changes to the ordinance are to keep what was originally intended which is a family atmosphere. He noted that anyone having a special event can ask the City Commission for approval to have a more open outside event. In addition, Section 27 of the ordinance prohibits vats, tubs, coolers, and other beverage storage devices in the cafe areas, unless it is a special event approved by the City Commission.

Mayor Rees commented that the City Manager's opening presentation shows just how far the City has come. He thinks that this has a lot to do with our family atmosphere and downtown being safe and secure as well as being a good place to take your family and he thinks we should continue and improve upon it.

Commissioner Olszewski agreed with the Mayor's comments and thinks the City has done a great job in making this a special place people can bring their families. He noted that his concern was not with the alcohol but the potential exposure of the City to the equal protection clause. He does not want us to single anyone out. City Attorney Ardaman responded that this ordinance does not target any particular business or developer and is applicable to all businesses across the City. Anyone looking to expand or modify will be under this ordinance and he feels that the City is on pretty safe ground. No existing business that he is aware of would be exempt from these requirements.

Mayor Rees opened the public hearing.

Michael Scorzone, 42 W. Plant Street, Winter Garden, Florida, asked for clarification on Section 26 relating to open areas. **City Attorney Ardaman** responded that if you have an opening in the front of the business that allowed opened or exposed direct pedestrian access and viewing from the outside of the building and served some of the prohibited items, you could not do this. **Mr. Scorzone** asked why now and expressed his concern that this prohibition is directed at his request to expand his business. **Mr. Ardaman** responded that this ordinance has been in the works for some time.

Mayor Rees noted that it was controversial when the outside dining was started and the ability to serve alcohol was given. He explained that the intent was that it be kept away from the open bar type scene. **Mr. Scorzone** stated that it is apparent to him that this ordinance did not come about until he approached the City with expanding his business. The City Commission discussed with Mr. Scorzone the nature of his business and his plans for expansion.

City Manager Bollhoefer explained that before Mr. Scorzone submitted his application residents came to staff and asked us to look at this issue. It may have been that others new of Mr. Scorzone's plans are why they came to staff. Mr. Bollhoefer assured Mr. Scorzone that staff began looking at this before anything was submitted by Mr. Scorzone.

Mr. Williams noted that the City has had a number of requests to have similar open-styled bar facilities. He stated that Mr. Scorzone can expand his facility; he merely needs to put his bar indoors so that it is not visible from the streets. **Mr. Ardaman** noted that this ordinance does not prohibit the sale of alcohol in the outside café area. This primarily deals with how the tables, chairs, and counters are oriented. This ordinance specifies that people are seated in a group style setting facing one another, not where you have folks lined up along a bar.

Mr. Scorzone got clarification on Section 27 for selling of beer during special events that he does need to get City Commission approval. **Mr. Bollhoefer** responded yes.

Tim Grosshans, 741 Lake Cove Pointe Circle, Winter Garden, Florida, stated that he wanted to speak in favor of this and reminded Mr. Bollhoefer of conversations regarding this issue over a year ago. He expressed concerns about downtown moving towards more and more alcohol sales. He feels downtown has become a family friendly atmosphere. The more alcohol that comes in will bring more problems with it if the downtown becomes more of a bar scene. He urged the City Commission to pass the ordinance.

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, stated that he wanted to clarify that he is in favor of this ordinance and contacted some of the City Commissioners but did not tell them how each other was going to vote on this ordinance.

Motion by Commissioner Sharman to approve Ordinance 12-53 with the second reading and public hearing being scheduled for October 11, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **SECOND READING AND PUBLIC HEARING 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 there are several items on the agenda that lay the foundation for the City to be able to apply for a Community Development Block Grant (CDBG). She noted that this is the second reading of this ordinance as required for the City to be

eligible to apply for the Community Development Block Grant. She noted that this ordinance makes it unlawful to discriminate against people when it comes to the sale or rental of housing.

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

Motion by Commissioner Olszewski to adopt Ordinance 12-38. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **FAIR HOUSING WORKSHOP**

Mr. Fox, CDBG Consultant, passed out a sign-in sheet for the audience to sign and explained the protected classes within Ordinance 12-38. He noted that if the grant is funded, there are four activities a year the City will be required to do.

City Manager Bollhoefer clarified that these requirements are only during the life of the grant.

6. **SECOND PUBLIC HEARING ON A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION**

A. **CDBG Funding Overview and Process**

Mr. Fox stated that the grant application for \$750,000.00 is due on or before October 1st. The budget established in the grant is \$726,000.00 for the rehabilitation and replacement of a minimum of twelve properties of which, two would be for very low income families and two for low income families as required by the State, with the rest being all low income. Included is \$4,000.00 for temporary housing while their homes are being addressed. All code violations must be addressed. Mr. Fox stated that the citizens group met and recommends approval of submitting the grant.

B. **Public comments invited**

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

7. **REGULAR BUSINESS**

A. **Resolution 12-17: A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF THE LONG TERM AND SHORT TERM OBJECTIVES OF THE CITY OF WINTER GARDEN COMMUNITY DEVELOPMENT PLAN**

City Attorney Ardaman read Resolution 12-17 by title only.

Motion by Commissioner Makin to approve Resolution 12-17. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Resolution 12-18:** A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FEDERAL FISCAL YEAR 2012

City Attorney Ardaman read Resolution 12-18 by title only.

Motion by Commissioner Makin to approve Resolution 12-18. Seconded by Commissioner Sharman and carried unanimously 5-0.

Dispense as the City Commission and convene as the Community Redevelopment Agency at 7:54 p.m.

Members Present: Chairman John Rees, Members Robert Olszewski, Bob Buchanan, Kent Makin, Colin Sharman, and CRAAB Chairman Larry Cappleman

- C. **Resolution CRA 12-19:** A RESOLUTION AUTHORIZING THE USE OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) OF CITY OF WINTER GARDEN FUNDING AS LEVERAGE FOR THE SMALL CITIES HOUSING REHABILITATION COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION THE CITY IS SUBMITTING TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FEDERAL FISCAL YEAR 2012

City Attorney Ardaman read Resolution CRA 12-19 by title only.

Motion by Member Cappleman to approve Resolution CRA 12-19. Seconded by Member Buchanan and carried unanimously 6-0.

Adjourn as the Community Redevelopment Agency and reconvene as the City Commission at 7:55 p.m.

- D. **PUBLIC HEARING OF RESOLUTION 12-16:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN GRANTING AN EXTENSION OF THE HICKORY HAMMOCK PLANNED UNIT DEVELOPMENT APPROVED BY ORDINANCE 06-05; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Resolution 12-16 by title only. Community Development Director Williams stated that this 500 unit development is located north of Marsh Road and west of Avalon Road on the southeast corner of Johns Lake project that was approved in February of 2006. He noted that the property has been in default of its agreements and approvals with the City due to hard economic times. He noted that they have reimbursed the City for all the funds the City has spent on the road. They are getting ready to sell the property and have a prospective buyer and are asking the City to

go through all of their approvals and work with them on an agreement that addresses all of the changes to the code that they now have to incorporate in order to get the property out of default and into good graces with its zoning. They have been successful and have signed those agreements and they are ready for recording. He stated that because they have resolved all of those issues, staff is asking that the City Commission extend their approval for one more year so that they can get underway with construction.

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

Motion by Commissioner Buchanan to approve Resolution 12-16. Seconded by Commissioner Olszewski and carried unanimously 5-0.

E. **Recommendation to approve extending the Alexander Ridge Planned Unit Development for one additional year to expire September 30, 2013**

Community Development Director Williams stated that this is a project that has also been slow in development due to the economic hard times. Staff believes that the project is vested under its current plan development zoning. The applicant has met many of the conditions. They have cleared and graded portions of the property, donated right-of-way for Avalon Road and Tilden Road at Avalon Road to the City. Mr. Williams stated that based on these things, the applicant has requested one more year zoning extension on the planned development and staff recommends approval.

Motion by Commissioner Olszewski to approve extending the Alexander Ridge Planned Unit Development for one additional year to expire on September 30, 2013. Seconded by Sharman and carried unanimously 5-0.

F. **Recommendation to authorize the City Manager to negotiate purchasing 63 N. Boyd Street from CenturyLink for additional downtown parking**

Community Development Director Williams stated that CenturyLink owns the parking lot, which is well located for additional downtown parking. Staff has been negotiating with them to purchase additional parking downtown. An appraisal has been done and staff is asking permission for the City Manager to negotiate with them based on that appraisal.

Motion by Commissioner Buchanan to authorize the City Manager to negotiate purchasing 63 N. Boyd Street from CenturyLink for additional downtown parking. Seconded by Commissioner Olszewski and carried unanimously 5-0.

G. **Recommendation to approve bids and award contract for Trunk Line C, Phase 6 Project to Andrew Sitework, LLC, with a contract amount of \$809,340.92 that includes a 10 percent contingency**

Public Services Director Cochran stated that on July 11, 2012 bids were received for Trunkline C, Phase 6. He explained the location and that this project has been done in phases over the past seven years with Phase 6 being the last phase. Andrew Sitework LLC was the lowest bid at \$735,764.47. The references were checked and were all positive. Staff recommends the addition of a 10 percent contingency bringing the total approved project amount to \$809,340.92.

Motion by Commissioner Sharman to approve bids and award contract for Trunk Line C, Phase 6 Project to Andrew Sitework, LLC, with a contract amount of \$809,340.92 that includes a 10 percent contingency. Seconded by Commissioner Makin and carried unanimously 5-0.

H. **Recommendation to approve renewing the Water Atlas Interlocal Agreement with Orange County in the amount of \$6,750.00**

Public Services Director Cochran stated that this is a renewal of an agreement with Orange County. He shared that the water atlas is a geographical based website that provides information on watersheds in Orange County for different scientists and professionals. The City uses it for the consumptive use permit and for the Florida Department of Environmental Protection Agency for our stormwater permit. He stated that the total amount is \$6,750.00, which is paid in three installments of \$2,250.00.

Motion by Commissioner Olszewski to approve renewing the Water Atlas Interlocal Agreement with Orange County in the amount of \$6,750.00. Seconded by Commissioner Buchanan and carried unanimously 5-0.

I. **Recommendation to approve extending the Rural Metro ambulance service contract for one year**

City Manager Bollhoefer stated that this matter was discussed at a previous meeting and that we would extend the current contract for an additional year. During that year the City will hire a firm to do an analysis to determine the financial feasibility of providing this service in-house and recommended approval.

Commissioner Makin asked if anyone was aware of any complaints. Mr. Bollhoefer noted that he is aware of only one complaint and he will provide him with this information.

There was discussion on previous ambulance service issues between Rural Metro and Orange County.

Motion by Commissioner Olszewski to extend the Rural Metro ambulance service contract for one year. Seconded by Commissioner Sharman and carried unanimously 5-0.

J. **Recommendation to approve entering into an agreement with the Orange County School Board to continue the School Resource Officer Program**

Police Chief Brennan stated this program is identical to last year's program except that they have added SunRidge Middle and Elementary Schools and have increased the reimbursement fees accordingly.

Motion by Commissioner Sharman to approve entering into an agreement with the Orange County School Board to continue the School Resource Officer Program. Seconded by Commissioner Buchanan and carried unanimously 5-0.

K. **Appointment to the General Employees' Pension Board for expiring two-year term of Theo Graham on September 30, 2012**

Motion by Commissioner Sharman to reappoint Theo Graham to the General Employees' Pension Board. Seconded by Commissioner Buchanan and carried unanimously 5-0.

8. **MATTERS FROM CITIZENS**

Rod Reynolds, 1308 Vic Kay Court, Winter Garden, Florida, addressed the City Manager's contract and the negative letters submitted to the City Commission. He urged the City Commission, on behalf of the residents, to investigate the allegations. Mayor Rees invited Mr. Reynolds to share what he has with him and added that in his opinion, he does not put a lot of stock in anonymous letters.

Richard Mask, 199 E. Crest, Winter Garden, Florida, addressed the City Manager's contract and commended the City Commission's decision on bringing Mr. Bollhoefer back as City Manager.

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

10. **MATTERS FROM CITY MANAGER**

A. **City Manager Employment Agreement** (*This item was addressed earlier in the meeting after Item 2.*)

• **New Finance Director**

City Manager Bollhoefer introduced the new Finance Director Laura Zielonka.

• **Transportation for Handicap**

City Manager Bollhoefer stated that staff is looking into transportation for those citizens that may have handicaps being transported to some of the City's events. He noted that staff would look into rentals for now and possibly purchasing a van or minibus for the long term.

Mr. Bollhoefer also noted that the City will be repairing sidewalks at Newton Park. He noted that the problems have been due to erosion.

11. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan stated that several of the items he has asked the City Manager to take care of have all been resolved. He noted positive feedback from some of the citizens regarding the improvements.

Commissioner Olszewski announced that the Florida League of Cities has named him to their Finance, Tax, and Personnel Committee leading up to the 2013 State Legislative session. He noted that he would be representing the City on this committee.

He reminded everyone that on October 6th the Saturday night at MusicFest, the East Winter Garden Community Development Corporation (nonprofit organization) will have their black tie gala and invited others to attend.

He apologized again for his misunderstanding on the budget matter previously discussed in the meeting. He noted that he had never heard anything about the \$50,000 in all the budget meetings he has attended with the City Manager. He is a little concerned that all of the other City Commissioners had information that he did not.

Commissioner Sharman thanked the group of residents that attended the Florida Hospital focus group. After the meeting, he and the City Manager talked about possibly having a regular monthly meeting to walk the berm area with the mall management and key people maintaining it. He noted that there were eight people that live near the proposed site of the Florida Hospital. They like a hospital coming to the City of Winter Garden but there are things that needed ironing out.

He asked if the City Commissioners had given any thought to how high the tallest building in the City of Winter Garden should be. **Mayor Rees** responded that it depends on the area and he would have to be convinced to build more than five stories. **Commissioner Makin** stated that he was holding off on his opinion until he hears from the community. **Commissioner Buchanan** noted that this is also how he feels; he does not live close enough to give a good analogy. He would rather have the people who will have to see it every day make that decision. **Commissioner Olszewski** stated that he has also received a lot of calls on this issue and noted that it was common knowledge that Florida Hospital wants eight stories and he thinks the cursory meeting with City staff has been five stories, so he will also wait until after the community meetings to see where it lies. **City Manager Bollhoefer** stated that at the meeting the residents were split 50/50 between eight and five stories.

Commissioner Sharman stated that he agrees with the Mayor's earlier comment that if someone sends something to him anonymously, he cannot call it out and will throw it out. He gave his word that if an employee or citizen comes to him seeking to remain anonymous

he will keep it anonymous. He expects the person to have the courage, if you really believe something is true, to bring it to him and he will keep it anonymous.

Commissioner Olszewski addressed the City Attorney by stating that when he attended training he was told that anytime a City Commissioner receives something in writing it becomes a public record and they are obligated by law to maintain it. **City Attorney Ardaman** responded that with respect to documentation, if a citizen comes to any Commissioner or the Mayor and speaks to you and request anonymity there is no requirement that this information be disclosed unless it is a quasi-judicial matter. If it is a document or an e-mail that pertains to City business the City Commissioners are a custodian of that document and it is a public record. He added that if the City Clerk already has a copy, as the City's records custodian, then it can be disposed of. **Commissioner Makin** asked if he receives a letter he becomes the custodian, but if he gives it to the City Clerk, then they can dispose of the record. **City Attorney Ardaman** explained that there is whole process for dealing with public records. The City Clerk has a process in place that is consistent with Florida Law that allows the destruction of public records over time. **Commissioner Makin** clarified that once he turns the document over to the City Clerk, he is no longer the custodian and he can destroy it. **City Attorney Ardaman** replied that is correct.

The meeting adjourned at 8:32 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC