



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 25, 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 City Manager – Administrative Services Frank Gilbert, Assistant City Manager - Public Services Don Cochran, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Parks and Recreation Director Jay Conn, Network Specialist George Strobel, Senior Planner Laura Smith, and West Orange Times Reporter Kelsey Tressler

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of October 11, 2012 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

A. **Proclamation 12-24** was read and presented by Mayor Rees to Victoria Laney declaring October 27 through November 3, 2012 as the Week of the Family.

B. **Proclamation 12-27** was read by Mayor Rees declaring the month of November 2012 as Pancreatic Cancer Awareness Month.

C. **Teaching local elementary students about the importance of nutritional gardens in our schools**

Greg Ohe, with Health Central, spoke on the benefits to children experiencing the upkeep of a nutritional garden within our schools.

John Rinehart stated that the concept of a nutritional garden is not new and is fast becoming active all over Orange County. He suggested starting a pilot program with a limited number of schools, and asked the City of Winter Garden to partner with them. He noted they have already met with the Orange County School Board and six elementary school principals in the City of Winter Garden. They would like to proceed with planning the implementation of the school garden program into the local elementary

schools by next fall. He noted that they are reaching out to other organizations and they are looking for this to be a holistic community approach.

Mr. Rinehart stated that he was present to explain their plans, answer any questions, seek the Commission's commitment and for a financial contribution of \$5,000.00. The hospital will be contributing as well as other funding along the way. They will be looking to West Orange Healthcare District to fund the implementation next year.

Mayor Rees ask if all six schools would participate next fall. Mr. Rinehart stated yes, they want to start a program with some commonality with schools sharing versus individual school initiatives.

City Manager Bollhoefer asked how the \$5,000.00 would be used. Mr. Rinehart responded that they have hired Sara Stagg, a consultant, to manage the implementation of this program. Mr. Rinehart gave some history of Ms. Stagg's experience in the management of projects.

Commissioner Olszewski asked if the program has the endorsement of Orange County Public Schools (OCPS). Mr. Rinehart responded yes and named several OCPS contacts with whom they have spoken and some of the details being worked out.

Commissioner Makin asked if the gardens would be on each school campus. Mr. Rinehart responded yes.

Commissioner Buchanan stated that he would like to have more information and time to review. He noted that this would be taxpayer's dollars given to an Orange County facility. He understands the effort but it would be giving away \$5,000.00 and needs more review. Mr. Ohe stated that if the Commissioners have not received the preliminary information they submitted, then he would understand delaying this until the next meeting. Mr. Bollhoefer suggested letting him make sure everyone has the information and bring the matter back to the next meeting. *(No objections were noted so the matter will be added to the next agenda under regular business without a presentation.)*

D. **International City/County Management Association awards for Voice of the People for Transformation and Excellence** *This item was postponed.*

E. **Oath of Office and introduction of new police officers**

Police Chief Brennan introduced new police officers Alba Agosto, Gerald Bentil, Brian Kirk, and Dave Vernon and administered them the oath of office.

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

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. Senior Planner Smith stated that this is the second reading of a proposal for rezoning a 63 acre property located on either side of Winter Garden Vineland Road. Ms. Smith noted that it is a rezoning from R-1 to PUD; the PUD as proposed contains 118 single family lots. She noted that at the first reading of this ordinance there was an outstanding issue relating to school capacity for the project. Since then, the applicant has requested approval from the School Board to transfer 36 credits from another project (Horizons West). The request for transfer was approved by the school board on October 23rd, so that issue is now resolved. The property will also participate in the signalization at the intersection of Roper Road and Daniels Road. She noted that this would be clarified further in a developer's agreement which is currently being drafted.

Ms. Smith stated that a community meeting was held and the Planning and Zoning Board, along with City staff, recommend approval subject to the conditions outlined in the PUD ordinance.

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

Motion by Commissioner Buchanan to adopt Ordinance 12-30. Seconded by Commissioner Olszewski and carried unanimously 5-0.

- B. **Ordinance 12-61:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 2 OF ARTICLE II, CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR ELIMINATION OF THE CR 545 SPECIAL BENEFIT OVERLAY DISTRICT IMPACT FEE; PROVIDING FOR PARTIAL REFUNDS OF PAID CR 545 SPECIAL BENEFIT OVERLAY DISTRICT IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-61 by title only. City Manager Bollhoefer stated that this ordinance was discussed in detail at the last meeting. Originally this entire road was going to be a four lane road as agreed to by Orange County. Since then, it has been determined that it is not necessary to four-lane the road to the first 90 degree turn by the Stonybrook pond, which was the City's obligation. Instead, we will blow out the intersection at Tilden and Avalon, install a traffic light and turn lane, and fix the hill coming from the west. He noted that staff is requesting the elimination of the super impact fee as it is no longer needed. Mr. Bollhoefer stated that some of the funds would have to be repaid to the developers that paid the fees. The regular impact fees would be

used to improve the intersection because it does qualify for impact fees if it does increase intersection capacity. There will not be any risk of losing any funds if at a later date the entire CR 545 needs to become four-lanes.

Commissioner Makin asked if Orange County has any involvement. Mr. Bollhoefer responded that the City has an interlocal agreement in which the City would four-lane the southern section and Orange County would widen the northern section. Staff has spoken to Orange County and explained what is planned and they have no issues. A new agreement may be required.

Commissioner Makin asked if there were any conceptual plans to see what the new intersection would look like. Mr. Bollhoefer responded that he believes there are plans which would be brought back to the City Commission for review.

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

Motion by Commissioner Sharman to adopt 12-61. Seconded by Commissioner Makin and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve the purchase of two solid waste trucks**

Public Services Director Cochran stated that staff is proposing to purchase two solid waste trucks through two piggyback bids. The first truck is a 2013 side-loader loadall and is a piggyback contract through the City of Venice for a purchase price of \$207,520.00. This truck would replace truck #214 which has 120,000 miles and in the past three years maintenance costs have been \$39,113.11. The second truck is a 2013 Mack front-loader and is a piggyback purchase off of the Sheriff's State contract with a purchase price of \$228,597.00. This truck would replace truck #260 which has 105,000 miles and the approximate maintenance cost for the past three years has been \$33,600.00.

Commissioner Makin asked how old are the trucks being replaced. Mr. Cochran stated the side loader is a 2002 and the front loader is a 2003.

Motion by Commissioner Buchanan to approve the purchase of two solid waste trucks as requested. Seconded by Commissioner Olszewski and carried unanimously 5-0.

B. **Recommendation to approve and award to Middlesex Corporation the 2012-2013 street resurfacing projects using Orange County's contract #Y10-195**

Public Services Director Cochran stated that this item is a request to piggyback Orange County's contract with Middlesex Corporation on street resurfacing for this budget year. Since Orange County has already gone through the competitive bidding process, the City can piggyback. In addition, staff would also like to start using Middlesex Corporation for resurfacing Westside Townhomes streets.

Mr. Cochran noted that the list provided in the agenda packet for the streets to be paved is not in any order and the City Commission can make suggestions on the order the projects are done.

There was discussion that the Middlesex Corporation is who the City has used for the past two years and they have done a good job.

Commissioner Olszewski asked about the order of the projects. Mr. Bollhoefer noted that the worst streets would and should be done first.

Motion by Commissioner Sharman to approve and award to Middlesex Corporation the 2012-2013 street resurfacing projects using Orange County contract #Y10-195. Seconded by Commissioner Makin and carried unanimously 5-0.

C. **Approve City Manager entering in to an agreement with Tetra Tech Engineering to provide engineering services for the design of the Tucker Ranch Community Park**

Parks and Recreation Director Conn stated this is a potential contract with Tetra Tech Engineering for the design of the Tucker Ranch property. The City purchased this property with the intent of turning it into a city park. There is a grant stipulation deadline that this park be open by March 2015. Mr. Conn stated staff hopes to complete engineering and permitting in 2013 and go into construction in 2014 in time for the 2015 opening. Staff recommends approval of the contract and noted Tetra Tech Engineering is one of the firms on the City's approved list of continuing services contracts for engineering firms.

Commissioner Olszewski asked if their main function is to make sure the land is suitable to develop or will they actually make plans to determine what goes where. Mr. Conn replied that they will make plans as part of the permitting process to St. Johns Water Management District and Florida Department of Environmental Protection.

Commissioner Sharman asked if this project will be built in phases. Mr. Bollhoefer responded that this company is not designing the entire park; they will do a lot of the design work on pipes, roads, and parking lot infrastructure. Staff can provide the in-house plans showing the status of where we are to date on the actual park design. Yes, it will be done in phases.

Motion by Commissioner Buchanan authorizing the City Manager to enter into an agreement with Tetra Tech Engineering to provide engineering services for the Tucker Ranch community park as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. Recommendation to authorize the disposal of four 2008 Harley-Davidson motorcycles to Gator Harley-Davidson, Inc. in exchange for a two-year lease on four new police motorcycles

Police Chief Brennan stated that he is seeking authorization to trade-in four police motorcycles in exchange for four leased Harley Davidson motorcycles. He noted that Gator Harley Davidson has agreed to take the used motorcycles in a complete trade for a two-year lease plus the transfer of all the equipment. The lease for the bikes for two years is approximately \$5,500.00 each. The last equipment transfer in 2007 was approximately \$950.00 per bike. Therefore, we are receiving \$6,500.00 in trade for the bikes. He recommended that we go back to leasing. He explained the exorbitant cost of repairs incurred on the current motorcycles.

Commissioner Makin asked if the repairs were performed by Harley. Police Chief Brennan replied yes, but last year staff switched to a local repair shop that has reduced the City's costs. He explained that the benefit of getting a new bike is that the first year is covered under the manufacturer's warranty, except for wear and tear of such items as the clutch and tires.

Motion by Commissioner Sharman authorizing the disposal of four 2008 Harley-Davidson police motorcycles to Gator Harley-Davidson, Inc. in exchange for a two-year lease on four new police motorcycles.

Commissioner Makin asked how this plan compares to BMW motorcycles. Police Chief Brennan responded that if we were to continue to purchase the motorcycles, he would strongly look at the BMW, but they do not offer a lease program. He further explained that one of the advantages of the BMW is that they come with a three year warranty and are fully equipped with lights and sirens. He noted that with the Harley, we would have to put all of the equipment on at an extra expense. The BMW comes as a complete package which covers everything under the factory warranty. He noted that with the Harley the City puts all the equipment on and if the lights or wiring needs repair, it is not covered under the warranty because it is added on after market.

Seconded by Commissioner Makin and carried unanimously 5-0.

E. Consider reappointment of Larry Cappleman to the Community Redevelopment Agency (CRA) for his expiring four year term

Motion by Commissioner Buchanan to reappoint Larry Cappleman to the Community Redevelopment Agency for a four-year term. Seconded by Commissioner Olszewski and carried unanimously 5-0.

Mayor Rees thanked Larry Cappleman for all he does on the CRA.

5. **MATTERS FROM CITIZENS**

Charlie Mae Wilder, 284 11th Street, Winter Garden, Florida, requested support from the City for the Veterans and Family of Veterans appreciation event to be held on November 2, 2012 at 10:30 a.m. at the Bethlehem Missionary Baptist Church. She stated that in the past the City advertised in their program booklet. She asked for a donation of \$200.00, which includes the advertisement.

Motion by Commissioner Sharman to approve donating \$200.00 to the Veterans and Veterans' Family appreciation event. Seconded by Commissioner Makin and carried unanimously 5-0.

David Kassander, 15155 Ovation Drive (Belle Meade Subdivision), Winter Garden, Florida, and a member of their Homeowners Association (HOA) noted that he was recently before the City Commission asking about the missing segment of sidewalk between Stone Creek and the shopping center. He stated that he had not heard anything and wanted to get an update.

Commissioner Sharman noted that he and the City Manager spoke on this topic and deferred the update to the City Manager.

City Manager Bollhoefer stated that staff has reviewed this and thinks it can be done ahead of schedule with possibly no additional cost using the push button contract. He noted that staff will need to work with the HOA to determine a good time to work on the sidewalk because it will shut down the road for a period of time. Mr. Kassander noted that discussions would be great and they would make themselves available. He also noted that Stone Creek is also affected so their HOA would also need to be contacted.

Mr. Kassander complimented all of staff's effort in getting information out to the community.

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

7. **MATTERS FROM CITY MANAGER**

• **Financials**

City Manager Bollhoefer stated the financials were distributed for the City Commission's review and if anyone has any questions, they could contact him or Finance Director Laura Zielonka.

• **Cemetery Fence**

City Manager Bollhoefer stated that he distributed a rendering of the proposed cemetery fence. He noted that the County has agreed to pay \$75,000.00 to install a fence along the south and west perimeter of the cemetery once the construction was near completion on CR 535. The approximate cost of the fencing is approximately \$70,000.00 to \$80,000.00. He suggested the City Commission think about adding approximately 70 to 80 brick columns every so many feet to give the fence a much statelier look. To add

columns every twenty feet would add approximately \$45,000.00 to \$50,000.00. He noted that the look and appearance of the cemetery is very important to a lot of people.

Commissioner Makin noted that the cemetery is lakefront property and asked what it would take to trim some of the vegetation down in order to make it look more like a park. City Manager Bollhoefer replied that staff has not looked at that option and is not sure if it is wetland or not; staff can look at it at a later date.

- **Zanders Park playground equipment**

City Manager Bollhoefer stated that Commissioner Olszewski has received a request for a swing set in Zanders Park and asked if there could be a budget adjustment of approximately \$5,000.00 to purchase and install a swing set as requested by a number of residents.

- **Walker Field Net**

City Manager Bollhoefer stated that a Commissioner has requested that a net (30 feet by 30 feet) be placed at least on the west side (Park Avenue) of Walker Football Field for approximately \$2,500.00.

Motion by Commissioner Sharman to approve the budget changes, up to the amount indicated, for Zanders Park playground equipment and Walker Field net. Seconded by Commissioner Makin and carried unanimously 5-0.

The following two agenda items were handled in reverse order of the actual agenda.

A. **Request closure of city offices on Monday, December 24, 2012 and Monday, December 31, 2012**

City Manager Bollhoefer commended the City employees for all they do and requested that the City Commission approve adding two additional paid days off; Monday, December 24th and Monday, December 31st to give the employees the four day weekend. He noted that this is only requested when these holidays are adjacent to a weekend.

Motion by Commissioner Olszewski to approve Monday, December 24, 2012 and Monday, December 31, 2012 as additional paid days off for City employees. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. **Cancel regular City Commission meetings of November 22 and December 27, 2012 for the holidays**

City Manager Bollhoefer stated that this is the standard request to cancel the regular City Commission meetings for the Thursday's of Thanksgiving and Christmas which fall this year on November 22 and December 27, 2012.

Motion by Commissioner Makin to cancel the regular City Commission meetings of November 22 and December 27, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- Mr. Bollhoefer advised that there will be an instructional course given on the use of iPads for Commissioners and some staff.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman thanked the City Manager for working on the sidewalk and the update.

Commissioner Sharman stated that he wanted to be sure citizen Andy Bruns knew that he did attend the last car show.

City Manager Bollhoefer noted that the downtown sound system was utilized during the car show. Commissioner Makin reported that it could not be heard from Main Street to Woodland Street. Mayor Rees stated the rest of the speakers worked great. Mr. Bollhoefer noted that easy listening jazz is being played downtown on Mondays, Tuesdays, and Thursdays; the types of music may change based on requests received.

Commissioner Olszewski thanked the City Manager, Parks and Recreation Director, and former City Commissioner Charlie Mae Wilder for being instrumental in getting the swing set in Zanders Park.

Commissioner Olszewski announced the Veterans and Veterans Family appreciation on November 2, 2012 at 10:30 a.m. and invited all to attend.

Commissioner Olszewski announced the free Community Health Fair at the Maxey Community Center on November 3, 2012 from 10:00 a.m. to 2:00 p.m.

Commissioner Olszewski announced that he will be representing the City of Winter Garden at the Third Annual Symposium on Poverty at Florida A & M University Law School. He noted that he is also the City's representative on the Orange County Community Action Board and this is the third event that is being held around the state.

City Manager Bollhoefer announced that on November 17, 2012 the awards recognition ceremony will be held at the City's Farmer's Market at 11:00 a.m. and asked the Mayor and Commissioners to attend.

Commissioner Buchanan noted that the sidewalks at Tanner Hall look great. Also, the new trail spur has taken shape and looks good at Courtlea Park.

Commissioner Buchanan shared that there are a lot of good things going on downtown and looks forward to the upcoming events. He commended the employees on doing a great job.

Commissioner Makin noted that there was a great turn out for the car show and stated that he thinks approximately 280 cars were present. He stated that the sound system worked great except for that one little piece and hopes to get it taken care of by the next car show.

Commissioner Makin thanked Mr. Cochran for meeting him on Main Street and is happy to see that the new drainage system is underway. Mr. Cochran stated that it would take approximately 90 days.

Commissioner Makin noted that he and Public Services Director Cochran would be attending the St. Johns Water Management District meeting regarding the dredging of Lake Apopka.

The meeting adjourned at 7:47 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC