



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

December 11, 2014

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. A Moment of Silence 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 - Public Services Don Cochran, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, and Recreation Director Jay Conn

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

**Motion by Commissioner Olszewski to approve regular meeting minutes of November 13, 2014. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

City Manager Bollhoefer shared that he is postponing his presentation on special events until January 2015. He stated staff is reviewing all policies and procedures as they pertain to special events. Special events do present a special challenge for staff as they do take a lot of staff's time and effort.

Commissioner Sharman noted that there are only so many weekends on our calendar. Mr. Bollhoefer expressed that this time of year is especially tough on staff with so many events.

*(At this time, Mayor Rees moved to item 9.A for discussion.)*

### 9. **MATTERS FROM CITY MANAGER**

#### A. **Discussion on Brandy Creek stormwater issues**

City Manager Bollhoefer stated that there are stormwater drainage issues in the Brandy Creek Subdivision, a massive failure of their stormwater system; and he described some of those issues. He noted that in the future, it may lead to the collapse of the road. He shared that it is believed that the type of pipe used is the cause and is why we are starting to see these types of problems. It was hoped that most stormwater pipes would last 30, 40, or 50 years. The issue for the homeowner's association (HOA) is that they do not have sufficient funds to pay for repairs. Staff is proposing, as we have done in the past, the City pays one-third, the homeowners association pays one-third and the property

owners pay one-third. The approximate total cost for repair would be a maximum of \$500,000.00.

Mr. Bollhoefer noted that the homeowners association would be asked to pay their portion upfront and the City would then pay cash for the second one-third. A special assessment would be done on the final one-third paid to the City over a 20 year period.

Mr. Bollhoefer stated that there is no paperwork to present tonight, but he wanted to present it to the City Commission because the neighborhood is very worried that their situation is becoming dire very fast. Staff was hoping to get direction from the City Commission tonight. Staff could then, over the next 30 days, negotiate and work out the details and then bring the issue back to the City Commission for a final vote in January.

Commissioner Makin asked if there was an engineering report. Mr. Bollhoefer replied that he has several engineering reports and would send the reports to the City Commissioners electronically.

Mr. Bollhoefer shared that there were two alternatives for the repair, one lasting only about 10 years and that would eventually bring us right back to the same situation. The other alternative would last at least 30 years and hopefully longer.

Mayor Rees stated that he has no problem with the concept and wants to look at the final numbers and review the reports. Commissioner Sharman noted that this is the same thing the City has done for a few other communities.

Mr. Bollhoefer stated that going forward the City may face this in other subdivisions and we would need to seek other solutions for funding as the City will not be able to continue to do this practice going forward as there is no funding source. Staff would like to bring a long-term proposal for dealing with this issue sometime early next year. He shared that there has been a full assessment made of the entire City's stormwater systems.

Commissioner Buchanan expressed the need to start doing something now is important in this subdivision. Because of the shape it is in, it cannot wait until the City studies all the other subdivisions. He shared that this particular community's problems will make even more of a mess during a rainy season.

Mr. Bollhoefer shared that it will not be every subdivision, but those built within a certain time period. The real problem is those built with high-density polyethylene pipe. He noted that the concrete pipes tend to last 30, 40, and 50 years, but the plastic pipes are becoming a big problem.

**Motion by Commissioner Buchanan to authorize the City Manager to move forward with the process as recommended by the City Manager to remedy the situation in Brandy Creek Subdivision as soon as possible. Seconded by Commissioner Sharman.**

Commissioner Olszewski asked for clarification of the motion; that there is a problem and the City Manager is authorized to come up with a solution that will be presented to the City Commission.

City Attorney Ardaman stated that this is just to move the process forward. All the legal requirements, with respect to the resolution to move forward with a special assessment would have to come back to the City Commission with public input, for review and approval. You cannot bind the City tonight to adopt a special assessment. The motion is to allow staff to craft documents that will be brought back to the City Commission.

Commissioner Olszewski expressed that it is his philosophical belief that we should not be taxing residents with a special assessment. He stated that he cannot vote for a tax increase and will be voting no.

Mayor Rees noted that he will not get into whether this is a tax or not, and does not think that it is.

**Motion carried 4-1; opposed Commissioner Olszewski.**

*(At this time, Mayor Rees resumed the regular order of business.)*

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 15-12:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 74-106 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CLARIFY THE LANGUAGE IN REGARDS TO THE REMOVAL AND IMPOUNDING OF ILLEGALLY PARKED, ABANDONED OR DISABLED VEHICLES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-12 by title only. Police Chief Brennan stated that the City's current ordinance (Code Section) 74-106 has some ambiguity and redundancy in it. These recommended revisions will clarify the language. He noted that there are only two minor errors.

**Motion by Commissioner Buchanan to approve Ordinance 15-12 with the second reading and public hearing being scheduled for January 8, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

4. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 15-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 23.64 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH, SOUTH, EAST, AND WEST CORNERS OF THE INTERSECTION OF MARSH ROAD AND WILLIAMS ROAD AT

17416, 17451, 17500, AND 17501 MARSH ROAD AND 2002 WILLIAMS ROAD, FROM CITY NO ZONING (NZ) TO CITY URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); DESCRIBING THE DEVELOPMENT AS THE FOUR CORNERS UVPUD; PROVIDING FOR CERTAIN UVPUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE subject to conditions in the staff report

City Attorney Ardaman read Ordinance 15-04 by title only. Community Development Director Williams stated that this is a rezoning to planned development for mixed use; commercial, office, and possibly retail or residential property at all four corners of Williams Road and Marsh Road. There were community meetings for this issue and a hearing before the Planning and Zoning Board with several issues being raised. There was a concern expressed that area is being over-built and concern for the road's ability and center section to handle the traffic in the area. There was also a concern about one particular use that was placed as a special exception in the project, which was the ability to ask for a future gas station site within the project. This was addressed by staff who reminded everyone that this was a part of the Horizon's West development, which the county had at a substantially higher residential and commercial density. The road situation was discussed and noted that Marsh Road was carrying approximately 18,000 cars and today it is carrying less than 10,000. He noted that this is due to the roundabouts, lowering of the speed limit, enforcement, and various calming devices.

Mr. Williams shared that the neighboring community was concerned this particular intersection was not functioning very well and had some elevation issues. Staff was aware of these problems, but this particular applicant is donating additional right-of-way at no cost to the City to help solve those problems. They are also paying for their share of the intersection improvements. When they develop the property, they will have to install turn lanes to further accommodate traffic within that intersection.

Staff believes that all of those issues were addressed and were presented to the Planning and Zoning Board. The motion on the entire project was unanimously recommended for approval. Staff is also recommending approval subject to conditions in the packet.

Mayor Rees stated that in one of the community meetings there were concerns noted by staff as being addressed but they did not really discuss the outcome for the surrounding residents and the owners. Mr. Williams stated that was one of the items discussed at the Planning and Zoning Board that needs some clarification. The biggest objection, the night of the community meeting, was that they did not want apartments on the property. None were being proposed and it is a prohibited use. At the time of the community meeting, gas stations were listed as a prohibited use. From the time of the community meeting to the time of the Planning and Zoning Board hearing, there were additional Development Review Committee meetings and they requested that the gas station be moved from prohibited to a special exception. Realizing how gas stations are spaced and how they take traffic off of the adjoining network, made staff supportive of at least looking at a gas station as a special exception. The rural settlement area was opposed to a

gas station at this location. Staff was neither 100 percent for or against it but felt that if it were going to be considered, it should be considered as a special exception with a full review at the time it is proposed.

Commissioner Olszewski received clarification that the gas station was included as a special exception that would have to go through the review process and then come back to the City Commission for approval. Mr. Williams shared that the site size is very restrained and has several karst features. The site offers certain restrictions and is tied to certain architectural standards.

Commissioner Makin asked which exact corner is being discussed. Mr. Williams answered that it would have to be on the north side because the south side is too narrow. Commissioner Makin noted the hill that goes down and described how the in and out traffic would have blind spots. Mr. Williams indicated that is not exactly correct because we are controlling access onto the roads; there will not be direct access from the gas station. There is one entrance, much like the shopping centers, into the commercial areas for servicing all the buildings. There will have to be improvements made to straighten out the elevation problem on the two sides. He also noted some additional aids such as the speed limit, signalization, road-widening and other improvements. City Manager Bollhoefer shared that staff is currently in the process of reviewing all the options for that intersection.

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

Commissioner Olszewski shared that sometimes, in government, you have to look at what is the best solution. He thinks it is a very good compromise to work with the developer and Orange County in the rural settlement. He explained that the proposal is for a special exception which has a review process. If it truly does not fit and is not meant to be, he thinks the Orange County rural settlement residents should feel empowered that the City is looking out for their interest.

**Motion by Commissioner Sharman to approve Ordinance 15-04 with the second reading and public hearing being scheduled for January 8, 2015. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Ordinance 15-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY 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

- C. **Ordinance 15-06:** 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 0.22 ± ACRES OF LAND LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 15-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-05, 15-06, and 15-07 by title only. Community Development Director Williams stated that this is a request for voluntary annexation, comprehensive plan land use designation, and zoning designation on a piece of property located on South Park Avenue. The owner is a former City employee who knows the advantages of being in the City and is asking to be included into the City's boundaries. This has been reviewed by staff and the Planning and Zoning Board, and approval is recommended.

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

**Motion by Commissioner Makin to approve Ordinances 15-05, 15-06, and 15-07 with the second reading and public hearing being scheduled for January 8, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- E. **Ordinance 15-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD 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
- F. **Ordinance 15-09:** 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 0.52 ±

ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- G. **Ordinance 15-10**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-08, 15-09, and 15-10 by title only. Community Development Director Williams stated that this is an out parcel within the Bradford Creek subdivision. The property owner has watched the development of that property and has decided that now is an appropriate time to annex into the City and get similar approvals. It has been reviewed by staff and approval is recommended for incorporation into the City.

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

**Motion by Commissioner Olszewski to approve Ordinance 15-08, 15-09, and 15-10 with the second reading and public hearing being scheduled for January 8, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- H. **Ordinance 15-11**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISIONS 3, 4 AND 5 OF ARTICLE II, CHAPTER 42 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR INCREASED IMPACT FEES FOR POLICE PROTECTION, FIRE AND RESCUE AND RECREATION IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-11 by title only. City Manager Bollhoefer requested postponement of this item until the January 8<sup>th</sup> meeting in order to give more time for review.

**Motion by Commissioner Olszewski to POSTPONE Ordinance 15-11 until January 8, 2015, at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

- A. **Ordinance 14-42:** 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 54-189, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-42 by title only. City Manager Bollhoefer stated that this is an ordinance required by the State. The City must pass this ordinance in order to keep the pension plan qualified. It changes how they do their investments and there are no issues with it.

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

**Motion by Commissioner Sharman to adopt Ordinance 14-42. Seconded by Commissioner Makin and carried unanimously 5-0.**

6. **REGULAR BUSINESS**

- A. **Recommendation to approve entering into Indemnity Agreements for lots 23 and 24 (The Ryland Group, Inc.) and lots 25 and 26 (M/I Homes of Orlando, LLC) within Hickory Hammock Phase 1A Subdivision**

Community Development Director Williams stated that this agreement is the result of the construction of some docks on John's Lake. There was a piece of property that had a deed lost back in the 1800's. Four of the properties are still actually owned and have since been resolved. In order to protect the City from ever being sued by any of the former property owners or heirs that think they may have an interest in the property, staff is asking the developers to provide these indemnities to the City. Staff recommends that they be signed.

Commissioner Buchanan asked since these agreements are with the current developer, what happens years later when the HOA takes over. Mr. Williams stated that the title insurance companies have actually taken over the risk on property. This is an extra level of protection for the City.

**Motion by Commissioner Sharman to approve entering into Indemnity Agreements for lots 23 and 24 (The Ryland Group, Inc.) and lots 25 and 26 (M/I Homes of Orlando, LLC) within Hickory Hammock Phase 1A Subdivision. Seconded by Commissioner Makin and carried unanimously 5-0.**

**B. HEARING regarding violation of City Code Section 114-64 for unpermitted removal of an oak tree at 130 N. Lakeview Avenue; owners of record are Charles and Katherine Yoder Trust**

Community Development Director Williams stated that staff is requesting that this item be removed from the agenda. He noted that Mr. Yoder met with the City Manager and staff today to resolve this issue and some other items on the property. Staff believes that this has been satisfied and they will meet our requirements in the future.

*(This item was removed from the agenda; no action required.)*

**C. Recommendation to approve entering into a developer's agreement with Levott Corporation and McKinnon Groves, LLP for property located at 17500 Marsh Road**

Community Development Director Williams stated that this is the developer agreement for the PD that came before the City Commission earlier in the meeting. This formalizes all their commitments for right-of-way donation, participation in improvements to the roadway, the site for the water storage tanks and reclaimed water in the area. Staff has reviewed the agreement, which is similar to other agreements in the area, and recommends approval.

**Motion by Commissioner Buchanan to approve entering into a developer's agreement with Leyott Corporation and McKinnon Groves, LLP for property located at 17500 Marsh Road. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**D. Recommendation to approve Final Plat for Oakland Park subdivision Phase 2A**

Community Development Director Williams stated that the plat has been reviewed by staff. The plat meets all the requirements and conditions placed on the project and staff recommends approval. Mayor Rees sought confirmation on the number of lots, which are 63 and 17.

**Motion by Commissioner Sharman to approve the final plat for Oakland Park subdivision Phase 2A. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**E. Recommendation to waive formal procurement procedures for master planning services, authorize the City Manager to execute a services contract with Real Estate Research Consultants, Inc. in an amount not to exceed \$100,000.00, and approve a Reimbursement Agreement with the City of Ocoee (Tri Cities Partnership)**

Economic Development Director Gerhartz stated that there are actually two items; the first has to do with the waiver to contract with the consultant. The second is the reimbursement agreement of payment of funds.

Ms. Gerhartz gave some background on the cities working together with a consultant to study the interchanges along State Road 429. Some months back, the City of Ocoee applied for a state grant that included the City of Winter Garden as a partner, and have

since been awarded \$100,000.00. The City of Ocoee approved this same item at their last meeting of December 2, 2014.

Ms. Gerhartz stated that the City of Winter Garden has been acting as the administrative staff of the Tri-Cities Partnership. We are also being asked to handle the consulting contract for this grant. She noted that in order to move quickly and meet the terms of the State grant, staff is asking the City Commission to approve the waiving of our purchasing requirements, which is allowed under our purchasing manual. This will allow the City to enter into a contract with a firm that the City vetted over a year ago, called Real Estate Research Consultants.

Ms. Gerhartz explained the reason for the request is that the State contract, recently entered into by the City of Ocoee, requires all the work to be done by June 2015. She stressed that in order to meet this deadline the work has to be started immediately. Ms. Gerhartz stated that staff is recommending the City Commission utilizes the waiver policy allowed in the purchasing manual and grant the City Manager the authority to enter into a contract.

Ms. Gerhartz stated that the second items deals with the flow of funds and explained that there is a reimbursement agreement drafted by our City Attorney. This agreement explains that the City of Ocoee will receive the funds from the State and reimburse the City of Winter Garden. In the event we cannot come to an agreement with the State, we have several options outlined in the reimbursement agreement. She noted that the Tri-City's Partnership account has the funds to pay for all of this; payments of \$50,000.00 each have been made by the City of Ocoee and the City of Winter Garden.

Mayor Rees inquired about the \$100,000.00 grant going into the account and \$50,000.00 each from the City of Winter Garden and City of Ocoee for a total of \$200,000.00. Ms. Gerhartz explained that if it is needed, the reimbursement agreement states that for whatever reason the \$100,000.00 does not flow from the State, we have the money to pay for it. If there should be some overage, then the cost would be split between each of the municipalities. Mayor Rees confirmed that State's \$100,000.00 would be utilized first.

Commissioner Olszewski asked if we are positive the money will be received from the State legislature. City Manager Bollhoefer shared that a State appropriation is never a sure thing until it is in your bank account. If for some reason the money did not come through, staff would immediately come back to the Commission to rethink the whole thing. He fully expects the funds will come through. He shared that the project cost is not known but if it is only \$100,000.00, then the State grant will pay the entire cost. Anything over \$100,000.00 will be split between the City of Ocoee and the City of Winter Garden, not to exceed a total amount of \$200,000.00 for the whole thing.

Commissioner Olszewski confirmed that this is the funding State Representative Randolph Bracy secured. Ms. Gerhartz responded that this is correct but it flows through the Department of Economic Opportunity and they treat it as a special grant. It is not like

they are just writing out a check to us, there are terms and conditions and a deadline. If the City does not hurry and get the work done, we will not get reimbursed.

Commissioner Sharman asked about the areas to be researched. Ms. Gerhartz responded there are three key interchanges: State Road 50, East Plant Street and Franklin, and West Road. In the study, they are also looking at the connections between our historic downtown and Ocoee's historic downtown along with that East Plant / Franklin corridor.

Mr. Bollhoefer added there is no infrastructure or roads within these communities so we will create design standards, layout the infrastructure, and where the roads would go. We will work with the City of Ocoee so we are all on the same page when developing this as a campus style development. He spoke of assurances for the developers that all the projects will match and have the right type of infrastructure system.

Commissioner Makin asked about what happened to the City of Apopka's involvement. Ms. Gerhartz responded that when it came time to do the master planning, the City of Apopka wanted to move very quickly because Florida Hospital had just announced they would be moving their hospital to a key interchange within their city. Therefore, Apopka opted out of this process in order to move forward.

**Motion by Commissioner Sharman to approve waiving the formal procurement procedures for master planning services, authorize the City Manager to execute a services contract with Real Estate Research Consultants, Inc. in an amount not to exceed \$100,000.00 without coming back to the City Commission, and approve a Reimbursement Agreement with the City of Ocoee (Tri Cities Partnership). Seconded by Commissioner Makin and carried unanimously 5-0.**

F. **Recommendation to authorize the purchase of a new solid waste front-end loading commercial truck using a state contract for \$236,835.50, as budgeted**

Assistant City Manager of Public Services Cochran stated staff is recommending the purchase of a 2016 solid waste front-end loading commercial truck. This purchase will piggyback the bid with the Florida Sheriff's Association State contract. This truck was intended to replace truck number 269, but staff recommends holding onto this truck for another year to be used as a spare truck.

**Motion by Commissioner Sharman to authorize the purchase of a new solid waste front-end loading commercial truck using a state contract for \$236,835.50, as budgeted. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

G. **Recommendation to authorize the purchase of a new side loading refuse truck using another municipality's contract for \$235,115.00, as budgeted**

Assistant City Manager of Public Services Cochran stated that this item is for another solid waste truck, which is an automated side loading residential truck. This is another piggyback purchase on a bid with the City of Venice, Florida, for a 2016 side loading trash truck with a total price of \$235,115.00. This truck was to replace truck number 270,

but staff is also asking to hold onto that truck for another year to be used as a spare truck when the other residential trucks are in the shop for service.

**Motion by Commissioner Sharman to authorize the purchase of a new side loading refuse truck using another municipality's contract for \$235,115.00, as budgeted. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

H. **Recommendation to approve renewal of annual agreement with Quality Vault for opening and closing cemetery services for one year with no increase**

Assistant City Manager of Public Services Cochran stated that this is the annual renewal of the contract for opening and closing cemetery services. Staff recommends continuing the contract with Quality Vault, Inc. for another year. They have agreed to hold their rates the same as the previous year. Staff recommends going out to bid next year.

There was discussion on the availability of cemetery spaces.

**Motion by Commissioner Sharman to approve the annual renewal of the agreement with Quality Vault, Inc. for opening and closing cemetery services for one-year with no increase. Seconded by Commissioner Makin and carried unanimously 5-0.**

**Commercial Recycling**

At this time, Mayor Rees asked when the City will get commercial businesses on the recycling program. Mr. Cochran stated that staff has tried it and we do have some businesses able to use the residential carts. The problem with using dumpsters is that we cannot dedicate a front-end load truck for just recycling. He explained that you can't mix and match recycling with waste that you get from a restaurant. He shared that if it is a bank or office building type of business, it can be accommodated.

I. **Appointment to the General Employee's Pension Board for expiring term of Mark Griffith for a two-year term ending December 2016**

City Clerk Golden stated that the General Employee's Pension Board of trustees recently met and confirmed their request for reappointment of trustee member Mark Griffith to another two-year term.

**Motion by Commissioner Buchanan to appoint Mark Griffith for a two-year term ending December 2016. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

7. **MATTERS FROM PUBLIC** - There were no items.

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

9. **MATTERS FROM CITY MANAGER**

A. **Discussion on Brandy Creek stormwater issues**

*(This item was discussed earlier in the meeting.)*

- **Update on Demolition of Condemned Buildings**

City Manager Bollhoefer gave an update to the City Commission on the demolition of recently condemned buildings in East Winter Garden. In January, five homes and possibly the Masonic Lodge are scheduled to be demolished. He stated that there is one more that has had some legal issues to work out that will be brought to the City Commission.

**B. Plant Street Landscaping and Improvements**

City Manager Bollhoefer stated that he has distributed some information (*see attached Exhibit A*) on improving an area on Plant Street (to the west of Dillard Street). Some of the landscaping and maintenance has already been done and shared that some of the businesses feel they have been left out with what has been going on in the downtown area with regard to events and beautification. Staff has reviewed it and prepared an in-house design for consideration. He described the changes and that it would cost approximately \$25,000.00.

Commissioner Sharman asked how many parking spaces would be given up by adding the planters. Mr. Bollhoefer replied one, or possibly two.

There was discussion on negotiations with Dr. Khouzam for the use of his parking area. Mr. Bollhoefer indicated that there is a verbal agreement with the final details needing to be worked out. If this proposal is approved, staff can move forward and get this done over the next couple of months.

Commissioner Sharman shared that he likes the fact that this was done in-house and use the funds towards the actual work. **Motion by Commissioner Sharman to authorize the City Manager to move forward with his proposed improvements. Seconded by Commissioner Makin and carried unanimously 5-0.**

**10. MATTERS FROM MAYOR AND COMMISSIONERS**

**A. Discussion on the number of members on the Planning and Zoning Board and staggered terms (postponed on 11/13/2014) (No action was taken on this item.)**

**Commissioner Sharman** thanked everyone who attended the Light-Up Winter Garden. He shared that everyone missed Mayor Rees, but Mayor Pro-Tem Buchanan did a good job. Commissioner Sharman also noted that the Christmas Parade the next day was also good.

**Commissioner Olszewski** stated that he echoed Commissioner Sharman's statements in what a great job was done by City staff, businesses, and residents for the Light-Up Winter Garden and the Christmas Parade.

Commissioner Olszewski asked the City Manager for an update on what is being done for traffic due to the road construction on 9th Street near the Regal Point subdivision. He noted that he wanted to be sure that the concerns were being addressed publicly. City Manager

Bollhoefer responded that staff actually had placed plastic type barricades out and had to change to the Jersey (concrete) barricades to try and prevent them from being moved so easily. He asked permission from the City Commission that if it becomes warranted, to approve overtime for Police Officers to issue tickets, as the truck drivers have not been cooperative at all.

Commissioner Makin shared that he went through the subdivision to see what the flow would be like and noted that it is a very tight roadway in the subdivision with a lot of people parking on the streets. This issue has caused a lot more congestion, especially with trucks going through and going around parked cars. It could lead to a safety problem.

Mr. Bollhoefer stated that unless someone can get out and move the barricade, a semi-truck cannot get in there. This should have alleviated that problem.

Commissioner Olszewski thanked the City staff and the City Manager. He expressed that he has gotten quite a few phone calls and emails on this issue. The City staff has been extremely responsive. He stated that we know how quickly we need to expedite this project, which is the permanent solution.

**Commissioner Buchanan** shared that Light-Up Winter Garden was especially special this year. He stated that Ray Spears is a good friend of his and he enjoyed being the one to allow him to turn on the lights for Light-Up Winter Garden. Mayor Rees was missed.

Commissioner Buchanan stated that the City Commission may need to take another look at the golf cart situation, which is getting out of hand with people driving at night without lights and with four or five people on them. He noted the ages of the drivers and also that some are parking in handicap spaces. Mr. Bollhoefer responded that he has spoken with the Police Chief and would like to start doing some enforcement. If we do not start policing it, someone will get injured.

**Commissioner Makin** stated that he has had a couple of complaints about Division Street with some of the intersections having stop signs and not at others. Some of the complaints are because the traffic that flows north and south has a stop sign, then the traffic that flows east and west and there is no stop sign. A lot of people think those coming from the west are going to stop and they don't. He asked the City Manager to talk with the Police Chief about adding some stop signs on Division Street.

City Manager Bollhoefer responded that staff looked at this issue and the Police Chief shared that we should review getting rid of most of the four way stops, not the two way stops. The set-up of Division Street is to move traffic; if you do a four way stop at every intersection on Division Street, then you defeat the purpose of your collector road and now you would flood all the other neighborhoods with vehicles. There was discussion to review this issue.

Commissioner Makin also echoed everyone else's comments about the events and commended staff for all that they do.

The meeting adjourned at 7:42 p.m.

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_\_/S/\_\_\_\_\_  
City Clerk Kathy Golden, CMC