



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 26, 2009

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:33 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 Harold L. Boulter, Bob Buchanan, H. Gerald Jowers and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Planning Director Ed Williams, Chief Planner Tim Wilson, Fire Chief John Williamson, Police Chief George Brennan, Human Resources Director Frank Gilbert, Finance Director Robin Hayes, Building Official Skip Lukert, Recreation Director Jay Conn, Director of Information Technology Bob Reilly, Capital Improvements Project Administrator Marc Black, Assistant City Engineer Mike Kelley, Community Relations Manager Andrea Vaughn, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of March 12, 2009 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.

2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 09-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN ADOPTING THE EVALUATION AND APPRAISAL REPORT OF THE CITY'S COMPREHENSIVE GROWTH MANAGEMENT PLAN; PROVIDING FOR THE CITY'S INTENT TO AMEND THE COMPREHENSIVE PLAN BASED ON THE RECOMMENDATIONS SET FORTH IN THE REPORT; APPROVING THE TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-10 by title only. Chief Planner Wilson stated that Ordinance 09-10 is the Evaluation and Appraisal Report of the City's Comprehensive Plan which critiques and registers the accomplishments and shortcomings of the Comprehensive Plan. This will be sent to the State Department of Community Affairs for their review and comments. He announced that a sign-in sheet was available for anyone wishing to know of any actions or decisions made by the State Department of Community Affairs. Mr. Wilson noted that there was an addendum sheet provided to replace page 21, which provides additional information on the City's budget sheet that was presented in the report.

Mr. Wilson explained the prior process of addressing a major issues list, which was sent to the State Department of Community Affairs that contained three major categories: land use and redevelopment, transportation, and residential neighborhoods. He explained that there were various public meetings and hearings.

He stated that for the record, with this report the City is not making any changes to the Comprehensive Plan; this is just a critique and assessment of the plan. Staff recommends approval of this ordinance which would then be submitted to the State Department of Community Affairs for their review.

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

Mayor Rees asked if after the submittal of this report the City would have seven years before another filing is required. Mr. Wilson replied that the due date was November 2008, so technically this plan will be good through November 2015.

Motion by Commissioner Boulter to approve Ordinance 09-10 with transmittal of the report to the State of Florida Department of Community Affairs and the second reading and public hearing being advertised after receipt of the sufficiency determination. Seconded by Commissioner Jowers and carried unanimously 5-0.

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

- A. **Ordinance 09-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 50-193, 50-194, AND 50-195 OF THE WINTER GARDEN CITY CODE; ALTERING THE DEFINITIONS OF "PERMANENT RESIDENCE" AND "TEMPORARY RESIDENCE" CONTAINED IN SECTION 50-193 OF THE CITY CODE TO BE CONSISTENT WITH SUCH DEFINITIONS AS AMENDED IN § 775.21(2), FLA. STAT.; EXPANDING THE APPLICABILITY OF THE CITY'S CURRENT RESIDENCE RESTRICTIONS CONCERNING SEXUAL OFFENDERS TO INCLUDE THOSE INDIVIDUALS WHO COMMITTED A SEXUAL OFFENCE AGAINST A MINOR OUTSIDE THE JURISDICTION OF THE STATE OF FLORIDA AND ANY PERSON COMMITTING A SEXUAL OFFENSE AGAINST PERSONS YOUNGER THAN 18 YEARS OF AGE AT THE TIME SUCH OFFENSE WAS COMMITTED; INCLUDING SCHOOL BUS STOPS AS BEING AMONG THOSE AREAS A SEX OFFENDER MAY NOT RESIDE WITHIN 2,500 FEET OF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-18 by title only. Police Chief Brennan stated that the City is looking to revise the sexual offender ordinance to apply it to offenders that committed a similar offense in another state and to change the definitions.

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

Motion by Commissioner Buchanan to adopt Ordinance 09-18. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **PUBLIC HEARING MATTER**

A. **Interlocal Agreement with Orange County regarding the widening of County Road 535 from Magnolia Park Court to State Road 429**

City Manager Bollhoefer stated that the City has been working on and negotiating this agreement with Orange County for at least two years. The agreement contains seven points of what the County will do for the City. He recognized the City Attorney to address the specifics.

City Attorney Ardaman stated there were multiple changes made; the County accommodated the City's needs as did the City accommodate the County's needs so that this agreement could be presented to the City Commission for approval.

City Manager Bollhoefer pointed out that the county will provide the following:

- \$75,000 for a fence along the road by the cemetery
- \$90,000 for a wall on the backside of Wintermere Pointe Subdivision
- Up to \$960,000 for the relocation of the City's utility lines

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

Mayor Rees addressed the construction commence date of February 1, 2011 and that the County would have seven years from the date of the agreement to complete the project. City Attorney Ardaman commented that the City had to force that issue to attempt to get the County to move up the date. Initially they did not want to commit to any initial start date. It took three to four meetings with the County to get them to agree to a time certain in the agreement.

Commissioner Buchanan asked how many subdivisions in that area are not in the City and what was being done to get them to annex into the City. City Manager Bollhoefer responded two; Banana Bay and Sunset. They have approached the City at times, but it will be their choice as to whether or not to annex into the City.

Motion by Commissioner Sharman to approve the Interlocal Agreement with Orange County regarding the widening of County Road 535 from Magnolia Park Court to State Road 429. Seconded by Commissioner Jowers and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Resolution 09-07:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE ADDITION TO THE EXISTING CORRIDOR OF THE GREEN MOUNTAIN SCENIC BYWAY OF THE SEGMENT OF PLANT

STREET BEGINNING AT THE INTERSECTION WITH ORANGE COUNTY ROAD 545 AND RUNNING EAST TO THE INTERSECTION WITH DILLARD STREET

City Manager Bollhoefer stated that this resolution extends the byway designation from Avalon up to Dillard Street on Plant Street. He thinks this is a good designation for the City which does not put any more restrictions on the current property owners. He recognized a citizen to address the issue.

Mayor Rees recognized the spokesperson at this time. Mr. Greg Gensheimer, 15818 Vinola Dr., Montverde, Florida, stated that the Green Mountain Scenic Byway is really a thread that connects a lot of the communities. One of the things they are trying to do is protect, preserve, and promote the sustainable use of the cultural and natural resources along the byway. He described some of the projects that they are currently working on. He stated that with this designation they will get to advertise a lot of the businesses and the area to the rest of the world.

Motion by Commissioner Buchanan to adopt Resolution 09-07. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Recommendation to approve agreement with SCI Funeral Services of Florida, Inc. for right-of-way property acquisition of (Parcel 102) on Plant Street

Planning Director Williams stated that the owner of this property is donating 2300 square feet to the City, which is that is worth about \$34,000.

Mr. Williams stated that the second agreement (the next agenda item) does contain a clause relating to their septic tank that is failing and they must pump regularly. The funeral home originally proposed putting in a lift station to pump their effluent to a subdivision to the rear of their property, which is not a good solution from the City's standpoint. Staff would rather have that effluent come to the road where the new utilities lines are being installed. As an accommodation for the funeral home the City has arranged, in the interim period while the City is in construction, to pump their septic as it is needed. The cost to pump the septic is approximately \$100 every occurrence, which is about twice a month. In looking at what the City would have paid through the eminent domain process, staff feels that this is a better agreement to acquire the right-of-way area and to maintain their septic tank until the City installs the utility lines.

C. Recommendation to approve agreement with SCI Funeral Services of Florida, Inc. for maintenance of their wastewater system by the City until the sewer line is installed and connected

There was discussion on the actual location, removal and restoration of their landscape during and after the project.

Commissioner Buchanan asked what happens after the construction is completed. Mr. Williams responded that after the utility lines are in, they will either fill or remove their septic tank and hook into the City's lines.

Mayor Rees clarified that both the agreements could be approved together.

Motion by Commissioner Jowers to approve the agreement with SCI Funeral Services of Florida, Inc. for right-of-way property acquisition of (Parcel 102) on Plant Street and the agreement for maintenance of their wastewater system by the City until the sewer line is installed and connected. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. Recommendation to approve Emergency Medical Services Agreement with Orange County to receive two Auto Pulse Systems and related equipment through grant funding

Fire Chief Williamson stated that this is a grant whereby the City receives equipment purchased by Orange County with grand funds, and staff recommends approval.

Motion by Commissioner Boulter to approve the Emergency Medical Services Agreement with Orange County to receive two Auto Pulse Systems and related equipment through grant funding. Seconded by Commissioner Buchanan and carried unanimously 5-0.

E. Recommendation to approve construction contract with Southern Building Services, Inc. for \$1,504,990 to renovate the Jessie Brock Community Center on Dillard Street

Recreation Director Conn stated that staff is delighted to bring this contract before the City Commission to renovate the former Dillard Elementary School and turn it into the Jessie Brock Community Center of Winter Garden. He stated that staff recommends approving the contract with Southern Building Services.

City Manager stated that the lowest bid was rejected because they did not meet all of the requirements of the request for proposal. The contract staff is recommending for approval is \$900,000 below the estimate. He stated that on the second page, because of the low bid, staff has added \$300,000 for additional improvements to the pond adjacent to the community center. The additional improvements will allow for a sidewalk around the entire pond, removal of the fence, and a change to the slope so that it becomes an amenity for the community. Also, it will have a water fountain in the middle as well as landscaping. In the long term this will be used by our citizens. Lighting in the parking lot will not be too bright for the neighbors and it will keep the area safe.

Mayor Rees asked that a drawing of the proposed plans be provided to the City Commission by the next meeting. Recreation Director Conn responded yes it would be.

Motion by Commissioner Jowers to approve the construction contract with Southern Building Services, Inc. for \$1,504,990 to renovate the Jessie Brock Community Center on Dillard Street. Seconded by Commissioner Buchanan and carried unanimously 5-0.

F. **Appointments to the Election Canvassing Board**

City Clerk Golden stated that for the City Commission's consideration is the appointment of members to the election Canvassing Board, as required by the revised Charter. There are no interest applications on file, but the two current regular members have expressed their desire to continue serving.

Motion by Commissioner Boulter to retain the current Canvassing Board members for another term. Seconded by Commissioner Jowers and carried unanimously 5-0.

6. **MATTERS FROM CITIZENS**

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, (Canvassing Board member) thanked City Clerk Golden and Assistant City Clerk Grimmage for their hard work during the canvassing of the 2009 Election for District 2.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer stated that he has distributed a folder with items for the Commission's review before being on the next City Commission meeting agenda.

A. **Update on Sandy Rice's property**

Mr. Bollhoefer stated that at a prior meeting he was directed to put out for bid the options for correcting the drainage problem at Sandy Rice's property, which were only just opened today. The information contains a list of the bid amounts and the scope of services. He is available to discuss the scope of work in greater detail if necessary, but this item will be on the next agenda for consideration by the City Commission.

• **Readiness to Serve Charge**

Mr. Bollhoefer stated that the readiness to serve issue will also be addressed at the next meeting and he provided a preliminary report to the City Commission for their review.

Mayor Rees requested that each City Commissioner sit with the City Manager during the next couple weeks to discuss their specific questions and concerns before the next Commission meeting.

• **Wrecker Agreements**

Mr. Bollhoefer stated that staff is trying to work out the last few details on these two agreements and they will be on the next agenda.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Boulter encouraged everyone to keep Maxey Elementary School in their prayers and stated that the City made an awesome presentation before the County School Board. The City stands a good chance of keeping the school open and it is a benefit to our community.

Commissioner Sharman announced that the Community Garden project has all 100 plots in place and a grand opening will be held April 4, 2009 at 10:30 a.m. He encouraged everyone to attend.

Mayor Rees encourage the City Commissioners and everyone else to continue calling the Orange County School Board to keep the pressure on to keep the Maxey Elementary School open.

The meeting adjourned at 7:08 p.m.

APPROVED:

/S/
MAYOR JOHN REES

ATTEST:

/S/
City Clerk Kathy Golden, CMC