



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

January 11, 2018

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. An Opening Invocation and Pledge of Allegiance were given.

Present: Mayor John Rees and Commissioners

Lisa Bennett – District 1 Mark A. Maciel – District 3 Colin Sharman – District 4

Absent: Commissioner Bob Buchanan – District 2

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Deputy Fire Chief Jose P. Gainza, Jr., Information Technology Director Chad Morrill, Police Chief George Brennan, and Director of Operations Public Services Richard Fasano

1. **APPROVAL OF MINUTES**

Motion by Commissioner Bennett to approve regular meeting minutes of December 14, 2017 as submitted. Seconded by Commissioner Maciel and carried unanimously 4-0.

2. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 18-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 2-253 OF THE CITY CODE GOVERNING ABSENTEE BALLOTS TO UPDATE RELEVANT STATUTORY CITATIONS AND TO DESIGNATE SUCH BALLOTS AS “VOTE-BY-MAIL BALLOTS,” ALL AS IS CONSISTENT WITH RECENT CHANGES TO THE ELECTION STATUTES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-05 by title only. City Clerk Golden stated this Ordinance updates the City Code in accordance with the latest laws.

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

Motion by Commissioner Sharman to approve Ordinance 18-05 with the second reading and public hearing being scheduled for January 25, 2018. Seconded by Commissioner Maciel and carried unanimously 4-0.

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

- A. **Ordinance 17-60:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.40 ± ACRES LOCATED AT 8 BROAD STREET INCLUDING PARCEL ID # 23-22-27-7824-00-580 AND PARCEL ID # 23-22-27-7824-00-581, SOUTH SIDE OF BROAD STREET, EAST OF VINELAND ROAD AND WEST OF CROSS STREET INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- B. **Ordinance 17-61:** 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 APPROXIMATELY 0.40 ± ACRES LOCATED AT 8 BROAD STREET INCLUDING PARCEL ID # 23-22-27-7824-00-580 AND PARCEL ID # 23-22-27-7824-00-581, SOUTH SIDE OF BROAD STREET, EAST OF VINELAND ROAD AND WEST OF CROSS STREET FROM ORANGE COUNTY LOW-MEDIUM DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 17-62:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.40 ± ACRES LOCATED AT 8 BROAD STREET INCLUDING PARCEL ID # 23-22-27-7824-00-580 AND PARCEL ID # 23-22-27-7824-00-581, SOUTH SIDE OF BROAD STREET, EAST OF VINELAND ROAD AND WEST OF CROSS STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 17-60, 17-61, and 17-62 by title only. Community Development Director Pash stated that this is a voluntary annexation of two parcels located at 8 Broad Street. The owner requests annexation, residential-neighborhood commercial land use designation, and R-NC zoning. These are consistent with the surrounding area. Staff recommends approval of Ordinances 17-60, 17-61, and 17-62.

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

Motion by Commissioner Maciel to adopt Ordinances 17-60, 17-61, and 17-62. Seconded by Commissioner Sharman and carried unanimously 4-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve a Site Plan for 13599 W. Colonial Drive (Owner: 50 At Dillard, LLC), subject to Development Review Committee recommendations**

Community Development Director Pash stated that this is the site plan review for a single story three unit commercial building located on the vacant lot between Culver's and Wendy's on West Colonial Drive. He noted that the plan includes approximately 5,500 square foot building that will be used for retail or restaurant uses, parking lot, landscaping and other site improvements. The site plan has been reviewed and approved by the Development Review Committee (DRC) subject to conditions provided.

Mayor Rees expressed that there were higher hopes for this area when this development started. He pointed out that so far there is a fast food restaurant, which in his opinion, that moved to a building that is not as attractive as the one they left, which is now sitting empty. He described that with another fast food restaurant here it becomes a small strip mall. He shared that in the 1960s a premier hotel for Winter Garden was built at this location and it concerns him as to what this will look like in 20 years. He acknowledged the City's hard work on this project and noted that these were just his opinions.

Mr. Pash shared that the old Wendy's building is being proposed to become a Starbucks; noting that the building will be occupied shortly.

Commissioner Sharman offered his agreement with the Mayor and that he too hoped to get better quality uses in that area.

Motion by Commissioner Sharman to approve the Site Plan for 13599 W. Colonial Drive, subject to Development Review Committee recommendations. Seconded by Commissioner Maciel and carried unanimously 4-0.

B. **Recommendation to approve a Binding Lot Combination Agreement (Owner: Shangri-la Land Holdings, LLC) for 873, 883, 903 Magnolia Street and 12802 W. Colonial Drive**

Community Development Director Pash stated that this is the lot combination agreement for Shangri-la Holdings who has purchased all of the Walker Brother's Lumber facilities. They are converting it into commercial uses and this agreement binds the lots so they cannot be sold separately. Staff recommends approval.

Motion by Commissioner Bennett to approve a Binding Lot Combination Agreement for 873, 883, 903 Magnolia Street and 12802 W. Colonial Drive. Seconded by Commissioner Sharman and carried unanimously 4-0.

C. **Recommendation to approve use of the City Pavilion by the Winter Garden Art Association for their annual fund raising gala on Friday, February 16, 2018 from 6 p.m. to 10 p.m. with consumption of alcohol within a confined area**

Community Development Director Pash stated that last year the Winter Garden Art Association held a very successful gala at the Pavilion and are requesting permission to hold

the event again this year. The event will be Friday, February 16, 2018 from 6:00 p.m. to 10:00 p.m., but are also requesting use the night before from 5:00 p.m. to 10:00 p.m. for set up. The event includes serving beer and wine. He described that there will be dinner as well as a couple of auctions and everything would be cleaned up afterwards on Friday evening. He shared that there would be no impact to the Farmer's Market. Staff recommends approval, subject to conditions as provided.

Motion by Commissioner Sharman to approve use of the City Pavilion by the Winter Garden Art Association for their annual fund raising gala on Friday, February 16, 2018 from 6 p.m. to 10 p.m. with consumption of alcohol within a confined area. Seconded by Commissioner Bennett and carried unanimously 4-0.

5. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, requested an update on an outstanding public records request from the City Manager Bollhoefer who informed him that it should be available possibly tomorrow.

Mr. Richardson shared news items related to the invocation issues that had recently been addressed elsewhere and urged the City to change or eliminate its current invocation policy.

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

7. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer stated that status updates would be brought to the next meeting regarding Duke Energy, Spectrum, and the Windermere and Roberson Road roundabout.

West Orange Chamber – Big Orange Awards

Mr. Bollhoefer announced that on January 26, 2018, the West Orange Chamber is having the Big Orange Awards where they will honor our own Kurt Ardaman as a Lifetime Director.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Bennett thanked staff, the Police Department, and the Fire Department for their hard work during the holidays and spoke of the positive comments she has received from residents who express that this is a great place to live because of them.

Commissioner Maciel thanked staff and the City Manager noting that there is lot going on in East Winter Garden and things are looking up.

Mayor Rees stated that he also echoes the positive comments about all the work that staff put in. He shared that the City looked absolutely beautiful and noted the very nice family events that did not come easy and how staff has worked a lot of hours and all departments are appreciated for that.

Mayor Rees addressed an issue regarding fireworks and noted that it is more related to the magnitude and not the fireworks themselves; expressing the need for a possible solution.

City Manager Bollhoefer responded that only sparklers are technically allowed in Florida but there is an agricultural exemption. There was discussion on time limitations for fireworks, enforcement, and the banning of sales in the City; and it was noted there is no easy answer.

The meeting adjourned at 6:54 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC