



# CITY OF WINTER GARDEN

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## OFFICE OF THE CITY CLERK

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## REGULAR MEETING MINUTES

### CITY COMMISSION

August 23, 2007

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 4:03 p.m. at City Hall, 251 W. Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

**Present:** Mayor Jack Quesinberry, Commissioners Harold L. Boulter and H. Gerald Jowers

**Absent:** Commissioners Bob Buchanan and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman (*arrived at 4:06 p.m.*), Assistant City Manager Marshall Robertson, City Clerk Kathy Golden, Police Chief George Brennan, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Building Official Willie Herbert, Fire Chief John Williamson, Information Technology Director Bob Reilly, Recreation Director Jay Conn, Planner Brandon Byers, Assistant City Engineer Mike Kelley, Assistant to the City Manager for Public Works Don Cochran, and West Orange Times reporter Michael Laval

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

**Motion by Commissioner Jowers to approve the regular and budget workshop meeting minutes of August 9, 2007 as submitted. Seconded by Commissioner Boulter and carried unanimously 3-0.**

#### 2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 07-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN 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 (Cantero)

City Clerk Golden read Ordinance 07-28 by title only. Mayor Quesinberry opened the public hearing. City Planner Byers said this is part of Amendment #6 of the Joint Planning Area Agreement, which is the first annexation and large scale comprehensive plan amendment before transmittal to the Department of Community Affairs (DCA). City staff has reviewed the request and recommends approval. Mayor Quesinberry closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 07-28 with the second reading**

**and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Boulter and carried unanimously 3-0.**

- B. **Ordinance 07-29:** 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 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cantero - LSCPA)  
City Attorney Ardaman read Ordinance 07-29 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing.  
**Motion by Commissioner Boulter to approve Ordinance 07-29 with the second reading and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Jowers and carried unanimously 3-0.**
- C. **Ordinance 07-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON AND NORTH OF AVALON ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN 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 (Assaf)  
City Attorney Ardaman read Ordinance 07-30 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing.  
**Motion by Commissioner Jowers to approve Ordinance 07-30 with the second reading and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Boulter and carried unanimously 3-0.**
- D. **Ordinance 07-31:** 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 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON AND NORTH OF AVALON ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Assaf - LSCPA)  
City Attorney Ardaman read Ordinance 07-31 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing.  
**Motion by Commissioner Boulter to approve Ordinance 07-31 with the second reading and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Jowers and carried unanimously 3-0.**
- E. **Ordinance 07-32:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL

LANDS GENERALLY DESCRIBED AS 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE AND NORTH OF MARSH ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN 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 (Cra-Mar)

City Attorney Ardaman read Ordinance 07-32 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-32 with the second reading and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Jowers and carried unanimously 3-0.**

- F. **Ordinance 07-33:** 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 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE AND NORTH OF MARSH ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cra-Mar - LSCPA)

City Attorney Ardaman read Ordinance 07-33 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-33 with the second reading and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Jowers and carried unanimously 3-0.**

- G. **Ordinance 07-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 596 ACRES OF LAND LOCATED NORTH OF LAKE AVALON, EAST OF THE LAKE COUNTY BOUNDARY, AND SOUTH OF JOHN'S LAKE, AND MORE SPECIFICALLY DESCRIBED HEREIN 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 (McKinnon)

City Attorney Ardaman read Ordinance 07-34 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 07-34 with the second reading and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Boulter and carried unanimously 3-0.**

- H. **Ordinance 07-35:** 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 149 ACRES OF LAND LOCATED NORTH AND SOUTH OF MARSH ROAD, EAST OF THE LAKE COUNTY BOUNDARY AND WEST OF AVALON ROAD FROM ORANGE COUNTY VILLAGE

TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR AN EFFECTIVE DATE (Edwards - LSCPA)

City Attorney Ardaman read Ordinance 07-35 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-35 with the second reading and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Jowers and carried unanimously 3-0.**

- I. **Ordinance 07-36:** 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 447 ACRES OF LAND LOCATED NORTH AND SOUTH OF MARSH ROAD, EAST OF THE LAKE COUNTY BOUNDARY AND NORTH OF LAKE AVALON FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (McKinnon - LSCPA)

City Attorney Ardaman read Ordinance 07-36 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-36 with the second reading and public hearing being scheduled when the amendment is returned from the State. Seconded by Commissioner Jowers and carried unanimously 3-0.**

- J. **Ordinance 07-37:** 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 7 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF ROPER ROAD AND DANIELS ROAD FROM CITY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cra-Mar LSCPA)

City Attorney Ardaman read Ordinance 07-37 by title only. City Planner Byers stated that the applicant has withdrawn their application. City Attorney Ardaman advised that there is no need to take any action on this item.

- K. **Ordinance 07-38:** 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 2 ACRES OF LAND LOCATED ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD FROM CITY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-38 by title only. City Planner Byers stated that this item needs to be postponed. The Planning and Zoning Board also recommends postponement to a date uncertain. **Motion by Commissioner Boulter to postpone Ordinance 07-38. Seconded by Commissioner Jowers and carried unanimously 3-0.** City Attorney Ardaman advised the Planning and Zoning

Department that they would have to re-advertise Ordinance 07-38 to a date uncertain prior to being considered.

- L. **Ordinance 07-40:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 2 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD FROM CITY R-2 TO CITY C-3; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE  
City Attorney Ardaman read Ordinance 07-40 by title only. Mayor Quesinberry stated that this is the same piece of property as before and they are asking to postpone to a date uncertain. **Motion by Commissioner Boulter to postpone Ordinance 07-40. Seconded by Commissioner Boulter and carried unanimously 3-0.**
- M. **Ordinance 07-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.389 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 15275 WEST COLONIAL DRIVE, FROM CITY C-2 AND TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE  
City Attorney Ardaman read Ordinance 07-41 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to approve Ordinance 07-41 with the second reading and public hearing being scheduled for September 27, 2007. Seconded by Commissioner Boulter and carried unanimously 3-0.**
3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**
- A. **Ordinance 07-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING THE SOUTHERLY FIVE FEET OF THE TEN FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE NORTHERNMOST PROPERTY LINE, LESS 5 FEET OF THE EASTERN AND WESTERN PROPERTY LINES OF 1200 THORNBURY COURT, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE  
City Attorney Ardaman read Ordinance 07-27 by title only. Mayor Quesinberry opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Jowers to adopt Ordinance 07-27. Seconded by Commissioner Boulter and carried unanimously 3-0.**
4. **REGULAR BUSINESS**
- A. **Recommendation to approve a Right-of-Way Maintenance Agreement for Oakland Park Phase 1A located on the east side of CR 545**  
**Motion by Commissioner Jowers to approve a Right-of-Way Maintenance Agreement for Oakland Park Phase 1A located on the east side of CR 545. Seconded by Commissioner Boulter and carried unanimously 3-0.**

- B. **Recommendation to approve the final plat with conditions for Oakland Park Phase 1A located on the east side of CR 545 and approval of an Environmental Contamination Hold Harmless and Indemnity Agreement**  
Motion by Commissioner Boulter to approve the final plat with conditions (*see attached*) for Oakland Park Phase 1A located on the east side of CR 545 and approval of an Environmental Contamination Hold Harmless and Indemnity Agreement. Seconded by Commissioner Jowers and carried unanimously 3-0.
- C. **Recommendation to approve the site plan for Depot Plaza located at 14315 West Colonial Drive with conditions**  
City Planner Byers stated that the Engineering conditions of approval require that the applicant go through the preconstruction meeting, pay infrastructure fees, and provide positive drainage on their site. Motion by Commissioner Jowers to approve the site plan for Depot Plaza located at 14315 West Colonial Drive with conditions (*see attached*). Seconded by Commissioner Boulter and carried unanimously 3-0.
- D. **Recommendation to approve the site plan for an addition to Golden Pond with conditions**  
City Planner Byers stated that staff has reviewed this request and recommends approval with the conditions in the Engineering Department memorandum. Commissioner Jowers stated that he drove by and looked at this property and asked for clarification on the location of the addition. City Planner Byers stated that it is on the north and south side. Motion by Commissioner Jowers to approve the site plan for an addition to Golden Pond with conditions (*see attached*). Seconded by Commissioner Boulter and carried unanimously 3-0.
- E. **Recommendation to approve a Cost Share Agreement with the St. Johns Water Management District for funding the Phase I Public Access Reuse Water Storage and Pumping Project**  
Public Services Director Cochran stated that the Cost Share Agreement consists of the Water Management District funding 20 percent of construction costs. He stated that the amount is up to \$540,000 for 2007 and \$800,000 for 2008. Staff recommends approval of the Cost Share Agreement. Motion by Commissioner Boulter to approve the Cost Share Agreement with St. Johns Water Management District for funding the Phase I Public Access Reuse Water Storage and Pumping Project. Seconded by Commissioner Jowers and carried unanimously 3-0.

Recreation Director Conn asked that the next two items be reversed as they appear on the agenda because Resolution 07-06 needed to be adopted prior to acting on the grants.

- F. **Resolution 07-06:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, EXPRESSING THE DESIRE OF THE CITY COMMISSION TO DEDICATE IN PERPETUITY CERTAIN CITY OWNED

PARKLAND AS OUTDOOR RECREATION SITES FOR THE USE AND BENEFIT OF THE RESIDENTS OF THE CITY OF WINTER GARDEN

Parks and Recreation Director Conn stated this Resolution will satisfy the grant stipulation that the City of Winter Garden must dedicate park land to which grant funds will be used in perpetuity as outdoor recreation area. He stated that as noted in the resolution, staff has identified many of the major park areas in the City of Winter Garden and this will help to comply with future agreements for areas which may be likely to receive future grant funding. He stated that this is a standard grant from the Department of Environmental Protection and that the City will seek grant funding in the future. **Motion by Commissioner Jowers to approved Resolution 07-06. Seconded by Commissioner Boulter and carried unanimously 3-0.**

G. **Recommendation to approve two Florida Department of Environmental Protection Grants; \$200,000 for the Southside Park and \$180,000 for Boulter Pool**

Recreation Director Conn stated that this is a common grant given to municipalities and counties throughout the state to provide recreation areas. This project was completed and this is for reimbursement of the construction costs. He stated that \$200,000 will be appropriated for soccer fields and a concession/restroom building for the Southside Park. **Motion by Commissioner Jowers to approve two Florida Department of Environmental Protection Grants; \$200,000 for a Southside Park and \$180,000 for Boulter Pool. Seconded by Commissioner Boulter and carried unanimously 3-0.**

5. **MATTERS FROM CITIZENS** – There were none.

6. **MATTERS FROM CITY ATTORNEY** –There were none.

7. **MATTERS FROM CITY MANAGER**

A. The Financial Statement for July 2007 was distributed.

• **Evening at the Pops**

City Manager Bollhoefer recognized Ms. Monroe to address the City Commission concerning the Evening at the Pops that he received after the agenda packets went out.

Melissa Monroe, President of the Winter Garden Rotary Club, stated that the Rotary is requesting approval for their alcoholic beverage license for the Evening at the Pops event in two weeks. They would like permission to serve beer and wine in Tanner Hall for the VIPs and outside for other attendees.

Commissioner Jowers asked if the alcohol would be served in cups. Ms. Monroe replied yes. **Motion by Commissioner Jowers to approve serving of alcoholic beverages at the Evening at the Pops event. Seconded by Commissioner Boulter and carried unanimously 3-0.**

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Boulter**

Commissioner Boulter stated that he had the opportunity, as a first time Commissioner, to attend the Florida League of Cities conference last week. It was very helpful to him to know what other cities are doing around Florida. He expressed that this event brings a lot of people together for networking and the realization that cities have common concerns. He stated that this event is both fun and work and he believes that every citizen should be allowed to attend this type of event to see what other cities are doing and the problems they have. He stated that he looks forward to going to this event next year.

Mayor Quesinberry noted that he and the Commissioners drove back and forth each day and did not stay overnight at the hotel.

**Commissioner Jowers**

Stated that he attended the conference and it was very good.

The meeting adjourned at 4:34 p.m.

APPROVED:

/S/

\_\_\_\_\_  
MAYOR JACK QUESINBERRY

ATTEST:

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