



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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CITY COMMISSION REGULAR MEETING MINUTES

October 25, 2007

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Jowers at 6:30 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor Pro Tem H. Gerald Jowers, Commissioners Harold L. Bouler, Bob Buchanan, and Colin Sharman

Absent: Mayor Jack Quesinberry

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, Assistant City Clerk Angee Grimmage, Planner II Brandon Byers, Public Services Director Don Cochran, Police Lieutenant Bill Sullivan, Finance Director Brian Strobeck, Deputy Fire Chief Matt McGrew, Information Technology Director Bob Reilly, Human Resources Director Frank Gilbert, Recreation Director Jay Conn, Economic Development Director Dolores Key, Assistant City Engineer Mike Kelley, and West Orange Times reporter Michael Laval

- **National Family Week**

Paul Allison and his family sang in honor of National Family week. Victoria Laney stated that this amazing family not only sings and plays ball, but they dance with the Central Florida Ballet. She announced that the children will appear in some excerpts of the upcoming performances of "The Nutcracker." Ms. Laney announced some of the events and activities planned for National Family Week. She displayed and explained the plaque will be presented to Mayor Quesinberry when he issues his proclamation for this occasion. The proclamation will be displayed with other city proclamations at the October 30, 2007 Orange County Commission meeting.

1. **APPROVAL OF MINUTES**

This item was acted upon later in the meeting.

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

A. **Ordinance 07-51:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND 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

City Attorney Ardaman read Ordinance 07-51 by title only. Planner II Byers stated that this series of ordinances are to annex, amend the comprehensive plan, and rezone about four acres of property to R-1, north of Black Lake. Staff has reviewed the request and recommends approval. Mayor Pro Tem Jowers opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 07-51 with the second reading and public hearing being schedule for November 8, 2007. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

- B. **Ordinance 07-52:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-52 by title only. Mayor Pro Tem Jowers opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 07-52 with the second reading and public hearing being schedule for November 8, 2007. Seconded by Commissioner Sharman and carried unanimously 4-0.**

Commissioner Sharman suggested approving these ordinances at the same time, as they are the same piece of property. City Attorney Ardaman stated that the City Commission could have opened the public hearings all at the same time.

- C. **Ordinance 07-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 4.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 510 WINTER GARDEN-VINELAND ROAD FROM ORANGE COUNTY CITRUS RURAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-53 by title only. Mr. Ardaman also clarified that it is probably best to address these ordinances sequentially because once the property is annexed you can amend the comprehensive plan and then rezone it. He indicated that this sequence is probably the best practice.

Planner II Byers stated that staff recommends approval. Mayor Pro Tem Jowers opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Sharman to approve Ordinance 07-53 with the second reading and public hearing being schedule for November 8, 2007. Seconded by Commissioner Boulter and carried unanimously 4-0.**

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

- A. **Ordinance 07-42:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR

PROPERTY GENERALLY DESCRIBED AS 0.67 ACRES OF LAND LOCATED AT 1 AND 27 NORTH DILLARD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-42 by title only. Mayor Pro Tem Jowers opened the public hearing. A citizen asked for the location of this property. Mr. Byers replied that it is directly on the northeast corner of Dillard Street and Plant Street. Commissioner Buchanan added that this is directly north of the Winter Garden Restaurant and across from the First Baptist Church. Mayor Pro Tem Jowers closed the public hearing. **Motion by Commissioner Buchanan to adopt Ordinance 07-42. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- B. **Ordinance 07-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.67 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1 AND 27 NORTH DILLARD STREET AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-43 by title only. Mayor Pro Tem Jowers opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to adopt Ordinance 07-43. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- C. **Ordinance 07-55:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 118-70 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO PROCEDURES FOR SITE PLAN APPROVALS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 07-55 by title only. Mr. Ardaman distributed his suggested minor changes to clarify the ordinance and read them as follows:

Sec. 118-70. Procedures. "Under this division, all uses shall be subject to the general regulations for structures and uses, lots and yards and vehicles contained in this chapter. ~~The City Manager shall review with the appropriate department heads, the site plan along with the application for the development use permit.~~ Site plans less than or equal to 25,000 square feet shall require review and approval by the Development Review Committee. Site plans greater than 25,000 square feet of land area shall also require City Commission approval after Development Review Committee review and approval."

Mr. Ardaman stated that the proposed new language clarifies that the Development Review Committee would review and approve site plans equal to or less than 25,000 square feet and the City Commission would review and approve site plans that are greater than 25,000 square feet.

Planner II Byers stated that this ordinance does exactly what Mr. Ardaman has explained and it includes an expiration period for site plans instead of allowing them to go for three or four years. Mayor Pro Tem Jowers opened the public hearing at this time.

Shelly Weidenhamer, 37 North Orange Avenue, Orlando, Florida stated that she supports this ordinance for small business owners because time is money for them and the site plan review process many times is a very long process. This ordinance will actually remove some of the burden with the amount of time it takes to go through the process of getting their land and getting their buildings to start going vertical. The other reason is that is a better use of the City's resources.

Scott Holder, 120 W. Crown Point Road, Winter Garden, Florida stated that he is in favor of this ordinance that will speed up the process for small businesses.

City Manager Bollhoefer stated that he wanted to cover some items as mentioned by City Planner Williams in a previous meeting. The proposed process is something most cities already are doing. The reason this was in the code the way it was is because there was not as much professional staff and cities would rely upon their boards. Cities have become more sophisticated, have more qualified staff, and most have gone in this direction. This is not a situation of lowering expectations on projects or taking away any requirements, it would now be reviewed by the Development Review Committee (DRC). The issue for some of the small scale site plans for small businesses going through the process, is that it can add an additional 60 to 90 days. Many of the small businesses coming to the City found this too daunting and have backed out of projects because of the existing process and the new process would be a good direction to move towards.

Mayor Pro Tem Jowers closed the public hearing. **Motion by Commissioner Boulter to adopt Ordinance 07-55. Seconded by Commissioner Buchanan.**

Commissioner Buchanan asked if someone would still have the right to appeal to the City Commission if they were denied by the Planning and Zoning Board. Mr. Bollhoefer replied yes.

Commissioner Sharman stated that the language states that site plans above 25,000 square feet will also require City Commission approval, but it does not address the plans going through the Planning and Zoning Board. Is it the intent that approval go through the Planning and Zoning Board or straight from Development Review Committee to the City Commission?

Mr. Bollhoefer stated that generally the intent is to not go through the Planning and Zoning Board review process such as is done in Orange County, Orlando, and Ocoee. Staff felt it is important to still have the City Commission review and approve large scale plans that have a greater impact on the community but most communities do not send them to their Planning and Zoning Board.

Commissioner Sharman clarified that the change in the site plan approval process being considered is that everything will go to the Development Review Committee. If the plans are over 25,000 square feet, the City Commission will also look at it. Whereas before everything went to the Planning and Zoning Board and then to the

City Commission. Mr. Bollhoefer responded that is correct. **Motion and carried unanimously 4-0.**

- **APPROVAL OF MINUTES**

Mayor Pro Tem Jowers identified that the minutes on the agenda had not been acted upon and requested a motion. **Motion by Commissioner Buchanan to approve the regular meeting minutes of October 11, 2007 as submitted. Seconded by Commissioner Sharman and carried unanimously 4-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve a development agreement with Foundation Academy for a campus at Tilden and Avalon Roads**

Planner II Byers stated that the City Commission had asked staff to look into requiring dark skies lighting for this development. The lighting has already been installed at Foundation Academy; however the lighting they have does conform to dark skies. He stated that staff does recommend approval of the development agreement presented. **Motion by Commissioner Sharman to approve the development agreement with Foundation Academy for a campus at Tilden and Avalon Roads. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

B. **Recommendation to approve a Right-of-Way Maintenance Agreement with Lake Roberts Landing Homeowners Association**

Planner II Byers stated that there are certain landscaping and other improvements that require maintenance by the Homeowners Association (HOA) inside of the City's right-of-way. This agreement requires them to maintain that area.

City Attorney Ardaman asked if staff has the date for Paul Verlander's landscape plans for the agreement. Mr. Byers stated that the plans are still in review with some minor details about irrigation lines being worked out, but it does not affect the substance of the agreement. Mr. Ardaman asked if they will be dated at some point. Mr. Byers responded, yes. Mr. Ardaman suggested authorizing the Planning and Zoning Department or the City Clerk to insert that date on the first page of the agreement once the City has the date of landscape plans.

Motion by Commissioner Buchanan to approve the recommended Right-of-Way Maintenance Agreement with the Lake Roberts Landing Homeowners Association and authorize inserting the date as recommended. Seconded by Commissioner Sharman and carried unanimously 4-0.

C. **Recommendation to rescind the Commission's prior motion of July 12, 2001 approving the Water Conserve II agreement for the Delivery and use of Reclaimed Water and approve the agreement for the Delivery and use of Reclaimed Water with the City of Orlando and Orange County**

Public Services Director Cochran stated that this agreement will provide the City with up to five connections to the Conserve II reclaimed water line. That will give the City approximately two million gallons of water a day of reuse water to serve the

neighborhoods in the south part of the City. He stated that it is his understanding that in 2001 the City approved a similar agreement with Conserve II, but the other parties never signed that agreement. Since then, staff has been working on the agreement as presented to the City Commission tonight. Staff recommends that the City Commission rescind approval of old agreement from 2001 and approve the present agreement.

Motion by Commissioner Buchanan to approve rescission of the Commission's prior action of July 12, 2001 that approved the Water Conserve II agreement for the delivery and use of reclaimed water and approve the agreement for the delivery and use of reclaimed water with the City of Orlando and Orange County. Seconded by Commissioner Sharman.

Commissioner Sharman asked if the City should anticipate this will relieve some of the water pressure issues when irrigating in the south side of Winter Garden. Mr. Cochran responded, yes it should help quite a bit. He noted that all of the southern community or neighborhoods will go online at the same time. A map and schedule has been provided in the agenda packet and there will be several neighborhoods going online this year with the rest being phased in up through the year 2010.

Commissioner Sharman asked if the City could eventually utilize our own reclaimed City water once the pipe line is installed. Mr. Cochran responded yes. The City is in the process of receiving proposals for a reuse master plan. Once this document is prepared, staff will come back and present it to the City Commission.

Motion carried unanimously 4-0.

5. **MATTERS FROM CITIZENS – There were none.**
6. **MATTERS FROM CITY ATTORNEY– There were none.**
7. **MATTERS FROM CITY MANAGER**

Community Action Board Annual Dinner

Mr. Bollhoefer announced that the Community Action Board is will be having their annual volunteer awards dinner on November 9, 2007. The City has ten (10) tickets and asked the City Commission to contact him if they are interested in attending.

Comprehensive Comfort Solution

Mr. Bollhoefer explained that he has spoken to a representative of the Trane Company who has offered to do a free comprehensive comfort solutions check of the energy efficiency of the City. He asked the City Commission for permission to have this company do the assessment and if any work is needed, the City Commission at a later date could make a decision to use the Trane Company. It was the **consensus** of the City Commission for the City Manager to move forward with the free assessment by the Trane Company.

Economic Development Software

Mr. Bollhoefer stated that Economic Development Director Key has provided him with information on new economic development software that he has distributed to the City Commission. Some of the beneficial features include providing demographic information, wages, education levels of residents, employers, consumer spending, and provides information to realtors and other companies that are looking to locate businesses to the City of Winter Garden. Staff would like to have this system in place in order to provide real time information to prospective businesses that want to come into Winter Garden. He explained that he thought this was an excellent tool especially when Ms. Key is a one person office because it will provide her with something even better than a staff person. The initial setup will cost approximately \$40,000 per year and after that it will be \$6,000 per year. The City currently has \$20,000 allocated for this type of contractual service and he asked the City Commission to approve the purchase of the software and he would adjust the budget during the interim budget process. He stated that he thinks it will be an essential tool to help the City in its economic endeavors. **Motion by Commissioner Boulter to approve purchase of economic development software. Seconded by Commissioner Sharman and carried unanimously 4-0.**

Financial Statement

Mr. Bollhoefer distributed the September financial statement and stated that if the City Commission has any questions they can contact himself or Finance Director Strobeck.

Executive Assistant to the City Manager

Mr. Bollhoefer introduced his new Executive Assistant Andrea Vaughn.

8. MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS

Commissioner Sharman

Commissioner Sharman shared his excitement that Winter Garden is growing in ways that also excites the residents about their community. It was not too long ago that south of State Road 50 in District 4, they felt they were not part of Winter Garden and he thinks that has completely changed. At an HOA meeting last night, they were asking questions about what is going on downtown and elsewhere. He thinks we are becoming one Winter Garden.

Commissioner Boulter

Commissioner Boulter thanked the City for its diligence on the improvements made on Center Street and the drainage system to the east side of town. He stated that he thinks the name East Winter Garden should be retired because this is one City and we should get that mindset in every citizen that East Winter Garden is the east side of Winter Garden and not a separate entity of the City of Winter Garden.

He thanked Assistant City Manager Robertson for his diligence in dealing with some of the complaints that come out of the east side of Winter Garden and shared some of the improvement projects currently in process. He again thanked the City staff for their hard work in District 3.

Commissioner Boulter announced that the East Winter Garden Community Development Corporation (CDC) is having a Founder's Day celebration tomorrow night at St. Paul's Church on Center Street and invited residents to come out and enjoy that celebration with them. He stated that the CDC has been an intricate part in repairing the rapport between the residents of the east side of Winter Garden and our City Government. The City Manager and City staff visits the area and participates in most of its meetings and it is making a great difference in the mindset in that side of town.

Mayor Pro Tem Jowers

Mayor Pro Tem Jowers shared that the street and infrastructure repair is moving well on Lakeview Avenue and now onto Henderson Street. He has never seen so many happy residents in the Lakeview Avenue area and he thanked the crews that did the beautiful work and how quickly they did it.

Commissioner Buchanan

Commissioner Buchanan referenced the new lighting installed along Lakeview Avenue that except for being without power for about three hours while they were putting up the lights, they are beautiful. It has added so much and it almost looks like daylight when driving.

He is also getting a lot of good feedback with reference to the new mall and how much everyone appreciates everything going on down in that area. There are a lot of nice things going on there and expressed that it is good to see the City growing in a good way.

The meeting adjourned at 7:10 p.m.

APPROVED:

/S/ _____
MAYOR JACK QUESINBERRY

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC