



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 23, 2008

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Commissioner Boulter at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida.

Motion by Commissioner Sharman to appoint Commissioner Boulter as the presiding officer for the October 23, 2008 City Commission meeting. Seconded by Commissioner Buchanan and carried unanimously 3-0.

The invocation was given by Bishop Scott Cookson and the Pledge of Allegiance was given.

Present: Commissioners Harold L. Boulter, Bob Buchanan, and Colin Sharman

Absent: Mayor John Rees and Commissioner H. Gerald Jowers

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, City Planner Tim Wilson, Human Resources Director Frank Gilbert, Police Chief George Brennan, Deputy Fire Chief Matt McGrew, Finance Director Robin Hayes, Building Official Skip Lukert, Recreation Director Jay Conn, Director of Information Technology Bob Reilly, Economic Development Director Dolores Key, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of October 9, 2008 as submitted. Seconded by Commissioner Sharman and carried unanimously 3-0.

2. **PRESENTATION**

Proclamation 08-14: Presiding Commissioner Boulter read the Week of the Family October 25 through November 1, 2008 and presented it to Victoria Laney. Ms. Laney recognized resident Paul Alison and family to sing a song in recognition of Week of the Family. Ms. Laney also acknowledged that Scott Cookson is Bishop of the Winter Garden Ward of the Church of Jesus Christ of Latter Day Saints is a sponsor as well as others. Ms. Laney announced some of the upcoming activities and events that will be held in recognition of Week of the Family.

Presiding Commissioner Boulter reminded everyone that every week should be family week.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 08-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 13.46 ± ACRES LOCATED AT 1006 EAST CROWN POINT 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 08-52 by title only. Mr. Ardaman explained that in order to pass any ordinances at tonight's meeting the vote will have to be at least three Commissioners voting in favor.

City Planner Wilson stated that the West Orlando Baptist Church wants to annex into the City primarily to receive utility services. Mr. Wilson displayed an area map and stated that the Planning and Zoning Board heard this item on October 6, 2008 and recommends approval.

Commissioner Sharman asked if child care would be available at the facility. City Manager Bollhoefer responded that they are only asking for the annexation to utilize the City's sewer and water services. They are not looking to change any of their facilities at this point.

Motion by Commissioner Buchanan to approve Ordinance 08-52 with the second reading and public hearing scheduled for November 13, 2008. Seconded by Commissioner Sharman and carried unanimously 3-0.

4. **SECOND READING AND PUBLIC HEARINGS OF PROPOSED ORDINANCES**

- A. **Ordinance 08-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.50 ACRES LOCATED AT 422 MAGNOLIA STREET, 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 08-44 by title only. City Planner Wilson stated that this half acre site is being annexed into the City with the intent of placing an office on the property and approval is recommended.

Presiding Commissioner Boulter opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 08-44. Seconded by Commissioner Buchanan and carried unanimously 3-0.

- B. **Ordinance 08-45:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL; TO CITY COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.50

ACRES OF LAND LOCATED AT 422 MAGNOLIA STREET: PROVIDING FOR AN EFFECTIVE DATE (SSCPA)

City Attorney Ardaman read Ordinance 08-45 by title only. City Planner Wilson stated that this is the same property as the prior hearing. This is for commercial land use of the property and staff recommends approval.

Presiding Commissioner Boulter opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 08-45. Seconded by Commissioner Sharman and carried unanimously 3-0.

- C. **Ordinance 08-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.50 ACRE PROPERTY LOCATED AT 422 MAGNOLIA STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY RURAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-46 by title only. City Planner Wilson stated that the owners are requesting C-2 zoning for the same property.

Presiding Commissioner Boulter opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 08-46. Seconded by Commissioner Buchanan and carried unanimously 3-0.

5. **REGULAR BUSINESS**

- A. **Request for open-air vendor and tent permit by Newo Enterprises, Inc. to sell Christmas trees November 20, 2008 to December 24, 2008 at the Shoppes at Lake Butler, 4008 Winter Garden Vineland Road**

Building Official Lukert stated that this request has been submitted and staff recommends approval. He noted that this is the first request for this location.

Motion by Commissioner Buchanan to approve an open-air vendor and tent permit for Newo Enterprises, Inc. to sell Christmas trees November 20, 2008 to December 24, 2008 at the Shoppes at Lake Butler, 4008 Winter Garden Vineland Road. Seconded by Commissioner Sharman and carried unanimously 3-0.

- B. **Request for open-air vendor and tent permit by Lowe's Home Center to sell Christmas trees November 15, 2008 to December 15, 2008 in their parking lot in the Winter Garden Village at Fowler Groves on Daniels Road**

Building Official Lukert stated that this has been reviewed by staff and staff recommends approval. He stated that this would be their second year at Lowe's.

Motion by Commissioner Buchanan to approve open-air vendor and tent permit for Lowe's Home Center to sell Christmas trees November 15, 2008 to December 15, 2008 in their parking lot in the Winter Garden Village at Fowler Groves on Daniels Road. Seconded by Commissioner Sharman and carried unanimously 3-0.

C. Recommendation to approve a site plan for Quality Health Care Center parking lot addition at 12751 W. Colonial Drive, with conditions

City Planner Wilson stated that this development is adding 25 extra parking spaces and retention for the property. It has been through the Development Review Committee and conditions are attached. Mr. Wilson stated that approval is recommended with the conditions as provided.

Commissioner Sharman asked if this is an urgent care facility. City Manager Bollhoefer stated no, it is more for the care of the elderly.

Motion by Commissioner Sharman to approve site plan for Quality Health Care Center parking lot addition at 12751 W. Colonial Drive with conditions (*See attached Exhibit A*). Seconded by Commissioner Buchanan and carried unanimously 3-0.

D. Appointment to the Planning and Zoning Board for expiring term of Mr. Snell

City Clerk Golden stated that this item is presented to the City Commission for their consideration and applications for those two districts have been provided. City Manager Bollhoefer stated that in case the City Commission wanted to postpone this item, there would be a quorum for the next Planning and Zoning Board meeting. Mr. Bollhoefer noted that at the last meeting Mayor Rees requested that District 1 Commissioner Jowers and District 3 Commissioner Boulter each submit a name for consideration and this was not completed so a postponement is an option.

Motion by Commissioner Buchanan to postpone appointment to the Planning and Zoning Board for expiring term of Mr. Snell. Seconded by Commissioner Boulter and carried unanimously 3-0.

E. Appointment to the Community Redevelopment Agency for the expiring term of Larry Cappleman

City Clerk Golden stated that as indicated in the agenda item cover memo, Mr. Cappleman's term is scheduled to expire and he has expressed his desire to continue serving another four year term.

Commissioner Sharman asked if Mr. Cappleman still has a business in the City of Winter Garden. City Manager Bollhoefer responded yes.

Motion by Commissioner Buchanan to approve reappointment of Larry Cappleman to the Community Redevelopment Agency for another four year term. Seconded by Commissioner Boulter and carried unanimously 3-0.

6. **MATTERS FROM CITIZENS** - There were none.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer distributed the financial statement for September and if the City Commission has any questions, they may contact him or the Finance Director.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan complimented Commissioner Boulter on filling the seat as Mayor for tonight's meeting.

Commissioner Buchanan stated that it was really exciting to see the turn out of residents, staff and others from all over the county for the Melissa Fest. He heard the amount raised was over \$30,000. This event was for this young lady to get extended care that she would not have been able to have had it not been for the generosity of all the people. This was primarily from the citizens of Winter Garden and it is a feather in their cap and all of the people who helped sponsor it and put it on.

Presiding Commissioner Boulter stated that he was sorry he could not attend the Melissa Fest due to another engagement. He stated that this was for a worthy cause and the people of Winter Garden did come out. He did get an opportunity to see Melissa at a Rotary event and it was encouraging to see a big smile on her face even facing the challenges she is facing.

He encouraged everyone to participate in these types of events and repeated that one "never knows."

The meeting adjourned at 6:53 p.m.

APPROVED:

/S/ _____
MAYOR JOHN REES

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC