



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

March 11, 2010

A **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. The invocation and Pledge of Allegiance were given.

**Present:** Mayor John Rees, Commissioners Harold L. Boulter, Bob Buchanan, and Colin Sharman

**Absent:** Commissioner H. Gerald Jowers

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Community Development Director Tim Wilson, Principal Planner Bill Wharton, Public Services Director Don Cochran, City Engineer Art Miller, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Fire Chief John Williamson, Police Chief George Brennan, Recreation Director Jay Conn, and West Orange Times Reporter Michael Laval

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

**Motion by Commissioner Buchanan to approve the regular meeting minutes of February 25, 2010 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.**

### 2. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 10-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-191 (a) AND (c), BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-13 by title only. City Manager Bollhoefer stated that last year an ordinance was passed changing the vesting period for fire and police officers to six years. One part of the ordinance was inadvertently missed in the change. Without this ordinance changing the retirement period, the ordinance would not benefit any of the firefighters or police officers. He stated that this is a glitch ordinance to fix the error made by staff when the prior ordinance was drafted. Mayor Rees clarified that this ordinance changes the normal retirement date of credited service from ten years to six years to match the vesting.

**Motion by Commissioner Boulter to approve Ordinance 10-13 with the second reading and public hearing being scheduled for April 8, 2010. Seconded by Commissioner Sharman and carried unanimously 4-0.**

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

- A. **Ordinance 10-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.06 ± ACRES LOCATED AT 1170 EAST PLANT 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 10-15 by title only. Community Development Director Wilson stated that this property is located on the southwest corner of East Plant Street and South West Crown Point Road. It is the VFW site for annexing into the City and designating it as a C-2 zoning. The City is making right-of-way improvements on Plant Street and this is one of the properties involved.

Commissioner Boulter asked about the billboard on the property. Mr. Wilson explained that the billboard is part of the right-of-way agreement with the City that includes leaving it at this location. The sign does hang over the right-of-way and that was stipulated in the agreement in order for the City to get the necessary Plant Street right-of-way.

**Motion by Commissioner Sharman to approve Ordinance 10-15 with the second reading and public hearing being scheduled for April 8, 2010. Seconded by Commissioner Buchanan.**

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

**Motion carried unanimously 4-0.**

- B. **Ordinance 10-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1170 EAST PLANT STREET FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-16 by title only.

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

**Motion by Commissioner Buchanan to approve Ordinance 10-16 with the second reading and public hearing being scheduled for April 8, 2010. Seconded by Commissioner Boulter and carried unanimously 4-0.**

- C. **Ordinance 10-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.16 ± ACRES LOCATED AT 564 PINE STREET AND PARCEL ID# 24-22-27-5584-04-080, 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 10-17 by title only. Community Development Director Wilson stated that this property is located on Pine Street just east of Ninth Street and north of Story Road. This ordinance is to annex into the City and then next ordinance is to rezone it to R-4. There are two lots with an existing home on one lot and a storage shed and carport on the other lot. The intention at this time is to bring the property into the City and eventually connect to City utilities. There is the possibility in the future that the applicant would like to put a residence on the other lot. The R-4 zoning would be the best zoning category in recognition of the fact that the property is not performing to our zoning requirements. This is the best zoning given the shape of the property and the requirements for the future use as single family. This property has been reviewed by staff and the Planning and Zoning Board, each of whom recommends approval.

Commissioner Buchanan asked the lot sizes. Mr. Wilson replied that the lots are each 45 feet wide each, for a total of 90 feet, and each lot is just under 85 five feet in depth. They are small lots but a home can fit.

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

**Motion by Commissioner Sharman to approve Ordinance 10-17 with the second reading and public hearing being scheduled for April 8, 2010. Seconded by Commissioner Boulter and carried unanimously 4-0.**

- D. **Ordinance 10-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.16 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 564 PINE STREET AND PARCEL ID# 24-22-27-5584-04-080 FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-18 by title only.

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

**Motion by Commissioner Sharman to approve Ordinance 10-18 with the second reading and public hearing being scheduled for April 8, 2010. Seconded by Commissioner Boulter and carried unanimously 4-0.**

- E. **Ordinance 10-19:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA SUBSTANTIALLY AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF WINTER GARDEN, TO BE KNOWN AS "CITY PLAN 2020"; AMENDING THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT (TO BE KNOWN AS THE MULTIMODAL TRANSPORTATION ELEMENT), HOUSING ELEMENT, PUBLIC FACILITIES ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENT ELEMENT, AND PUBLIC SCHOOLS ELEMENT BY UPDATING THE COMPREHENSIVE PLAN DATA AND ANALYSIS AND THE GOALS, OBJECTIVES AND POLICIES TO A NEW HORIZON YEAR OF 2020, INCORPORATING THE 2009 EVALUATION AND APPRAISAL REPORT AMENDMENTS, ADDRESSING THE REQUIREMENTS OF THE 2008 HOUSE BILL 697 CONCERNING GREENHOUSE GAS REDUCTION STRATEGIES, AND ESTABLISHING A TRANSPORTATION CONCURRENCY EXCEPTION AREA IN ACCORDANCE WITH THE 2009 SENATE BILL 360; FINDING CONFORMITY WITH STATE STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-19 by title only. Community Development Director Wilson noted that this ordinance and the following ordinance are related to the same topic and he requested that there be one presentation for both. He explained that the City Commission would still need to make separate motions on each ordinance. City Attorney Ardaman then read Ordinance 10-20 by title only.

- F. **Ordinance 10-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN TO, IN PART IMPLEMENT THE FUTURE LAND USE ELEMENT OF THE CITY PLAN 2020 BY CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 1,788.74 ACRES OF REAL PROPERTY LOCATED THROUGHOUT THE CITY OF WINTER GARDEN FROM VARIOUS DESIGNATIONS TO APPROXIMATELY 31.69 ACRES OF RESIDENTIAL NEIGHBORHOOD COMMERCIAL, 223.14 ACRES OF INSTITUTIONAL, 43.11 ACRES OF CONSERVATION, 65.87 ACRES OF TRADITIONAL DOWNTOWN, 642.73 ACRES OF URBAN VILLAGE, 235.85 ACRES OF MULTI OFFICE INDUSTRIAL, 193.16 ACRES OF LOW DENSITY RESIDENTIAL, 253.53 ACRES OF MULTI USE DEVELOPMENT, 77.23 ACRES OF SUBURBAN RESIDENTIAL AND 22.43 ACRES OF COMMERCIAL; PROVIDING

FOR A FINDING OF CONFORMITY; PROVIDING FOR TRANSMITTAL, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mr. Wilson explained that the presentation would be given in two parts; he and Principal Planner Wharton, as the project manager, would give a brief PowerPoint presentation.

Mr. Wilson stated that this public hearing is the conclusion of a six month process with staff preparing the documents and going through a series of public workshops. This is the extension and re-adoption of the comprehensive plan to amend the horizon year from 2010 to 2020. The current comprehensive plan will expire at the end of this year. Over the last year-and-a-half there have been a series of amendments to the school element and adoption of the Evaluation and Appraisal Report (EAR). This package also includes the EAR recommendations. Staff has met with the Department of Community Affairs (DCA) and they are favorable with the City combining both items together. Staff will send the DCA a tabular sheet showing which policies deal with which topic.

Mr. Wilson noted the changes included in the City Commission agenda packets and additional changes that were distributed at this meeting. He explained that the additional handout addresses one of the policies as recommended by the DCA on the preservation and conservation area. Also included are changes to building heights within the identified activity centers. He noted that a glossary was also provided for the acronyms planners constantly use.

At this point, Principal Planner Wharton gave the PowerPoint presentation (*see attached Exhibit A*).

Commissioner Buchanan asked if the plans for the downtown buildings will include allowing businesses to have commercial on the bottom and a residence above their businesses. Mr. Wharton replied yes, it is covered in the land use designation.

Mayor Rees opened the public hearing for Ordinances 10-19 and 10-20; hearing and seeing none, he closed the public hearing.

Mr. Wilson announced that as required by the DCA, there is a sign-up sheet at the entrance for anyone interested in receiving a notice from the DCA on the City's comprehensive plan.

**Motion by Commissioner Buchanan to approve Ordinance 10-19 with the second reading and public hearing being scheduled after receipt of the State DCA's review. Seconded by Commissioner Sharman and carried unanimously 4-0.**

**Motion by Commissioner Boulter to approve Ordinance 10-20 with the second reading and public hearing being scheduled after receipt of the DCA's review. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

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

A. **Ordinance 10-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN; BY ADOPTING AN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT PURSUANT TO SUBSECTION 163.3177 (3) (b), FLORIDA STATUTES TO MAINTAIN A FINANCIAL FEASIBLE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-06 by title only. Community Development Director Wilson noted that this is the second reading and public hearing and that there were no objections or comments received from the Department of Community Affairs. Staff did make a minor change to the ordinance to make it consistent with the adopted budget and that was to the water supply plan so there would be consistent chart cost information. Staff recommends approval.

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

**Motion by Commissioner Sharman to approve Ordinance 10-06. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

5. **REGULAR BUSINESS** – There were no items.

6. **MATTERS FROM CITIZENS**

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, stated that he noticed that the names on the Veterans Park Memorial are beginning to fade and requested that the City repaint the lettering to have it ready prior to the Memorial Day service. Mayor Rees asked City Manager Bollhoefer to have staff address this issue.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer thanked Community Development Director Tim Wilson, Principal Planner Bill Wharton, and the Planning Department for all their efforts on the Comprehensive Plan.

• **MyRegion.org**

City Manager Bollhoefer stated that [www.myregion.org](http://www.myregion.org) is a not for profit 501(3)c organization that is working to create a more regional outlook as it relates to planning and development. This has been going on for years but now they are putting together different committees for different segments of the region. The City of Winter Garden is in the southwest region. The myregion.org organization is planning two or three meetings each year and is looking for people to serve as board members. He stated that it does not have to be an elected official but it can be. Mr. Bollhoefer stated that he was bringing this to the attention of this commission to see if anyone was interested in serving

on this committee. After some discussion Mr. Bollhoefer stated that he would come back with more information and noted that the Commission can temporarily appoint a staff member.

- **Stone Crest Medians**

City Manager Bollhoefer stated that last year the Stone Crest Subdivision came to the City Commission with the issue of maintenance for their medians. The City Commission agreed to pay for half because the medians benefit the general public and the community. Mr. Bollhoefer stated that he was not at that particular meeting and the amount approved was up to \$15,000. The actual cost of their median maintenance is \$40,000 and they would like to increase their request.

Mr. Bollhoefer recommended increasing the city's contribution to \$18,000 for this year and then next year he will have staff review this issue and get estimates to see if this can be done for less. Mr. Bollhoefer recommended approving an additional \$3,000.

Commissioner Bouler asked who provided the estimate. Mr. Bollhoefer responded that the estimate was from their current landscaping contractor. For this year he recommends contributing the \$18,000 and next year he will obtain two separate independent landscaping estimates for the medians.

**Motion by Commissioner Sharman to approve increasing the City's total contribution this fiscal year up to \$18,000.00 for median maintenance in the Stone Crest Subdivision. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Bouler stated that they had a great time at the Mildred Dixon Day gathering and he was glad to see such a good turnout.

Commissioner Buchanan announced that on March 27, 2010, a special event will take place on the lake for the Orlando Philharmonic Pops concert at 6:00 p.m. He encouraged everyone to attend and announced that tickets are on sale for \$5.00 at the front desk at City Hall and VIP tickets are on sale for \$50.00.

Mayor Rees stated that the Mildred Dixon Day event was nice and he attended the Winter Garden Little League opening ceremonies where he heard nothing but positive comments and good things about Recreation Director Jay Conn and the Recreation Department.

The meeting adjourned at 7:08 p.m.

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

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