



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

August 12, 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, H. Gerald Jowers, and Colin Sharman (*arrived at 6:41 p.m.*)

Absent: Commissioner Bob Buchanan

Also Present: City Manager Mike Bollhoefer, Assistant City Attorney Dan Langley, City Clerk Kathy Golden, Community Development Director Tim Wilson, Public Services Director Don Cochran, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Deputy Fire Chief Matt McGrew, Finance Director Robin Hayes, Parks and Recreation Director Jay Conn, Human Resources Director Frank Gilbert, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of July 22, 2010 as submitted. Seconded by Commissioner Boulter and carried unanimously 3-0.

2. **PRESENTATIONS**

A. **Introduction of Maxey Elementary School Principal Martha Garcia by Orange County Public Schools Executive Area Director for West Orange, Greg Moody**

Mr. Moody introduced Martha Garcia as the new Principal of Maxey Elementary School and shared some of her background and past accomplishments.

Ms. Garcia thanked the City Commission for their support and pledged to continue the academic excellence, which has already been demonstrated at Maxey Elementary.

Ms. Garcia stated that she has two requests. One is that she wants to increase volunteerism at Maxey Elementary School. Those interested can visit their website at www.volunteer.ocps.net or personally offer their support by contacting her at Maxey. Her second request is for assistance in getting the word out that they are in need of additional technology such as multi-media projectors. For more information, please visit www.maxey.ocps.net that will include their wish list if anyone can help.

The Mayor and Commissioners welcomed Ms. Garcia. Mayor Rees and Commissioner Boulter personally offered to work with her in her endeavors.

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

- A. **Ordinance 10-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.15 ± ACRES LOCATED AT 555 BETHUNE AVENUE, 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 (*Applicant: West Orange Habitat for Humanity*)

Assistant City Attorney Langley read Ordinance 10-25 by title only. Community Development Director Wilson noted that this property is located on the east side of Bethune Avenue and adjacent to a previously annexed property owned by the West Orange Habitat for Humanity. Staff recommended the annexation and rezoning to R-4 on the same property.

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

Motion by Commissioner Jowers to adopt Ordinance 10-25. Seconded by Commissioner Bouler and carried unanimously 3-0.

- B. **Ordinance 10-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.15 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 555 BETHUNE AVENUE FROM ORANGE COUNTY R-2 TO CITY R-4; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*Applicant: West Orange Habitat for Humanity*)

Assistant City Attorney Langley read Ordinance 10-26 by title only.

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

Motion by Commissioner Bouler to adopt Ordinance 10-26. Seconded by Commissioner Jowers and carried unanimously 3-0.

4. **REGULAR BUSINESS**

- A. **Recommendation to approve a site plan for 13000 W Colonial Drive (Applicant Krystal Hospitality) with conditions**

Community Development Director Wilson stated that this property is located at the corner of Ninth Street and West Colonial Drive. It is a site plan for a 5,000 square foot retail commercial building. There is not a specific use requested at this time, but the property owner intends to incorporate a retail business at this location. Previously there was an automobile repair business on this property. There are recommended conditions

attached to this request as prepared by the Development Review Committee (DRC) and included in the staff report.

Motion by Commissioner Jowers to approve the site plan as submitted for 13000 W. Colonial Drive, with the recommended conditions (see attached Exhibit A). Seconded by Commissioner Boulter and carried unanimously 3-0.

(Note: Commissioner Sharman arrived at this point in the meeting.)

B. Recommendation to approve the replat of Oaks at Brandy Lake, with conditions

Community Development Director Wilson stated that this plat converts the approved townhome units to zero lot line detached residential units. The replat has been reviewed by both the Development Review Committee (DRC) and the City Attorney with recommended conditions.

Commissioner Jowers addressed the issue of other zero lot lines in other communities and asked how the City would prevent the neighborhood from deteriorating in this community.

Mr. Wilson replied that there is a Homeowner's Association in this particular community they should be able to resolve any of those issues. The City would review infrastructure maintenance issues because they are public streets. If there are Code Enforcement issues, the City would become involved.

Commissioner Sharman noted that parking cars can become a big issue with the small lots in communities like these.

Commissioner Jowers voiced his concerns that this project becoming just like a similar project in the City.

Mr. Wilson noted that this is the same developer that initially started this community. It was determined that the developer was not present to address the concerns expressed.

Commissioner Sharman asked how many units are within the planned conversion.

Mr. Wilson replied that it was approved for 32 units, but in the end there would be 16 zero lot line townhomes, which will be half.

Commissioner Jowers stated that he would like to hear from the developer because he would like some guarantees and there can't be any guarantees made after the units are sold.

Motion by Commissioner Jowers to postpone replatting of Oaks at Brandy Lake, with conditions, to a date uncertain. Seconded by Commissioner Sharman and carried unanimously 4-0.

C. **Recommendation to approve the sale of old portable and mobile radio equipment to Sunny Communications, Inc.**

Police Chief Brennan stated that he is requesting permission to dispose of 54 old portable radios and 7 mobile radio units. Most have already been replaced.

Motion by Commissioner Jowers to approve the sale of old portable and mobile radio equipment, as requested, to Sunny Communications, Inc. Seconded by Commissioner Boulter and carried unanimously 4-0.

5. **MATTERS FROM CITIZENS**

Rod Reynolds, 1308 Vic Kay Court, Winter Garden, Florida, introduced the City Commission to 30 or more ways to reduce City expenses as recommended by the Florida League of Cities. He asked the City Commission to consider the alternatives before implementing any type of millage rate increase on the taxpayers.

Mayor Rees assured Mr. Reynolds that some of his items have been and are being discussed with the City Manager.

Larry Powell, 1532 Coluso Drive, Winter Garden, Florida, voiced his concerns that there is construction in his neighborhood that is not being inspected by the City. He feels that the City is not getting its money's worth. Mayor Rees obtained his phone number and stated that he would follow up on this issue with him.

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

7. **MATTERS FROM CITY MANAGER**

• **Site plan extension request for the Sullivan House project**

City Manager Bollhoefer stated that Larry Cappleman has requested an extension for the site plan submittal for the old Sullivan House on the (southeast) corner of Park Avenue and Plant Street. Staff approved an extension last year, but the City's Code requires the second approval be granted by the City Commission. He stated that the City has done this for many projects based on the current economy. Their long term intentions are still to do this project; they are just waiting for the economy to improve.

Motion by Commissioner Jowers to approve a one year extension for approvals of the Sullivan House project. Seconded by Commissioner Boulter and carried unanimously 4-0.

• **Stars of West Orange Fundraiser**

Community Relations Manager Andrea Vaughn announced the Stars of West Orange luncheon fundraiser next Wednesday at the Jessie Brock Center from 11:00 a.m. to 1:00 p.m. Ms. Vaughn noted this is a non-profit organization that cares for disadvantaged children by providing school supplies.

- **Business After Hours Event**

Ms. Vaughn announced that next Thursday there would be a business after hours event at the old Bradford Building and that part of South Boyd Street will be closed to accommodate two Master Craft boats as part of this event.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Jowers stated that a prior City Manager installed a fence behind Mr. Pitchford's office and DJ's Market after the owners refused to sell their property. The new property owner has invested a lot of money and the fence needs to come down so there can be public parking access for the new businesses moving in.

City Manager Bollhoefer pointed out that the main reason the fence has remained is because of a lot of problems with the homeless, people loitering, prowling, and crime. It has kept people from crossing through. The prior owner, Jimmy Pitchford, insisted that the City keep the fence in place because of crime issues and the homeless. Mr. Bollhoefer stated that it has been a pretty good deterrent for those that tend to hang out at that business.

Commissioner Jowers stated that this has been brought to his attention by the owner several times and since he has never heard or saw any more about it from the City Manager, he is asking the City Commission to take action.

Mayor Rees suggested to the City Commission that they review this issue, go see the fence, and discuss it at the next meeting. *(No objections were noted.)*

Commissioner Jowers addressed an issue whereby a couple had planned on getting married at Tanner Hall and placed a deposit. Subsequently, they ran into difficulty with the date they had reserved due to serious family health issues. The couple has indicated to him that they told staff in plenty of time and are requesting a refund of their deposit. City Manager Bollhoefer replied that if he can get the name of the couple, he will look into this matter.

Commissioner Boulter announced that on August 21, 2010 there will be a back to school bash in east side of Winter Garden. There is a need for donations due to the current economic times and asked that anyone wishing to contribute or donate, please contact him.

Mayor Rees asked Police Chief Brennan to pass along a thank you to officer Velasquez that was in a letter received from a city resident praising the police department.

The meeting adjourned at 7:04 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

 /S/
City Clerk Kathy Golden, CMC