



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 10, 2011

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, H. Gerald Jowers, and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant Public Services Director Mike Kelley, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Planning Consultant Ed Williams, Community Development Director Tim Wilson, Human Resources Director Frank Gilbert, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of February 24, 2011 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.

2. **GENERAL ELECTION RESULTS**

A. **Resolution 11-03:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MARCH 8, 2011 FOR MAYOR/COMMISSIONER DISTRICT 5 AND COMMISSIONER DISTRICT 1 AND AUTHORIZING ISSUANCE OF A CERTIFICATE

City Attorney Ardaman read Resolution 11-03 by title only.

City Clerk Golden read the results of the March 8, 2011 general election as follows:

By virtue of no opposition, Mayor/Commissioner John Rees has been duly re-elected.

Kent Wesley Makin	310
Rod Reynolds	146
Henry L. Wright	283

No single candidate received the required majority of votes, resulting in a run-off election to be held on April 12, 2011 between Kent Wesley Makin and Henry L. Wright.

Motion by Commissioner Boulter to approve Resolution 11-03. Seconded by Commissioner Buchanan and carried unanimously 5-0.

3. **OATH OF OFFICE**

A. **Mayor/Commissioner District 5 as elected on March 8, 2011**

City Clerk Golden administered the oath of office to the returning Mayor John Rees.

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

A. **Ordinance 11-05**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING GENERAL DEFINITIONS, PROHIBITED USES, AND SPECIAL EXCEPTIONS; AMENDING ARTICLE I, SECTION 118-1 DEFINITIONS; AMENDING ARTICLE IV, DIVISION 8, SECTION 118-535 PROHIBITED USES AND STRUCTURES FOR THE C-1 ZONING DISTRICTS; AMENDING ARTICLE IV, DIVISION 9, SECTION 118-580 PROHIBITED USES AND STRUCTURES FOR THE C-2 ZONING DISTRICTS; AMENDING ARTICLE IV, DIVISION 12, SECTION 118-729 SPECIAL EXCEPTIONS FOR THE I-1 ZONING DISTRICT; AMENDING ARTICLE IV, DIVISION 13, SECTION 118-774 SPECIAL EXCEPTIONS FOR THE I-2 ZONING DISTRICT; PROVIDING FOR ZONING REGULATIONS PERTAINING TO TATTOO PARLORS AND BODY ART ESTABLISHMENTS, PROHIBITION OF MOBILE BODY ART ESTABLISHMENTS, CODIFICATION, CONTROL IN EVENT OF CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-05 by title only.

Community Development Director Wilson stated that currently tattoo parlors, body art establishments and the like are not identified in the City's zoning regulations. This ordinance recommends body art and tattooing type businesses be placed in I-1 and I-2 zoning as special exceptions and not to allow them in a commercial zoning district. Definitions have been included that clarify what is included and what is not. There are provisions not included in tattooing such as cosmetic tattooing, which is permanent make-up, ear piercing and the like. They are defined and classified as personal service type uses. This ordinance has been reviewed by the Planning and Zoning Board and staff, each of whom recommends approval with a second reading at the March 24th meeting.

City Manager Bollhoefer stated that the City Commission gets to determine where tattoo businesses are set up. Many cities have had a negative impact in certain commercial districts whenever these types of ordinances are not in place.

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

Motion by Commissioner Jowers to approve Ordinance 11-05 with the second reading and public hearing being scheduled for March 24, 2011. Seconded by Commissioner Buchanan and carried unanimously 5-0.

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

- A. **Ordinance 11-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 10-31, THE CITY OF WINTER GARDEN FISCAL YEAR 2010-2011 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-07 by title and the following excerpt from Section 1: That the sum of \$13,050,968 to be appropriated as follows:

REVENUES	
General Fund	\$ 377,877
Downtown Parking District	0
Community Redevelopment Agency	0
Law Enforcement Grants Fund	0
Local Option Gas Tax Fund	241,242
General Impact Fee Fund	0
Transportation Impact Fee-South of Turnpike Fund	1,307,483
CR 545 Special Benefit Impact Fee Fund	0
Transportation Impact Fee Fund	7,298,135
Utilities	0
Utilities Impact Fee Fund	3,736,555
Utilities Renewal & Replacement	79,676
Stormwater Fund	0
Trailer City Fund	10,000
	<u>\$13,050,968</u>

Mr. Ardaman noted that the expenses mirror the revenue amounts as itemized.

Finance Director Hayes noted that the only change from the first reading was the Magic Gym for \$202,385 was added on page 1.

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

Motion by Commissioner Boulter to adopt Ordinance 11-07. Seconded by Commissioner Buchanan and carried unanimously 5-0.

6. **REGULAR BUSINESS**

- A. **Recommendation to authorize the City Manager to enter into an agreement with the Florida Department of Environmental Protection to accept a Land and Water Conservation Fund grant in the amount of \$200,000.00 for Tucker property recreational facilities**

Parks and Recreation Director Conn stated that recently the City acquired the Tucker property for use as a city park. The City was awarded a Federal Land and Water Conservation grant for \$200,000.00. He stated that the agreement submitted in the agenda packet is an agreement that the City needs to enter into with the Florida Department of Environmental Protection for the grant. He stated that staff has reviewed the agreement and recommends approval.

Mayor Rees asked Mr. Conn to explain what the City would have to do going forward with this \$200,000.00.

Mr. Conn replied that the agreement requires that the park be open within three years of accepting the grant. He feels that it can be opened with a minimal cost to the City within the three year period.

City Manager Bollhoefer stated that he thinks primarily, in the interim, it would be practice fields in the front of the property and campgrounds until it is decided what will be done with it.

City Attorney Ardaman noted that one requirement is that the property has to be dedicated as an outdoor recreation site for the use and benefit of the public in perpetuity. Once the City has done this and accepted the money, it would have to be a park forever.

Mr. Conn noted that this is a similar agreement that the City has accepted for other park properties.

City Manager Bollhoefer added that this is a standard practice for these grants. If for any reason the City would want to change its use, the money would have to be paid back.

City Attorney Ardaman shared that a waiver could be requested.

Motion by Commissioner Sharman to authorize entering into this agreement with the Florida Department of Environmental Protection to accept a Land and Water Conservation Fund grant in the amount of \$200,000.00 for Tucker property recreational facilities. Seconded by Commissioner Jowers and carried unanimously 5-0.

B. **Resolution 11-04:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM

Motion by Commissioner Buchanan to postpone Resolution 11-04 until after the run-off election. Seconded by Commissioner Jowers and carried unanimously 5-0.

7. **MATTERS FROM CITIZENS** - There were no items.

8. **MATTERS FROM CITY ATTORNEY** - There were no items.

MATTERS FROM CITY MANAGER

A. **Annual road paving projects list**

City Manager Bollhoefer stated that since he last handed out the annual road paving projects list, an adjustment has been made. At the request of Commissioner Bouler, staff has added Tenth Street between Klondike and Bay Street.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan announced the Evening at the Pops concert featuring the Orlando Philharmonic Symphony next weekend at Tanner Hall. The admission price is \$5.00 with VIP tickets available at \$50. VIP ticketholders receive the use of everything inside Tanner Hall which includes food, restrooms, and air conditioning.

Mayor Rees announced and distributed a flyer regarding a spaghetti dinner fundraiser for little Kaleb who has a rare disease. The event will be held on April 9th from 3:00 to 7:00 p.m. [at the American Legion Hall]. He stated that it is being sponsored by Dave and Shelly Ogden and encouraged everyone to keep that night open and offer assistance to this family.

The meeting adjourned at 6:50 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC