



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 24, 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, Public Services Director Don Cochran, 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, Economic Development Director Tanja Gerhartz, and Recreation Director Jay Conn

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of March 10, 2011 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.

2. **PRESENTATIONS**

A. Mayor Rees read Proclamation 11-02 declaring May 1-7, 2011 as North American Occupational Safety and Health Week and May 4, 2011 as Occupational Safety and Health Professional Day, which was accepted by Jennifer Zipeto.

B. Introduction of Kathy Salerno, Outreach and Education Coordinator for the State of Florida Chief Financial Officer Jeff Atwater; *Ms. Salerno was not present.*

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 11-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.5 ± ACRES OF RIGHT-OF-WAY FOR BURCH AVENUE AND JACKSON 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 11-08 by title only.

Community Development Director Wilson displayed a map of the county streets intended to be annexed. He stated that the effect of this action would be that the City would

maintain the roads and give the City the option of allowing golf carts on the roads. This is an effort to connect the Hyde Park community and other neighborhoods as part of the downtown accessible network. Mr. Wilson noted that staff may need to review and alter the description of the Jackson Street right-of-way between now and the next reading.

Motion by Commissioner Jowers to approve Ordinance 11-08 with the second reading and public hearing being schedule for April 14, 2011 [*no objections were noted to the staff recommended public hearing date*]. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **SECOND 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 this is the second reading of this ordinance and the intent is to establish body art and tattoo parlor uses, and similarly related body enhancements, in the I-1 and I-2 zoning by special exception and not to allow them in C-1 and C-2 zonings. Currently the zoning code does not have these uses listed and staff wanted to have clarification on these types of establishments moving forward. City staff has also included clarification on personal service uses that would not fall under this, but would be allowed under personal service type businesses such as cosmetic tattooing and others. Mr. Wilson stated that staff recommends adoption of this ordinance.

Mayor Rees opened the public hearing.

Theo Graham, 213 W Tilden Street, Winter Garden, Florida, complimented the City for its foresight in adopting this ordinance. He suggested that the City take the lead on adopting an ordinance to prevent the pain pill clinics from coming into the City. He stated that other cities are addressing these issues and if the City of Winter Garden does not have it in place, we may be one of the cities these types of establishments may try to come to.

City Manager Bollhoefer responded that staff has looked into a pain pill ordinance and reviewed the law. Staff can bring a draft ordinance back to the City Commission for discussion. The only down side to the issue is that there are clearly questions on whether the

laws that have been passed are actually constitutionally sound. There are many cities that pass the laws but are not sure if they are enforceable. Mr. Bollhoefer stated that this ordinance can be brought back for review at the next City Commission meeting.

Hearing no other comments, Mayor Rees closed the public hearing.

Motion by Commissioner Boulter to adopt Ordinance 11-05. Seconded by Commissioner Jowers and carried unanimously 5-0.

5. REGULAR BUSINESS

A. Presentation and request by the non-profit East Winter Garden Community Development Corporation, Inc. of their accomplishments and waiver of fees for the use of Tanner Hall

Pastor Xerxes Snell gave a PowerPoint presentation on the accomplishments of East Winter Garden Community Development Corporation, Inc. and requested that the City waive fees for the use of Tanner Hall.

Motion by Commissioner Sharman to approve waiver of fees for the use of Tanner Hall by the non-profit East Winter Garden Community Development Corporation, Inc. Seconded by Commissioner Buchanan and carried unanimously 5-0.

Chairman Rees dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:52 p.m.

Members Present: Chairman John Rees, Members Harold L. Boulter, Bob Buchanan, H. Gerald Jowers, Colin Sharman, and CRAAB Chairman Larry Cappleman

A. Appointment to the Community Redevelopment Area/Brownfield Advisory Board for vacated seat by James Gustino to expire on June 30, 2012

Member Cappleman stated that the Community Redevelopment Area/Brownfield Advisory Board (CRAAB) has a vacancy that was created with the resignation of Mr. Jim Gustino. The board has sought to fill the position and at the last meeting the board reviewed the submitted board appointment interest forms. That board decided to recommend the appointment of Ms. Sandra Schupp, who is a resident of the Stoneybrook West community.

Motion by member Buchanan to appoint Sandra Schupp to fill the unexpired term of Mr. Jim Gustino scheduled to expire on June 30, 2012. Seconded by member Boulter and carried unanimously 6-0.

B. Recommendation to approve jointly participating, up to \$15,000.00, to install three additional bicycle racks on W. Plant Street between Main Street and Lakeview Avenue

Member Cappleman stated City staff requested that the CRAAB participate in converting some of the existing landscaping islands downtown into bicycle stands. Mr. Cappleman

stated that the CRAAB recommends that the CRA approve participating in this project up to \$15,000.00.

Motion by Member Cappleman to approve up to \$15,000.00, to install three additional bicycle racks on W. Plant Street between Main Street and Lakeview Avenue. Seconded by Member Sharman and carried unanimously 6-0.

C. Recommendation to approve the Downtown Business Facade Matching Grant Program

Economic Development Director Gerhartz stated she is here to present the Business Facade Matching Grant Program for the CRA's consideration. The CRAAB and staff have been working together for the last few months to put this program together. It was first reviewed on December 14, 2010 with additional changes being made and after looking at different scenarios, it was brought back to the CRAAB on March 8, 2011. The CRAAB feels that the revisions made allow for a stronger program. Ms. Gerhartz added that facade matching programs have been proven to be very successful and staff has used several local programs as a model for this program. She explained that the purpose of the facade matching grant program is to encourage revitalization, private investment, business development, and to create activity in the downtown areas. She explained that the grant is a 50/50 match with the business owner providing 50 percent and the CRA providing the other 50 percent. Ms. Gerhartz explained some of the requirements of the program. She stated that the request is for \$50,000 to start the program. She explained that the traditional downtown area was identified with specific streets being targeted to really try and focus the program to expand the downtown to include the north and south streets, and the streets parallel to Plant Street.

Member Cappleman stated that the CRAAB has participated in this discussion and recommends, by unanimous vote, that the CRA approve the project and move forward. This would be the second matching grant program conducted by the CRA. He noted that in the early stages of the CRA, there was a matching grant program that resulted in a lot of the awnings you see in the downtown area. The CRAAB thinks this is a worthwhile project and recommends approval.

Motion by Member Buchanan to approve the Downtown Business Facade Matching Grant Program as recommended. Seconded by Member Jowers and carried unanimously 6-0.

Chairman Rees Adjourned as the Community Redevelopment Agency and reconvene as the City Commission at 7:01 p.m.

6. MATTERS FROM CITIZENS

Larry Cappleman stated that last Saturday, on the shores of Lake Apopka, the Central Florida Philharmonic conducted its eighth annual concert sponsored by the Winter Garden Rotary Club. He shared that without the help of the City Commission of Winter Garden this event could not have occurred and he thanked them.

Robert “Bobby” Olszewski, 1130 Copenhagen Way, Winter Garden, Florida, thanked the City Commission for their support of the East Winter Garden Community Development Corporation and offered his support in their efforts.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer reminded everyone that April 9th and 10th is the Bloom ‘N Grow event.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan shared that there was a golf tournament held for a lifelong resident of Winter Garden, Jim Crabtree, which raised \$30,000.

Mayor Rees shared that he received a nice letter from a resident commending the City Manager and City staff for all the help and willingness to provide services to her. He also expressed his appreciation for what staff does.

The meeting adjourned at 7:09 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC