



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

April 26, 2012

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 Bob Buchanan, Kent Makin and Robert Olszewski and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Assistant City Clerk Angee Grimmage, Assistant to the City Manager for Administrative Services Frank Gilbert, Public Services Director Don Cochran, Community Development Director Ed Williams, Police Chief George Brennan, Fire Chief John Williamson, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, City Engineer Art Miller, and Orlando Sentinel Reporter Stephen Hudak

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of April 12, 2012, as submitted. Seconded by Commissioner Olszewski and carried unanimously 5-0.

2. **PRESENTATIONS**

A. **Proclamation 12-07** was read and presented by Mayor Rees declaring April as Water Conservation Month to Water Conservation and Recycling Coordinator Angela Ewanitz.

B. **Proclamation 12-09** was read and presented by Mayor Rees declaring May 6 through 12, 2012 as North American Occupational Safety and Health (NAOSH) week and May 9, 2012 as Occupational Safety and Health Professional Day (OSHP) to Chad Murray.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 12-23:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA CREATING A NEW CHAPTER 27 OF THE CODE OF ORDINANCES REGARDING PARKS, RECREATION AND COMMUNITY FACILITIES; PROVIDING FOR RULES AND REGULATIONS CONCERNING CITY PARKS, RECREATIONAL FACILITIES AND COMMUNITY FACILITIES; PROVIDING FOR USE PERMITS AND SPECIAL EVENTS PERMITS AND ASSOCIATED STANDARDS, CONDITIONS AND FEES; AMENDING SECTION 50-151 OF THE CODE OF ORDINANCES TO DELETE APPLICABILITY OF PROHIBITED ACTIVITIES IN PARKS AND RECREATIONAL FACILITIES TO AVOID CONFLICTS WITH NEW CHAPTER 27 OF THE CODE OF ORDINANCES;

AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES TO DELETE ARTICLE III. MUSICAL OR ENTERTAINMENT FESTIVALS, SECTIONS 10-241, 10-242, 10-243, 10-244 AND 10-245 TO AVOID CONFLICTS WITH NEW CHAPTER 27 OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-23 by title only. Parks and Recreation Director Conn stated that this is a new ordinance that will help define new regulations and policies to deal with parks and other public areas throughout the City. It will expand the language in the current ordinance. Staff recommends approval.

Mr. Conn highlighted a few items in the ordinance such as the definition of special events, playground use, limits on signage and sound amplification, requiring pets to be on a leash, picnic shelter usage by reservation and rental functions such as prohibiting alcohol in certain areas.

City Manager Bollhoefer noted that there is a section in this ordinance that addresses possessing or discharging firearms and staff will be changing the terminology to weapons.

Mr. Bollhoefer also noted the ordinance changes park usage time from 6:00 a.m. to 7:00 a.m. He noted that the City will use passive enforcement because there are many people using the park before 7:00 a.m.

Commissioner Olszewski inquired as to whether the City would be compliant with first amendment assembly issues.

City Attorney Ardaman replied that the ordinance has been crafted in such a way that we are in compliance but that does not mean that the City will not get a challenge. The City actually received some complaints with the existing parks system, which are being addressed. If there are any changes which might be appropriate between now and the second reading, they can be made as long as they are consistent with the same title.

Mr. Bollhoefer also suggested adding “unless otherwise posted at the park” when referencing park hours.

Motion by Commissioner Buchanan to approve Ordinance 12-23 with the second reading and public hearing being scheduled for May 24, 2012. Seconded by Commissioner Olszewski and carried unanimously 5-0.

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

A. **Ordinance 12-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.93 ± ACRES LOCATED AT 13045 REAVES ROAD ON THE EAST SIDE OF REAVES ROAD,

SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY 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 12-15 by title only. Community Development Director Williams stated that this is a request for annexation by the Hodgkins who work and own a business in the City. They have purchased their second home which is a ranch on Reaves Road and is approximately 4.9 acres. They prefer the City's services and taxes.

Commissioner Buchanan asked if anyone else in that area was interested in annexing. Mr. Williams replied yes. The Hodgkins are speaking with all of their neighbors and encouraging several of them to annex.

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

Motion by Commissioner Olszewski to adopt Ordinance 12-15. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 12-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 4.93 ± ACRES OF LAND LOCATED AT 13045 REAVES ROAD ON THE EAST SIDE OF REAVES ROAD, SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY FROM ORANGE COUNTY RURAL 1-10 TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-16 by title only. Community Development Director Williams stated that this is the same property from the previous hearing. It establishes the future land use designation on the future land use map. It changes from county rural, one house per ten acres, to City low-density residential. If the applicant ever decides to redevelop the property it will be controlled by that zoning, but they are intending to keep it agriculturally zoned with the one house and a barn.

Commissioner Buchanan asked if they are keeping it agriculturally zoned for property taxes. Mr. Williams replied that they do not have an agricultural exemption on the property, which requires an active agricultural business on the property to get that exemption. He noted that it would be difficult to do on a five acre parcel.

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

Motion by Commissioner Olszewski to adopt Ordinance 12-16. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **REGULAR BUSINESS**

A. **Resolution 12-06:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM

City Attorney Ardaman read Resolution 12-06 by title only.

Commissioner Buchanan asked Commissioner Sharman if he was interested in the position of Mayor Pro-Tem. Commissioner Sharman shared that with his current work schedule he would have some difficulty being available to fill in when the Mayor could not. Commissioner Buchanan expressed that he thought that Commissioner Sharman, as the longest sitting commissioner, should have the first choice at the position. Commissioner Buchanan stated that if Commissioner Sharman was not available to hold the position he would be glad to.

Motion by Commissioner Sharman to adopt Resolution 12-06 appointing Commissioner Bob Buchanan as Mayor Pro-Tem. Seconded by Commissioner Olszewski and carried unanimously 5-0.

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

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

8. **MATTERS FROM CITY MANAGER**

Resolution Opposing Airport

City Manager Bollhoefer distributed a resolution he received from the Town of Oakland that was approved at their last town meeting that opposes an airport being built near the Lake County border. Mr. Bollhoefer stated that he is providing the resolution for the City Commission's review and possible future discussion.

Commissioner Makin inquired as to Lake County's Commission response to the resolution. Mr. Bollhoefer replied that they delayed the item and did not make a decision.

City Manager Bollhoefer also noted that there is no seat on the MetroPlan as previously offered to the City. The seat was given away about six years ago and does not exist.

Commissioner Buchanan stated that he attended the meeting at Tanner Hall pertaining to this issue. The information regarding the reinstatement of the airport needs to be heard by the City Commission. He spoke of problems that building the airport would bring to the restoration efforts the City has previously made around the lake.

City Manager Bollhoefer suggested inviting speakers in order to give both sides a fair chance to address the airport issue. He noted that Mr. Gilbert as the City's representative on the board member could also provide some information.

Commissioner Olszewski noted that the City Commission does not have to make a resolution. It is at the City Commissions discretion.

HB 1013

City Manager Bollhoefer stated that there is a house bill currently sitting on the Governor's desk called HB 1013 that has been infamously labeled the Substandard Infrastructure Protection Act. He described the circumstances stemming around the bill and noted there is overwhelming opposition. Mr. Bollhoefer and City Attorney Ardaman suggested reviewing the Orlando Sentinel editorial two weeks ago regarding this issue.

Staff efforts during Bloom 'N Grow

City Manager Bollhoefer thanked staff for a successful effort on their part in the Bloom 'N Grow event. He especially noted how staff is more than just competent and professional but has great attitude, is very polite and very helpful.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman shared that he had a nice trip to Minnesota but was excited to be back.

Commissioner Olszewski thanked City staff for an amazing Bloom 'N Grow event and also for an outstanding Relay for Life event. He especially thanked the Fire and Police departments for a very touching opening lap.

Commissioner Olszewski thanked the Foundation Academy for the tour of their campus. He noted that the basketball coach is former NBA player Andrew DeClerk. He announced that on May 7, 2012 Foundation Academy will have a fundraiser at West Orange Country Club.

Commissioner Olszewski announced that the Winter Garden Montessori Charter School's Greenfest event was rained out and will be held this Saturday from 1:00 p.m. to 5:00 p.m.

Commissioner Olszewski noted that he was at the unveiling of the Lynx bus for the Garden Theatre.

Commissioner Olszewski thanked Charlie Mae Wilder and the rest of the West Orange Community Action Committee for their wonderful health fair this past weekend at the Magic Gym which was very successful. He stated that it was very moving to see so many volunteers care for our citizens and especially the kids.

Commissioner Olszewski thanked the East Winter Garden Community Development Corporation for inviting him to their meeting.

Commissioner Olszewski noted that he was invited to attend a dinner and mass with the Diocese of Orlando Bishop John Newnan who celebrated mass last night here in Winter Garden.

Commissioner Buchanan noted that the Bloom 'N Grow was a fantastic event. He stated that the staff looked very good out there.

Commissioner Makin commended staff for the Relay for Life event participation in spite of the rain.

Mayor Rees stated that he would echo the comments previously given by the Commissioners. He noted that the City of Winter Garden had a lot going on the last few weeks between Bloom 'N Grow, Relay for Life, and the Art Exhibit at the City Hall. The comment he keeps hearing around town is how appreciative the citizens are of the City's staff. He noted that there is a lot of work to put these events on and then a lot of work when these events are over. The attitudes of the staff and their efforts do not go un-noticed; he gets stopped often and is told this by the citizens. He again thanked the staff for their efforts.

The meeting adjourned at 7:07 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC