



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

May 10, 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, Robert Olszewski and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to the City Manager - Administrative Services Frank Gilbert, Assistant to the City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, Information Technology Director Bob Reilly, Deputy Police Chief Bill Sullivan, Orlando Sentinel Reporter Stephen Hudak and West Orange Times Reporter Michael Laval

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

**Motion by Commissioner Olszewski to approve the regular meeting minutes of April 26, 2012, as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.**

### 2. **PRESENTATIONS**

#### A. **Drop Savers Awards**

The 2012 Annual Drop Savers Awards were presented by Mayor Rees and City Commissioners to the following winners:

Tessa Wolfe	Dillard Elementary Division 2 School Winner
Eumica Eugene	Whispering Oak Division 3 School Winner ( <i>unable to attend</i> )
Christine Nguyen	Whispering Oak Division 2 School and City winner
Fermin Medina	Tildenville Elementary Division 3 School, City, and State Winner

#### B. **Opposition to expanding the West Orange Airport**

Ramona Phipps, representing the Friends of Lake Apopka (FOLA) and as a Commissioner of the Town of Oakland, gave a PowerPoint presentation as to why FOLA are in opposition to expanding the airport off the Lake Apopka shore. She emphasized how the restoration efforts of the past 10 years that have cost taxpayers over \$150 million are working and how positively the area impacts our regional economics. She requested that the City of Winter Garden join Oakland and Montverde in adopting a resolution, to be given to the Saint Johns River Water Management District (SJRWMD) governing

board, that they should deny any expansion of the existing runway. Expanding the runway will cause the marshes to be drawn down so the birds will have no water, which will be a negative impact to our environment. She finds it critical that solidarity is shown on this issue and urged the City Commission to join them in their opposition.

Bob Stamps, board member of the Orange Audubon Society, shared stories of people enjoying the wildlife on the north shore of Lake Apopka. He distributed a handout indicating that we are on the Atlantic flyway, which is an extremely important migratory route for all kinds of birds. The highest Christmas bird count in all of North America is the north shore of Lake Apopka. He noted that the expansion of the airport will negatively impact our water quality, wildlife, fishing, boating, and duck hunting. He urged the City Commission to sign the resolution and forward it to the St. Johns Water Management District.

Rich Stunkel, a board member and representative for the Florida Greenways and Trails Foundation, invited the City Commission to a presentation to be held on May 31, 2012 at 4:30 p.m. at the Lakeside Inn in Mount Dora. He stated that they have pieced together the heart of the Florida Trail, which closes the loop and connects us to form a 250 mile trail that people will be able to use and experience Florida. He stated that they would be able to see how the preservation of the north shore restoration area plays into our ecotourism.

City Manager Bollhoefer asked for clarification on the 10,000 foot hazardous wildlife indicated and is it because they want to expand or add jets. Ms. Phipps responded that the information provided came directly off of the FAA website. It is because they want to have jets. She explained that the marsh water would have to be drawn down that will eliminate attracting birds. Mr. Stunkel added that the reference made to wildlife is not just limited to birds but includes others such as a deer on a runway.

Mayor Rees suggested that the City Commissioners review the resolutions presented and speak with the City Manager with any thoughts and suggestions they may have. This matter will be brought back to the next meeting.

3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**
  - A. **Ordinance 12-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ORDINANCE 12-02 AND REPLACING IT WITH THE AMENDMENTS TO ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES CONTAINED WITHIN THIS ORDINANCE; PROVIDING FOR THE AMENDMENT OF ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "PLANNED UNIT DEVELOPMENTS" CREATING URBAN VILLAGE PLANNED UNIT DEVELOPMENTS; PROVIDING REQUIREMENTS FOR MIXTURE OF USES AND URBAN DEVELOPMENT CRITERIA FOR ALL PROPOSED PLANNED DEVELOPMENT PROJECTS IN THE URBAN VILLAGE PLANNED UNIT DEVELOPMENT ZONING DISTRICT; CLARIFYING, UPDATING, AND

REMOVING REDUNDANT LANGUAGE FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS; PROVIDING FOR REVISIONS TO PLANNED UNIT DEVELOPMENT REVIEW PROCESS AND APPROVAL CRITERIA; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 12-24 by title only. Community Development Director Williams stated that in a lawsuit brought against the City on the zoning and subdivision plan for the project on Marsh Road, the adjoining property owner seeks to overturn that decision. One of the issues raised is that the original ordinance (12-02) was not properly advertised. He noted that our lawsuit hearing is scheduled for July 2<sup>nd</sup> and this ordinance is before the Commission to properly readopt this ordinance to meet the proper timeframe. He noted some minor changes have been distributed to the City Commission for consideration as were issues brought to staff's attention, so some clarifications have been made. Staff recommends approval.

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

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

- B. **Ordinance 12-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING ARTICLE II OF CHAPTER 30, ARTICLE II OF CHAPTER 26, AND ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CODE OF ORDINANCES TO REMOVE REFERENCES AND APPLICABILITY OF SUCH PROVISIONS TO THE REGULATION OF FIREARMS AND AMMUNITION IN ACCORDANCE WITH SECTION 790.33, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-28 by title only. City Manager Bollhoefer stated in October of 2011 the State changed the statutes to give full authority to regulate firearms to the State, thus preempting any local laws. The City was required to effectively stop enforcing its laws as of October 1, 2011. This was done and staff thought it necessary to change our Code of Ordinances to match this change.

Commissioner Olszewski clarified that this is not limiting a citizens second amendment rights. This ordinance takes it out of the City's hands and puts it into the hands of the State. Mr. Bollhoefer replied yes.

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

**Motion by Commissioner Sharman to approve Ordinance 12-28 with the second reading and public hearing being scheduled for June 14, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.**

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

- A. **Ordinance 12-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.14 ± ACRES LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET 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 12-17 by title only. Community Development Director Williams stated that there are two parcels seeking annexation, rezoning, and a land use designation change. A revised condition has been distributed and is based on the last hearing when the City Commission directed that the language be changed from only access would be from State Road 50 with no access to Walker and Water Streets to allowing access to the site from Walker Street being limited to a right-in and left-out driveway, and no access from Water Street. He stated that staff asks that this condition be included in the rezoning and comprehensive plan designation actions. Staff recommends approval.

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

**Motion by Commissioner Buchanan to adopt Ordinance 12-17. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 12-18:** 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 0.14 ± ACRES OF LAND LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-18 by title only. Community Development Director Williams stated that staff recommends approval of the future land use designation of commercial, subject to the revised conditions provided.

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

**Motion by Commissioner Sharman to adopt Ordinance 12-18 with the revised conditions submitted by staff (See Exhibit A). Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- C. **Ordinance 12-19:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.14 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-19 by title only. Community Development Director Williams stated staff recommends approval of the C-2 zoning subject to the revised conditions.

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

**Motion by Commissioner Olszewski to adopt Ordinance 12-19 with the revised conditions submitted by staff (See Exhibit A). Seconded by Commissioner Makin and carried unanimously 5-0.**

- D. **Ordinance 12-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER STREET 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 12-20 by title only. Community Development Director Williams stated staff recommends approval of the annexation.

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

**Motion by Commissioner Makin to adopt Ordinance 12-20. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- E. **Ordinance 12-21:** 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 0.23 ±

ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-21 by title only. Community Development Director Williams stated staff recommends approval of the future land use subject to the revised conditions.

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

**Motion by Commissioner Buchanan to adopt Ordinance 12-21 with the revised conditions submitted by staff (See Exhibit B). Seconded by Commissioner Olszewski and carried unanimously 5-0.**

- F. **Ordinance 12-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-22 by title only. Community Development Director Williams stated that staff recommends approval of the commercial zonings subject to revised conditions.

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

Commissioner Buchanan asked for clarification that once these parcels are brought together will they become one property. Mr. Williams responded yes, the owners anticipate it being one property.

**Motion by Commissioner Olszewski to adopt Ordinance 12-22 with the revised conditions submitted by staff (See Exhibit B). Seconded by Commissioner Makin and carried unanimously 5-0.**

5. **REGULAR BUSINESS** – There were no items.
6. **MATTERS FROM CITIZENS** – There were no items.
7. **MATTERS FROM CITY ATTORNEY** – There were no items.
8. **MATTERS FROM CITY MANAGER**

*(Note: Order of items discussed was changed by the City Manager.)*

**A. Sale of City-owned Mobile Home**

City Manager Bollhoefer stated that the City owns a home at 18 Holly Drive for which he is asking the City Commission for permission to sell the mobile home for a fair asking price of \$5,000.00.

**Motion by Commissioner Sharman to approve the sale of the mobile home located at 18 Holly Drive (Trailer City) for \$5,000.00. Seconded by Commissioner Makin and carried unanimously 5-0.**

**B. Discussion on revisions to noise ordinance**

City Manager Bollhoefer stated that he had intended on handing this out tonight but staff has gone back to the drawing board and is being reviewed by the Police Chief for enforceability. It will be very challenging and it will be brought to the City Commission for review and direction.

There was discussion on the use of a decibel meter and any way this might be enforced.

**C. Discussion on expanding senior citizen utility discount to low income residents with disabilities**

City Manager Bollhoefer explained that it was brought to the attention of one of the City Commissioners that the City has a senior citizen discount on the utilities. In some instances some people do not meet the age requirement but have disabilities and have inquired as to whether this program can be expanded to include them. He noted that in reviewing this issue there were challenges as to defining disability and how income is measured. Staff will be going back to the drawing board on this item. He shared that approximately ten years ago this program was budgeted at \$30,000 per year and is now approaching \$65,000, doubling over time; adding more residents will only cause it to go higher. Allowing more to pay less must be made up elsewhere. He noted that staff will work on this item and bring it back more information to the City Commission.

There was discussion that qualifying be a combination of income versus net worth. Commissioner Sharman emphasized that the program should be made available to the ones who really need it. Mr. Bollhoefer stated qualifying factors is a part of what will be reviewed.

• **Recent Downtown Events**

City Manager Bollhoefer displayed pictures of the Harvest Fest and Farmers Market noting that hosting these types of events is one of the best things you can do for economic development. He noted that not having a place to park is a good issue for our City to have.

**9. MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin stated that he spoke to some visitors from Kansas City who came down to attend a wedding. They noted that they wished they could take the model of our City to

other cities. He stated that it is a joy to walk downtown and see all the families enjoying the downtown. He commended staff and its residents for getting on board with this vision and seeing the outcome.

Commissioner Buchanan stated that he is receiving non-stop comments on how wonderful the City of Winter Garden is. He noted that he also attended a fundraiser which also generated nonstop comments on how wonderful they thought the City's changes are. The City festivals are starting to move down Tremaine Street, which shows that we are expanding.

Commissioner Buchanan also thanked Lake Apopka Natural Gas and noted that is nice to see the City improve, grow, and expand.

Commissioner Olszewski:

- Echoed the comments made by the City Manager regarding the Harvest Fest and commended the staff members.
- Thanked City Manager Bollhoefer for mentioning the lift station on Ninth Street the night he took office and wants the residents to know that the City is currently working on the issue.
- Stated that he and Police Chief Brennan represented the City of Winter Garden at the Orange County Law Enforcement Memorial in which they honored two of our fallen officers William Benton and Dalton Fleming, which was very moving.
- Stated that the Safe Streets of West Orange had an event this week bringing up the impact of Windermere and Roberson Road. He expressed that the City is definitely listening to our residents. The feeling is that a round-about is definitely needed.
- Spoke on the issue of redistricting of the State House and Senate maps and stated that the City of Winter Garden is in a very different environment and ask that consideration be given to an advocate for Winter Garden in Tallahassee given the impending changes for the next 10 years.

**City Manager Bollhoefer** asked for permission to take \$5,000.00 out of the City's contingency fund to independently hire someone to take a look at whether a round-about would work at the Windermere and Roberson intersection. He noted that the County has done a study and staff would like an independent study done to see if it comes up with a different conclusion than the County's. He believes the County determined that a roundabout would work until the year 2020.

**Motion by Commissioner Olszewski to approve taking \$5,000.00 from the City's contingency fund to conduct a feasibility study for a round-about for Roberson Road and Windermere Road. Seconded by Commissioner Sharman and carried unanimously 5-0.**

The meeting adjourned at 7:26 p.m.

APPROVED:

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

ATTEST:

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