



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

October 11, 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 City Manager - Public Services Don Cochran, Finance Director Laura Zielonka, Community Development Director Ed Williams, Deputy Fire Chief Matt McGrew, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Network Specialist George Strobel, West Orange Times Reporter Kelsey Tressler and Orlando Sentinel Reporter Stephen Hudak

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

**Motion by Commissioner Makin to approve the budget hearings and regular meeting of September 27, as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

### • **PRESENTATION**

Mayor Rees invited Greg Ohe from Health Central to come forward. Mr. Ohe stated that they came to give an update on their status since they have recently merged with Orlando Health. He introduced Director of Governor Relations Michelle Strength of Orlando Health.

Mr. Ohe gave a brief overview and update of Orlando Health with details about their facilities, offerings to the community, and upcoming programs. He offered to come to future meetings and provide updates and will contact the City Manager in that regard.

### 2. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 12-61:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 2 OF ARTICLE II, CHAPTER 42 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR ELIMINATION OF THE CR 545 SPECIAL BENEFIT OVERLAY DISTRICT IMPACT FEE; PROVIDING FOR PARTIAL REFUNDS OF PAID CR 545 SPECIAL BENEFIT OVERLAY DISTRICT IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-61 by title only. Community Development Director Williams stated that in 2006 a Special Overlay Transportation Impact Fee ordinance was adopted by the City Commission on a specific area of CR 545. At the time, it was a great idea because there were a number of development proposals in the City and County areas. If all of them had developed, the road networks would have been overrun. The CR 545 area developers worked with the City to create a special impact fee in order to address future road needs and to allow their projects to move forward. Many of the projects did not move forward due to the change in the economy.

The overlay has not generated sufficient funds to do the improvements that were projected. The traffic counts are substantially below their projection. Staff believes that the intersection improvements authorized by the board (City Commissioner) for CR 545 and Tilden, and CR 545 and Marsh Rd will handle any traffic congestion for the foreseeable future. The need for this special overlay, the doubling of the City's transportation impact fees, is no longer needed. This fund was created in 2006 and transportation impact fees have to be spent in a certain period of time or be refunded. We are getting very close to that time and there have been inquiries as to whether the City will do the entire road project or refund the impact fees. It was clear to staff with everything happening in that area that there is no need for that second impact fee. The primary impact fee on transportation will remain in effect and generate substantial funds for additional road improvements.

Mr. Williams stated that staff feels it would be prudent to remove the transportation overlay fee of \$5,000 which will in turn lead to a positive in economic development. Staff can refund the portions of the funds that have not been spent to date on designing and installing the improvements to those intersections, and move forward with the new projects utilizing just the primary transportation impact fee.

Commissioner Buchanan asked if the intersection at CR 545 and Tilden would be completed. **Mr. Williams** responded affirmatively that the intersection would be completed. There are sufficient funds from regular impact fees and a portion this fee already generated for that project. Additionally, the school and three of the projects in that area are also participating in that intersection improvement. This is a high priority this coming year to get them completed.

Commissioner Olszewski asked if this change will affect us on economic development opportunity. **Mr. Williams** responded that it absolutely will have a positive affect with more development and commercial properties coming forward because of the reduction in impact fees.

**Motion by Commissioner Olszewski to approve Ordinance 12-61 with the second reading and public hearing being scheduled for October 25, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

- A. **Ordinance 12-53**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 62 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR REVISED DEFINITIONS; PROVIDING FOR REVISED STANDARDS, REQUIREMENTS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-53 by title only. City Manager Bollhoefer noted that there was a merchant meeting regarding this ordinance. Many good ideas and suggestions to change the ordinance were given. He still believes in the basic philosophy of the ordinance but staff would like to make these changes. He believes they will not hurt the ordinance, but will also accommodate many of the businesses and those with concerns. Mr. Bollhoefer suggested postponing this item until November 8, 2012.

**Motion by Commissioner Buchanan to postpone Ordinance 12-53 to the November 8, 2012 meeting at 6:30 p.m. Seconded by Commissioner Makin and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

- A. Selection of a voting delegate and alternate for the National League of Cities Convention November 28 – December 1, 2012

**Motion by Commissioner Sharman selecting Commissioner Makin as the voting delegate. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**Motion by Commissioner Buchanan selecting Commissioner Makin as the alternate voting delegate. Seconded by Commissioner Makin and carried unanimously 5-0.**

5. **MATTERS FROM CITIZENS**

David Kassander, 15155 Ovation Drive, Belle Meade Subdivision, Winter Garden, Florida, board member of the Belle Meade residence association distributed a packet of information. He addressed the issue of an unfinished sidewalk section of approximately 300 to 400 feet which would connect to the shopping area. He asked the City Commission for their support and consideration in the completion of the sidewalk.

City Manager Bollhoefer noted that this project is already in this year's budget along with the road and will go out for bid in January. There was discussion on the project, its maintenance, and the possibility of expediting the project.

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

7. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer thanked and commended staff for all the preparations before, during, and after this past weekend's event.

Community Relations Manager Andrea Vaughn came forward and announced the upcoming Relay for Life 2013 kick-off event. Also, the Thanksgiving food basket drive is starting for this year and noted that there would be information available in the newspapers and on flyers.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Makin** stated that this weekend's event was great and he also commended staff for all their efforts.

**Commissioner Buchanan** stated that this was a wonderful event and noted that he heard extremely good things about the car show. He shared that there were some things that he would like to have addressed before next year's event, but all in all it was a great event.

**Commissioner Olszewski** commended and thanked staff for their efforts during this weekend's event. Also, the Winter Garden Heritage Foundation volunteers for hosting this annual event.

Commissioner Olszewski announced that the SPCA of Central Florida would be giving out about 500 free dog vaccinations this weekend at the Farmer's Market. He thanked the City Manager for working with him on this.

Commissioner Olszewski announced that the Orange County Public Schools Montessori of Winter Garden Charter School will be having their fall festival on October 21<sup>st</sup> from 2:00 p.m. to 6:00 p.m. There will also be a pumpkin patch October 19 – 21, 2012.

**Commissioner Sharman** stated that he received an e-mail from a constituent thanking the Fire Department Shift C Tower 22 (fire station on Daniels Road) for a job well done during inclement weather to stabilize Mrs. Matton in less than five minutes.

**Mayor Rees** stated that he received a call for Chief Brennan from a lady who wanted to commend Officer Orlando on the great professional job he did and how appreciative she was of him and the Police Department.

Mayor Rees apologized to anyone who may have overheard the unprofessional conversation he had earlier in the lobby.

The meeting adjourned at 7:03 p.m.

APPROVED:

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

ATTEST:

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