



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

November 8, 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 City Manager – Administrative Services Frank Gilbert, Assistant City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Parks and Recreation Director Jay Conn, Network Specialist George Strobel, Building Official Skip Lukert and West Orange Times Reporter Kelsey Tressler

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of October 25, 2012 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

International City/County Management Association awards for Voice of the People for Transformation and Excellence (*This item was postponed to a later date.*)

3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 12-49:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.57 ± ACRES LOCATED AT 441 LAKEVIEW ROAD ON THE EAST SIDE OF LAKEVIEW ROAD, NORTH OF WEST PLANT STREET AND SOUTH OF TILDENVUE ROAD 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

B. **Ordinance 12-50:** 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 0.57 ± ACRES LOCATED AT 441 LAKEVIEW ROAD ON THE EAST SIDE OF

LAKEVIEW ROAD, NORTH OF WEST PLANT STREET AND SOUTH OF TILDENVIEW ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- C. **Ordinance 12-51:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.57 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 441 LAKEVIEW ROAD ON THE EAST SIDE OF LAKEVIEW ROAD, NORTH OF WEST PLANT STREET AND SOUTH OF TILDENVIEW ROAD FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-49, 12-50 and 12-51 by title only. Community Development Director Williams stated that property owner Charles Asma has requested annexation, a future land use designation and zoning on this property. Mr. Williams stated that the land use designation is consistent with everything in the area. He noted that this has been reviewed by staff, the Planning and Zoning Board and approval is recommended with the second hearing scheduled for December 4, 2012.

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

Motion by Commissioner Olszewski to approve Ordinances 12-49, 12-50 and 12-51 with the second reading and public hearing scheduled for December 13, 2012. Seconded by Commissioner Sharman and carried unanimously 5-0. (Note: The hearing date was changed later in the meeting.)

- D. **Ordinance 12-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 2 OF ORDINANCE 05-24 GENERALLY KNOWN AS THE WINTER GARDEN VILLAGE AT FOWLER GROVES PCD PERTAINING TO DEVELOPMENT AND PERMITTED USES WITHIN THE 54 +/- ACRE PORTION OF THE 174.8 +/- ACRE PROPERTY GENERALLY LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535 IDENTIFIED ON EXHIBIT "B" OF ORDINANCE 05-24 AS THE RESIDENTIAL TRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 12-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE DEVELOPMENT ORDER OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES DEVELOPMENT OF REGIONAL IMPACT, CONSISTING OF 174.8 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535; PROVIDING FOR APPROVAL AND EXECUTION OF SECOND AMENDMENT TO CITY OF WINTER GARDEN DEVELOPMENT ORDER FOR WINTER GARDEN VILLAGE AT FOWLER GROVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-54 and 12-55 by title only. Community Development Director Williams stated that in order to accommodate the applicant and this very complex application that would amend the planned development and DRI for the hospital, staff has had to rearrange the Planning and Zoning Board schedule. Staff is also asking the City Commission to change their schedule in order to accommodate a closing on this property by the end of the year if approval is received.

There was discussion on changing the City Commission meeting dates for December so these items could first go to the Planning and Zoning Board to review.

It was the **consensus** of the City Commission to reschedule their December meeting dates to Tuesday, December 4th and Wednesday, December 19th at 6:30 p.m., respectively.

Motion by Commissioner Buchanan to postpone the first hearing of Ordinances 12-54 and 12-55 to December 4, 2012 at 6:30 p.m. Seconded by Commissioner Olszewski and carried unanimously 5-0.

Motion by Commissioner Olszewski to change the second reading dates for Ordinances 12-49, 12-50 and 12-51 to December 4, 2012 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

- F. **Ordinance 12-56:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.44 ± ACRES LOCATED AT 1101 EAST PLANT STREET AT THE NORTHEAST CORNER OF EAST PLANT STREET AND HENNIS ROAD 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
- G. **Ordinance 12-57:** 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 0.44 ± ACRES LOCATED AT 1101 EAST PLANT STREET AT THE NORTHEAST EAST PLANT STREET AND HENNIS ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- H. **Ordinance 12-58:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.44 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1101 EAST PLANT STREET AT THE NORTHEAST CORNER OF EAST PLANT STREET AND HENNIS ROAD ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-56, 12-57 and 12-58 by title only. Community Development Director Williams stated that this property is at the corner of Hennis Road and Plant Street that was purchased by the City in conjunction with the right-of-way for Plant Street. He noted that this is the old convenience store with the bill board. The ordinances annex, rezone and designate it as a commercial land use designation. Staff recommends approval and request the second reading be scheduled for December 4, 2012.

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

Motion by Commissioner Makin to approve Ordinances 12-56, 12-57 and 12-58 with the second reading and public hearing being scheduled for December 4, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- I. **Ordinance 12-63:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY CONSERVATION FOR PROPERTY GENERALLY DESCRIBED AS 209 ± ACRES LOCATED AT 100 AVALON ROAD ON THE WEST SIDE OF AVALON ROAD AND SOUTH OF THE FLORIDA TURNPIKE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Tucker Ranch)

City Attorney Ardaman read Ordinance 12-63 by title only. Community Development Director Williams noted that the City is the applicant on this item which is the Tucker Ranch property. The ordinance establishes a future land use designation and takes away the County designation. Staff recommends approval and requests scheduling of the second reading for December 4, 2012.

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

Motion by Commissioner Buchanan to approve Ordinance 12-63 with the second reading and public hearing being scheduled for December 4, 2012. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **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 stated that this ordinance should be removed from the agenda because staff will be bringing back a new ordinance that will be advertised according to Florida law.

Motion by Commissioner Sharman to remove Ordinance 12-53 from the City Commission agenda. Seconded by Commissioner Makin and carried unanimously 5-0.

5. **REGULAR BUSINESS**

A. **Recommendation to approve entering into a developer's agreement for Bradford Creek Subdivision**

Community Development Director Williams stated that in conjunction with the Bradford Creek subdivision and planned development there were a number of conditions attached to the project for approval. The developer's agreement is one of the methods that memorialize the conditions. Staff recommends approval. Mr. Williams noted that the applicant/owner was present, has signed, and agrees to the conditions in the developer's agreement.

Motion by Commissioner Sharman to approve the developer's agreement, as submitted, for Bradford Creek Subdivision. Seconded by Commissioner Buchanan and carried unanimously 5-0.

B. **Recommendation to approve Final Plat for Covington Chase Phase 2B**

Community Development Director Williams stated that staff is asking the item be continued until December 4th because all of the reviews have not yet been completed.

Motion by Commissioner Sharman to postpone the Final Plat for Covington Chase Phase 2B until December 4, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.

C. **Consider appointments for expiring terms of Morabito and Defuso on the Police and Firefighter Pension Board**

City Clerk Golden stated that all interest applications have been submitted and the current members have expressed an interest in being reappointed.

Motion by Commissioner Buchanan to reappoint Morabito and Defuso on the Police and Firefighter Pension Board. Seconded by Makin and carried unanimously 5-0.

D. **Recommendation to approve bids for East Plant Street Widening Project (Segment 2) and award contract to DeWitt Excavating, Inc. in the amount of \$6,462,606.54 that includes a ten percent project contingency**

Public Services Director Cochran stated that this is the last segment of roadway improvements for widening East Plant Street located just west of West Crown Point Springs Road to Sixth Street. This includes four-laning of the street and a traffic signal at Ninth Street. On October 3, 2012 the City received five bids with DeWitt Excavating as

the lowest bidder at \$5,875,096.85. Mr. Cochran stated that staff recommends an addition of a ten percent contingency, if approved, for a total project amount of \$6,462,606.54

Mayor Rees asked if change orders would be controlled. Mr. Cochran responded that with the support of the City Commission, he will be able to keep the change orders to a minimum.

Commissioner Sharman sought reassurance from the City Attorney that the contract contains all the necessary language to avoid what we went through before. Mr. Ardaman responded that these are two completely different projects. He explained the differences in the projects. Mr. Ardaman noted that the contract provisions are tight so the City is in a good position for enforcement.

City Manager Bollhoefer noted that this contract is tight as a contract can be without stopping bid interest. He stated that he spoke with Mr. DeWitt and he is confident this project will go well.

Motion by Commissioner Olszewski to approve bids for East Plant Street Widening and award contract to DeWitt Excavating, Inc. in the amount of \$6,462,606.54, which includes a ten percent contingency. Seconded by Commissioner Buchanan 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**

A. **Discussion on fencing the City cemetery**

City Manager Bollhoefer stated that at the last meeting he distributed a photo of a fencing option for the cemetery. He explained that one option was a brick gateway with aluminum design resembling wrought iron; with this option the County would pay the full amount of \$62,800.00. He noted that it does not look as stately as it would with brick columns approximately every 20 feet, which would be an additional \$53,000.00, for which the County would not pay.

Mr. Bollhoefer also asked how the City Commission would like to fund the improvement. It could be paid for out of the general fund revenue or the cemetery fund, which is an enterprise fund. If there is not enough in the enterprise fund, they could pay the general fund back.

Commissioner Olszewski suggested the traditional City logo be used instead of the “W G” for a better presentation. Mr. Bollhoefer responded that it is the City Commission’s choice and should not affect the cost too much.

Motion by Commissioner Sharman to approve installing cemetery fencing as paid for by Orange County with intermittent brick columns funded by the Cemetery Enterprise Fund or general fund loan to be paid back. Seconded by Commissioner Makin and carried unanimously 5-0.

B. Discussion and possible action on entering into an agreement to fund rehabilitating local railroad track

City Manager Bollhoefer stated that back in February of 2011, the City Commission voted to support and become a part of a grant project with several cities in Lake and Orange Counties. The City's contribution in February would have been \$33,000.00. What the City would have received is the repair of the City's railroad lines within the City. The City was faced, at that time, with repairing some of those lines across Dillard Street in order to ever run a tourist/event train at a cost of \$80,000.00, so it was a great financial opportunity for us.

Mr. Bollhoefer stated that a final agreement has been received and has already been signed by the Cities of Ocoee, Apopka and others in Lake County. The City of Winter Garden's contribution has been reduced from \$33,000.00 down to \$11,000.00. Mr. Bollhoefer noted that for the \$11,000.00 the City of Winter Garden gets its entire railroad line in Winter Garden upgraded; it allows us to bring in tourist and event trains, freight trains, and is a step in case we ever want to move toward a commuter rail in the future.

Motion by Commissioner Sharman to approve entering into an agreement to fund the rehabilitation of our local railroad track for our \$11,000.00 contribution to the project. Seconded by Commissioner Makin and carried unanimously 5-0.

9. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman stated that he and Commissioner Makin will be going to Boston, Massachusetts [to attend the National League of Cities conference].

Commissioner Olszewski thanked Charlie Mae Wilder for her service to the City of Winter Garden. She coordinated a very moving Veterans Day event this past Friday at the Bethlehem Baptist Church. The very next day she coordinated the Community Health Fair at the Maxey Center. He also noted that Ms. Wilder has been serving as an election poll worker since 1960.

Commissioner Buchanan shared that the downtown is looking very nice.

Commissioner Makin stated that he and Assistant City Manager to Public Services Cochran went to St. Johns Water Management meeting last Thursday and met with St. Johns Water Management, Florida Department of Environmental Protection, Florida Wildlife Commission and Orange County Environmental who were all in attendance as well as Senator Allen Hayes. He noted that they discussed the dredging of Lake Apopka. Funding is available and they want to start in the spring. He noted that it was nice to see department heads from the different agencies come together in agreement on this issue. He will come back at a later

date and give the City Commission a PowerPoint presentation. He described some of the proposed plans.

Commissioner Olszewski asked about the Friends of Lake Apopka involvement. Commissioner Makin responded that they were not at the meeting but volunteers will be needed with some of the planning and they will be getting with the Friends of Lake Apopka.

Mayor Rees echoed Commissioner Olszewski's comments about Ms. Wilder and thanked her for all her service. He also reminded everyone of the Farmer's Market on November 17th.

The meeting adjourned at 7:12 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC