



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

December 4, 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, Assistant City Clerk Angee Grimage, 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, Orlando Sentinel Reporter Stephen Hudak, and West Orange Times Report Kelsey Tressler

1. **APPROVAL OF NOVEMBER 8, 2012 MINUTES**

*This item was acted upon later in the meeting.

2. **PRESENTATION**

International City/County Management Association awards for Voice of the People for Transformation and Excellence

Mayor Rees announced that this item was being postponed until January.

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

A. **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

B. **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 staff would like to have the applicant make the first presentation on their project and then staff would give their presentation, share the results from the Planning Zoning Board and then open the matter to public comment.

Borron Owen, Esq. with Gray Robinson law firm came forward and stated that he would be speaking on behalf of the Florida Hospital and the applicant. They are in support of the staff's report with the conditions contained, subject to final discussions with city staff regarding cost allocations and final road improvements that will be resolved prior to the December 19th meeting. He shared that many concept changes have been made based on input given by City staff and neighbors. He noted there have been two helicopter tests to observe their air ambulance taking off and landing at their Orlando campus. Their first phase will add 50 to 100 new jobs and at build out they anticipate over 1,000 new jobs. They believe the economic impact to the surrounding area will be \$3.5 billion over the next fifteen years and estimate that after that would be \$400 million annually. They believe their presence will also extend the life of the mall.

The primary factor in determining the size and height of a hospital is the number of beds; they are proposing 200 beds at this facility. They prefer 32 beds per floor but are committed to 40 beds per floor in order to reduce the number of inpatient floors to the minimum required. The hospital must also include diagnostic and treatment departments that are generally on the two bottom floors with inpatient bed floors on top. In their case, this creates a seven story hospital with a single tower being the most efficient and cost effective in regard to structural, mechanical, and electrical systems. The first phase, to be completed in about two years, will include an emergency department with air ambulance and medical offices for physician services. The conceptual sketch has the main entrance off Fowler Grove Boulevard. They are proposing to relocate the existing retention pond from the Sembler property onto the adjoining horse farm that they are under contract to purchase.

The planned entry points for ambulance traffic are situated away from nearby homes. They have worked with staff to create siren and ambulance policies for this campus. Based on their experience, less than four percent of ambulance transportation uses sirens and lights. Mr. Owen noted that their campus will not be trauma center. Therefore, the air ambulance will only be used to transport patients from Winter Garden to other Florida Hospital facilities and there will be no roof-top landings. They anticipate there will be less than three helicopter transports in any given week. They expect the flight path to be along SR 429 and commercial corridors, away from residential neighborhoods. The landing pad will be located away from nearby homes and ultimately be shielded by the hospital buildings. He directed everyone to his presentation (*see attached Exhibit "A"*) highlighting various concepts of the project. He noted their commitment to constructing

road improvements during the development of their hospital. They will have sufficient parking on their property.

Mr. Williams stated that in order for this project to be successful staff had to address a number of issues. First, that it provide a substantial economic benefit for the City, which it does. The next issue was compatibility with the surrounding residential areas; noise, visual buffers, landscaping, hours of operation, scale of property, character of the buildings, and parking locations that had to be addressed. The next major issue was the quality of construction and noted the City Commission has final say over the architectural design. Florida Hospital has committed that the quality of their buildings will match that of their Celebration hospital, which is of the highest quality staff has seen in hospitals anywhere in Central Florida. Florida Hospital has agreed to hours of operations and restrictions on loading and unloading that already exist within the mall. Finally, Florida Hospital had to mitigate, to the greatest extent possible, any adverse impacts specifically on traffic and visual. Staff on the Development Review Committee (DRC), as well as the Planning and Zoning Board (P & Z Board), recommend approval; but several things changed at the P & Z Board meeting that he would like to highlight. Staff added a condition that they are allowed to build a garage if they need it to the south of the main buildings and no more west than the buildings already were to be sure there was adequate parking. After public input at the P & Z Board meeting, that was removed. Staff requested that there be a right-out onto CR 535/Winter Garden/Vineland Road that has also been removed because of concern that it would direct traffic through residential areas. The concerns about restricting when ambulances can use their siren, has been incorporated into the report. The speed limit on Winter Garden/Vineland Road will be lowered to 35 mph to maintain the residential area. Staff was looking, which was not in the original report, at a (traffic) light being installed possibly at Fowler Grove Boulevard and Sembler Way at the intersection behind the Longhorn for peak hour traffic to get onto Sembler Way to access the restaurants. At this time, Mr. Williams went through the exhibits provided in the agenda packet.

Mayor Rees asked if the proposed traffic light is part of impact fees. **Mr. Williams** responded that all the improvements are part of the project and staff is working with them on how many will qualify for impact fee credits noting that any relief is still being negotiated.

Mr. Williams also went through Phase 2 improvements. **Commissioner Olszewski** stated there is an issue with the SR 429 off-ramp and asked if this could be rectified with this project. **Mr. Williams** responded that for a number of years staff has been dealing with the Expressway Authority on this issue. The Expressway Authority has estimated it would be over \$5 million to make the improvement for which there is no funding source available.

Mayor Rees opened the public hearing for Ordinances 12-54 and 12-55.

Tom Reedy, 14217 Country Estate Drive, Winter Garden (Unincorporated Orange County), Florida, stated his issue is the building height of seven stories in the proposed location is ludicrous. He has heard people say they want the hospital but they want it less than seven stories. He wants the hospital and he wants it to be no more than five stories.

Theresa Soo, 557 First Cape Coral Drive, Winter Garden, Florida, stated she does not think the hospital is compatible with the neighborhood at all. She expected her home purchase to remain a quiet residential neighborhood and expected it to remain that way for the most part. Hospitals are bustling areas and she does not believe it needs to be in the small area in which they are looking. She asked the City Commission to reconsider the project. She is concerned about property values because she can't see them going up around a hospital and suggested looking at other locations for the hospital.

Frank Imbruglia, 14015 Hampshire Bay Circle, Winter Garden, Florida, stated he wanted to first talk about traffic. According to the IT (Institute of Transportation) trip generation reports, the existing property use as townhomes and condos at 350 units has a 252 p.m. trip generation. If he takes the same area and applies the hospital, emergency room and office space, it generates 1,371 p.m. trips peak. It is 524 for the hospital, 155 for emergency room, and 692 for the office space. That is a significant increase in traffic. It does not seem like a rural Winter Garden hospital. The proposed main entrance on Fowler Grove Boulevard has limited access and he has discussed other options with staff. He asked for input on the other options. **Mr. Bollhoefer** responded that it can be looked at after the meeting. He believes staff has looked at almost every possibility, but it can be looked at again. The only other area he thinks there was a real concern for him and staff, was the short area coming into the mall at the Hess and Kentucky Fried Chicken; staff is looking at a right out from both sides of the road. By eliminating the left out, that should help somewhat.

Mr. Imbruglia stated that his other concern was with the definition of 200,000 square feet of medical office being leasable versus gross. How big will the building actually be with all the entries, lobbies, hallways, common space, stairwells, mechanical rooms, elevators that do not count towards the 200,000 square feet? **Mr. Williams** responded that the 200,000 is the gross leasable area.

Mr. Imbruglia addressed the limited landscaping on the south side of the existing wall and berm and asked if the existing buffer could be continued, as it is now, all the way down CR 535. **Mr. Owen** responded that they discussed extending the wall down and installing landscaping but there are residences so there will only be parking. There will be landscaping within their parking and the perimeter. They felt the wall was an unnecessary expense. They are not trying to wall out anyone or wall in anyone. They would not support a wall going all the way down. **Mr. Williams** added that the existing ten foot buffers are being doubled to twenty feet. He noted that with the additional width and plantings, you won't see the wall. **Mr. Bollhoefer** stated staff has looked at their other hospitals and it is important to them that it looks good. Staff is comfortable that the

landscaping on the south side of Fowler Boulevard will be sufficient and do what it is needed to do.

Mr. Imbruglia addressed a question asked at the P & Z Board meeting about relocating the stormwater pond to the south side of where the horse farm is now and would there be any wetland impacts to build the stormwater pond. **Mr. Bollhoefer** had indicated there would be no wetland impacts to build the stormwater pond. **Mr. Bollhoefer** responded that he is not sure he made that statement but if there are any impacts, they are required to mitigate or not have an impact; it will not be built on wetlands. **Mayor Rees** stated there are eleven acres of wetlands and a six acre stormwater pond, if he remembers correctly.

Mr. Imbruglia referred to PCD-5 at the other corner area on the property that is labeled zone 2a, which will allow two stories up to thirty feet high of building. **Mr. Bollhoefer** stated that the ordinance does not give the hospital a zoning to allow them to build a building at that location. It just shows their future intention to try and get it zoned to put a building there. They wanted to be transparent with their intentions.

Mr. Imbruglia asked if there was something the City could do to try and get them to dedicate the property around the stormwater pond to benefit the community. This was brought up at one of the initial meetings and he hasn't heard any more about it. **Mr. Bollhoefer** shared that there have been discussions on other possibilities, but not on this particular site. This would have to be worked out by the second reading.

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, spoke in favor of the hospital plans and shared what an important part they have played in saving his own life and how it will benefit everyone to have them in Winter Garden.

Commissioner Sharman asked Mr. Williams to address the peak traffic issue referenced by Mr. Imbruglia. **Mr. Williams** indicated the numbers don't match. There are two sets of traffic analysis; the first is the DRI issue, the entire (Development of Regional Impact) DRI is approved for a certain number of p.m. trips and peak hour trips. There are also a certain number of external trips, which takes into account internal capture and traffic between one part of the mall and other parts of the mall. Staff had the applicant go out, with counters, to all the mall access points and get current in and out traffic counts. Staff reviewed what was left from the established peaks from the DRI and they are way under those numbers even with the mall fully developed. There are excess trips in phase 1 that they can do substantially more development and be under the cap. The condominium's peak hour corresponds with the normal peak hour that is around 8 to 9. Eighty percent of the peak hour trips from the hospital occur at 7 a.m. before the normal peak hour and before the condos. Therefore, the condo trips of 250 peak hour are at the worst possible time for traffic. The peak hours for the hospital occur before the peak hour ever happens. Mr. Williams noted that for the extra 250 peak hour trips, they are contributing over \$2.5 million worth of offsite road improvements that the condos would not be doing.

Mayor Rees stated when looking at Table 3, it indicates the trips remaining after the hospital is built out would be an excess of 4,249 external trips and about 922 external peak hour trips. Peak hour is an actual count over an extended period of time of whichever hour comes up with the most trips. **Mr. Williams** indicated that is correct and elaborated on calculating peak trips. **Commissioner Sharman** asked what the peak hours are. **Mr. Williams** responded that by the mall it is 8-9 a.m. with the hospital being at 6-7 a.m., which is before the mall.

Commissioner Sharman referenced the wetlands shown on PCD-5 and PCD-4 and stated he understands the document indicates it will only be used for a retention pond. The City Manager has indicated the hospital wants to show good faith and have shared that they want to do something in that location in the future. For the next reading he would like to see the Planned Commercial Development (PCD) match the document. The hospital can always come back and ask for what they want later. **Mr. Williams** indicated staff will remove the height zones and put a note that only signs will be allowed in the pond at this point. He noted that the ordinance does not include this land in the PCD; it is only included in the DRI (Development of Regional Impact).

Commissioner Sharman noted that before the second reading the right-turn-in and right-turn-out only will be removed.

Mayor Rees noted the build out dates for phase 1 is December 31, 2022 and phase 2 is December 31, 2025; with a development order that expires seven years after phase 2 that goes to 2032 and the fact we are looking at 20 years from today. He asked if this ties up any of the road impacts or any other impacts that prohibit anything from being developed in the same area. **Mr. Williams** responded no; those dates are actually administrative dates established through the DRI process and they generally do not finish anywhere near their timeframe. They are monitored as they progress to make sure they are not exceeding their projections.

Mayor Rees referred to the anticipated helicopter route and asked if everyone is comfortable with the reference. **Mr. Williams** indicated that until the FAA (Federal Aviation Authority) approves it, it is not approved. If FAA stays to our proposed order, then they (hospital) will have to come back to the City and submit a proposal the FAA is willing to approve.

Commissioner Olszewski stated that the main focus he has heard is about the height of the building being seven stories; when would the City actually see seven stories from this project. **Mr. Williams** responded that it is several (4 to 5 *as referenced later in the meeting*) years away.

Commissioner Olszewski asked if the City Commission capped the hospital at five stories, would the hospital feel they would have a viable business model to come to Winter Garden. **Mr. Owen** responded that they have brought to the City Commission the best superior facility for Winter Garden at this location and asked the City Commission to

not prevent them from the accomplishment. **Mr. Williams** explained the differences between a five and seven story hospital.

Commissioner Makin asked what would happen if the project was approved and the hospital did not receive a certificate of need for 200 beds. **Mr. Williams** responded that if they receive a certificate for 140 beds they would still be able to build the project; the other space is tied to the number of beds they are allowed. They would build the entire project if they only got 140 beds unless they came back and asked to change the conditions. **Mr. Owen** stated they can only build what is approved and it would be a phased approach.

Commissioner Buchanan shared that previously Sembler requested to build townhomes or apartments and would only have normal buffering and no road improvements. There are but few residents attending this meeting saying that they don't want this (hospital) and others don't want it as high. He would hate to build a five story and be the one in need of a hospital bed because it wasn't built as a seven story hospital. He indicated the Commission has to do what is best for everyone concerned in the City of Winter Garden. He believes the Commission needs to get the most they can instead of coming back later wishing they had.

Commissioner Sharman stated the helicopter has become a non-issue except for flights over homes, which is under the control of the FAA. He addressed the attorney's comment that the hospital will not be a trauma center and asked that it be added to the prohibited uses in the document before the next reading. **Mr. Owen** stated they are not a trauma center; ORMC is the trauma center. Sometimes state law tells them what they have to do. The Agency for Health Care Administration dictates what could be required in the future. If it is included as a prohibited use, then he would like to have a condition added that if the State dictates the requirement, the City would need to reconsider the prohibited use.

At this time, **City Attorney Ardaman** stated this is a quasi-judicial proceeding so he suggested each City Commissioner disclose any communications they have had on this matter outside of this meeting.

Disclosures

Commissioner Sharman disclosed attending an initial meeting this past summer with Florida Hospital representatives and discussed helicopter, ambulance, and building height. **Mr. Ardaman** added there were open community meetings and focus groups attended by City Commissioners with multiple discussions and multiple issues that don't need to be detailed here. **Commissioner Sharman** stated that he attended a follow-up meeting after the initial meeting and discussed the same items. There was a community meeting at City Hall with some of the homeowner association presidents, quasi community leaders and a few people who live close by; community meeting with Stoneybrook West with Commissioners Buchanan and Olszewski being present; a focus group met to discuss the building height; a public community meeting was held at City

Hall; and he attended two helicopter tests. He added that he attended the balloon test, a meeting with Stonecrest residents, and he met the landscape architect to discuss buffering and the exit. Commissioner Sharman added that he has spoken with some of the residents of Country Lake Estates, Black Lake Park, Bay Isle, Stonecrest, and Stoneybrook.

Commissioner Olszewski stated he had two meetings with Florida Hospital staff in City Hall; attended Stoneybrook West community meeting; attended the noticed City Commission meeting. He stated he has had conversations with Borron Owen with Gray Robinson, Rob Fulbright, Karen Flood, and Susan Molina who are Florida Hospital staff. He received three e-mails on this issue, as did the other Commissioners, and attended the balloon test.

Commissioner Buchanan stated he attended the same meetings as Commissioner Olszewski and received the same three referenced e-mails. He also attended the Planning and Zoning Board meeting when they approved this project. In addition, he spoke with Dean Engstrom in Kelso/Windermere who gave him some information.

Commissioner Makin stated he attended the initial meeting at City Hall, received the e-mails referenced by Commissioner Olszewski, and attended the site balloon test.

Mayor Rees stated he has had a couple of meetings with the City Manager and the Florida Hospital group. He has spoken with residents whose names he doesn't remember except Cliff Hiatt. He also attended a portion of the Planning and Zoning Board meeting, and received e-mails.

End of Disclosures

Commissioner Sharman shared that he would like to have the City Attorney come back with an ordinance drafted with language as provided at the Planning and Zoning Board meeting (relating to ambulance transport noise).

Commissioner Olszewski stated the decision should be based on the community and for the future generations to have a hospital closer than we have now will really serve the City as a whole. He is personally satisfied with what he has heard about having a first class hospital and how the certificate of need impacts the decision. He shared he can give his support to a seven story tower with what he has heard.

Mayor Rees stated he is excited that Florida Hospital has selected Winter Garden but personally would like to see it less than seven stories. He noted that there was nothing clear cut about what height the residents wanted.

Commissioner Makin asked about PCD-5 zone 2c showing five stories is an L-shaped going from south to the north; what if built as a seven story in zone 2d and later the five-story built in 2c, thereby the five-story could wrap around the side of the seven story building and go north. **Mr. Williams** responded technically yes. **Commissioner Makin**

stated that would break up the appearance of the architectural design of the side with a full seven story building with a five story building in front of it. **Mr. Williams** stated you would still see the two stories above. He doesn't believe they intend to come out into that L shaped area because of the need for parking.

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

Motion by Commissioner Olszewski to approve Ordinances 12-54 and 12-55 with the second reading and public hearing being scheduled for December 19, 2012 with all of staff's recommendations (see attached Exhibit "B"). Seconded by Commissioner Buchanan. Commissioner Sharman asked to **include in the motion a prohibition of a trauma center and amending the zoning map for the retention pond area to match the PCD.** Commissioners Olszewski and Buchanan agreed to the **additional language being included in their original motion. The motion carried unanimously 5-0.**

At this time, Mayor Rees asked to go back to agenda item 1 for action on the November 8, 2012 meeting minutes.

Agenda Item 1. *Motion by Commissioner Buchanan to approve the regular meeting minutes of November 8, 2012 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

- C. **Ordinance 12-64:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.408 ± ACRES LOCATED AT 13675 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF WINTER GARDEN VINELAND ROAD AND WEST OF SOUTH DILLARD 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
- D. **Ordinance 12-65:** 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 0.408 ± ACRES LOCATED AT 13675 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF WINTER GARDEN VINELAND ROAD AND WEST OF SOUTH DILLARD STREET FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 12-66:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.408 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 13675 WEST COLONIAL DRIVE, EAST OF WINTER GARDEN VINELAND ROAD AND WEST OF SOUTH DILLARD STREET FROM

ORANGE COUNTY C-2 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-64, 12-65, and 12-66 by title only. Community Development Director Williams stated this is for the site where Maryland Fried Chicken is located and recommend approval.

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

Motion by Commissioner Sharman to approve Ordinances 12-64, 12-65 and 12-66 with the second reading and public hearing being scheduled for December 19, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

- F. **Ordinance 12-67:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 6.3 ± ACRES LOCATED AT 12902 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH 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 12-68:** 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 6.3 ± ACRES LOCATED AT 12902 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY RURAL AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- H. **Ordinance 12-70:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 6.3 ± ACRES LOCATED AT 12902 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-67, 12-68 and 12-70 by title only. Community Development Director Williams stated this is a voluntary annexation on the south side of Roper Road just west of Beulah. Staff recommends approval. The applicant is trying to acquire two adjoining properties to make it one parcel.

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

Motion by Commissioner Olszewski to approve Ordinances 12-67, 12-68 and 12-70 with the second reading and public hearing being scheduled for December 19, 2012. Seconded by Commissioner Sharman and carried unanimously 5-0.

- I. **Ordinance 12-69:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-1064 IN DIVISION 4 OF ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES TO REMOVE LANGUAGE CONCERNING URBAN VILLAGE PLANNED UNIT DEVELOPMENTS WHICH THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY DETERMINED TO BE INCONSISTENT WITH THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-69 by title only. Community Development Director Williams stated that the Lindsay's have challenged and filed a number of lawsuits against the City in conjunction with the Waterside at Johns Lake project. One challenge is that our PD ordinance was not consistent with our comprehensive plan. The DCA reviewed it and did not agree. However, two sentences within our ordinance did cause DCA some concern; one, it allowed accessory mother-in-law units with the units and we had a statement that it would not count towards the density. Second, if we have urban village designation in other areas of the City, we said that it could be determined by the City Commission realizing it has to go through the comprehensive plan amendment process. They (DCA) want us to remove the sentence that says if other areas, as determined by City Commission, when in affect it has to be by comprehensive plan amendment. This gets everything on the same page when it gets to the hearing officer as part of the appeal process.

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

Motion by Commissioner Olszewski to approve Ordinance 12-69 with the second reading and public hearing being scheduled for December 19, 2012. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **SECOND 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 this property is on the eastside of Lakeview Road just north of Plant and staff recommends approval.

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

Motion by Commissioner Buchanan to adopt Ordinances 12-49, 12-50, and 12-51. Seconded by Commissioner Makin and carried unanimously 5-0.

- D. **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
- E. **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 (CORNER OF) EAST PLANT STREET AND HENNIS ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- F. **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 the City is the applicant. This is a property purchased in conjunction with the widening of Plant Street and staff recommends approval.

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

Motion by Commissioner Makin to adopt Ordinances 12-56, 12-57 and 12-58. Seconded by Commissioner Sharman and carried unanimously 5-0.

- G. **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)

Community Development Director Williams asked that this item be postponed until December 19, 2012 in order to meet the timeframe for advertising a large scale comprehensive plan amendment.

Motion by Commissioner Buchanan to postpone Ordinance 12-63 until December 19, 2012 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Recommendation to award and approve extending the cemetery services agreement with Quality Vaults, Inc. for one year, with the option to extend up to three years if there are no changes**

Public Services Director Cochran stated every year this contract is brought back to the City Commission. This year it was sent out to bid and Quality Vaults, Inc. indicated they would not be raising their prices and thereby remains the lowest bidder. Staff recommends awarding the contract to Quality Vaults with the option to extend the agreement for up to three years if they do not change their rates.

Motion by Commissioner Buchanan to approve extending cemetery services agreement with Quality Vaults, Inc. as recommended by staff. Seconded by Commissioner Makin and carried unanimously 5-0.

B. Recommendation to approve amendment to contract with Pegasus Engineering to include construction phase services on Plant Street Segment 2, project not to exceed \$262,807.42

Public Services Director Cochran stated construction management services include pre-construction meeting, administrative progress meetings, periodic site visits, review of shop drawings, review of change orders, any impacts to utilities, deeming when the project is substantially complete and final completion.

Motion by Commissioner Olszewski to approve amendment, as submitted, to contract with Pegasus Engineering Plant Street Segment 2, project not to exceed \$262,807.42. Seconded by Commissioner Buchanan and carried unanimously 5-0.

C. Recommendation to authorize the Mayor and Police Chief to execute renewal of Interlocal Mutual Aid Agreement for law enforcement services

Police Chief Brennan stated this item extends the agreement another four years and asked approval for he and the Mayor to execute the agreement.

Motion by Commissioner Sharman authorizing the Mayor and Police Chief to execute the Interlocal Mutual Aid agreement as requested. Seconded by Commissioner Buchanan and carried unanimously 5-0.

D. Recommendation to authorize the Mayor and Police Chief to execute a new combined operational assistance mutual aid agreement with the Orange County Sheriff's office

Police Chief Brennan stated that the existing agreement expires December 31, 2012 and this agreement will be for an additional four years. There were some minor changes on Page 6 as identified on his cover memo that memorializes what is done with confiscations.

Motion by Commissioner Makin authorizing the Mayor and Police Chief to execute the Interlocal Mutual Aid agreement as requested. Seconded by Commissioner Sharman and carried unanimously 5-0.

E. Recommendation to dispose of a salvaged 2008 Harley-Davidson motorcycle by trading it to Newbreed Custom Cycles in exchange for transmission repair to another police motorcycle

Police Chief Brennan stated this motorcycle (asset #4225) was damaged back in 2010 and deemed a total loss by our insurance carrier. Payment of \$14,352.50 was received and we retained the salvage rights. Newbreed Motorcycles is willing to

accept this motorcycle in exchange for repairing a transmission on another motorcycle (asset #4226).

Motion by Commissioner Buchanan to approve disposing of a salvaged 2008 Harley-Davidson motorcycle by trading it to Newbreed Custom Cycles in exchange for transmission repair to another police motorcycle. Seconded by Commissioner Sharman 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**

City Manager Bollhoefer invited all the Commissioners to the employee luncheon tomorrow.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin shared that he attended the National League of Cities in Boston and learned a lot. He also thanked Mr. Cochran for overseeing the Main Street project that looks good.

Commissioner Buchanan stated that he heard a lot of positive feedback on Light Up Winter Garden and had a great time. He did receive some concerns about the parade particularly about a confetti blowing machine that had the store owners cleaning up afterwards.

Commissioner Olszewski thanked City staff and stated that as the City Manager always says, we strive to be the best small City in Florida. He thinks we do a great job and he had a great time at Light Up Winter Garden and the Christmas parade.

Commissioner Olszewski stated that whenever he hears from a constituent, he looks at it as his boss contacting him and he strives to respond within a couple of hours. He looks forward to having that same response time whenever the Commissioners bring matters to the City's attention.

Commissioner Sharman shared that he was also in Boston and had the opportunity to attend their Light Up event. It was good but he thinks we have as many people show up at ours as they do theirs. He stated he was surprised there were not more people present on the hospital issue. He would have preferred six stories but there wasn't the support from the public.

Mayor Rees stated the Light Up and parade were both fantastic and wished everyone a great week.

The meeting adjourned at 8:37 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC