



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 28, 2013

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro-Tem Buchanan 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 Pro-Tem Bob Buchanan, Commissioners Kent Makin and Robert Olszewski

Absent: Mayor John Rees and Commissioner Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, 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, Network Specialist George Strobel, and Building Official Skip Lukert

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve regular meeting minutes of March 14, 2013 as submitted. Seconded by Commissioner Makin and carried unanimously 3-0.

2. **PRESENTATIONS**

A. **Proclamation 13-02** declaring April as Sexual Assault Awareness Month was read and presented by Mayor Pro-Tem Buchanan to Gina Costa

B. **Proclamation 13-03** declaring April 2nd as World Autism Awareness Day and April as Autism Awareness Month was read and presented by Mayor Pro-Tem Buchanan to Mr. Henry Wright

3. **REGULAR BUSINESS**

A. **Recommendation to approve Final Plat for Avalon Reserve Village 1**

Community Development Director Williams stated that this is the final approval for a single family subdivision consisting of 66 lots. This was formerly a townhouse development that has converted to single family lots. Staff has reviewed it for technical compliance with all of the City requirements. It is consistent with the prior submittals and staff recommends approval.

Motion by Commissioner Olszewski to approve the final plat submitted for Avalon Reserve Village 1. Seconded by Commissioner Makin and carried unanimously 3-0.

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

5. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman addressed ongoing litigation between the City and the Lindsay's, stating that there have been approximately seven different lawsuits filed against the City on matters out on Hardwood Marsh Road. Two of the lawsuits were combined and is set for mediation on April 9, 2013. He stated that the mediation will likely involve the other lawsuits and asked the City Commission to designate the City Manager, Mike Bollhoefer, as the City's representative for the purpose of mediation, with full authority to act at the mediation on behalf of the City and bring back a recommendation to the City Commission for consideration.

Motion by Commissioner Olszewski to authorize City Manager, Michael Bollhoefer, to be the City's designee and representative with full authority to act on behalf of the City of Winter Garden at the Lindsay case mediation hearing on April 9, 2013 and to bring back a recommendation to the City Commission. Seconded by Commissioner Makin and carried unanimously 3-0.

6. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer added that the judge has ruled in the City's favor on one matter.

City Attorney Ardaman stated that the City filed a motion for summary judgment with respect to the constitutional arguments that the Lindsay's had made against the City on a number of matters. Today the court handed down an order denying the plaintiff's (Lindsay's) motion for summary judgment on count two of one of their complaints and granting the City of Winter Garden's counter-motion for summary judgment as to count two on the second of many complaints. It is a good victory for the City although not a complete victory but these are done in increments and clearly show that the City has done the right thing with respect to those two points and this is two major victories for the City. He noted that the issuing judge of the judgments was Circuit Court Judge Thomas Mihock.

7. **MATTERS FROM MAYOR PRO-TEM AND COMMISSIONERS**

Commissioner Olszewski stated that last week he represented the City of Winter Garden on behalf of the Florida League of Cities in Tallahassee. He heard some outstanding feedback and compliments regarding the City of Winter Garden from officials around the state.

Commissioner Olszewski noted upcoming plans for a District 3 community meeting to discuss redevelopment on Center Street and to head in the right direction as far as development issues.

Mayor Pro-Tem Buchanan thanked everyone for their assistance and efforts with the recent storms and also thanked staff for their efforts with the Pops event that was perfect.

Mayor Pro-Tem Buchanan asked everyone to keep the Petro family in their thoughts and prayers as Dan Petro recently passed away; he shared some notable facts about Mr. Petro's impact on this community.

Commissioner Olszewski thanked Chuck Simikian, who was in the audience, for his service on the Architectural Review and Historic Preservation Board.

The meeting adjourned at 6:45 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC