



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES April 25, 2013

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, Assistant to City Manager – Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Network Specialist George Strobel, Parks and Recreation Director Jay Conn, and West Orange Times Reporter Kelsey Tressler

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

**Motion by Commissioner Olszewski to approve corrected regular meeting minutes of April 11, 2013 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

**Proclamation 13-07** declaring May 5-11, 2013 as North American Occupational Safety and Health (NAOSH) week and May 8, 2013 as Occupational Safety and Health Professional Day (OSHP) was read and presented by Mayor Rees and accepted by Jennifer Zapeto.

### 3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 13-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 10.475 ± ACRES GENERALLY LOCATED SOUTH OF SUNRIDGE BOULEVARD, NORTH OF BLACK LAKE, EAST OF AVALON ROAD, AND WEST OF SIPLIN 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

City Attorney Ardaman read Ordinance 13-13 by title only. Community Development Director Williams stated that this is a voluntary annexation by the property owner who wishes to obtain City services. 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 13-13. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 13-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 127.42 ± ACRES LOCATED AT 16846, 17000, AND 17166 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON 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

City Attorney Ardaman read Ordinance 13-16 by title only. Community Development Director Williams stated that this is a voluntary annexation by the property owner who wishes to obtain City services along Marsh Road. Staff recommends approval.

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

**Motion by Commissioner Olszewski to adopt Ordinance 13-16. Seconded by Commissioner Makin and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve Winter Garden Harvest Festival on May 4, 2013 from 9:00 a.m. to 2:00 p.m.**

Parks and Recreation Director Conn stated that the City has received a request from a local group to approve their second annual Harvest Festival on May 4<sup>th</sup>. This group promotes the value and benefits of local farming and produce. He noted that this was a great event last year and they bring in additional vendors to the farmer's market. In addition, they have a ticketed dinner event called Farm to Table in the pavilion later that evening. Staff recommends approval.

Mayor Rees inquired of the ticket price. Mr. Conn stated that he believes it is \$50 and they sold out last year.

**Motion by Commissioner Buchanan to approve the Winter Garden Harvest Festival on May 4, 2013, as recommended by staff. Seconded by Commissioner Sharman and carried unanimously 5-0.**

5. **MATTERS FROM CITIZENS**

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, announced that the City will be having its 20<sup>th</sup> Memorial Day service and wants to make it special, and asked the City Commission for a donation to serve refreshments. He noted that they hoped to secure General Garner as the speaker and invited everyone to attend.

**Motion by Commissioner Buchanan to approve donating up to \$500 for refreshments for those attending the Memorial Day events. Seconded by Commissioner Sharman and carried unanimously 5-0.**

Mr. Graham thanked the City Commission for the donation and Mayor Rees thanked Mr. Graham for making this event possible every year.

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

7. **MATTERS FROM CITY MANAGER**

**Waiving Tanner Hall fees for the Junior Service League**

City Manager Bollhoefer stated that the Junior Service League is requesting waiver of the Tanner Hall fees on May 4th. He noted that the league does a lot for the community of Winter Garden.

Commissioner Olszewski shared that his wife is a member of the Junior Services League and on the committee hosting this event for which he would have no financial gain. He asked City Attorney Ardaman if he would be permitted to vote on this item. Mr. Ardaman responded yes.

Erin Boyd, on behalf of the Junior Service League, also asked the City Commission to waive the fees. The cost to them for this event is over \$2,000 and they would rather put the money back into the community and would appreciate the Commission approving the request.

**Motion by Commissioner Makin to approve waiving the fees for using Tanner Hall by the Junior Service League on May 4, 2013. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**Sign Code and Sidewalk Café Draft Ordinances**

Mr. Bollhoefer noted that he has distributed draft ordinances for the sign code and sidewalk café for the City Commission's review. He requested that the City Commission contact him with any questions or comments. These will be on the next City Commission meeting.

### **No Smoking at the Pavilion**

Mr. Bollhoefer expressed that there have been issues at the Farmer's Market and people smoking. He would like to post "no smoking" signs in the pavilion area. It was the **consensus** of the City Commission to allow "no smoking" signs to be posted in the pavilion area.

### **Update on Engineering Packets**

Mr. Bollhoefer noted that the City Commission was to discuss the engineering bid packets, but because there is a lot of information required, it is being postponed for discussion at the next meeting.

### **Update on Way Finding Signs**

Mr. Bollhoefer noted that the person working on the sign designs has since left and someone else is being hired to get the design work finished. He noted that the person will also be preparing future designs for the medians on Daniels Road, East Plant Street, Stoneybrook the entryways, and on Dillard Street. He noted that this is a long term project that staff would like to bring back to the City Commission.

## 8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Makin** noted that the Bloom 'N Grow was a successful event and the Car Show was also great.

**Commissioner Olszewski** asked the City Commission to consider an issue that has come up in Orange County even though the City has no authority over Orange County ordinances. He stated he would like to make a **motion to offer a letter of support in saving Rufus the Beagle, and to find an alternate solution other than euthanasia**. He understands that a child was bitten, which is a serious issue, but he does not think euthanizing a one-year-old beagle meets the spirit of a law intended to deal with vicious dogs. The definition of a dangerous dog was not met under current Orange County ordinances as well as under the Florida State Statutes. **Commissioner Sharman** noted that this is a dog that bit a family member and not a neighbor. He wondered why Orange County was even involved. **City Manager Bollhoefer** noted that he thinks the woman (mother) was upset at the time and called Animal Control and asked them to take the dog; then after regaining her composure she changed her mind. **Commissioner Olszewski** noted that when the child was taken to the hospital staff followed protocol and reported the dog bite to Orange County Animal Services. The City Manager is correct that the mother was in an emotional state.

**Mayor Rees** stated that he supports the letter. **Commissioner Makin** stated he does also. **Commissioner Buchanan** asked if Commissioner Olszewski was referring to the letter the City Manager drafted. **Mayor Rees** replied yes, the letter provided. **Commissioner Olszewski** responded that he has made the motion.

**Seconded by Commissioner Sharman and carried unanimously 5-0.**

**Commissioner Sharman** stated that he enjoyed the Bloom 'N Grow event.

**Mayor Rees** thanked City staff for all their hard work and announced that this weekend will be the Relay for Life event.

The meeting adjourned at 6:51 p.m.

APPROVED:

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

ATTEST:

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