



CITY OF WINTER GARDEN

CITY COMMISSION AND COMMUNITY REDEVELOPMENT AGENCY REGULAR MEETING MINUTES

July 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 (*arrived at 6:51 p.m.*)

Also Present: City Manager Mike Bollhoefer, Acting City Attorney Christopher Conley, 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, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Kelsey Tressler

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of July 11, 2013 as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 13-32:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 81 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST FULLERS CROSS ROAD, EAST OF LAKE APOPKA AND WEST OF EAST CROWN POINT ROAD AT 315 EAST FULLERS CROSS ROAD, FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE HIGHLAND GROVES PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Conley read Ordinance 13-32 by title only. Community Development Director Williams stated that this planned development has been reviewed by staff and the Planning and Zoning Board and both recommend approval.

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

Motion by Commissioner Makin to adopt Ordinance 13-32. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- B. **Ordinance 13-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 32.884 ± ACRES LOCATED NORTH OF THE INTERSECTION OF NORTH FULLERS CROSS ROAD AND EAST FULLERS CROSS 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

Acting City Attorney Conley read Ordinance 13-33 by title only. Community Development Director Williams stated that this property is a wetland area located adjacent to the previous public hearing matter 2.A. The developer has arranged to purchase this property and will include portions of it within the property but with no additional lots for development. Staff recommends approval.

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

Motion by Commissioner Makin to adopt Ordinance 13-33. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- C. **Ordinance 13-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.0 ± ACRES LOCATED AT 1288 NORTH WEST CROWN POINT ROAD, ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE 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 13-36:** 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 1.0 ± ACRES LOCATED AT 1288 NORTH WEST CROWN POINT ROAD ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- E. **Ordinance 13-37**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.0 ± ACRES LOCATED AT 1288 NORTH WEST CROWN ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Conley read Ordinances 13-35, 13-36, and 13-37 by title only. Community Development Director Williams stated that these three ordinances deal with a piece of property that is part of an enclave in unincorporated Orange County. The property owner is voluntarily requesting annexation to get future land use designation and zoning within the City. They are requesting R-1 zoning which is similar to the zoning in the area. Staff recommends approval of all three ordinances.

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

Motion by Commissioner Makin to adopt Ordinances 13-35, 13-36, and 13-37. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- F. **Ordinance 13-38**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF SCARLETT SAGE COURT 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 13-39**: 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 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF SCARLETT SAGE COURT FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- H. **Ordinance 13-40**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF

SCARLETT SAGE COURT FROM ORANGE COUNTY A-1
CITRUS/AGRICULTURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Conley read Ordinances 13-38, 13-39, and 13-40. Community Development Director Williams stated that these three ordinances deal with a small piece of property on Stoneybrook located on Lake Reaves. He noted that the vast majority of the property is actually within the lake and is not buildable land which is not being proposed for development. He stated that it has been reviewed by staff and the Planning and Zoning Board and both recommend approval of all three ordinances.

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

Motion by Commissioner Olszewski to adopt Ordinances 13-38, 13-39, and 13-40. Seconded by Commissioner Makin and carried unanimously 4-0.

- I. **Ordinance 13-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 78.3 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) ON THE NORTH AND SOUTH SIDE OF MARSH ROAD, AT 16303 MARSH ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE CROOKED LAKE PRESERVE URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*Crooked Lake*)

Acting City Attorney Conley read Ordinance 13-41 by title only. Community Development Director Williams stated that this property was formerly known as the Cra-Mar property. It is on Marsh Road and John's Lake and has been reviewed for compliance with the urban village planned unit development requirements. He noted that it is very similar to the Waterside project located to the west. It is a little different from the Hickory Hammock project that borders it on the east side. The property does meet all of the City's requirements and code. It has been reviewed by staff and the Planning and Zoning Board and both recommend approval subject to conditions as noted in the report.

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

Motion by Commissioner Buchanan to adopt Ordinance 13-41. Seconded by Commissioner Makin and carried unanimously 4-0.

- J. **Ordinance 13-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.27± ACRES OF LAND LOCATED AT 55 NORTH DILLARD STREET, FROM R-2 (RESIDENTIAL DISTRICT) TO C-1 (CENTRAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Conley read Ordinance 13-44 by title only. Community Development Director Williams stated that this is an existing developed piece of property that the zoning does not match what the comprehensive plan is calling for in that area. Staff and the Planning and Zoning Board recommend approval to make the zoning consistent with the uses of the property and the intended future use.

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

Motion by Commissioner Makin to adopt Ordinance 13-44. Seconded by Commissioner Buchanan and carried unanimously 4-0.

3. **REGULAR BUSINESS**

A. **Recommendation to approve final plat for Covington Chase Phase 2-C**

Community Development Director Williams stated that staff has reviewed the plat against the preliminary plat and the prior approvals with conditions to the City codes. Staff recommends approval of the final plat.

Motion by Commissioner Buchanan to approve final plat for Covington Chase Phase 2-C with conditions (see attached Exhibit A). Seconded by Commissioner Makin and carried unanimously 4-0.

B. **Recommendation to approve the Crooked Lake Preserve Developer's Agreement**

Community Development Director Williams stated that this developer's agreement goes with the ordinance previously approved earlier in the meeting. The developer's agreement addresses a large number of issues and conditions on the property, including sharing the cost for extending the utilities and other such issues to insure that the City has a quality development. Staff recommends approval. He noted that he has given the City Clerk the original copy of the Joinder and Consent. He mentioned one change to Exhibit "B" that addresses the round-a-bout on Marsh Road; there have been some final clarifications that changes some of the dimensions. He asked that this sheet be changed in the report. Staff recommends approval of the development agreement with the changes he mentioned.

Motion by Commissioner Buchanan to approve the Crooked Lake Preserve Developer's Agreement. Seconded by Commissioner Olszewski and carried unanimously 4-0.

C. Recommendation to approve distribution of the awarded Justice Assistance Grant (JAG) of \$10,481.00 to fund the Police Department's purchase of portable radios and accessories for the Police Explorers

Police Chief Brennan stated that the Federal fiscal year 2013 Edward Byrne Memorial Justice Assistance Grant under the County wide State solicitation was earmarked for a number of funds to be used by Orange County Police agencies. He noted that since the agenda packet was issued this amount has been increased by \$19,874. The police executives had a meeting and decided it was best to split these funds to the six smallest agencies: Belle Isle, Eatonville, Edgewood, Maitland, Oakland, and Windermere. It does not change the allotment of \$10,481.00, which is earmarked for Winter Garden. He requested use of these funds for the purchase of radio equipment to be used by the City's Police Explorers.

At this time Mayor Rees opened the item for public comments; hearing and seeing none, he closed the matter for public comment.

Motion by Commissioner Olszewski to approve distribution of the awarded Justice Assistance Grant (JAG) of \$10,481.00 to fund the Police Department's purchase of portable radios and accessories for the Police Explorers. Seconded by Commissioner Buchanan and carried unanimously 4-0.

Dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:49 p.m.

Members Present: Chairman John Rees, Members Bob Buchanan, Kent Makin, and Robert Olszewski

Members Absent: Colin Sharman and Community Redevelopment Agency Advisory Board (CRAAB) Chairman Larry Cappleman

D. Appointments to fill the expiring seats of Bob Battaglia, Charles Roper, Joy Knight-Bouler, and Alan Haughey; three year terms

CRAAB Vice-Chairman Battaglia stated that the CRAAB is recommending the reappointment of Bob Battaglia, Charles Roper, Joy Knight-Bouler, and Alan Haughey.

Motion by Member Buchanan to reappoint Bob Battaglia, Charles Roper, Joy Knight-Bouler, and Alan Haughey. Seconded by Member Olszewski and carried 4-0.

Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 6:50 p.m.

Commissioner Sharman arrived at this time.

E. Appointments to fill expiring seats of Andy Crabtree, Wendy Byrd-Jung and Michael Morrissey on the Architectural Review and Historic Preservation Board; term is three years

City Manager Bollhoefer stated that none of the applicants actually meet the requirements and staff would like to review the absenteeism records. He requested that this item be tabled until the next meeting.

Motion by Commissioner Buchanan to postpone appointments to fill expiring seats of Andy Crabtree, Wendy Byrd-Jung and Michael Morrissey on the Architectural Review and Historic Preservation Board; term is three years until next meeting. Seconded by Commissioner Makin and carried unanimously 5-0.

4. MATTERS FROM CITIZENS

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, thanked Bob Buchanan for his attendance and invited the other City Commissioners to attend the Car Show event held every third Saturday of the month. Mr. Bruns thanked the merchants for their support and shared information on the sponsor's giveaways. He noted that it was not an easy job and shared about some of the required efforts to make this happen. He acknowledged and presented Officer Garcia with a plaque for showing up on his time off with his car which was number 192 in the show. Officer Garcia grabbed a lot of attention with his car and Mr. Bruns shared that he was proud of what Officer Garcia had done.

Police Chief Brennan noted that this was Officer Garcia's idea and commended him for coming out to the car show on his day off.

Officer Garcia shared his pride in this City and his thankfulness to the administration for allowing him to participate.

Mr. Bruns asked if the Police Chief could provide a police car in early November and December car shows as these are the months they collect toys for the needy. He asked, if possible, it be Officer Garcia but not on his own time.

Mr. Bruns asked the City Manager to relay a special thank you to the staff members responsible for putting up the barriers; noting that they were very prompt and wanted to be sure they were thanked.

5. MATTERS FROM CITY ATTORNEY – There were no items.

6. **MATTERS FROM CITY MANAGER**

A. **Discussions on the Orange County ordinance on secondary metals recyclers**

City Manager Bollhoefer stated that the ordinance was distributed and that he would like to bring back a City ordinance for first reading at the next meeting. He explained that the ordinance requires that the items generally stolen by thieves for scrap metal be recorded by the scrapping yards. Also it requires electronic payments as a deterrent for those seeking fast cash.

• **Award for Landscaping**

City Manager Bollhoefer stated that another award has been won in Winter Garden. The Florida Chapter of American Society Landscape Architects has awarded the City's Pavilion area the Award of Merit.

• **Unity in the Community Day**

City Manager Bollhoefer requested permission to hold the Unity in the Community Day on August 10th in east Winter Garden. This event has been held several times in the past and he is asking for approval because it may require shutting down one street.

Commissioner Olszewski thanked Anthony Peterson, who was present in the audience, for his efforts in making this event happen.

Motion by Commissioner Olszewski to approve the Unity in the Community event for August 10, 2013 from 1:00 p.m. to 8:00 p.m. Seconded by Commissioner Makin and carried unanimously 5-0.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin thanked citizen Andy Bruns for his efforts in the car show event and commended him on his hard work, noting that it is a community event that brings a family atmosphere.

Commissioner Buchanan shared that he also felt that the car show was a success and shared in the excitement with the Police car, noting that it is not often one can stand by a police car with its lights flashing and take a picture of getting a hug from a police officer. He stated that it was fun and he enjoyed it.

Commissioner Olszewski thanked Andy Bruns for his efforts in the car show and also the City staff.

Commissioner Olszewski reminded everyone that the West Orange Back to School event will be held on Saturday, August 3rd, in conjunction with Tildenville, Oakland, and Orange County. He thanked Commissioner Scott Boyd, who was present in the audience and Commissioner Joseph McMullen for getting backpacks for the needy in the community. He noted that next year the City of Winter Garden will host this event.

