



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

January 23, 2014

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, Community Development Director Ed Williams, Finance Director Laura Zielonka, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Peter M. Gordon

1. **APPROVAL OF MINUTES**

Motion by Commissioner Makin to approve regular meeting minutes of January 9, 2014 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

A. **Ordinance 13-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT 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 13-49:** 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 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY PLANNED DEVELOPMENT – LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- C. **Ordinance 13-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY A-2 FARMLAND RURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 13-48, 13-49, and 13-50 by title only. Community Development Director Williams stated that this is the fifth time these items have been delayed because the applicant has not been able to resolve their issues. Staff is recommending that this item be withdrawn and resubmitted. Mr. Williams shared that the items could be re-advertised when a date is certain to hear these ordinances.

There was no action to be taken at this time.

- D. **Ordinance 14-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 13.46 ± ACRES LOCATED AT 1006 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD, NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM CITY NZ NO ZONING DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *This item was removed because it was adopted at last meeting.*
- E. **Ordinance 14-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 2.26 ± ACRES GENERALLY LOCATED EAST OF SIPLIN ROAD AND NORTH OF SUNRIDGE BOULEVARD 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
- F. **Ordinance 14-05:** 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 LOW DENSITY RESIDENTIAL FOR PROPERTY DESCRIBED AS 2.26 ± ACRES GENERALLY LOCATED EAST OF SIPLIN ROAD AND NORTH OF SUNRIDGE BOULEVARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 14-04 and 14-05 by title only. Community Development Director Williams stated that this is a small wetland portion that was left out of the original legal descriptions. He noted that staff had to go back through the

hearings to add this land to the project. It is 2.26± acres, all wetland, and will have no associated development.

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

Motion by Commissioner Olszewski to adopt Ordinance 14-04 and 14-05. Seconded by Commissioner Sharman and carried unanimously 5-0.

- G. **Ordinance 14-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 98.71 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 14365 SIPLIN ROAD ON THE EAST SIDE OF SIPLIN ROAD FROM RESIDENTIAL DISTRICT (R-2) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE MATHEWS GROVE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-06 by title only. Community Development Director Williams stated that this project is at the end of SunRidge Boulevard and adjacent to Siplin Road. It is being submitted as a planned unit development with a mixture of lot sizes and would contain 165 single family units. The property has a large number of conditions and issues dealing with the extension of sewer and water with the project to its southwest. The two projects are combining in order to put in certain lift stations. He noted that Siplin Road in this area has inadequate public right-of-way and is under the County's jurisdiction. Now that the City has annexed this property, the jurisdiction is under the City and the two developers are removing the old substandard right-of-way and relocating a public standard roadway with the joint projects. In addition, they are signing an agreement to pay for their fair share of the sewer, water, and road widening on SunRidge Boulevard and meet all of the City's concurrency requirements for all services. Those services include sewer, water, reclaimed water, and transportation. He noted that the City has had letters from the school board stating that they are also complying with their requirements. Based on this, staff and the Planning and Zoning Board have reviewed the project and recommend approval, subject to the conditions provided.

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

Motion by Commissioner Buchanan to adopt Ordinance 14-06. Seconded by Commissioner Makin and carried unanimously 5-0.

- H. **Ordinance 14-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.54 ± ACRES LOCATED AT 1401 WEST PLANT STREET ON THE NORTH SIDE OF WEST

PLANT STREET, EAST OF TILDENVILLE SCHOOL ROAD AND WEST OF BRANCHWOOD WAY 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

- I. **Ordinance 14-08:** 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 4.54 ± ACRES LOCATED AT 1401 WEST PLANT STREET ON THE NORTH SIDE OF WEST PLANT STREET, EAST OF TILDENVILLE SCHOOL ROAD AND WEST OF BRANCHWOOD WAY FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 14-07 and 14-08 by title only. Community Development Director Williams stated that this property was heard at the last City Commission meeting. There was a neighbor that had concerns about the wetlands, conservations areas, and flooding. Staff went back out and reviewed the property and compared it to the property lines and the location of the wetlands. There is a very small encroachment with wetlands in one corner. The entire site is not wetlands and the entire site is not flood prone. Staff recommends that the City be the provider of services in this area. It is appropriate that this property be in the City's jurisdiction. They will be allowed fewer units under the City's jurisdiction than under the County's jurisdiction. Staff feels that it is appropriate to develop the property even with its constraints. At this point, staff is asking for annexation and amendment of the comprehensive plan. It will not be considered for rezoning until the applicant comes back with a plan for a standard zoning in a subdivision or a planned unit development. The applicants appear to be leaning toward the planned unit development, which would give them some flexibility in moving lots around and to do a little different design. Staff and the Planning and Zoning Board recommend approval of the annexation and the future land use designation.

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

Motion by Commissioner Makin to adopt Ordinance 14-07 and 14-08. Seconded by Commissioner Olszewski and carried unanimously 5-0.

3. **REGULAR BUSINESS**

- A. **Recommendation to approve entering into a Fair Share Agreement with Ali of Siplin, LLC for SunRidge Boulevard improvements**

Community Development Director Williams stated that this item is in conjunction with the property addressed earlier; the planned development at Mathews Grove. This is the agreement that staff is asking that the Mayor be authorized to sign. It provides for their share of the costs of two additional lanes on SunRidge Boulevard and their share of the

extension of the sewer, water, and reclaimed lines. They have signed the agreement and staff recommends approval.

Motion by Commissioner Olszewski to approve entering into a Fair Share Agreement with Ali of Siplin, LLC for SunRidge Boulevard improvements. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. **Recommendation to approve utilizing the Winter Springs contract with PDCS, LLC for building inspection and plan review services**

Senior Planner Stephen Pash stated that the building department is requesting approval to contract with PDCS, LLC, to conduct building inspections and plans review as the City is currently going through a building surge with a lot of inspection requests. The activity is expected to increase, as there are already a lot of approved projects. Staff is asking to piggyback a contract that the City of Winter Springs currently has with PDCS, LLC. Mayor Rees noted that the contract states there is a four hour minimum at \$65 an hour. Mr. Pash confirmed the cost.

Mayor Rees asked how far behind or will we be behind for someone currently seeking an inspection. Mr. Pash shared that current staff is keeping up for now, but noted that each inspector is currently doing approximately 25 to 30 inspections per day. Mayor Rees noted that the workloads could get to be too much and then staff will start to rush, which could become its own issue.

Motion by Commissioner Sharman to approve utilizing the Winter Springs contract with PDCS, LLC for building inspection and plan review services. Seconded by Commissioner Makin and carried unanimously 5-0.

C. **Recommendation to approve architectural design for Florida Hospital**

City Manager Bollhoefer stated that staff has met with Florida Hospital and both have agreed to bring this issue back at the next City Commission meeting as there are still some design changes to be made.

4. **MATTERS FROM PUBLIC** – There were no items.

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

6. **MATTERS FROM CITY MANAGER**

A. **Distribution and discussion on future ordinances**

City Manager Bollhoefer stated that he has distributed a draft ordinance addressing handbills and this ordinance will be brought back for consideration at the next Commission meeting. There was discussion on the enforceability of a handbill ordinance. Mayor Rees advised that if any Commissioner has issues with the draft to contact the City Manager to discuss them.

- **Use of Pavilion for weddings**

City Manager Bollhoefer stated that in the past a few people have approached the City about using the Pavilion for weddings. The practice has been to not rent the pavilion out as it was to only be for public use. He stated that staff has since noticed that on Friday nights it is not in use and rentals could net anywhere from \$800 to \$1,200 a night. He suggested that we experiment with renting it by allowing one wedding to see how it goes.

Mayor Rees shared that he has no problem with a one-time experiment, but he is not sure about a full time venture at this time.

Commissioner Makin pointed out that he wants us to be sensitive to the resident's needs. He suggested looking at options for use of the adjoining grassy area.

It was the **consensus** of the City Commission to allow use of the Pavilion for one wedding.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin stated that the Car Show did have a small turn out, but it was still a really good event.

Commissioner Olszewski thanked the City staff, particularly Parks and Recreation, for the great job at the Martin Luther King Jr. march this past Saturday. He noted that the Mayor and the first lady were in attendance and it was the most attended march ever with the festivities continuing at the Magic Gym.

Commissioner Olszewski stated that he was also honored to represent the City of Winter Garden in the Ocoee Martin Luther King Jr. parade on Monday.

Mayor Rees stated that he echoes Commissioner Olszewski's comments and thought that it was a very nice parade with the largest attendance. He thanked Commissioner Olszewski for his attendance at the parade.

The meeting adjourned at 6:55 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC