



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

January 9, 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 Director Public Services Operations Mike Kelley, 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 Peter M. Gordon

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

**Motion by Commissioner Buchanan to approve regular meeting minutes of December 12, 2013 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **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

B. **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 parcel that was erroneously left

out of the original legal descriptions. He stated that the City is having these hearings incorporated into the overall project. Staff is asking for the approval of the annexation and future land use designation for this property, which will be part of the much larger rezoning at a later date.

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

**Motion by Commissioner Sharman to approve Ordinances 14-04 and 14-05 with the second reading and public hearing being scheduled for January 23, 2014. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- C. **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 property is adjacent to the two schools recently built on SunRidge, located along Siplin Road. It has been reviewed by staff and the Planning and Zoning Board who both recommend approval subject to a long list of conditions. He noted that the developer is participating in the SunRidge agreement for their share of the cost for the road, sewer, water, and utilities. Additionally, there is another developer's agreement that addresses their responsibilities for certain improvements that they are doing jointly with the property to the west and south of their property.

Mayor Rees asked for clarification on the definition of a front porch being only three feet on the front or on either side. Mr. Williams expressed that it is not what most would consider a front porch, but explained that these guidelines were placed on the City when we entered into the Joint Planning Area agreement with the County. He noted that this is the criteria that Orange County was using at the time.

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

**Motion by Commissioner Buchanan to approve Ordinance 14-06 with conditions and a second reading and public hearing being scheduled for January 23, 2014. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **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

- E. **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 is part of a County enclave that is located at the northeast corner of Tildenville School Road and West Plant Street. He noted that the applicants are asking to annex the property and get a future land use designation. He noted that they will be back at a later date for a rezoning.

The property has a small wetland area at the southeast corner and is 4.84 acres, which will allow approximately 10 to 12 lots to be developed on the property. He noted that it would be less of a dense with our zoning as opposed to Orange County's designation. There are issues regarding traffic and access to West Plant Street. He noted that staff and the Planning and Zoning Board have reviewed the request and recommend approval of the annexation and the land use designation. He noted that at the public hearing there was opposition.

There was discussion on the wetlands located on the property being vastly to the east of the property.

Mayor Rees opened the public hearing.

Lauren Cohn, 1306 Brandy Lake View Circle, Winter Garden, Florida, stated that her house is directly across from this project. She disagreed with the statement that this is a small wetland. She shared there has not been a hurricane in a while, but when one comes the wetland will come all the way up to the other side of their property. There currently is wildlife at this location. She also stated that the traffic is horrendous and that this would not be good for the City of Winter Garden. She spoke of a Planning and Zoning Board member who recused himself from the vote but called her the next day and she was confused as to whether he was calling as a member of the board or as the developer. She spoke of the Castle Company's history of cramming large developments into small parcels and how this project is bad for Winter Garden.

City Manager Bollhoefer addressed how the developer is allowed to build the subdivision in the County. If they annexed into the City, only then will the City have some say and control over the development.

Commissioner Makin asked if the applicant were to build in the County would they currently be able to get more density. Mr. Williams responded yes, the County could allow up to four units per acre with 50 to 60 foot lots. The City is requiring them to be at least the same as the lot (widths) as in Ms. Cohn's subdivision, which will typically be 75 to 80 feet.

Ryan Blaida, 1103 Executive Center Drive, Orlando, Florida, stated that he is the engineer working with Tall Castle and most of his points have already been made. He stated that they have future land use in the County of LDR and it is surrounded by LDR or PUD or straight zoning of R-1 or R-3 in the City. He stated that they want to come into the City and let the City have control. He noted that as for the street lights, they would not ask to have that cost added unless the City required it or in the case of a needed traffic study. As for the sidewalks and pedestrian walkways, they would want those. He noted that it is their intent to be zoned PUD so that there is a little more view from the front. They have already spoken of larger porches, courtyards, and side entry garages to have this development stand out. He noted that there would definitely be fewer than three units per acre. He noted that they have had Biotech as a consultant out on the site with regards to the wetlands. He noted that they would work with SJWMD and the City, to be sure that any wetland impacts they make are mitigated or do not happen.

City Manager Bollhoefer noted that Mark Maciel called Ms. Cohn as the developer, not as a member of the Planning and Zoning Board. Mr. Maciel did recuse himself from any of the decision making.

Mayor Rees closed the public hearing.

**Motion by Commissioner Makin to approve Ordinances 14-07 and 14-08 with the second reading and public hearing being scheduled for January 23, 2014. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

- A. **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

City Attorney Ardaman read Ordinance 14-03 by title only. Community Development Director Williams stated that this is a thirteen-and-a-half acre site for the West Orlando Baptist Church. He noted that they annexed into the City a couple of years ago and did not pursue any zoning at that time. They are getting ready to expand their facility on that site and in order to do so they must obtain a City zoning. They are requesting the R-1 single family; as churches are allowed in all residential categories through the special exception process. This has been reviewed by the Planning and Zoning Board and staff and both recommend approval.

Mayor Rees asked if this is the applicant that requested two portables be placed on their property. Mr. Williams responded yes, but that is not part of this request. They are looking at a couple of portables and one permanent building. The portables would have a time limit, if approved.

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

**Motion by Commissioner Buchanan to adopt Ordinance 14-03. Seconded by Commissioner Makin and carried unanimously 5-0.**

- B. **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
- C. **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
- D. **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 staff is asking for one more postponement. The applicant has some ownership issues from when the property was inherited. He stated that the applicant was told that if they are not ready at the next meeting, this item will be pulled and be re-advertised when they are ready to restart the process.

**Motion by Commissioner Sharman to POSTPONE Ordinances 13-48, 13-49, and 13-50 until the January 23, 2014 meeting at 6:30 p.m. Seconded by Commissioner Makin and carried unanimously 5-0.**

**4. REGULAR BUSINESS**

**A. Recommendation to approve entering into a cost share agreement with St. Johns River Water Management District for Phase 2 of the Southwest Reclaimed Water Service Expansion project at a cost not to exceed \$479,040.00**

Assistant Director of Operations for Public Services Kelley stated that the City of Winter Garden has an opportunity to enter into a cost share agreement with the St. Johns Water Management District (SJWMD) for the funding of the Southwest Reclaimed Water Service Expansion Project – Phase II. The cost share agreement provides the City with a 40% cost share, not to exceed \$479,040.00. The purpose of the project is to continue to connect neighborhoods within the Stoneybrook subdivision in the southwest area of the City through the Conserv II reuse water main, which is a required as part of the City's consumptive use permit. He noted the neighborhoods of Fox Hunt, Lakehurst, and Pebble Ridge would be added to the reuse system. In addition to these subdivisions, an extension of the system will be added to connect the Conserv reuse main to the existing reuse main. Staff recommends approval of entering into the cost share agreement.

Mayor Rees asked if it was typical for the City to contribute the \$600,000 and they (SJRWMD) contribute the \$400,000. Mr. Kelley responded yes, this is very similar to the agreement of last year.

**Motion by Commissioner Buchanan to approve entering into a cost share agreement with St. Johns River Water Management District for Phase 2 of the Southwest Reclaimed Water Service Expansion project at a cost not to exceed \$479,040.00. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

**5. MATTERS FROM PUBLIC**

David Kassander, 15155 Ovation Drive, Winter Garden, Florida, stated that he attended a past (Commission) meeting and asked for assistance in a matter of sidewalks and other safety issues and asked that the City Manager update the City Commission on the status of his request.

Mr. Bollhoefer responded that the Police Chief went out and reviewed the school bus location. The lighting was assessed, with the County, to see what the County can do to increase the area lighting. They also reviewed how many are crossing the road at the crosswalk. City staff has also been reviewing the legalities of whether the City can put in a crosswalk on a county road. He noted that they do not have all the final answers, but should have them in the next week or so. Another issue to consider is to make sure the children are not put into any type of danger. He shared that staff is looking into all of these issues.

Mr. Kassander requested that he be contacted once the decisions are finalized.

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

7. **MATTERS FROM CITY MANAGER**

• **Charitable organizations requesting waiver of fees to use Tanner Hall and Jessie Brock Center**

City Manager Bollhoefer noted that the City is starting to receive more and more requests from non-profits and charitable organizations for all sorts of assistance. He noted that many want to use Tanner Hall at no charge and when the Jessie Brock center was built, it was intended to be used by these types of organizations, but people still want to use Tanner Hall. Whenever one organization sees that another organization has booked Tanner Hall, they want to use it and we find ourselves losing revenue from prime night rentals such as Saturdays. Staff would like to look into creating criteria that will include asking these types of organizations to provide us with how their organization benefits the City in an effort to create a more formal review of these requests.

• **Chili Cook-Off**

Community Relations Manager Edwards announced that the Chili Cook-Off now has a poster and the event will be on February 1<sup>st</sup> near the Splash pad parking lot. She noted that there will be a live band, draft beer, wine, and about 20 different chilies. The event will be from 5:00 p.m. to 8:00 p.m. and will benefit the Relay for Life team.

Commissioner Sharman asked if the chili will last a bit longer this time. Ms. Edwards responded yes because they will be utilizing one ounce cups.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**West Orange Chamber of Commerce board member appointment**

**Mayor Rees** stated that Commissioner Buchanan is the current board member on the West Orange Chamber of Commerce as the City's representative and asked the City Commission if they wanted to reappoint him or submit other names for consideration.

**Commissioner Buchanan** shared that last December the Chamber's Executive Board voted to reappoint him for another year. He indicated that he would like to remain on the board and complete his term. At the end of his current term, the City Commission could vote on who they wanted to appoint.

There was discussion on how appointments are determined, some of which are clearly defined in the City's Code and other appointments could fall under the Charter. **Mayor Rees** stated he is bringing this matter forward for a joint decision. **City Attorney Ardaman** shared that the Chamber's bylaws provides for representatives from four cities in West Orange County. The City has been put in the position of providing a representative. Likewise, the City Commission can decide to not make an appointment.

**Commissioner Olszewski** shared his interest in being appointed.

**Mayor Rees** asked what the pleasure of the Commission is.

**Commissioner Sharman** offered a motion that would give each Commissioner half a term; **Appoint Commissioner Olszewski to the West Orange Chamber of Commerce board with the one-year term to be effective June 1, 2014.** Commissioner Sharman **withdrew** his motion, suggesting that the matter come back to the City Commission after the upcoming election.

**Commissioner Buchanan** motioned to appoint Commissioner Olszewski as the next City representative on the West Orange Chamber of Commerce Board after his term expires in 2014. **Seconded by Commissioner Sharman and carried unanimously 5-0.**

The meeting adjourned at 7:35 p.m.

APPROVED:

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

ATTEST:

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