



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 9, 2014

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. A Moment of Silence and Pledge of Allegiance were given.

Present: Mayor Pro-Tem Bob Buchanan, Commissioners Kent Makin (*arrived at 6:43 p.m.*), Robert Olszewski and Colin Sharman

Absent: Mayor John Rees

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Assistant City Clerk Angee Grimmage, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, Economic Development Director Tanja Gerhartz and Code Enforcement Manager Stephen Pash

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve budget hearings and regular meeting minutes of September 25, 2014 as submitted. Seconded by Commissioner Sharman and carried unanimously 3-0.

2. **OATH OF OFFICE FOR NEW DEPUTY FIRE CHIEF**

Fire Chief McGrew introduced and administered the Oath of Office to the new Deputy Fire Chief Jose P. Gainza, Jr.

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

A. **Ordinance 14-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE 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 14-40:** 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 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE

COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- C. **Ordinance 14-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 14-39, 14-40, and 14-41 by title only. Community Development Director Williams stated that this is a voluntary annexation of a small parcel north of State Road 50 on Vineland Road. Several other parcels in this area have come in under similar zoning and land use designation. These have been reviewed by the Planning and Zoning Board and staff, who recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to approve Ordinance 14-39, 14-40, and 14-41 with the second reading and public hearing being scheduled for October 23, 2014. Seconded by Commissioner Sharman and carried unanimously 3-0.

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

- A. **Ordinance 14-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 38.655 ± ACRES LOCATED AT 17806 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY 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 14-23:** 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 38.655 ± ACRES LOCATED AT 17806 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 14-22 and 14-23 by title only. Community Development Director Williams stated that this is the second reading of a voluntary

annexation for a large parcel of property on Marsh Road. Both Ordinances have been reviewed by staff and the Planning and Zoning Board and they both recommend approval.

Mayor Pro-Tem Buchanan asked if there had been any public meetings. Mr. Williams responded yes, on every one of these staff conducts public meetings to get input. He explained that a rural settlement group is very interested in these and often attend the meetings and discuss the issues. He noted the meetings are held; that is why you don't see objections brought to the City Commission meeting as they are resolved prior to bringing them forward.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 14-22 and 14-23. Seconded by Commissioner Sharman and carried unanimously 3-0.

Commissioner Makin arrived at this point in the meeting.

- C. **Ordinance 14-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 9.527 ± ACRES LOCATED ON THE SOUTH SIDE OF SEIDNER ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY 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 14-25:** 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 9.527 ± ACRES LOCATED ON THE SOUTH SIDE OF SEIDNER ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 14-24 and 14-25 by title only. Community Development Director Williams stated that this is a voluntary annexation and request for future land use designation on a 9.5 acre parcel. This has been reviewed by Planning and Zoning and staff and both recommend approval. He noted that this does not include the zoning that will have to come back later for review by the City Commission.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinances 14-24 and 14-25. Seconded by Commissioner Sharman and carried unanimously 4-0.

5. **PUBLIC HEARING MATTERS**

A. **Consider condemning property located at 227 10th Street, Winter Garden, Florida; Owner: FP Consultants LLC as Trustee for Land Trust 227-10**

Community Development Director Williams stated that the City has spent these past two weeks meeting with the owner and other interested parties; re-evaluating the issues associated with this matter. Staff is requesting permission to purchase this property from the current owners for a fee of \$12,000.00. He stated after the City takes ownership, a more thorough evaluation can be done. He stated that what the City knows today, based on information from the Building Official, the structural integrity of the building is such that it would be better to take it down. He noted that staff believes this would be the fairest and easiest way to address this problem. He recommended that staff be authorized to purchase the property for \$12,000.00.

Mayor Pro-Tem Buchanan opened the public hearing.

Daniel Kuhl, 438 N. Woodland Street, Winter Garden, Florida, stated that he is here representing the Masonic Lodge No. 165 of Winter Garden. Should the City decide to purchase the property, the Masonic Lodge has authorized him to ask the City if they can recover the cornerstone and any masonic material located there for historical preservation purposes.

Mr. Williams noted that this had not been previously discussed but knowing how this City protects its heritage, staff will be more than happy to provide them with the cornerstone and any historically significant parts of the building.

Mayor Pro-Tem closed the public hearing.

Commissioner Olszewski clarified that the City Commission is voting on the sale of the property. Mr. Williams answered yes. Commissioner Olszewski thanked the owners of FP Consultants for working with the City because this is very important to District 3 and East Winter Garden.

Motion by Commissioner Olszewski to approve the City's purchase of property located at 227 10th Street, Winter Garden, Florida for \$12,000.00 and authorize the City Manager to execute any necessary contracts and closing documents. Seconded by Commissioner Sharman and carried unanimously 4-0.

B. Consider condemning property located at 301 Center Street, Winter Garden, Florida; Owner: 28.51 Orange III, LLC

Code Enforcement Manager Pash stated that this property is located at 301 Center Street and consists of four dilapidated homes. He noted that one of the homes is actually occupied but is in such poor condition that the Police Officers are working with the tenant to find her and her son a new place to live. He noted that these buildings are in horrible condition. Due to the buildings condition, the Building Official and Code Enforcement have determined that they present a danger to the surrounding area. Staff recommends that these buildings be condemned. He asked the City Commission to move forward with condemnation and authorize staff to demolish the buildings.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Commissioner Olszewski asked for clarification from Code Enforcement Manager Pash that the four homes on this property has one that is currently being lived in but is a condemnable building. Mr. Pash replied that is correct. Commissioner Olszewski voiced his concern about our citizen, a City of Winter Garden resident, living in this building and our Police are involved. He asked if there is any type of criminal investigation. Mr. Pash responded that she has lived there for a long time and the previous owner was collecting rent. The Police have been trying to assist her in finding a new place that she can afford. He shared that they have also planned to talk with Pastor Scott to see if there is anything that he has that could help with her finding a new place. Commissioner Olszewski expressed that he just wanted to be sure that the City is doing right by our residents because it breaks his heart to know that a mother and son are living in a condemned building.

Motion by Commissioner Olszewski to approve condemning property located at 301 Center Street, Winter Garden, Florida. Seconded by Commissioner Sharman and carried unanimously 4-0.

C. Consider condemning property located at 281 Center Street, Winter Garden, Florida; Owners: Emmitt Charles Haggins and Edward Lee Johnson

Code Enforcement Manager Pash stated that this property also has four dilapidated homes on it, none of which are inhabited. He noted that with the condition of these homes, Code Enforcement and the Building Official have determined that they are in a dilapidated state, boarded up, and are a hazard to the surrounding area. Staff has notified all of the owners and advertised in the newspaper as required. Staff recommends the City Commission approve these condemnations and authorize staff to move forward with demolition of the four buildings.

Mayor Pro-Tem Buchanan opened the public.

Charlie Mae Wilder, 813 E. Bay Street, Winter Garden, Florida, thanked the City Commission for doing something about those buildings. She shared that it took her over two years to sell her property because of the condition of those houses.

Mayor Pro-Tem closed the public hearing.

Commissioner Olszewski echoed what Ms. Wilder stated and thanked everyone involved. He shared that without a doubt the resounding chorus he hears coming out of District 3 is please do something about the abandoned and dilapidated homes. He and the residents of East Winter Garden can't thank staff enough for all their efforts on this.

Motion by Commissioner Olszewski to approve condemnation of property located at 281 Center Street, Winter Garden, Florida. Seconded by Commissioner Sharman and carried unanimously 4-0.

6. **MATTERS FROM PUBLIC**

Charlie Mae Wilder, 813 E. Bay Street, Winter Garden, Florida, requested support from the City for the 8th Annual Veterans and Family of Veterans appreciation event. She shared that the program has grown. They have many military families that they are honoring. She asked for a donation of \$200.00, which includes an advertisement in the front inside program cover.

Commissioner Sharman noted that the City has done this in the past. **Motion by Commissioner Sharman to approve donating \$200.00 to the Veterans and Veterans' Family appreciation event. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

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

8. **MATTERS FROM CITY MANAGER** – There were no items.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman reminded everyone about the MusicFest event this weekend.

Commissioner Olszewski stated that the City of Winter Garden, through the West Orange Junior Service League, hosted the Oakland Park 5K. He shared that his wife is a member of the West Orange Junior Service League and proceeded to present City Attorney Ardaman with his third place medal for his age group.

Commissioner Olszewski thanked the Police and Fire Department for a great event, the National Night Out at the Winter Garden Village. He thanked all the sponsors involved. He also said he will see everyone at the MusicFest.

The meeting adjourned at 6:58 p.m.

APPROVED:

____/S/_____
Mayor John Rees

ATTEST:

____/S/_____
City Clerk Kathy Golden, CMC