



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

June 12, 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

Absent: Commissioner Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager - Public Services Don Cochran, 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, Recreation Director Jay Conn, West Orange Times Reporter Peter M. Gordon and Orlando Sentinel Reporter Stephen Hudak

1. **PRESENTATION**

A legislative update was given by Florida State Senator Geraldine Thompson (*see attached PowerPoint Exhibit A*).

2. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of May 22, 2014, as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.

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

A. **Ordinance 14-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.92± ACRES OF LAND LOCATED AT 426 WEST PLANT STREET, FROM R-NC (RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT) TO C-1 (CENTRAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-11 by title only.

Motion by Commissioner Buchanan to postpone Ordinance 14-11 to July 10, 2014. Seconded by Commissioner Olszewski and carried unanimously 4-0.

B. **Ordinance 14-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.412 ± ACRES

LOCATED AT 17901 MARSH ROAD ON THE NORTH 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

- C. **Ordinance 14-21**: 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 3.412± ACRES OF LAND LOCATED AT 17901 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE RURAL TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-20 and 14-21 by title only. Community Development Director Williams stated that this is a voluntary request for annexation and initial comprehensive plan future land use designation. The property owners have an existing house on the property they use as a rental for special events, which will continue after this approval. Staff recommends approval. This has been reviewed by the Planning and Zoning Board who also recommends approval.

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

Motion by Commissioner Olszewski to approve Ordinances 14-20 and 14-21 with the second reading and public hearing being scheduled for June 26, 2014. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- D. **Ordinance 14-26**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 33.79 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 562 BEARD ROAD LOCATED SOUTH OF THE FLORIDA TURNPIKE AND EAST OF DANIELS ROAD AT THE SOUTHWEST CORNER OF BEARD ROAD AND 9TH STREET FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR CERTAIN PUD REQUIREMENTS; NON-SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 14-26 by title only. Community Development Director Williams stated that the Planning and Zoning Board did not take final action on this item so staff is requesting a postponement to a date uncertain.

Motion by Commissioner Makin to postpone Ordinance 14-26 to a date uncertain. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- E. **Ordinance 14-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 03-51 ESTABLISHING PCD ZONING FOR APPROXIMATELY 14.14 ACRES OF LAND (WEST ORANGE BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 71, PAGE 87) GENERALLY LOCATED SOUTH OF THE TURNPIKE AND EAST OF C.R. 535 TO ALLOW FOR ADDITIONAL PERMITTED AND SPECIAL EXCEPTION USES FOR AN APPROXIMATELY 2.55 +/- ACRE LOT WITH ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBER 26-22-27-9147-00-020 OWNED BY WEST ORANGE OUTPARCEL, LLC; PROVIDING FOR AMENDMENTS, NON-SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 14-27 by title only. Community Development Director Williams stated that staff is requesting postponement to a date uncertain.

Motion by Commissioner Buchanan to postpone Ordinance 14-27 to a date uncertain. Seconded by Commissioner Makin and carried unanimously 4-0.

- F. **Ordinance 14-28:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING DRAINAGE AND UTILITY EASEMENTS OVER THE SOUTHERN FIVE FEET OF LOT 6 AND THE NORTHERN FIVE FEET OF LOT 7, LESS THE WESTERN TEN FEET AND LESS THE EASTERN FIVE FEET THEREOF, WINTER GARDEN COMMERCE CENTER PHASE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGES 133 AND 134 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 695 AND 711 GARDEN COMMERCE PARKWAY, WINTER GARDEN, FLORIDA) OWNED BY LOUIS L HUNTLEY ENTERPRISES, INC.; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING (Thermo King)

City Attorney Ardaman read Ordinance 14-28 by title only. Community Development Director Williams stated that the applicant has purchased two lots in this industrial park and is preparing [to build] one business on the two lots. This is an ordinance that will vacate the joint lot line and easements in the middle so they can locate the structure on this particular area. Staff recommends approval and with the second reading be scheduled for June 26, 2014.

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

Motion by Commissioner Olszewski to approve Ordinance 14-28 with the second reading and public hearing being scheduled for June 26, 2014. Seconded by Commissioner Buchanan and carried unanimously 4-0.

4. **REGULAR BUSINESS**

- A. **Recommendation to approve Site Plan and Binding Lot Combination Agreement for 695 and 711 Garden Commerce Parkway subject to conditions (Thermo King)**

Community Development Director Williams stated that this item is for the site plan and binding lot agreement for Thermo King in the industrial park that was just described. This has been reviewed by staff who recommends conditions with the approval.

Motion by Commissioner Olszewski to approve site plan and binding lot combination agreement for 695 and 711 Garden Commerce Parkway subject to conditions. Seconded by Commissioner Buchanan and carried unanimously 4-0.

B. Recommendation to approve Site Plan for 721 Garden Commerce Parkway subject to conditions (LVS Project, Inc.)

Community Development Director Williams stated that this item is the site plan for the parcel just south of the previous two items discussed. Another business is proposing to locate here. Staff reviewed the site plans for conformance with all the conditions and recommends approval.

Commissioner Makin inquired of the business type. Mr. Williams replied that they schedule trucking for other businesses. It is primarily office but they have included several parking spots for eighteen wheelers to be here temporarily. Commissioner Makin asked what is considered temporary. Mr. Williams responded they would not be there overnight.

Motion by Commissioner Olszewski to approve site plan for 721 Garden Commerce Parkway subject to conditions. Seconded by Commissioner Makin and carried unanimously 4-0.

C. Recommendation to approve Site Plan for 1630 Avalon Road subject to conditions (Ladybird Academy)

Community Development Director Williams stated that this is a request for approval of a site plan of 1630 Avalon Road for the Ladybird Academy Day Care. This is being built in this area because of all the interest in home construction. Staff reviewed the site plan for conformance with the planned development (PD) and all of the City's codes, and recommends approval subject to conditions.

Mayor Rees clarified that this facility accommodates up to 190 children. Mr. Williams answered yes.

Motion by Commissioner Buchanan to approve the site plan for 1630 Avalon Road subject to conditions. Seconded by Commissioner Makin and carried unanimously 4-0.

D. Recommendation to approve Final Plat and Right-of-Way Maintenance Agreement for Oakland Park Phase 2B

Community Development Director Williams stated that this is for the approval of the Final Plat and Right-of-Way Maintenance Agreement for Oakland Park Phase 2B. He noted that this is a 4.03 acre portion of the property and staff recommends approval.

Motion by Commissioner Makin to approve the Final Plat and Right-of-Way Maintenance Agreement for Oakland Park Phase 2B. Seconded by Commissioner Buchanan and carried unanimously 4-0.

E. **Recommendation to approve Final Plat and Right-of-Way Maintenance Agreement for Waterside on Johns Lake Phase 1**

Community Development Director Williams stated this is a recommendation to approve the Final Plat and Right-of-Way Maintenance agreement for Waterside on Johns Lake Phase 1. This item has been reviewed for consistency with the PD conditions of approval and the land development code. This is for 139 lots on 52 acres. Staff recommends approval.

Mayor Rees voiced his global concern is the lack of working together between the School Board, Orange County, and municipalities as we continue to increase our density and population and their lack of ability to keep up with the schools. If we keep this up, we are just penalizing our kids going to West Orange until something is done. Mr. Williams responded that this project, and the majority of the projects on Marsh Road, actually went through that process almost two years ago. There are agreements in place with the School Board to pay additional impact fees for their impact. Mr. Williams stated that while we have a problem because the high school is not yet approved, he does not think that these [development] projects will have that many high school kids before that problem gets resolved. The elementary and the middle schools were in very good shape and have paid more money to make sure that capacity is there. The City is running out of vacant land and he thinks the unincorporated area has a much bigger problem with that issue than the City does, because our property will be gone by that time.

Motion by Commissioner Olszewski to approve the Final Plat and Right-of-Way Maintenance Agreement for Waterside on Johns Lake Phase 1. Seconded by Commissioner Makin and carried unanimously 4-0.

F. **Recommendation to approve blocking Plant Street between Central Avenue and Main Street to accommodate the 4th of July Kids All-American Parade on July 4, 2014**

Recreation Director Conn stated that this is a request from the Winter Garden Masonic Lodge and the Winter Garden Heritage Foundation to close Plant Street for approximately one hour for the 2014 Kids All-American Parade on Plant Street. Staff recommends approval.

Mayor Rees asked if they wanted to extend it from Main Street to Woodland. He noted that the last couple of years they are backed up at the lodge while some are still trying to get out of the parking lot. Mr. Conn stated that this was discussed and it turns out that there are many kids dropping out before they get done with the full route.

Motion by Commissioner Makin to approve blocking Plant Street between Central Avenue and Main Street to accommodate the 4th of July Kids All-American Parade on July 4, 2014. Seconded by Commissioner Buchanan and carried unanimously 4-0.

G. Appointments to Code Enforcement/Nuisance Abatement Board for expiring terms of John Benoit III and Jack Litteral

City Clerk Golden stated that there are two seats scheduled to expire at the end of June on the Code Enforcement Board. She noted that the two current seated members are eligible to be considered for reappointment and both have indicated a desire to be reappointed. Ms. Golden noted that there are also six interest applications available in the agenda packet.

Motion by Commissioner Makin to reappoint John Benoit III and Jack Litteral to the Code Enforcement Board for another term. Seconded by Commissioner Olszewski.

Commissioner Buchanan shared that he has had people contact him about their interest for this board and asked that they not be discouraged. He noted that there are term limits and unless the Commission is displeased with the persons serving, he would like to see them continue their role on the board. Commissioner Makin agreed with Commissioner Buchanan.

Commissioner Olszewski asked City Clerk Golden if the applicants were aware of these openings and if they were aware that they are in the running for the seats to be filled. Ms. Golden answered yes; they are informed when we call to verify their continued interest. Commissioner Olszewski suggested following up with the applicants so they do not get discouraged. Mayor Rees and Commissioner Buchanan indicated they would contact those that expressed an interest to them and let them know the seats were filled.

Motion carried unanimously 4-0.

H. Appointment to General Employees Pension Board for resigning member Marguerite Kennington, with term expiring September 30, 2015

City Clerk Golden stated that this item is being presented because of the resignation of long-time member Margo Kennington. Ms. Golden noted that there are three interest applications on file, which includes the one that was mentioned at the previous meeting.

Motion by Commissioner Makin to appoint Matthew Moore to the General Employee's Pension Board to replace resigning member Marguerite Kennington, with the term to expire September 30, 2015. Seconded by Commissioner Buchanan and carried unanimously 4-0.

I. Appointment confirmation of Phil Cross as the fifth trustee on the Police Officers' and Firefighters' Pension Board for a two-year term

City Clerk Golden stated that this action occurs every two years whereby the pension board selects their fifth member and it comes to the City Commission for confirmation.

Motion by Commissioner Olszewski to approve the appointment confirmation of Phil Cross as the fifth trustee on the Police Officers' and Firefighters' Pension Board for a two year term. Seconded by Commissioner Buchanan and carried unanimously 4-0.

J. Annual appointments to the Election Canvassing Board

Motion by Commissioner Olszewski to reappoint Andy Bruns and Lee Douglas, and new appointments of Benjamin LaTorre and Kelly Purdy Stephan to the Election Canvassing Board. Seconded by Commissioner Buchanan and carried unanimously 4-0.

K. Recommendation to approve an additional \$60,000.00 for 426 W. Plant Street, that matches the Community Redevelopment Agency grant and the funding of additional improvements to the public right-of-way along Central Avenue for approximately \$30,000.00

Economic Development Director Gerhartz stated that the investors for Plant Street Market and micro-brewery were unable to close as they were supposed to on May 30th due to a low appraisal. The investors agreed to pay the penalty in order to gain 30 additional days to come up with approximately \$400,000.00 by June 30. The investors have stated that they are going to make up the difference between the appraisal and the contract price and close as quickly as possible. Ms. Gerhartz stated that they have informed her that they currently have a closing date scheduled for June 20th. She noted that they must consider cutting costs with regard to some of the amenities and look at value engineering in order to meet this funding gap. Ms. Gerhartz stated that City staff would like to see the investor keep as many of these amenities as possible so that the project is successful. Everyone will be proud of the project and it will help our downtown grow and stretch to Park Avenue.

Ms. Gerhartz stated that City staff would like to revise the request that was submitted at the last meeting. Staff met with the construction manager and learned that some of the costs in the investor's construction budget were actually for public right-of-way improvements. This proved to be much more than the \$30,000.00 that was initially estimated. Tonight staff is requesting funds for public improvements rather than provide additional grant funds. Staff has spoken with the investors and they are in agreement.

Ms. Gerhartz spoke of some of the improvements and enhancements as provided in a handout.

Ms. Gerhartz stated that staff is recommending the public improvements estimated at a cost of \$86,000.00, be completed in conjunction with the project. She noted that the City Manager has distributed the itemized list of the estimated costs (*see attached Exhibit B*).

Ms. Gerhartz noted that the construction manager and the investor were available to answer any questions.

City Manager Bollhoefer stated that in the downtown redevelopment the City has done these types of improvements for many, if not all of the businesses downtown. He described some of the improvements. He noted that these types of improvements have also been done on some privately owned property for improving the downtown area. This is great for redevelopment as well as for future development and abates some of the nuisance the City has had for quite some time.

Mayor Rees clarified that these projects would start once the building starts. Mr. Bollhoefer responded yes, these projects will run concurrently.

Commissioner Olszewski shared the positive aspects to the project. The private investment is imputes for us to make the public investment for public use. The list of improvements provided will benefit anyone locating a business here as well as generate development towards Park Avenue. Ms. Gerhartz agreed.

Commissioner Buchanan stated that he likes the fact that developers want to come in and do this type of project. He has not heard anything but warm reception for something like this being developed here in town.

Motion by Commissioner Buchanan to approve funding additional improvements to the public right-of-way surrounding 426 W. Plant Street for up to \$86,000.00. Seconded by Commissioner Makin and carried unanimously 4-0.

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

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

7. **MATTERS FROM CITY MANAGER**

Community Development Director stated that Habitat for Humanity works with a group to provide housing for injured soldiers that return to our country. He noted that they have already completed one lot in the unincorporated area in East Orange County and have now purchased a lot in Winter Garden. They wish to build the same type house on the lot in the City. The problem is that the house does not meet the City's side setback requirement; it is encroaching 1 ½ feet into the side setback. He noted that this lot is located at 555 Bethune Avenue and he is asking that the City Commission allow construction with the setback not being met and have staff prepare a variance and process it with the applicant being aware that it is at their risk. Other variances have been granted in this area and he feels that is very likely that it will be approved considering there is very little risk in allowing them to continue under their tight schedule and timeframe. Mr. Williams asked for the City Commission's permission to go ahead and authorize construction of the house under these conditions.

Motion by Commissioner Makin to approve authorizing construction at 555 Bethune Avenue, as indicated by staff. Seconded by Commissioner Buchanan and carried unanimously 4-0.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Olszewski thanked Health by Design who unveiled a new mobile bus unit that will go through East Winter Garden to share information about healthy lifestyles and healthy living.

Commissioner Olszewski thanked City staff and Theo Graham for a great Memorial Day event and the tribute to Selby.

Commissioner Olszewski thanked Police Chief Brennan and his staff, especially Officer Donna Willix, for the great job at the “Take a Chance” event in Zanders Park.

Commissioner Olszewski congratulated Matthew’s Hope for their building of five buildings with six homes for the homeless here on Morgan Street.

Commissioner Olszewski congratulated the Winter Garden Squeeze who is currently in second place and hoping to be in the championship game in St. Petersburg.

Commissioner Buchanan stated that he liked the news airing for Police Chief Brennan’s group and his new detective who solved a seven year old cold case in Westside Townhomes.

Commissioner Buchanan noted there was a positive article in the Orlando Sentinel about the City working with Apopka and Ocoee to develop the State Road 429 area.

Commissioner Buchanan stated that he also attended the Memorial Day Service and thought that Theo Graham did a great job.

Commissioner Makin noted that he was not at the Memorial Day Service as he was out of town but knows that Theo Graham always does a great job.

Commissioner Makin stated that the Winter Garden Squeeze is doing great things.

Commissioner Makin thanked City staff, Fire and Police Departments for all that they do.

Mayor Rees stated that he received a letter of appreciation from Orange County Sheriff Jerry Demings and his appreciation of the City of Winter Garden waiving the Pine Family’s City utility bill.

Mayor Rees read a commendation letter from a resident who was assisted by the Police, Paramedic and Fire Department during a medical issue when her husband died the evening of May 14, 2014. The letter specifically thanked staff for their personal assistance during this

ordeal. Mayor Rees commended staff for this effort during and after to provide support during her time of grief.

The meeting adjourned at 7:30 p.m.

APPROVED:

/S/ _____
Mayor John Rees

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC