



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

July 24, 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 Pro-Tem Bob Buchanan, Commissioners Kent Makin, Robert Olszewski and Colin Sharman (*arrived at 6:36 p.m.*)

**Absent:** Mayor John Rees

**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, and West Orange Times Reporter Peter M. Gordon

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

**Motion by Commissioner Olszewski to approve the regular meeting minutes of July 10, 2014, as submitted. Seconded by Commissioner Makin and carried unanimously 3-0.**

*(Commissioner Sharman arrived at this point in the meeting)*

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

**Ordinance 14-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2013-2014 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-12 by title and the following excerpt from Section 1 as follows:

#### **REVENUES**

General Fund	\$370,488
Community Redevelopment Agency	125,000
Law Enforcement Trust Fund	11,017
Local Option Gas Tax Fund	363,180
General Impact Fee Fund	25,184
Transportation Impact Fee-General Fund	1,213,596
Utility Operating Fund	111,883
Utility Impact Fee Fund	1,156,053
Utility Renewal and Replacement Fund	29,073
Stormwater Fund	<u>200,127</u>
	\$3,605,601

Mr. Ardaman also noted that the expenses mirrored the revenue amounts as itemized.

Finance Director Zielonka stated that these are the adjustments to the current year budget that account for any changes since the original budget was adopted. She noted that in the general fund the adjustments listed were revenue neutral, so no funds will be requested from the fund balance.

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

**Motion by Commissioner Olszewski to approve Ordinance 14-12 with the second reading and public hearing being scheduled for August 14, 2014. Seconded by Commissioner Makin and carried unanimously 4-0.**

3. **SECOND 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. Community Development Director Williams stated that this is the second reading for the rezoning of the property that is adjacent to City Hall, from RNC to C-1. It has been reviewed by the Planning and Zoning Board and staff, and both recommend approval.

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

**Motion by Commissioner Makin to adopt Ordinance 14-11 with the second reading and public hearing being scheduled for July 24, 2014. Seconded by Commissioner Sharman and carried unanimously 4-0.**

B. **Ordinance 14-29:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 110-56, 110-152, 110-153, 110-154, 110-157 AND 110-162 OF ARTICLE III, DIVISION 1, 4 AND 5 OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING PLATTING REQUIREMENTS; PROVIDING FOR UTILITY EASEMENT DEDICATIONS; AMENDING DEFINITIONS; CLARIFYING THE DEFINITION OF COMMUNITY SUBDIVISION INFRASTRUCTURE AND MAKING OTHER RELATED REVISIONS; PROVIDING FOR ADDITIONAL REQUIRED AND PROHIBITED LANGUAGE FOR DECLARATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

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City Attorney Ardaman read Ordinance 14-29 by title only.

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

Commissioner Olszewski asked if Community Development Director Williams had any comments on this item. Mr. Williams responded no, as explained in the last meeting this ordinance tightens up the regulations regarding homeowner associations' being turned over from the developer and platting requirements. This ensures that the future homeowners and property owners are protected.

**Motion by Commissioner Olszewski to adopt Ordinance 14-29. Seconded by Commissioner Makin and carried unanimously 4-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve setting the proposed millage rate at 4.2500 mills for Fiscal Year 2014/2015 and the two public hearing dates for September 11<sup>th</sup> and 25<sup>th</sup>, 2014 at 6:30 p.m.**

City Manager Bollhoefer stated that staff recommends keeping the millage rate at the same rate as the previous year. He noted that other cities are setting higher tentative rates but he is recommending that we keep ours the same.

Commissioner Olszewski asked for clarification that with keeping the millage rate the same, any property tax increase would not be due to the action of the City of Winter Garden City Commission. The City is maintaining its millage rate and any tax increase on one's property would be due to increases made by Orange County Property Appraisers. City Manager Bollhoefer answered that is correct.

Commissioner Olszewski asked a follow up question as to whether the City of Winter Garden is doing well and is showing the top property value increase in all of Orange County. Mr. Bollhoefer replied yes, we had the top property value increase this year, which speaks of things going well in the City.

**Motion by Commissioner Olszewski to approve setting the proposed millage rate at 4.250 mills for 2014-2015 along with the two public hearing dates for September 11<sup>th</sup> and 25<sup>th</sup>, 2014 at 6:30 p.m. Seconded by Commissioner Sharman.**

City Attorney Ardaman stated for the record that this ordinance is for the rollback rate of 3.9458.

**Motion carried unanimously 4-0.**

**B. Recommendation to approve Land Swap Agreement (270 W. Plant Street for 252 W. Plant Street) and Notice of Restriction between the City of Winter Garden and 252 West Plant Street Partnership**

City Attorney Ardaman stated that the City previously considered and approved the bulk of the land swap agreement. The Notice of Restriction was discussed which is a separate document contemplated by the land swap agreement. Most all of the details have been worked through with the property owners. It has been a tedious process because of the legal descriptions and how the swap will work out but the bottom line is that this is the final agreement which the City Commission requested be brought back to them.

Mr. Ardaman summarized the issues with respect to the parcel property the City will acquire just west of the Splash Pad. That entire piece west of the Splash Pad that is owned by the 252 West Plant Street Partnership will be subject to a restriction. The restriction is to allow pedestrian passage through that area and allows the City to do a multitude of things in and on that property. He noted that this restriction would remain in place for 30 years, after which there would be no restriction in place with respect to that property. He noted that some of the things the City will be allowed to do was added in, one being a skating rink. The City will also grant a 15 foot seating easement next to the property for 252 West Plant Street Partnership to use along with an aerial easement for balconies on the second and third floors of the building, which is over the area the City will retain. He also noted that there will also be an aerial easement for balconies on the north side of the building into the Plant Street right-of-way and on the south side of the building into the Tremaine Street right-of-way.

Mr. Ardaman stated that should the City ever need to use the space that is eight feet out from the building; the City will be responsible for the cost to seal off the building and make it architecturally compatible with the rest of the building.

Commissioner Olszewski asked how soon they would begin building. Mr. Ardaman responded that he did not know about the building but staff would like to close this transaction within the next several weeks.

Commissioner Makin stated that he would need to recuse himself from voting because one of the recently added partners, Mark Maciel of My Sky, LLC, is a partner in this land swap. Commissioner Makin stated that he is not a partner in this item, nor does he have

any financial gain, but he and Mr. Maciel are working on several different things to become business partners in. He noted that at the advice of the City Attorney it would be best for him to recuse himself from this vote.

**Motion by Commissioner Olszewski to approve the Land Swap Agreement (270 W. Plant Street for 252 W. Plant Street) and Notice of Restriction between the City of Winter Garden and 252 West Plant Street Partnership as submitted. Seconded by Commissioner Sharman and carried unanimously 3-0-1; Commissioner Makin abstained.**

5. **MATTERS FROM THE PUBLIC**

Roy Thompson, 13525 Glynshel Drive, Winter Garden, Florida, noted that at the last meeting it was not made clear as to where the sound continuation study would be conducted from. He noted that it must be from the turnabout that is being planned all the way down Fowler Boulevard. He noted that every house that backs up to the berm is affected by that street. Mr. Bollhoefer stated that this test will go from the corner of where we have already agreed to put the sound fence to all the way down to the end of the street.

Clarification was made that the measurement of the sound would be measured from the closest part of the road to where the cars are to the closest part of the berm.

Mr. Thompson also inquired about the possibility of putting in a cross walk for the two bus stops (for Glynwood Subdivision) on Stone Crest Boulevard because their community feels this is an unsafe condition for their school kids leaving in the morning and returning in the evening. City Manager Bollhoefer noted that the City has actually stated working on this issue and have spoken to some members of the community and noted that the City should have not issues with putting a crosswalk at this location.

There was discussion on the location and the process of connecting one side of the neighborhood to the other side of the road for the school kids to cross. Signs and caution flashing signals were also suggested because of how the road curves. City Manager Bollhoefer stated that this type of matter is generally based on the number of students, safety and the speed. This location has already been discussed for a crosswalk and staff has not seen any issues with placing one here.

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

7. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer noted that on Monday demolition of the apartments near City Hall will begin.

Mr. Bollhoefer noted staff has looked at the issue of the truck turn sign on Winter Garden Vineland Road. As he discussed with the Police Chief, the sign at Stone Crest can't be eliminated because it is necessary in case the trucks don't turn left onto Roper. Signage will

be improved at Roper Road indicating to trucks that there is a truck route up ahead. He noted that the problem with eliminating the sign at Stone Crest, is that if it is not there, then there will be a problem if they miss the other sign. If we do not have it there, they will get stuck in the roundabout and block traffic.

There was discussion that the signs do not indicate tonnage. Mr. Bollhoefer noted that staff will review what Florida Department of Transportation (FDOT) standards are for truck signs.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Makin** welcomed Mayor Pro-Tem back and stated that he missed the car show but is sure everything went well. He stated Recreation Director, Jay Conn, has been doing a great job with the City's summer program.

**Commissioner Olszewski** welcomed Mayor Pro-Tem back and announced that on Saturday, August 9th from 10:00 a.m. to 1:00 p.m. at the Jessie Brock Center it is the City of Winter Garden's turn to host the West Orange Backpack and School Supply giveaway where we partner with Tildenville and Oakland. He thanked Commissioner Joe McMillan of Oakland, Sebrenia Brown of the City of Winter Garden staff, and Orange County Commissioner Scott Boyd for their help. He asked if anyone has any extra school supplies to please let them know so that we can have a great event.

**Commissioner Sharman** welcomed back Mayor Pro-Tem and shared that he attended the car show which was good.

**Mayor Pro-Tem Buchanan** shared that he has been out the last few weeks after a procedure on his heart and thanked everyone with the City for their help in seeing him through his recovery. He shared how impressed he is with how well the City is doing. Property sales, commercial and residential, are happening so quickly because of the interest in being in Winter Garden.

The meeting adjourned at 6:57 p.m.

APPROVED:

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

ATTEST:

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