



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 12, 2015

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

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, and Robert Olszewski

Absent: Commissioner Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Dan Langley, Assistant City Clerk Angee Grimmage, Assistant City Manager-Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Deputy Fire Chief Jose P. Gainza, Jr., Police Chief George Brennan, and Recreation Director Jay Conn

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve the regular meeting minutes of January 22, 2015 as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0.

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

A. **Ordinance 15-19:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.26 ± ACRES LOCATED AT 30 WEST SMITH STREET AT THE SOUTHWEST CORNER OF SOUTH BOYD STREET AND WEST SMITH STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 15-20:** 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 0.26 ± ACRES LOCATED AT 30 WEST SMITH STREET AT THE SOUTHWEST CORNER OF SOUTH BOYD STREET AND WEST SMITH STREET FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL-NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Items 2.A and 2.B were pulled with no discussion.

C. **Ordinance 15-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 6 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR THE DEFINITION OF PACKAGE SALE VENDOR; PROVIDING

FOR PACKAGE SALE VENDOR DISTANCE REQUIREMENTS AND RESTRICTIONS; PROVIDING FOR METHOD OF MEASUREMENT OF DISTANCES; PROVIDING FOR EXEMPTIONS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinance 15-21 by title only and stated that this item will create a separation between stores that are located within and outside the boundaries of the City of Winter Garden. This will effectively restrict the number of package sale vendors that can be located in the City. He stated that this ordinance is similar to that of Orange County and has been legally defended and upheld in court. The only major difference is that this will not only apply to package stores within the City's jurisdiction but those that are on the outskirts of the City. There is also language in this ordinance that allows existing package sale vendors to remain as legally non-conforming uses. This ordinance would not affect the livelihood of existing businesses.

Commissioner Makin asked if there was a package store in the county and someone wished to open one in the City, would it still be held within the proposed measure. Mr. Langley responded that is correct. Commissioner Makin asked if the City's limit was within the allowed measurement and the county wished to allow a package sale vendor, could it potentially still be along that County line. Mr. Langley responded yes, we cannot dictate what the county may do.

There was discussion that the County does not measure package sale vendors within City limits. The county does have a 5,000 foot rule, measured internally and to some extent prohibits some package sale vendors from locations close to the City. This would depend on the location of other vendors in the unincorporated areas.

Commissioner Olszewski clarified that this ordinance does not impact any current business, but applies to future businesses. Mr. Langley shared that a provision in Section 4 was specifically included that makes all existing package sale vendors legally non-conforming to this requirement. They will not be shut down by this ordinance.

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

Motion by Commissioner Buchanan to approve Ordinance 15-21 with the second reading and public hearing being schedule for February 26, 2015. Seconded by Commissioner Olszewski and carried unanimously 4-0.

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

- A. **Ordinance 15-01:** 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 15-02:** 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 15-03:** 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 Langley read Ordinances 15-01, 15-02 and 15-03 by title only. Community Development Director Williams stated that this has been reviewed by the Planning and Zoning Board and staff, and approval is recommended. He described how the R-1B zoning was determined for this area by comparing R-1 and R-1B and taking into consideration the unusual configuration of the property. He reiterated that approval is recommended, subject to conditions as noted.

Commissioner Buchanan asked if Orange County has allowed the access to the West Orange Trail. Mr. Williams replied yes.

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

Motion by Commissioner Makin to adopt Ordinances 15-01, 15-02 and 15-03. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- D. **Ordinance 15-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 14-37, THE CITY OF WINTER GARDEN FISCAL YEAR 2014-2015 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Langley read Ordinance 15-16 by title only. City Manager Bollhoefer stated that this item was discussed at the last meeting and noted that he was available for any further questions.

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

Motion by Commissioner Makin to adopt Ordinance 15-16. Seconded by Commissioner Olszewski and carried unanimously 4-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve waiving special event fees and allowing alcohol sales for the Evening at the Pops event in Newton Park and Tanner Hall on March 14, 2015 with a rain date of March 29, 2015**

Recreation Director Conn stated that this request is from the Winter Garden Rotary Club for the 2015 Evening at the Pops event. It will be held March 14th with a rain date of March 29th. They are requesting to sell beer and wine in the park area in the confines of a restricted area.

Mr. Conn stated that the Rotary Club is also requesting a waiver of rental fees for the use of Tanner Hall and a waiver of the event permit fee. Staff recommends approval.

Mr. Conn shared that this has proven to be a well-managed and well attended event in the past.

Motion by Commissioner Buchanan to approve waiving special event fees and allowing alcohol sales for the Evening at the Pops event in Newton Park and Tanner Hall on March 14, 2015 with a rain date of March 29, 2015. Seconded by Commissioner Makin and carried unanimously 4-0.

B. **Recommendation to approve site plan, subject to Development Review Committee conditions, for a hockey training facility at 530 – 630 East Crown Point Road**

Community Development Director Williams displayed a site plan and rendering of the proposed building. He stated that this is a rather significant development in that area of the City and will spur additional development. It will have two rinks, offices, eating facilities, and will offer public skating opportunities.

Mr. Williams stated that this has been reviewed with all City Codes and staff is recommending approval, subject to conditions. He noted that representatives from the Solar Bears were in attendance to answer any questions.

Mayor Rees noted that a traffic analysis was to be provided and asked when this would be done. Mr. Williams responded that this intersection may or may not need a light, or may need a light that would only be activated whenever there are large events. So it was agreed that the City would do a study with the applicant paying their fair share of that cost, but that is not being done at this time. They are, however, paying impact fees

associated with the development and that is more an access improvement. The study could show that a light may not be needed there because they do have several access points, but in an abundance of caution the issue will be analyzed.

Mayor Rees asked if there were any plans or had there been any discussion on the rest of the property. Mr. Williams indicated not at this time, but they do have substantial additional land for either expansion or for other uses.

Mayor Rees expressed that he hopes this will be for the people of West Orange as he knows several people driving to the Maitland facility.

Mr. Kevin T. Romeyk, representative for the Solar Bears, stated that their goal is not to discriminate but have it available for everyone. It would be for the team's use but their goal is to have a place for youth hockey.

Commissioner Buchanan asked if there was any thought given to installing double left hand turns at Plant and East Crown Point Road so people can easily get to State Road 429. Mr. Williams stated he believes this is being considered in the overall study the City is planning with Ocoee for that area.

There was discussion that additional improvements are needed in that area.

Commissioner Olszewski thanked Mr. Segal and the rest of the Orlando Solar Bears Hockey Club ownership group. He expressed his thought that this is an exciting project for the City.

Motion by Commissioner Buchanan to approve the site plan, subject to Development Review Committee conditions (*see attached Exhibit A*), for a hockey training facility at 530 – 630 East Crown Point Road. Seconded by Commissioner Makin and carried unanimously 4-0.

C. Recommendation to approve site plan for 1291 Winter Garden Vineland Road to add a building in the West Orange Business Center

Community Development Director Williams stated that the West Orange Business Center has been doing very well, filling to capacity and expanding into additional buildings. He noted that this is a site plan for an additional building on the project. It does not complete the development of the project as there are other pads available. This has been reviewed by staff for compliance with the City's code and approval is recommended, subject to the conditions provided.

Motion by Commissioner Makin to approve site plan for 1291 Winter Garden Vineland Road to add a building, as recommended by staff, in the West Orange Business Center. Seconded by Commissioner Olszewski 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** - There were no items.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Olszewski asked the City Manager about the lift station project on Ninth Street which is impacting the Regal Point Subdivision. He has received some reports from the homeowner's association and some of the residents about the smell. He has informed them that this is a permanent solution to deal with their issue. He asked if there was an update on a temporary mitigation for the smell that could be coming from the lift station.

City Manager Bollhoefer indicated that it is actually being checked and tests are being done through the pipes to determine the location of the source of the smell. Staff was sent out today and they have spoken to everyone. It appears that only one home is experiencing the odor. He further indicated that staff will be looking into this to determine where the smell may be coming from so that it can be addressed, but it should be a permanent fix.

Commissioner Buchanan announced that next Tuesday at Health Central, the Rotary Club will be having their annual blood screening. This is \$250 worth of blood screening for \$50 in advance and \$60 at the door.

Commissioner Makin shared that he has seen a lot of demolition going on around town, the building next door to City Hall and a facility down on Hennis Road. These projects are moving along pretty well.

Commissioner Makin asked if the City is still on target to complete the sewage treatment plant by the end of March. City Manager Bollhoefer responded yes.

The meeting adjourned at 6:52 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC