



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

April 9, 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. An Opening 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 City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, 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 regular meeting minutes of March 26, 2015 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

A. **Proclamation 15-03:** Mayor Rees read Proclamation 15-03 declaring April as Water Conservation Month. The proclamation was accepted by Assistant City Manager for Public Services Cochran who stressed the importance of water conservation for our City.

**Motion by Commissioner Olszewski to approve Proclamation 15-03. Seconded by Commissioner Sharman and carried unanimously 5-0.**

B. **Proclamation 15-04:** Mayor Rees read Proclamation 15-04 declaring April 2, 2015 as World Autism Awareness Day and the month of April as Autism Awareness Month. The proclamation was accepted by Henry Wright and his family who thanked the Mayor and City Commissioners for their support in this effort.

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

A. **Ordinance 15-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.316 ± ACRES LOCATED AT 553 WEST PLANT STREET GENERALLY LOCATED ON THE NORTH SIDE OF WEST PLANT STREET WEST OF BRAY STREET AND EAST OF OAK STREET FROM CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-29 by title only. Community Development Director Williams stated that the City Commission would recognize this rezoning as the Auto Electric site. This has been reviewed by staff and the Planning and Zoning Board. There was no opposition heard at the public hearing and both recommend approval.

Commissioner Makin stated that he would need to recuse himself from the voting due to financial interest in this item.

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

**Motion by Commissioner Sharman to approve Ordinance 15-29 with the second reading and public hearing being scheduled for April 23, 2015. Seconded by Commissioner Buchanan and carried 4-0-1; Commissioner Makin abstained.**

- B. **Ordinance 15-31**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH AVENUE 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 15-32**: 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 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 15-33**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-31, 15-32, and 15-33 by title only. Community Development Director Williams stated that staff is requesting that these items be postponed to a date uncertain. The property was permitted for constructing a home under Orange County's jurisdiction then the annexation process was started. There are a number of issues with the plans that need to be addressed.

City Attorney Ardaman stated that no action is required at this time and advised that re-advertising would be required when it is ready to be brought back before the City Commission.

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

- A. **Ordinance 15-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 2, ARTICLE II, CHAPTER 42 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR THE TRANSFER OF ROAD IMPACT FEE CREDITS FROM CERTAIN PROPERTIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-30 by title only. City Manager Bollhoefer stated that this ordinance was discussed at the last meeting and provides a mechanism by which the City can transfer impact fee credits from one property to another. This will be used when needed for the redevelopment of certain blighted areas.

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

**Motion by Commissioner Buchanan to adopt Ordinance 15-30. Seconded by Commissioner Sharman and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

- A. **Recommendation to approve Final Plat for Cypress Reserve Phase 1**

Community Development Director Williams stated that this property is located on the east side of Avalon Road off of SunRidge Boulevard. This has been reviewed for a planned development and they are now ready to plot the first of two phases of the property. It has been reviewed and approval is recommended subject to conditions.

Commissioner Makin addressed concerns about congestion in certain curved areas. There was discussion that in these cases the houses would be required to be setback further in order to open up the curves.

**Motion by Commissioner Sharman to approve the final plat for Cypress Reserve Phase 1. Seconded by Commissioner Makin and carried unanimously 5-0.**

- B. **Recommendation to approve a Right-of-Way Maintenance Agreement with Cypress Reserve Subdivision**

Community Development Director Williams stated that the maintenance agreement provides that there will be some landscaping in the right-of-way areas. The homeowners and the homeowners association are responsible for its maintenance. This is a standard agreement that the City requires when landscaping is allowed in a public right-of-way.

**Motion by Commissioner Sharman to approve a right-of-way agreement with Cypress Reserve Subdivision. Seconded by Commissioner Makin and carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, requested that the district or commissioner's name responsible for the invocation speaker selection be included on the agenda.

Willie Fulmore, 740 9<sup>th</sup> Street, Winter Garden, Florida, stated that he recently attended a City Commission meeting and addressed an issue regarding vapors from the sewer. He expressed that he was upset and dramatic at that time, but wanted to come and thank the City, the Mayor, the City Manager and staff. He shared that they came and diagnosed his issue. He felt it was important to come back to say thank you.

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** thanked the City Manager and staff for all their hard work with the events.

**Commissioner Olszewski** stated that he echoes Commissioner Sharman's comments and thanked the City Manager and City staff for all their efforts.

**Commissioner Buchanan** noted that the City has a very special weekend with one of the biggest events hosted by the City of Winter Garden.

**Mayor Rees** announced that Bloom 'N Grow will be at Tanner Hall this evening.

The meeting adjourned at 6:55 p.m.

APPROVED:

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

ATTEST:

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