



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

April 23, 2015

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:33 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, 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 Makin to approve regular meeting minutes of April 9, 2015 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

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 this is the Auto Electric site that is proposing to go to a commercial district that is consistent with the City's comprehensive plan. It has been reviewed by staff and the Planning and Zoning Board and both recommend approval.

Commissioner Makin stated that he would be recusing himself from the vote due to his financial interest in this item.

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

**Motion by Commissioner Buchanan to adopt Ordinance 15-29. Seconded by Commissioner Sharman and carried 4-0-1; Commissioner Makin abstained.**

3. **PUBLIC HEARING MATTER**

- A. Consider condemning property located at 160 East Plant Street, Winter Garden, Florida;  
**Owner:** Winter Garden Gateway Corporation

Community Development Director Williams stated that at a past Commission meeting the process of condemning the property had begun. The property owner and his consultants attended and requested an opportunity to correct the problems and violations on this property. Staff has been working with them to bring the building into compliance. A supplement report was provided to the City Commission that showed what is needed to bring the property into compliance. He noted that staff provided timeframes that corresponds with each improvement because this item will be brought back to update the City Commission on a monthly basis so the City will not have to go through with the condemnation process. There was discussion on proposed timeframe and he asked that the matter be extended for another 30 days.

**Motion by Commissioner Buchanan to continue the condemnation of 160 East Plant Street to May 28, 2015 at 6:30 p.m. Seconded by Commissioner Sharman and carried 4-1; Commissioner Makin voted against continuing the matter.**

4. **REGULAR BUSINESS**

- A. **Resolution 15-05:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA INFORMING THE OFFICE OF GREENWAYS & TRAILS THAT THE WEST ORANGE TRAIL DOWNTOWN REALIGNMENT PROJECT PHASE I WILL BE ADDED TO THE CAPITAL EXPENDITURES FISCAL YEAR 2015 SHOULD THE CITY RECEIVE PROGRAM FUNDS; PROVIDING FOR DELIVERY TO THE OFFICE OF GREENWAYS & TRAILS AT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 15-05. City Manager Bollhoefer stated that the City has an opportunity to obtain a grant but not a lot of time was given to respond. He stated that staff would like to move forward with the City Commission's approval and any final approvals will be brought back to the City Commission. He noted that this will enable the City to qualify for the \$200,000 for the area on the west end of the trail.

Mayor Rees expressed that he has no problem with moving forward but it will need to come back with good conceptual drawings before he would do anything to eliminate the green space, which he feels is a good gateway into the downtown. Mr. Bollhoefer noted that this does not make any final commitments but gives the City the opportunity to get the process started to qualify for the \$200,000.

Commissioner Olszewski asked that if the City was awarded this grant it would still have to come up with \$200,000. Mr. Bollhoefer responded yes. Commissioner Olszewski inquired as to what are the thoughts for this. Mr. Bollhoefer responded that there are

several different options which would be reviewed and brought back for review by the City Commission. Commissioner Olszewski confirmed that the only purpose tonight is to go forward to apply for the grant and if we are awarded a grant, the decision would be made. Mr. Bollhoefer responded yes. Staff will present the concept to the Commission probably before it is awarded.

Commissioner Sharman asked if it is a 50/50 grant. Mr. Bollhoefer responded he believes that is correct.

**Motion by Commissioner Buchanan to approve Resolution 15-05. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Resolution 15-06:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE TITLE OF PROPERTY LOCATED ON THE EAST SIDE OF NORTH BOYD STREET AT 37 NORTH BOYD STREET, WHICH PROPERTY IS DESIGNATED IN THIS RESOLUTION AS PARCEL 560 AND PARCEL 570; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 15-06. City Manager Bollhoefer stated this is the warehouse behind the Edgewater Hotel. To acquire the property this resolution starts the process of acquiring it by eminent domain. He shared he has been meeting with Mr. Valdes and are looking at negotiating an agreement on the property. He feels it is important to move forward with the resolution.

The Commission asked Mr. Valdes to speak to this matter. Mr. Valdes, 255 Temple Grove Drive, Winter Garden, Florida, shared that he has been trying to clean up the property and realizes the City has their needs. This property has been in his family a long time and he does have sentimental attachment to it. He and Mr. Bollhoefer are trying to work something out that would satisfy both needs and he is at peace with that.

**Motion by Commissioner Sharman to approve Resolution 15-06. Seconded by Commissioner Buchanan.**

Commissioner Olszewski disclosed that Mr. Valdes reached out to him about two months ago and he was given a tour of the property.

**Motion carried 4-1; Commissioner Olszewski opposed.**

- C. **Recommendation to approve Right-of-Way Maintenance Agreement for Bradford Creek Phase II Subdivision**

Community Development Director Williams stated this item is a standard Right-of-Way Maintenance Agreement for landscaping in conjunction with the development of this property. Staff has reviewed this item and recommended approval.

**Motion by Commissioner Buchanan to approve the Right-of-Way Maintenance Agreement for Bradford Creek Phase II Subdivision as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**D. Recommendation to approve Site Plan and Binding Lot Combination Agreement for 1006 E Crown Point Road & 835 Crown Point Cross Road (West Orlando Baptist Church)**

Community Development Director Williams shared that this item is the Site Plan and Binding Lot Combination Agreement for the West Orlando Baptist Church who is planning a major expansion of their existing site. All the issues have been resolved with staff and approval is recommended subject to conditions.

**Motion by Commissioner Makin to approve the Site Plan and Binding Lot Combination Agreement with West Orlando Baptist Church as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**E. Recommendation to approve Site Plan for 1011 and 1099 Pineloch Industrial Drive (84 Lumber)**

Community Development Director Williams stated they too are undergoing a major expansion. Their plans have been reviewed by staff and approval is recommended, subject to conditions.

**Motion by Commissioner Makin to approve the Site Plan for 84 Lumber located at 1011 and 1099 Pineloch Industrial Drive as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

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

7. **MATTERS FROM CITY MANAGER**

- City Manager Bollhoefer asked for the City Commission's permission for the Crooked Can to shut down both entrances, for safety reasons, on [South] Central Avenue on May 9<sup>th</sup> for their grand opening.

**Motion by Commissioner Buchanan to approve closing Central Avenue in front of the Crooked Can for their grand opening on May 9<sup>th</sup>, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- Community Relations Director Vaughn came forward to speak on Relay for Life of Winter Garden. It will be held this Friday at 6 p.m. for the opening ceremony and she invited everyone to attend.
- Mr. Bollhoefer shared that there have been issues with the Chamber overhead monitors that are being worked on.

- Mr. Bollhoefer handed out a draft ordinance dealing with economic incentives for impact fees for downtown projects. If there are any questions, please ask him. This item will be on the next agenda and gone over in greater detail at that time.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman asked for the latest update on Tilden Road at CR 545. Mr. Bollhoefer shared that the County gave their approval to put in the temporary light [signal] that will also be used during construction. The only stipulation is that the City has to put in a left-turn lane for people heading east bound to turn onto Avalon. The revised plans will take three to four weeks and construction will take another 30 to 60 days. The project is expected to be complete within 60 to 90 days.

Commissioner Olszewski asked for an update on the roundabout on Windermere and Roberson Road. Mr. Bollhoefer shared that there has been a meeting with the County and the agreement has been drafted. The goal is to send the agreement to the County tomorrow.

The meeting adjourned at 6:59 p.m.

APPROVED:

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

ATTEST:

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