



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

June 11, 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 Kent Makin, and Colin Sharman

**Absent:** Commissioners Bob Buchanan and Robert Olszewski

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, Assistant Public Services Director Mike Kelly, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, and Police Chief George Brennan

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

**Motion by Commissioner Makin to approve the regular meeting minutes of May 28, 2015 as submitted. Seconded by Commissioner Sharman and carried 3-0.**

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

A. **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

B. **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

C. **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 postponement of Ordinances 15-31, 15-32, and 15-33 to a date uncertain. He explained that the City has worked with the property owner whose house was permitted in the County before starting the annexation process. The house does not meet the City's requirements, but the property owner is working on a redesign. Due to the uncertainty of when they will submit the proper changes, it is requested that these ordinances be postponed to a date uncertain.

City Attorney Ardaman advised that since we do not know when this will be brought back to the City Commission, there is no action needed at this time.

- D. **Ordinance 15-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.19 +/- ACRES OF LAND LOCATED AT 161 SOUTH BOYD STREET ON THE EAST SIDE OF SOUTH BOYD STREET NORTH OF WEST SMITH STREET AND SOUTH OF TREMAINE STREET, FROM R-2 (RESIDENTIAL DISTRICT) TO C-1 (CENTRAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-52 by title only. Community Development Director Williams stated that this is a rezoning proposal of an existing duplex. The owners wish to convert the property to commercial as part of the downtown. It is adjacent to the old fire station which was converted to an art facility. Staff and the Planning and Zoning Board have reviewed this item and recommend approval.

Commissioner Sharman asked if they would do anything different with the building. Mr. Williams responded yes, he anticipates they will demolish the building and build a two-story with a combination of retail and office space.

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

**Motion by Commissioner Makin to approve Ordinance 15-52 with the second reading and public hearing being scheduled for June 25, 2015. Seconded by Commissioner Sharman and carried unanimously 3-0.**

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

- A. **Ordinance 15-40:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 114, "VEGETATION", ARTICLE II, "LANDSCAPING," OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES THROUGH THE AMENDMENT OF THE FOLLOWING SECTIONS:

114-26, "DEFINITIONS"; 114-31, "EXISTING DEVELOPED AREAS"; 114-32, "PERMIT REQUIREMENTS"; 114-33, "GENERAL LANDSCAPING REQUIREMENTS"; 114-34 SPECIFIC LANDSCAPING REQUIREMENTS; THE ADDITION OF THE FOLLOWING SECTIONS: 114-36, INVASIVE PLANTS AND NATIVE VEGETATION PRESERVATION; 114-37, APPROPRIATE PLANT SELECTION, LOCATION, AND ARRANGEMENT; 114-38, TURF AREAS; 114-39, IRRIGATION SYSTEM DESIGN AND INSTALLATION; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-40 by title only. Assistant Public Services Director Kelly stated that this is the second reading of this ordinance and approval is strongly encouraged by the St. Johns River Water Management District. Staff recommends approval.

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

**Motion by Commissioner Makin to adopt Ordinance 15-40. Seconded by Commissioner Sharman and carried unanimously 3-0.**

- B. **Ordinance 15-51**: 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 WAIVER OF ROAD IMPACT FEES IN THE HISTORIC DOWNTOWN DISTRICT AREA UNDER CERTAIN CIRCUMSTANCES; PROVIDING CRITERIA FOR SUCH WAIVERS; PROVIDING FOR AUTOMATIC REPEAL OF WAIVER PROVISION AFTER A SET PERIOD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-51 by title only. City Manager Bollhoefer stated that staff is requesting postponement of Ordinance 15-51 until June 25, 2015 at 6:30 p.m. when there is a full Commission.

**Motion by Commissioner Makin to POSTPONE Ordinance 15-51 until June 25, 2015 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 3-0.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve the Site Plan for 4020 Winter Garden Vineland Road (Dunkin' Donuts)**

Community Development Director Williams stated that this is a small scale site plan for a portion of an out-parcel located at the recently renovated old Winn Dixie shopping center. It has been reviewed by staff and complies with the City Code requirements and approval is recommended.

**Motion by Commissioner Sharman to approve the site plan for 4020 Winter Garden Vineland Road. Seconded by Commissioner Makin and carried unanimously 3-0.**

**B. Recommendation to approve Release, Abandonment and Vacation of Easements and Declaration of Replacement Easement Agreement for Oakland Park Phase 2A**

Community Development Director Williams stated that staff is asking to release, abandon, and vacate certain easements and replacing them with other easements adjacent to several lots within Oakland Park. The easements are for wall and drainage improvements. He informed the Commission that there was an issue on how they were working, so revisions were made to provide better service within the easements. It has been reviewed by staff and approval is recommended.

**Motion by Commissioner Sharman to approve release, abandonment and vacation of easements and declaration of replacement easement agreement for Oakland Park Phase 2A. Seconded by Commissioner Makin and carried unanimously 3-0.**

**C. Appointments to the Code Enforcement Board for three-year terms for expiring seats held by Johnny Clark, Bruce Woloshin, and Joe Skubas, and to fill a vacancy due the resignation of Harold Petch; term expires July 1, 2016**

Staff requested postponement of this item until June 25, 2015.

**Motion by Commissioner Makin to POSTPONE appointments to the Code Enforcement Board until June 25, 2015 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 3-0.**

**D. Appointments to the Community Redevelopment Agency Advisory Board (CRAAB) for expiring and vacant seats of Larry Cappleman, John Kirby, Sandy Schupp, Ron Sikes, and Kelly Randall**

Staff requested postponement of this item until CRAAB discusses the matter at their July meeting. *No objections were noted.*

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 announced that on June 20<sup>th</sup>, St. Luke is having a Habitat for Humanity opening at one of their homes. He asked that the City Commission notify staff if they are available to attend the event.

8. **MATTERS FROM MAYOR AND COMMISSIONERS** – There were no items.

The meeting adjourned at 6:47 p.m.

APPROVED:

  /S/  \_\_\_\_\_  
Mayor John Rees

ATTEST:

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