



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

January 14, 2016

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 of Public Services Don Cochran, Assistant City Manager of Administrative Services Frank Gilbert, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, and Community Development Manager Stephen Pash

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

**Motion by Commissioner Makin to approve the regular meeting minutes of December 10, 2015 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

A. **Ordinance 16-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 4.54± ACRES LOCATED AT 1401 WEST PLANT STREET ON THE NORTH SIDE OF WEST PLANT STREET, EAST OF TILDENVILLE SCHOOL ROAD AND SOUTH OF BRICK ROAD FROM CITY NZ NO ZONING DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-18 by title only. Community Development Manager Pash described the location of the property and stated that the owners are seeking R-1 zoning so that they can develop the lot with two single family homes. Staff recommends approval of Ordinance 16-18.

Mayor Rees inquired as to whether they would be restricted to the two single family homes as per their request. Mr. Pash stated that they are in the process of a lot split to create the two lots with an access easement so that they can have a shared driveway on Plant Street. There was discussion on the location of the shared driveway.

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

**Motion by Commissioner Buchanan to approve Ordinance 16-18 with the second reading and public hearing being scheduled for January 28, 2016. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

3. **SECOND 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 Manager Pash stated that this is a voluntary annexation and described the location of the property. The owners have requested annexation, initial zoning of R-2, and a low density future land use. Staff recommends approval of the ordinances.

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

**Motion by Commissioner Olszewski to adopt Ordinances 15-31, 15-32, and 15-33. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 16-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.209 ± ACRES LOCATED AT 830 BURCH AVENUE ON THE NORTHWEST CORNER OF BURCH AVENUE AND JACKSON STREET 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
- E. **Ordinance 16-02:** 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 0.209 ± ACRES LOCATED AT 830 BURCH AVENUE ON THE NORTHWEST CORNER OF BURCH AVENUE AND JACKSON STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 16-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.209 ± ACRES LOCATED AT 830 BURCH AVENUE NORTHWEST CORNER OF BURCH AVENUE AND JACKSON STREET, 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 16-01, 16-02, and 16-03 by title only. Community Development Manager Pash stated this is a voluntary annexation. The owners are requesting a land use designation of low density residential and R-2 zoning. Staff recommends approval of Ordinances 16-01, 16-02, and 16-03.

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

**Motion by Commissioner Sharman to adopt Ordinance 16-01, 16-02, and 16-03. Seconded by Commissioner Makin and carried unanimously 5-0.**

- G. **Ordinance 16-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 6.09± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE (STATE ROAD 50) AND SOUTH DILLARD STREET FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (Dillard and 50 PCD)

City Attorney Ardaman read Ordinance 16-04 by title only. Community Development Manager Pash described the location of the property and stated that a revision has been made to the ordinance which limits the number of drive-thru facilities. He shared that there would be a drive-thru facility on the proposed Culver's Restaurant and on a coffee shop.

City Attorney Ardaman identified the changes made to the proposed ordinance as being the entire removal of the Special Exception Use subparagraph referenced on Page 2, Section 2(d) for consideration by the City Commission. Also, the remaining subparagraphs would be renumbered accordingly.

Mr. Pash clarified that there would be a Wawa, Culver's, coffee shop, and a vacant lot whose use would be determined in the future.

City Manager Bollhoefer explained that the change essentially eliminates the special exception process for placing the restaurant with a drive-thru.

Mayor Rees expressed his comments at the last meeting were not specific to Wendy's, but a general comment on having a fast food drive-thru type restaurant located at a major intersection in our City.

Commissioner Buchanan asked about the coffee shop. Mr. Pash replied that we currently do not have a name for it but they are proposing a building that would have some retail as well as a coffee shop. He noted that they wanted the option to have a drive-thru but it would not be another restaurant.

Commissioner Makin sought clarification on the locations of the buildings, the extra lots, and where they face. Also discussed was the possibility of a hotel in that vicinity.

Mayor Rees opened the public hearing.

James L. Hall, 375 Grove Court, Winter Garden, Florida, addressed Wawa having a coffee retail section within its building and the potential of another coffee shop right next to it. City Manager Bollhoefer stated that Wawa is okay with the plan. There was discussion on the potential completion.

David Kassander, 15155 Ovation Road, Winter Garden, Florida, addressed the site plan's special exception and asked if the Wawa is separated with its own curb cut onto Colonial Drive. City Manager Bollhoefer replied that Wawa will have one on State Road 50 and one on Dillard Street. There was discussion how Wawa and the other lots will interconnect.

Mayor Rees closed the public hearing.

**Motion by Commissioner Olszewski to adopt Ordinance 16-04 with the removal of Section 2 Subparagraph ‘d’ “Special Exception Use” and renumbering of paragraphs. Seconded by Commissioner Sharman and carried unanimously 5-0. (City Attorney Ardaman has advised that removal of the Subsection also triggers the deletion of the term “Special Exception Use” from Subparagraph ‘e’.)**

- H. **Ordinance 16-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.45 ± ACRES LOCATED AT 882 MAGNOLIA STREET ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND BEULAH 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
- I. **Ordinance 16-06:** 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 0.45 ± ACRES LOCATED AT 882 MAGNOLIA STREET ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND BEULAH ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- J. **Ordinance 16-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.45 ± ACRES LOCATED AT 882 MAGNOLIA STREET ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND BEULAH ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-05, 16-06, and 16-07 by title only. Community Development Manager Pash stated that this is a voluntary annexation and described the location of the property. The owners have requested a future land use designation of commercial and initial City zoning of C-2. Staff recommends approval of Ordinances 16-05, 16-06, and 16-07.

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

**Motion by Commissioner Buchanan to adopt Ordinances 16-05, 16-06, and 16-07. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- K. **Ordinance 16-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.34 ± ACRES

LOCATED AT 883 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH 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

- L. **Ordinance 16-09:** 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 0.34 ± ACRES LOCATED AT 883 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- M. **Ordinance 16-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.34 ± ACRES LOCATED AT 883 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH ROAD FROM ORANGE COUNTY C-3 WHOLESALE COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-08, 16-09, and 16-10 by title only. Community Development Manager Pash stated that this is a voluntary annexation and described the location of the property. Staff recommends approval of the ordinances.

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

**Motion by Commissioner Sharman to adopt Ordinances 16-08, 16-09, and 16-10. Seconded by Commissioner Makin and carried unanimously 5-0.**

- N. **Ordinance 16-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.17 ± ACRES LOCATED AT 873 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH 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
- O. **Ordinance 16-12:** 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 0.17 ± ACRES LOCATED AT 873 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF

GILLARD AVENUE AND EAST OF BEULAH ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- P. **Ordinance 16-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.17 ± ACRES LOCATED AT 873 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH ROAD FROM ORANGE COUNTY C-3 WHOLESALE COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-11, 16-12, and 16-13 by title only. Community Development Manager Pash stated that this property is just to the west of the previous property. The owners have requested annexation, C-2 zoning, and commercial land use. Staff recommends approval of the ordinances.

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

**Motion by Commissioner Olszewski to adopt Ordinances 16-11, 16-12, and 16-13. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- Q. **Ordinance 16-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.18 ± ACRES LOCATED AT 1211 BEULAH ROAD ON THE EAST SIDE OF BEULAH ROAD, SOUTH OF MAGNOLIA STREET AND NORTH OF PALM 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
- R. **Ordinance 16-15:** 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 0.18 ± ACRES LOCATED AT 1211 BEULAH ROAD ON THE EAST SIDE OF BEULAH ROAD, SOUTH OF MAGNOLIA STREET AND NORTH OF PALM AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- S. **Ordinance 16-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.18 ± ACRES LOCATED AT 1211 BEULAH ROAD ON THE EAST SIDE OF BEULAH ROAD, SOUTH OF MAGNOLIA STREET AND NORTH OF PALM AVENUE FROM ORANGE COUNTY R-1 SINGLE FAMILY DWELLING DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL

DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-14, 16-15, and 16-16 by title only. Community Development Manager Pash stated that this is a voluntary annexation and described the location of the property. The request is for C-2 zoning and commercial future land use. Staff recommends approval of Ordinances 16-14, 16-15, and 16-16.

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

**Motion by Commissioner Olszewski to adopt Ordinances 16-14, 16-15, and 16-16. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve Final Plat for Hickory Hammock Phase 2B subject to conditions**

Community Development Manager Pash stated that this is the final plat for Hickory Hammock Phase 2B to plat 82 lots; 32 lots are for single family homes and 50 lots are townhomes. This plat is consistent with the planned development and pre-plat. It has been reviewed by the Development Review Committee (DRC) and it meets the code. Approval is recommended.

**Motion by Commissioner Makin to approve Final Plat for Hickory Hammock Phase 2B, subject to conditions. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

B. **Recommendation to approve Site Plan for 13501 W. Colonial Drive, 1080 S. Dillard Street, 1056 S. Dillard Street, 1036 S. Dillard Street (Wawa) subject to conditions**

Community Development Manager Pash stated that this is the site plan for the Wawa and described its location. The plans have been reviewed by the DRC, which is consistent with the planned development and is recommended for approval.

**Motion by Commissioner Sharman to approve the Site Plan for 13501 W. Colonial Drive, 1080 S. Dillard Street, 1056 S. Dillard Street, 1036 S. Dillard Street (Wawa) subject to conditions. Seconded by Commissioner Makin and carried unanimously 5-0.**

C. **Recommendation to approve bids and award contract for Lift Station #16 Improvements Project to US Water Services Corporation that includes a 15% contingency for any overall project amount of \$269,928**

Assistant City Manager of Public Services Cochran stated that on December 3, 2015 the City received bids for improvements to lift station #16. This is an existing lift station at the entrance of the Garden Heights subdivision. Bids from four contractors were



received resulting in US Water Services being the lowest, qualified, responsible, and responsive bidder. US Water Services is recommended by the City's Engineer. Their bid was \$234,720 and with the recommended 15% contingency brings the total project to \$269,928.

Commissioner Sharman asked for a brief description of why the work is needed for this lift station. Mr. Cochran responded that the work here is similar to the rehab done on the Ninth Street lift station. He noted that it is a rehab of the entire lift station and he described some of the improvements that will make it basically a new lift station when it is done.

**Motion by Commissioner Olszewski to approve the bids and award the contract for Lift Station #16 Improvements Project to US Water Services Corporation that includes a 15% contingency for any overall project amount of \$269,928. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**D. Recommendation to approve entering into a cost-share agreement with St. Johns River Water Management District for the Reclaimed and Stormwater Aquifer Recharge System Project with a total maximum contribution from the District of \$1,581,470**

Assistant City Manager of Public Services Cochran stated that the St. Johns Water Management District (SJWMD) 2015-2016 Cost Share Funding Program is designed to fund the construction of alternative water supply projects. SJRWMD has selected the City of Winter Garden's alternative project for this program. This is a 50/50 cost share program not to exceed \$1,581,470.

Mayor Rees clarified that this amount came to be a little less than 50/50; noting that they are capped at \$1.5 million and anything over that amount will be paid for by the City. Mr. Cochran agreed.

Mayor Rees shared that it appears to be for different areas of the City and the one to the north by the lake where there is a pond discharge concerns him. Mr. Cochran explained that the engineer put together a preliminary plan. The next step, if approved tonight, is to prepare a Request for Proposal and select an engineer who will come back to us with a completely designed project. There may or may not be a pond. This item will come back to the City Commission for approval.

City Manager Bollhoefer explained the purpose of this item is because several years ago cities were required to find alternative water sources. Initially everyone was looking at piping systems to rivers and larger bodies of water which would of have cost \$10M. The primary reason for looking at alternative water sources is for our Consumptive Use Permit, which allows us to draw so many gallons of water out of the aquifer. This plan qualifies as an alternative water source that will enable us to have enough water for the build-out for the City of Winter Garden.

Mayor Rees expressed that from a Lake Apopka standpoint, he thinks it is a good thing. There was discussion about this method capturing some water before going into the lake, after which it would be treated and put into the reclaimed water system, which does help the cleanup of the lake.

**Motion by Commissioner Olszewski to approve entering into a cost-share agreement with the St. Johns River Water Management District for the Reclaimed and Stormwater Aquifer Recharge System Project with a total maximum contribution from the District of \$1,581,470. Seconded by Commissioner Makin and carried unanimously 5-0.**

**E. Recommendation to acquire right-of-way and access easement from Foundation Academy and authorize the City Manager to execute agreement**

Community Development Director Williams stated that approximately a year ago the City Commission purchased two acres of land from Foundation Academy for retention pond purposes in conjunction with the CR 545 and Tilden and Marsh Road intersection improvements.

The City's consultant has determined that ultimately the City needs additional acreage to free up the property on Marsh Road for a future fire station site. All the development occurring on Marsh Road has been driving up the prices, but the school and church have graciously made the additional acreage available for sale to the City. A substantial amount of savings will be realized by relocating the ponds to this area. The other location can then be used for a more centrally located fire station. Staff requests approval of the agreement to acquire the right-of-way and access easements from Foundation Academy, Inc. and authorization for the City Manager to execute the agreements.

**Motion by Commissioner Sharman to approve acquiring right-of-way and access easements from Foundation Academy and authorize the City Manager to execute the agreements submitted. Seconded by Commissioner Makin and carried unanimously 5-0.**

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

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that the City Commission previously approved entering into a purchase and sale agreement with respect to the Conserv II matters on CR 545. He noted that it is effectively a three party agreement because it requires the City of Winter Garden, the City of Orlando, and Orange County to approve the related documents. He noted that the City of Orlando and Orange County collectively constitute Conserv II. He noted that staff was lead to believe that they could have the deal closed by a certain date, but they were not able to get it to their boards timely and have asked the closing date be extended to February 22, 2016. He asked the City Commission to consider approving a change to the contract that

will allow closing to occur on or before February 22, 2016. If a further extension is needed, he asked that the City Manager be given the authority to approve, at his discretion, if he deems it necessary.

**Motion by Commissioner Sharman to approve the Purchase and Sale contract closing for Conserve II on February 22, 2016 and authorize the City Manager to extend the closing if needed. Seconded by Commissioner Makin and carried unanimously 5-0.**

7. **MATTERS FROM CITY MANAGER**

• **Recognition of Larry Cappleman**

City Manager Bollhoefer shared that at 5:30 p.m., just prior to the next meeting, there will be a reception recognizing Larry Cappleman for all of his contributions to the City.

• **Orange County Property Appraiser**

City Manager Bollhoefer announced that the Orange County Property Appraiser will be setting up a temporary office here at City Hall on February 1<sup>st</sup> and 2<sup>nd</sup> to enable City of Winter Garden residents the ability to come in and apply for their homestead exemption.

A. **Discussion on golf carts**

City Manager Bollhoefer stated that he has distributed a map of the current golf cart routes in the City of Winter Garden. Some may be missing within gated subdivisions. He requested that the City Commission review these maps and submit any changes they would like to see made. He noted staff wants to address which routes are legal and which are not. Once the routes are established, they will be codified to be sure it agrees with state law and then an educational series on golf carts will begin.

• **Martin Luther King Jr. Celebration**

Announced that the Martin Luther King Jr. celebration starts at 12:30 p.m.

• **Downtown Car Show**

Shared that the Car Show will be held this weekend from 4:00 to 8:00 p.m., which is now quarterly.

• **Annual Blues and BBQ Event**

City Manager Bollhoefer requested the City Commission's permission to hold the annual Blues and BBQ on February 13, 2016 in the fenced off area around the pavilion as it has been in the past. Since alcohol will be served within the fences, approval is needed by the City Commission.

**Motion by Commissioner Makin to approve the Blues and BBQ event, with alcohol sales as requested, on February 13, 2016. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

• **Recognition of Employees**

City Manager Bollhoefer recognized the City employees for all their efforts in making the downtown area so outstanding for the holidays. There was discussion on the collaborative efforts of many to make the downtown area and events look spectacular. There were also volunteers and local vendors that helped out.

Commissioner Sharman shared the positive comments he heard. Mayor Rees stated it could not have been better.

- **Garden Theatre Annual Gala**

City Manager Bollhoefer stated that the Garden Theatre is having their annual gala and is requesting use of the Pavilion. He noted that he previously mentioned about experimenting with using the pavilion for events such as weddings and this never came to fruition. He felt that this outside event would be the perfect test. However, the debate on this type of usage is that it is an open public area which once roped off is not accessible for public usage.

**Motion by Commissioner Sharman to approve the Garden Theatre using the Pavilion for their annual gala as requested. Seconded by Commissioner Makin and carried unanimously 5-0.**

- **Events**

City Manager Bollhoefer stressed that the City should be careful with where we are going in holding so many events. He addressed the immense pressure these events put on staff. He spoke of not overworking staff and the possibility of creating more revenues to hire more people to do this type of work. He raised his concern about our City becoming an event location rather than maintaining the character and charm of our City that makes us who we are.

Mayor Rees stated that these events should really be for the benefit of the residents. Mr. Bollhoefer discussed forming an internal committee, made up of local residents, businesses, etc. to take a look at events and locations, and formulate some ideas.

There was discussion on surveying the residents about the desired number of events. Also discussed was which events burden staff the most and bringing a list back to the City Commission for their review.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** wished everyone a Happy New Year.

**Commissioner Olszewski** requested an update on the Windermere and Roberson Road. **City Manager Bollhoefer** replied that staff is meeting with Orange County on January 27<sup>th</sup>, date to be verified, to iron out the agreement. **Commissioner Olszewski** asked about the latest hurdle the City would have to go through. **Mr. Bollhoefer** replied that staff is at the same point they were whereby they added some language to their agreement which staff did not

think was fair. **Commissioner Olszewski** stated that he mentioned before that in 2012 the City initially put forward \$250,000 for this project. We recently put in another \$250,000 totaling approximately a half a million dollar investment. The City has been willing to complete the round-about, has been meeting with Orange County, but it really needs to get completed before school starts this fall. **Mr. Bollhoefer** expressed that he does not think that date would be possible because it still has to be designed and constructed.

The meeting adjourned at 7:26 p.m.

APPROVED:

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

ATTEST:

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