



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 25, 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 Administrative Services Frank Gilbert, Assistant City Manager of Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, IT Director Chad Morrill, Police Chief George Brennan, and Community Development Manager Stephen Pash

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of February 11, 2016 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

2. **PRESENTATION: Chickens in backyards**

City Manager Bollhoefer stated that he provided the Commissioners with a copy of the City of Maitland's ordinance, their amending ordinance, and the City of Orlando's key point sheet on the subject of chickens in backyards.

Jessica Stone came forward as an advocate for allowing chickens in residential backyards. Ms. Stone gave a PowerPoint presentation covering reasons to have chickens, dispelled common myths, showed examples of modernized chicken coops, a list of cities currently allowing chickens, common backyard rules, care and training offered through the University of Florida, which she has attended.

Commissioner Sharman asked how long hens lay eggs. Ms. Stone responded that they lay for several years and generally after that become pets. She also noted that there are programs which will take older chickens.

Commissioner Olszewski asked if Maitland has had any issues. Ms. Stone recognized David Mudge a UF Extension and Livestock Agent who shared that there were minimal issues and no complaints. Ms. Stone shared that there was one complaint in Orlando but it was regarding an unpermitted chicken coop.

Commissioner Olszewski asked the City Attorney if a homeowner association (HOA) could have stricter requirements if a City adopts an ordinance similar to Maitland's. Mr. Ardaman responded yes, HOA's could adopt stricter requirements, but not more liberal rules.

Mayor Rees asked the Commissioners to review the material provided and to ask the City Manager any questions they may have over the next two weeks because it will be brought back to the Commission.

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

A. **Ordinance 16-21**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING AND IMPLEMENTING A TEMPORARY MORATORIUM UNTIL AUGUST 31, 2016 ON THE ACCEPTANCE PROCESSING AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS AND BUILDING PERMITS FOR PROPERTIES ADJACENT TO EAST PLANT STREET BETWEEN DILLARD STREET AND STATE ROAD 429 (WESTERN BELTWAY); PROVIDING FOR POSSIBLE EXTENSION OR EARLY TERMINATION OF THE TEMPORARY MORATORIUM BY ORDINANCE OR RESOLUTION; PROVIDING FOR NON-CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-21 by title only. Community Development Manager Pash stated that the temporary moratorium is being requested so staff can work with the City of Ocoee to develop design guidelines. This is to protect the public health, safety, and welfare, and create a gateway into the City. Staff requests approval of the ordinance.

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

Motion by Commissioner Makin to adopt Ordinance 16-21. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve Development Agreement for 13100 West Colonial Drive; O'Reilly Auto Parts**

Community Development Manager Pash stated this is the same development agreement heard at the last meeting with minor changes. These changes include the name change of the owner, adding the developer to the noticing requirement and the term "owner" in multiple locations. Nothing else has been changed, but staff felt these changes needed to come back to the City Commission.

Motion by Commissioner Buchanan to approve the modified Development Agreement as indicated for 13100 West Colonial Drive; O'Reilly Auto Parts. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Appointments to the Architectural Review and Historic Preservation Board

City Manager Bollhoefer stated that this item is being postponed until the next meeting to provide the Commission with additional clarification. *No objections were noted.* Commissioner Makin suggested the member terms remain staggered.

C. Resolution 16-02: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING RESOLUTION NO. 15-04 RELATING TO OPENING INVOCATION PROCEDURE AND POLICIES; CLARIFYING METHODS AND CRITERIA UTILIZED FOR COMPILING AN INCLUSIVE DATABASE OF THE RELIGIOUS CONGREGATIONS AND OTHER GROUPS AND ORGANIZATIONS WITH AN ESTABLISHED PRESENCE IN THE CITY OF WINTER GARDEN; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 16-02 by title only. Mayor Rees asked if there was anyone wishing to speak to this matter.

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, stated that all it takes is to get rid of invocations. He originally asked only to do an invocation. Almost two years later it is still being discussed with taxpayer dollars are still being spent. Wasting time and money could have been avoided if invocations had been eliminated or if invocators were selected in a non-discriminatory manner. He suggested rejecting the resolution and taking action to repeal last year's invocation resolution.

David Williamson, Central Florida Freethought Community, P.O. Box 621128, Oviedo, Florida, shared that this resolution has nothing to do with making the process easier for staff, but more for restricting access to a forum maintained solely for the Commission's preference. It seems to be an attempt to prevent future invocations by non-clergy or those who are not leaders of groups or organizations legitimately qualified under Section 501(c)(3) tax exemption status. He is a clergy member and is looking forward to giving an invocation here. He questions the resolution reflecting the will and values of the citizens.

City Manager Bollhoefer stated that this resolution clarifies the definition of "group". Staff felt it was not defined in the prior resolution.

Motion by Commissioner Buchanan to approve Resolution 16-02. Seconded by Commissioner Olszewski and carried unanimously 5-0.

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

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

7. **MATTER FROM CITY MANAGER**

Mr. Bollhoefer shared that work is still being done regarding golf carts. The letter has gone out to the State Attorney for clarification. This should be back on the next agenda.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan thanked the media camera person for crossing her heart during the pledge. Mayor Rees shared he too was going to mention this.

Commissioner Olszewski asked for an update on the agreement with Orange County for the Windermere Road and Roberson Road roundabout. Mr. Bollhoefer advised that the attorneys are working on it. Mr. Ardaman shared that the roundabout location is being shifted in order to fit it within the existing right-of-way to avoid further delays. We are waiting for the County's answer. Mr. Bollhoefer still sees no chance that this will be done this summer.

Commissioner Olszewski shared there will be an event this Saturday at Zanders Park called "Be a Kid" from 1:00 to 4:00 p.m.

Commissioner Sharman addressed an email he received regarding the intersection at Stonybrook and Avalon, which he thought was under construction. Mr. Bollhoefer responded that construction was started then was shifted to CR 545 and Tilden. They will shift construction back to finish the intersection.

Commissioner Sharman shared there was an issue regarding Florida Hospital air-lift service not following the promised flight plan. Mr. Bollhoefer stated that staffing changes created the issue which has since been resolved; there may be rare exceptions for wind patterns.

The meeting adjourned at 7:03 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC