



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 24, 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, Community Development Director Steve Pash, Finance Director Laura Zielonka, Fire Chief Matt McGrew, IT Director Chad Morrill, Police Chief George Brennan, and Assistant City Manager of Public Services Don Cochran

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of March 10, 2016 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

A. **Proclamation 16-03** declaring April as Water Conservation Month was read by Mayor Rees and presented, along with the Commissioners, to the City's Water Conservation and Recycling Coordinator Alyssa Hofelt.

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

A. **Ordinance 16-19:** 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 00.13 ± ACRES LOCATED AT 429 WEST PLANT STREET GENERALLY AT THE SOUTHEAST CORNER OF WEST PLANT STREET AND NORTH CENTRAL AVENUE FROM LOW DENSITY RESIDENTIAL TO TRADITIONAL DOWNTOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-19 by title only. Community Development Director Pash described the location of the property and stated that the owners have requested to amend the future land use designation from low density residential to traditional downtown. Staff feels that this is an appropriate use of that property and recommends approval of Ordinance 16-19.

Mayor Rees opened the public hearing.

Mary Weissbrodt, 309 W. Bay Street, Winter Garden, Florida, sought clarification on the location and use of this property. Mr. Pash advised her that nothing has been submitted and would most likely be office/retail. She informed the Commission that she has already had trees removed directly across the street from her. Her concern is the changes in her area that are affecting the view out her front door, which may become the back of whatever goes into this location.

City Manager Bollhoefer shared with Ms. Weissbrodt the approval processes if and when something is submitted.

Ms. Weissbrodt expressed how distraught she was over the recent removal of trees at the Old Tanner home during its demolition. Mr. Bollhoefer assured her that the oak trees were saved. He shared that it will be used as a temporary parking lot as the City builds the new parking garage. The site will be redeveloped after the parking garage is complete.

Mayor Rees closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 16-19. Seconded by Commissioner Makin and carried unanimously 5-0.

- B. **Ordinance 16-20**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 419 AND 429 WEST PLANT STREET ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND NORTH CENTRAL AVENUE FROM R-2 RESIDENTIAL DISTRICT TO C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-20 by title only. Community Development Director Pash noted that this item relates to the previous property as well as the property to its east. The owner has requested rezoning from R-2 to C-1. Staff has reviewed this matter and supports this change.

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

Motion by Commissioner Makin to adopt Ordinance 16-20. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- C. **Ordinance 16-22**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON 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

- D. **Ordinance 16-23**: 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 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 16-24**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON ROAD FROM ORANGE COUNTY C-1 RETAIL COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-22, 16-23, and 16-24 by title only. Community Development Director Pash stated that this is the Circle K store on West Colonial Drive. The owners have requested voluntary annexation, a future land use designation of commercial and C-2 zoning. Staff recommends approval of Ordinances 16-22, 16-23, and 16-24.

Commissioner Sharman asked if the applicants will be required to bring anything up to the State Road 50 Overlay requirements or be grandfathered in. Mr. Pash responded that they are grandfathered in.

Commissioner Makin inquired about utilities. Mr. Pash responded that this is actually the reason that they annexed in order to connect to the City's sewer lines because their septic failed.

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

Motion by Commissioner Olszewski to adopt Ordinances 16-22, 16-23, and 16-24. Seconded by Commissioner Sharman and carried unanimously 5-0.

- F. **Ordinance 16-25**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE V, DIVISION 2 OF CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES GOVERNING RESIDENTIAL PLANNED UNIT DEVELOPMENTS; MODIFYING REGULATIONS GOVERNING PLANNED UNIT DEVELOPMENTS WITH PRIMARY RESIDENTIAL USES; PROVIDING FOR AND CREATING PLANNED UNIT DEVELOPMENTS WITH PRIMARY INSTITUTIONAL USES; PROVIDING FOR SECONDARY USES AND PROHIBITED USES WITHIN PLANNED UNIT

DEVELOPMENTS WITH PRIMARY RESIDENTIAL AND PRIMARY INSTITUTIONAL USES; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-25 by title only. Community Development Director Pash stated that this an amendment to the City Code section on planned unit developments. The amendment adds a section to allow primary institutional uses as well as establish guidelines for secondary uses such as small portions being allowed to develop to commercial uses. He noted that it also includes an amendment that addresses an issue seen in the past of screen rooms built right next to public right-of-ways on the back side of subdivisions. Screen rooms and accessory structures will no longer be allowed within 25 feet of those walls. Staff recommends approval of Ordinance 16-25.

Mayor Rees shared that what got his attention was that this item allows for public or private schools after going through the Planning and Zoning Board and the City Commission for approval. Mr. Pash responded that is correct.

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

Motion by Commissioner Buchanan to adopt Ordinance 16-25. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. REGULAR BUSINESS

A. Recommendation to approve Right-of-Way Maintenance Agreement for Waterside on Johns Lake Phase 2A Subdivision

Community Development Director Pash stated that this right-of-way maintenance agreement for Waterside on Johns Lake Phase 2A will allow them to add landscaping, irrigation, and some signage. They will be responsible for all maintenance and upkeep. Staff recommends approval.

Mayor Rees asked if the City has had any issues with the Homeowners Associations (HOA) not keeping it [landscaping] up, causing the City to have to perform the maintenance or draw against their bond. Mr. Pash responded no; staff would contact the HOA and encourage them to fix it.

Motion by Commissioner Sharman to approve the Right-of-Way Maintenance Agreement for Waterside Johns Lake Phase 2A subdivision as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

B. Recommendation to approve Final Plat for Waterside on Johns Lake Phase 2A

Community Development Director Pash stated that this is the final plat for Waterside on Johns Lake Phase 2A, which has 103 single family lots that range in width from 40 to 55 feet and depth from 115 to 125 feet. The plat is consistent with the pre-plat as well as the approved PUD. It has been approved by the Development Review Committee (DRC) and staff recommends approval.

Motion by Commissioner Olszewski to approve final plat submitted for Waterside on Johns Lake Phase 2A. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. Recommendation to approve purchasing two 2016 solid waste automated side load trucks from Nextran Truck Center under the Florida Sheriff Association state contract bid number 15-13-0904 for a total purchase price of \$533,937.80

Assistant City Manager of Public Services Cochran stated that due to the increase in the new housing developments of the past three years, the City has added approximately 3,500 new households. As a result, there are additional solid waste routes to accommodate these new customers. The purchase of these new trucks will be used for servicing these new customers. The purchase cost per truck is \$266,968.90 for a total purchase for both trucks, \$533,937.80. He noted that the purchase will be made using the Florida Sheriff's contract number 15-13-0904. Staff requests approval of the purchase of these two new solid waste trucks.

Mayor Rees asked the current number of City solid waste trucks. Mr. Cochran responded 19, which includes the commercial trucks.

Motion by Commissioner Buchanan to approve purchasing two 2016 solid waste automated side load trucks from Nextran Truck Center under the Florida Sheriff Association state contract bid number 15-13-0904 for a total purchase price of \$533,937.80. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that he sent out **Resolution 16-04** yesterday and read the title as follows: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN CONFIRMING THE CITY'S PROHIBITION OF BILLBOARDS AND DIGITAL BILLBOARDS; EXPRESSING THE CITY'S POSITION AS TO WHETHER ANY SUCH PROHIBITION HAS BEEN REPEALED; AND PROVIDING FOR AN EFFECTIVE DATE.

He shared that the company Cyber Outdoor, located just outside the City in an enclave, applied for a permit from the County to put up a billboard. The County staff reviewed the application and saw that it was within the County's State Road 50 Overlay District, which covers Oakland, Winter Garden and Ocoee. The district prohibits billboards so long as the three cities do not eliminate the prohibition on billboards. Winter Garden has adopted an amended sign code that further restricts billboards.

Cyber Outdoor's request was denied by County staff and they appealed the decision to the County Board of Zoning Adjustment, who upheld the denial. Cyber Outdoor has taken this future and are appealing the decision to the Board of County Commissioners, who will hear this issue on April 4th. Mr. Ardaman advised that it would be helpful to the City's position to

pass this resolution, which upholds the City Manager's authorized determination that the City's amendment to the Code continues the prohibition on billboards.

Motion by Commissioner Sharman to approve Resolution 16-04 as submitted.

Mayor Rees opened the matter for public comments; hearing and seeing none, he closed the public comment period.

There was discussion and clarification on the purpose of enacting this resolution.

Motion seconded by Commissioner Makin and carried unanimously 5-0.

7. MATTERS FROM CITY MANAGER

A. Discussion on allowing chickens in residential areas

City Manager Bollhoefer stated that the Attorney's draft ordinance has been distributed regarding a pilot program for chickens, which is almost identical to that of the City of Maitland with a few adjustments to match our code and zoning. Mr. Bollhoefer expressed that he thinks this ordinance does a good job of protecting those obtaining chickens as well as the adjoining neighbors. He asked that the City Commission to review the draft ordinance and bring him any questions before the next meeting. He will place it on the next agenda for a first reading.

B. Discussion on golf carts

City Manager Bollhoefer stated that the more he has worked on the golf cart issue, the more information he has found. The whole golf cart issue is going to be a larger issue that will be debated in the State of Florida as the laws are changed to match what people are actually doing with golf carts. He noted that he has reviewed potential golf paths with the Commissioners. Many of the suggested paths violate what the City has already established as our safety rules regarding road types and speed limits. He shared that the legislature has put all liability on municipalities. The legislature did not give the cities the right to say that golf carts are allowed, but made the vote actually say our streets are safe for golf carts. He explained that it is possible the City is assuming the liability should something happen on those streets with golf carts.

Mr. Bollhoefer stated that he would like to meet with all of the City Commissioners and go over some of the new laws and case law.

Mr. Bollhoefer shared that Mount Dora has rethought their golf cart issue and have now gone to a system where they allow low speed vehicles, which makes it much easier to enforce. He shared that during the last meeting he did not give out all the information; in the State of Florida low speed vehicles are now allowed by law on all roads 35 mph and less. He originally thought that this meant that there is nothing the City could do about it but there is a provision in the Florida Statutes that allows a City to take an action to say they are not allowed on certain streets.

There was discussion on how this issue came about and it was noted that there were neighborhoods, groups, businesses, residents and golf cart associations. Commissioner Buchanan shared that the maps provided to the Commissioners did not specify which roads were arterial, collector, etc. Mr. Bollhoefer stated he will have the roads identified as such on a new map.

- **Stormwater Fund withdrawal for Lake View Reserve**

City Manager Bollhoefer stated that staff would like to take \$20,000 from the stormwater fund to use for assessing the underground pipes in Lake View Reserve. He shared that this is the community involved in a famous lawsuit involving the Supreme Court where a settlement was finally reached. He noted that they want to work with the City to see what the City can do to help with correcting the problems there.

There were no noted objections.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan thanked all City staff for all their efforts with the Evening at the Pops event that was a really good event.

Mayor Rees requested that the ordinance addressing bars on windows be revisited. City Manager Bollhoefer noted that the City Attorney will draft it and bring something back to the next meeting.

The meeting adjourned at 7:12 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC