



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

April 28, 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, Community Development Director Steve Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, and Police Chief George Brennan

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve the regular meeting minutes of April 14, 2016 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

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

A. **Ordinance 16-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRTLE AVENUE, EAST OF TARATINE DRIVE AND WEST 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

B. **Ordinance 16-30:** 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 APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRTLE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 16-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRTLE AVENUE, EAST OF

TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY R-1 SINGLE FAMILY DWELLING DISTRICT TO CITY R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-29, 16-30, and 16-31 by title only. Community Development Director Pash stated that this is the second reading and public hearing for the voluntary annexation of property located at 856 Myrtle Avenue. The owners have requested annexation, zoning of R-1 and low density residential land use. Staff recommends approval of Ordinances 16-29, 16-30, and 16-31.

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

Motion by Commissioner Olszewski to adopt Ordinances 16-29, 16-30, and 16-31. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 16-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING A TEMPORARY BACKYARD CHICKEN PILOT PROGRAM TO ALLOW THE KEEPING OF CHICKENS ON PROPERTIES DEVELOPED WITH DETACHED SINGLE-FAMILY RESIDENTIAL STRUCTURES WITHIN CERTAIN ZONING DISTRICTS AND CREATING TERMS AND CONDITIONS CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND SUNSET DATE

City Attorney Ardaman read Ordinance 16-33 by title only. Community Development Director Pash stated that this is the second reading of Ordinance 16-33 which creates the temporary pilot program for 25 residential permits to have up to four chickens. The ordinance establishes the rules and regulations for coop size, height, and location. He noted the changes made since the last reading that includes a permit fee of \$25.00 and there was clarification made that the minimum coop and run would be 100 square feet. Staff recommends approval.

Commissioner Sharman addressed a resident's email, distributed by the City Clerk that looks like only one item hasn't been addressed. This is whether or not approval would be required of the abutting neighbors for these permits. Mr. Pash responded no.

Mayor Rees opened the public hearing.

Rebecca Zamora, 400 N. Main Street, Winter Garden, Florida, stated that her issue with the ordinance is the 6-foot opaque fence. She described her current fencing as being 5-foot chained linked with greenery and noted that she has no intention of spending \$10,000 on a fence in order to get her chickens. She noted that she is registered for the

chicken course the City is requiring. She asked if there was any legal room at all on the fencing requirement. A lot of residents in the downtown area do not have 6-foot fences.

There was discussion on barriers and having the neighbors approve them in these cases. A special exception option, based on staff's review, was also discussed.

Jessica Stone, 407 N. Main Street, Winter Garden, Florida, shared some of her research on coop sizes and how 100 square feet may be excessive for a small yard.

Gary Musselwhite, 517 Teacup Springs Court, Winter Garden, Florida, asked why the 7.5 foot setback from the property line. He shared some of his yard limitations with grade changes etc.

Mr. Pash explained the ordinance is based on the Maitland's ordinance. Winter Garden's building code requires no accessory structure be closer than five feet from the side property line. These requirements are based on soil and drainage issues related to the areas between properties. He noted that many of the newer lots also have utility and drainage easements along those lines for which the City does not allow anything to be constructed as well.

City Attorney Ardaman noted that if the City Commission would like to grant staff some flexibility, a sentence could be added to the ordinance that would allow staff to grant deviations up to 20 percent of the size, height, or other dimensions as required by this ordinance if the applicant demonstrates, by competent substantial evidence, that there would not be any adverse impact to the adjoining property.

Mayor Rees closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 16-33 with the language change stated by the City Attorney and the City Manager's recommendation regarding the fencing. Seconded by Commissioner Makin and carried unanimously 5-0.

3. REGULAR BUSINESS

A. PUBLIC HEARING MATTER

Recommendation to approve interlocal agreement with Orange County for the construction of the Stoneybrook West Parkway/Roberson Road and Windermere Road intersection improvements

City Manager Bollhoefer stated that some of the primary variables of this agreement are the cost being less than \$1.5 Million, the City and County would split the costs 50/50 with the County paying up to \$750,000. The City would build, design, and own the round-about. So in the long-term, the City would maintain it and if it needed to be

expanded again, it would be the responsibility of the City. Our traffic experts believe the life of this improvement would be twenty years before anything else has to be done.

There was discussion on the completion date which is estimated to be approximately four months to the beginning of the school year.

Mayor Rees sought clarification on Orange County's obligation to pay their portion. Mr. Ardaman shared that the County has agreed that if they do not agree with what the City provides them, and it can't be worked out within 30 days, the City decision stands and the County will continue with their obligation to pay.

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

Motion by Commissioner Olszewski to approve the interlocal agreement with Orange County for the construction of the Stoneybrook West Parkway/Roberson Road and Windermere Road intersection improvements as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

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

6. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer stated that he has distributed information for the City Commission's review on different options for repairing or getting rid of the dock in Newton Park. It is in bad shape and needs, at a minimum, \$6,000 to patch it. He asked the City Commission to please see him with any questions about the available options.

Bradford Park Bathrooms

City Manager Bollhoefer shared that the bathrooms at Bradford Park have been in pretty bad shape for some time and has become a haven for crime and inappropriate activities. More damage was done this past weekend and he requested that these bathrooms be removed. *There were no noted objections.*

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman recognized Fire Chief McGrew to give a brief update about the sirens going to Florida Hospital Winter Garden. Chief McGrew stated that the City has received a formal complaint, via email, about sirens. It had been discussed in several other emails and the same individual sent the same complaint to Florida Hospital Winter Garden.

Chief McGrew stated that their findings showed that the sirens cannot all be directly attributed to the hospital. He noted that when the City goes out on a 911 call, that is when we use our sirens. When there is a transport to the hospital, nine times out of ten, this is a non-

emergency response that does not require lights and sirens unless the patient is critical. It is believed there is a heightened sense of awareness that there might be more sirens. The fact that Daniels Road is a corridor that multiple agencies use and there has been heightened activity with a rash of accidents. He has been authorized by the City Manager to reach out to other agencies to ask, when possible use discretion when using their sirens.

Commissioner Makin requested an update on the Roper Road sidewalk, draining, and curbing. Mr. Pash responded that the City Engineer has worked on some plans and has estimated an approximate cost. Staff has spoken with the developer who is working with the City Manager. It was noted that the work is being done on the design plan. Mr. Pash noted that there is a plan to have a curb installed.

Mayor Rees announced that on May 5, 2016, Florida Hospital will be hosting National Prayer Day and encouraged everyone to attend around noon.

The meeting adjourned at 6:59 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC