



# CITY OF WINTER GARDEN

---

## CITY COMMISSION REGULAR MEETING MINUTES

May 26, 2016

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:31 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 Planner Kelly Carson, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, Community Development Consultant Ed Williams, and Police Chief George Brennan

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

**Motion by Commissioner Sharman to approve the regular meeting minutes of May 12, 2016 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.**

### 2. **PRESENTATION**

A. **Proclamation 16-05:** Honoring the West Orange High School Warrior Softball team on their State Championship title with a record of 30-1 was presented by Mayor Rees and the City Commission.

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

A. **Ordinance 16-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2015-2016 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-35 by title only. Finance Director Zielonka stated that this ordinance amends the current year budget to adjust for changes that occurred since it was originally adopted. She noted that those changes are shown in Exhibit 1 and that the second reading would be on June 23, 2016.

City Manager Bollhoefer addressed, while displaying a photograph, power lines in the downtown area along Park Avenue and Plant Street. He described the burying of cables as being included in the budgeted projects. He sought opinions from the City Commission as to whether they would approve this project. He explained that there is the potential for townhomes being built in the area in the future and the need to not have visible power lines.

Commissioner Olszewski asked if the developer would help with the cost. Mr. Bollhoefer responded no; the developers have never been asked, the City will bear all the costs by using taxpayer's funds as it benefits everyone in the City.

Commissioner Buchanan asked if the City would remove the signal. Mr. Bollhoefer answered yes; the poles serve no purpose. There was discussion that it will remain a four-way stop.

City Manager Bollhoefer shared that after the parking garage project is completed there are other areas staff would like to remove additional poles. *There were no objections noted.*

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

**Motion by Commissioner Buchanan to approve Ordinance 16-35 with the second reading and public hearing being scheduled for June 23, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.**

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

- A. **Ordinance 16-32:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 126.94 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) ON THE SOUTH SIDE OF MARSH ROAD, AT 16846, 17000 & 17166 MARSH ROAD, FROM CITY NO ZONING (NZ) TO CITY URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PREMIER PROPERTY URBAN VILLAGE PUD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-32 by title only. City Planner Carson stated that this is the second reading of Ordinance 16-32. This item is to rezone approximately 126.94 acres on Marsh Road from no zoning to Urban Village Planned Unit Development (UVPUD). She noted that this PD will contain 170 single family lots with a community recreation area, open spaces, and subdivision infrastructure improvements. The ordinance has been approved by the Planning and Zoning Board and staff recommends approval of Ordinance 16-32.

Mayor Rees opened the public hearing.

Heather Himes, representative with the law firm of Akerman LLP, 420 S. Orange Avenue, Orlando, Florida, stated that she was present on behalf of the applicant. She stated that she was also present on behalf of the developer and was available to answer any questions. She stated that they confer with staff's recommendations and look forward to joining the City in this community.

Jane Ferguson, 17701 Davenport Road (*Unincorporated Orange County*), Winter Garden, Florida, in the Lake Avalon Road rural settlement noted that this development would be on the northern edge of Lake Avalon. She stated that the proposed development is not in keeping with the area. Lake Avalon is a very rural lake that is used for fishing. She shared that she is one of three that own a one acre lot but most are upwards of three and five acres. She did not feel that having 30 homes with shared docks is a good fit with the rural community. She stated that she would be against having this development there unless big changes are made.

Commissioner Olszewski inquired of the changes Ms. Ferguson wished to see. Ms. Ferguson replied that the other subdivisions that are going in on the north of Lake Avalon are not having any houses back up to the lake; they are putting in berms and walking trails. She suggested that this could be one reasonable option. If they absolutely insisted that they had to have waterfront houses, then they would need to be at least one acre in order to fit in with the rural properties. Commissioner Olszewski inquired about the Winter Garden code in regards to rural settlements. City Manager Bollhoefer responded that this is not a rural settlement but is a part of the City's Joint Planning Amendment (JPA) that was negotiated with the County. He noted that all of our stipulations have been agreed to in the past and we have had several meetings on this matter that is consistent with what we have done with our communities on the lakes in that area.

City Planner Carson responded that several measures have been put in place to be sure the City maintains the clarity of the lake and described that one thing the City did was require that if the residents surrounding the lake wanted to establish a taxing district, then the developer would have to enter into that taxing district for long term maintenance of the lake. Ms. Carson described buffer requirements, protection regulations, and swales to prevent stormwater run-off so there would be no new materials entering the lake to affect the water quality.

Community Development consultant Ed Williams shared some history of the area when it was designated for up to 12 units per acre under the County's Horizons West plan. He noted that the property owner went to the County and convinced them to take it out of Horizons West and got it into the City at a much lower density. The City would not allow one acre developments here because one acre lots allow for septic tanks, which is the worst thing that can be done to that lake. He shared that the neighbors along the lake did come out and voice their concerns at the community meeting. At the end of the meeting, the area residents were very happy with this plan as opposed to what could have happened under Horizons West or under different scenarios.

Commissioner Sharman asked if boat docks were prohibited because of the size of the lake. Mr. Williams responded no, they were not prohibited but the City has worked with the developer so that there are joint walkways so that they are all laid out and fit in a proper area. He noted that as you get to the east end of the project, docks are not allowed. A retention pond was located behind those lots. He shared that the lake

fluctuates and there will be times when they will not be able to use their docks and that there is a community dock that is for fishing only.

Mr. Williams shared that the community meeting was well attended with many in support of this project.

Commissioner Olszewski asked who the developer is. Ms. Himes responded Hovnanian Homes.

Heather Himes stated that the net density of this project ended up at 1.86 dwelling units per acre. She shared that there is a significant amount of lakefront and only about 32 percent of the lake frontage will have lots abutting the lake. The balance of the lake frontage is either community park area or berms and retention.

Mayor Rees closed the public hearing.

**Motion by Commissioner Buchanan to adopt Ordinance 16-32. Seconded by Commissioner Sharman and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

A. **Recommendation to approve Culver's Restaurant site plan, subject to Development Review Committee conditions, located at 13649 West Colonial Drive**

Planner Carson stated that this is the site plan review for the Culver's Restaurant which will be built on the west side of the Dillard Street and State Road 50 corner lot. She shared that the applicant is proposing to build a 4,253 square foot restaurant with a drive-through lane and associated landscaping. The plans have been reviewed by the Development Review Committee (DRC) and approval is recommended.

**Motion by Commissioner Olszewski to approve Culver's Restaurant site plan, subject to Development Review Committee (DRC) conditions, located at 13649 West Colonial Drive. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

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

8. **MATTERS FROM CITY MANAGER**

• **Roundabout (Windermere/Roberson Road) agreement**

City Manager Bollhoefer confirmed with City Attorney Ardaman that the roundabout agreement was approved by Orange County. Mr. Ardaman stated that we do have a fully executed agreement at this point.

• **Emails regarding impervious area issue within Hickory Hammock and possibly another community**

City Manager Bollhoefer noted that he thinks staff has found a solution that he expects by early next week the City Commission should not hear anything else about this from the residents.

• **Wall near Avalon Road**

Mr. Bollhoefer noted that some have commented about a wall over near the 7-11 and Post Office on Avalon Road. He noted that the post office has agreed to clean it.

A. **Change September Budget Hearing dates for Fiscal Year 2016/2017**

The City Commission discussed possible dates for the September budget hearings and noted that the County would need to be notified as to the dates selected. It was the **consensus** of the Commission to hold the hearings on September 7<sup>th</sup> and 21<sup>st</sup>, 2016. The Mayor advised that if there are any issues as we get closer to those dates, let the City Manager know no later than the June 23<sup>rd</sup> meeting.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Olszewski** announced the upcoming Memorial Day event at Veterans Park on Monday at 8:30 a.m., which is always an outstanding event.

**Commissioner Buchanan** expressed his excitement about the parking garage and thanked the City staff for accommodating the visitors so well. The shuttle had been working really well with the merchants and residents not noticing the change in the parking. City Manager Bollhoefer noted that the method of construction is amazing with a seven man crew. Commissioner Buchanan stated that with the arrival of the second crane this will really go fast.

**Commissioner Makin** shared that he thought the Fire department would bring out the ladder truck for a view of the project from about 100 feet.

**Mayor Rees** also expressed that the City did an excellent job in planning for the parking in the downtown area and mentioned that he has not noticed the absence of the parking area.

Mayor Rees reminded everyone about the Memorial Day event.

Mayor Rees asked for those who could to stop by and visit our former Mayor Quesinberry as the doctors have not given him very long.

The meeting adjourned at 7:04 p.m.

ATTEST:

APPROVED:

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

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor Pro-Tem Bob Buchanan