



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES May 25, 2017

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 Pro-Tem Bob Buchanan, Commissioners Lisa Bennett, Mark A. Maciel, and

Absent: Mayor John Rees and Commissioner Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, 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 Maciel to approve the regular meeting minutes of May 11, 2017 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

2. **OATH OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

Police Chief Brennan administered the oath of office and introduced new Police Officers Saeed Baksh, Zachary Fall, and Goldwyn Madhavan. Mayor Pro-Tem Buchanan and the City Commission welcomed the new officers.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 17-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, RELATED TO MEDICAL CANNABIS AND CANNABIS DISPENSING FACILITIES; EXTENDING AND REIMPOSING FOR 90 DAYS THE TEMPORARY MORATORIUM ON CANNABIS DISPENSING FACILITIES AND MEDICAL CANNABIS ACTIVITIES AS ESTABLISHED BY ORDINANCE NO. 16-45; PROVIDING FOR SEVERABILITY, NONCODIFICATION, CONFLICTS, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-18 by title only. Community Development Director Pash stated that this ordinance extends, for 90 days, the temporary moratorium established by Ordinance 16-45. Staff recommends approval.

City Manager Bollhoefer explained that the legislature did not act on the marijuana referendum during this past session and will they will be having a special session.

Therefore, staff thought it would be best to wait on their decision on this issue. City Attorney Ardaman also added that the legislators are still studying where and how regulations should and could be imposed.

Motion by Commissioner Bennett to approve Ordinance 17-18 with the second reading and public hearing being scheduled for June 8, 2017. Seconded by Commissioner Maciel and carried unanimously 3-0.

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

- A. **Ordinance 17-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2016-2017 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 17-08 by title only. *No action was taken on this item.*

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

- A. **Ordinance 17-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 06-05 ESTABLISHING PUD ZONING ON CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 232 ACRES OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF AVALON ROAD AND MARSH ROAD (ALSO KNOWN AS THE HICKORY HAMMOCK PLANNED UNIT DEVELOPMENT); PROVIDING FOR AMENDMENT OF THE HICKORY HAMMOCK PUD TO MODIFY SETBACKS AND LOT WIDTH FOR TOWNHOME LOTS, TO MODIFY IMPERVIOUS SURFACE AREA RATIOS FOR SINGLE-FAMILY AND TOWNHOME LOTS AND TO GRANT RELATED WAIVERS FROM APPLICABLE CITY STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-09 by title only. Community Development Director Pash stated that this is an amendment to the Hickory Hammock PUD ordinance. He explained that it changes the maximum allowed impervious surface ratios and setback requirements. The waivers requested are for the stormwater design features. This has been reviewed and approved by the St. Johns Water Management District and with their support staff recommends approval of Ordinance 17-09.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Maciel to adopt Ordinance 17-09. Seconded by Commissioner Bennett and carried unanimously 3-0.

- B. **Ordinance 17-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.88 ± ACRES

LOCATED AT 14131 TILDEN ROAD ON THE NORTH SIDE OF TILDEN ROAD, WEST OF GROVE VIEW DRIVE AND SOUTH OF STONEYBROOK WEST PARKWAY 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

- C. **Ordinance 17-11**: 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 0.88 ± ACRES LOCATED AT 14131 TILDEN ROAD ON THE NORTH SIDE OF TILDEN ROAD, WEST OF GROVE VIEW DRIVE AND SOUTH OF STONEYBROOK WEST PARKWAY FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 17-12**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.88 ± ACRES LOCATED AT 14131 TILDEN ROAD ON THE NORTH SIDE OF TILDEN ROAD, WEST OF GROVE VIEW DRIVE AND SOUTH OF STONEYBROOK WEST PARKWAY FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 17-10, 17-11, and 17-12 by title only. Community Development Director Pash stated this is a voluntary annexation of the property. The owner has requested a future land use designation of low density residential and R-1 zoning. Staff recommends approval of Ordinances 17-10, 17-11, and 17-12.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Bennett to adopt Ordinances 17-10, 17-11, and 17-12. Seconded by Commissioner Maciel and carried unanimously 3-0.

6. **REGULAR BUSINESS**

- A. **Recommendation to declare vehicles and equipment as surplus and authorize the sale or disposal as determined by the City Manager**

Fleet Division Manager Michael Caines stated that staff is requesting to dispose of a number of vehicles, equipment, and other miscellaneous items which are no longer of use to the City. He stated that staff is requesting approval to sell those items.

It was noted that these items would be auctioned utilizing an online auction service.

Motion by Commissioner Maciel to declare vehicles and equipment list submitted as surplus and authorize the sale or disposal as determined by the City Manager. Seconded by Commissioner Bennett and carried unanimously 3-0.

B. Recommendation to approve a Termination of Lease and an Easement Agreement with Louis Dreyfus Company Citrus, Inc. for 455 9th Street

City Manager Bollhoefer stated that this is a City-owned property on Ninth Street where Shepherd's Hope will be located. Terminating the lease allows the City to do the Shepherd's Hope project, and the easement will allow Louis Dreyfus Company to continue their operations from the guard gate and the part of the area they still use.

Motion by Commissioner Bennett to approve a Termination of Lease and an Easement Agreement with Louis Dreyfus Company Citrus, Inc. for 455 9th Street. Seconded by Commissioner Maciel and carried unanimously 3-0.

C. Resolution 17-10: A RESOLUTION OF THE CITY OF WINTER GARDEN, DETERMINING THAT THE WEST ORANGE HABITAT FOR HUMANITY PROJECT LOCATED AT THE CORNER OF TENTH STREET AND EAST BAY STREET IS CONSISTENT WITH LOCAL PLANS AND REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 17-10 by title only. City Manager Bollhoefer stated that this Resolution is required in order for Habitat for Humanity to qualify to have their [three home project] purchases be sales tax free. This resolution states that the City's rules and regulations of the comprehensive plan have been met. Staff has reviewed it and believes that it does. He shared that Michael Morrissey helped design these lots and is designing the houses, which will be a great project in East Winter Garden. Staff recommends approval.

Motion by Commissioner Maciel to approve Resolution 17-10. Seconded by Commissioner Bennett and carried unanimously 3-0.

7. **MATTERS FROM PUBLIC** – There were no items.
8. **MATTERS FROM CITY ATTORNEY** – There were no items.
9. **MATTERS FROM CITY MANAGER** – There were no items.
10. **MATTERS FROM MAYOR PRO-TEM AND COMMISSIONERS** – There were no items.

City Manager Bollhoefer announced the Memorial Day service on Monday at 8:30 a.m. at Veterans Park.

The meeting adjourned at 6:52 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC