



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

March 26, 2015

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 invocation and Pledge of Allegiance were given.

**Present:** Mayor John Rees, Commissioners Bob Buchanan, Robert Olszewski and Colin Sharman

**Absent:** Commissioner Kent Makin

**Also Present:** City Manager Mike Bollhoefer, Acting City Attorney Mark F. Ahlers, City Clerk Kathy Golden, Assistant City Manager - Public Services Don Cochran, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, and Police Chief George Brennan

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

**Motion by Commissioner Sharman to approve regular meeting minutes of March 12, 2015 as submitted. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

### 2. **PRESENTATIONS**

A. **An Emergency Medical Services (EMS) Transport Feasibility Study for the Winter Garden Fire and Rescue Department was presented by Robert Finn of the Matrix Consulting Group (See attached Exhibit A)**

Mr. Finn explained that the study's objective was to conduct an EMS transport feasibility study for the Winter Garden Fire and Rescue Department to see if they have the capability of assuming EMS transport services. Those services are currently provided by Rural Metro Corporation and he further explained issues reviewed for the evaluation.

Mr. Finn stated that the overview of the findings show that the Winter Garden Fire and Rescue has the capability. The analysis revealed that it would be cost effective for the City to assume the EMS transport services. He noted that it would require a second ambulance with six additional firefighter/paramedics. He also suggested that the City would want to bill for these services.

The number of available ambulance units, call times, collections rates, and labor disputes was discussed.

**B. Emergency Medical Services Transport presentation by Rural Metro's General Manager Larry Marshall**

Mr. Marshall shared that Rural Metro was once called Health Central Paramedic Service and was once called West Orange Memorial Hospital, has provided services to the citizens of Winter Garden since 1966. He described the past relationship with the Winter Garden Fire and Rescue. He informed the Commission that they have four units available for service and are able to transport citizens to any hospital they wish. He shared information on their response times, interactions within the community, availability, and asked that an additional review be done of some of the numbers presented in the study.

Mr. Marshall addressed the City relying on Orange County and shared some concerns about them raising taxes to cover their costs. He expressed that they wanted to be sure that the study is as accurate as possible in covering all the costs associated with transporting. He shared the size of their fleet with four rescues working the West Orange area (Ocoee, Winter Garden and Windermere). Mr. Marshall stated that there is no fee unless there is a transport and then they receive \$270 of the \$810 billed.

Mayor Rees asked him to provide the City Manager with the data he presented tonight.

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

**A. Ordinance 15-30: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 2, ARTICLE II, CHAPTER 42 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR THE TRANSFER OF ROAD IMPACT FEE CREDITS FROM CERTAIN PROPERTIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Acting City Attorney Ahlers read Ordinance 15-30 by title only. City Manager Bollhoefer stated that this came about due to prior discussions on redeveloping the corner at Dillard Street and State Road 50. At that time, a way to see that the redevelopment happened was to find a way to transfer impact fee credits from one of the existing property owners. At that time the City Commission agreed, and this ordinance provides the mechanism to do so.

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

**Motion by Commissioner Buchanan to approve Ordinance 15-30 with the second reading and public hearing being scheduled for April 9, 2015. Seconded by Commissioner Sharman and carried unanimously 4-0.**

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

**A. Ordinance 15-22: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL**

LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET 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 15-23:** 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 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 15-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Ahlers read Ordinances 15-22, 15-23 and 15-24 by title only. Community Development Director Williams stated that this is a voluntary request for annexation, comprehensive plan designation and rezoning. It would reduce the size of an Orange County enclave located south of State Road 50. This has been reviewed by the Planning and Zoning Board and staff and they both recommend approval of all three ordinances.

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

**Motion by Commissioner Olszewski to adopt Ordinances 15-22, 15-23, and 15-24. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- D. **Ordinance 15-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET 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
- E. **Ordinance 15-26:** 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 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- F. **Ordinance 15-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Ahlers read Ordinances 15-25, 15-26, and 15-27 by title only. Community Development Director Williams stated that this is a voluntary request for annexation, comprehensive plan designation and rezoning. He noted that it is adjacent to the parcel of the previous hearing and would further reduce the enclave. Staff and the Planning and Zoning Board reviewed this and both recommend approval.

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

**Motion by Commissioner Olszewski to adopt Ordinances 15-25, 15-26, and 15-27. Seconded by Commissioner Sharman and carried unanimously 4-0.**

5. **REGULAR BUSINESS**

- A. **Recommendation to approve the Replat of Oakland Park Phase 1A**

Community Development Director Williams stated that this item involves four lakefront lots. The purpose of the replat is to make the lots more consistent in size with the adjoining lots. This has been reviewed by staff for compliance with all the approvals on the project and the requirements for platting; staff recommends approval subject to the recommended conditions.

**Motion by Commissioner Buchanan to approve the replat of Oakland Park Phase 1A as recommended. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- B. **Recommendation to approve entering into a Developer's Agreement for Oak Trail Subdivision located at 1205 E. Fullers Cross Road**

Community Development Director Williams stated that this project was previously approved by the City Commission and this is an agreement to formalize the requirements for the utility line extensions and their fair share costs of participating in the traffic signalization at East Crown Point and Fullers Cross Road. Staff recommends approval and authorization to have the Mayor sign.

There was discussion and clarification provided on the cost of signalization and the requirement of all parties to pay their fair share.

**Motion by Commissioner Buchanan to approve entering into a developer's agreement for Oak Trail Subdivision located at 1205 E. Fullers Cross Road. Seconded by Commissioner Sharman and carried unanimously 4-0.**

**C. Recommendation to approve the Replat of Waterside on Johns Lake Subdivision Phase 1**

Community Development Director Williams stated this item is a replat of 34 lakefront lots of Waterside on Johns Lake Subdivision Phase 1. He explained that the lake fluctuates tremendously and the line to determine the actual edge of the lake versus the shoreline has not been adequately established by the water management district. He explained the replat and stated that it has been reviewed by staff and staff recommends approval.

**Motion by Commissioner Sharman to approve the replat of Waterside on Johns Lake Subdivision Phase 1. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

**D. Recommendation to approve the Site Plan for Classic Car Wash located at 12728 West Colonial Drive**

Community Development Director Williams stated that this is a request to approve the Site Plan for Classic Car Wash located at 12728 West Colonial Drive. He noted that this is located on the south side of State Road 50. He stated that they are proposing to expand on their additional property to the south. They want to build a 2,000 square foot building that would match the existing building. Staff has reviewed the site plan for consistency with the City's codes and regulations, and recommends approval subject to conditions.

**Motion by Commissioner Olszewski to approve site plan for Classic Car Wash located at 12728 West Colonial Drive with conditions. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**E. Recommendation to approve and authorize the Mayor to execute a Site Lease Agreement with CLQ, LLC**

Community Development Director Williams stated that staff is recommending approval and seeks authorization for the Mayor to execute a Site Lease Agreement with CLQ, LLC for a cell tower on Marsh Road noting that a cell tower is needed along Marsh Road. The City's property fits the technical requirements for location and is suitable for being hidden from view. This site would be used for either a future retention pond or possibly a fourth fire station site. He noted that if it does become a fire station site, this would give the City the opportunity to put its communications equipment on the tower and provide the City with additional cost savings. Staff recommends approval of the lease to construct the cell tower in this location.

Mayor Rees asked if the residents in the area have been given this information. Mr. Williams replied no, there is currently no one that has moved in yet. Mayor Rees specified that he meant anywhere in the district. There was discussion that this is a very controversial issue. Mr. Williams noted that there is currently no one living in this area although the subdivisions are approved. He stated that everyone wants cell phone service, but no one wants the tower. It was noted that the County can place a cell tower anywhere it wants, but in this case the City can control where it goes and in the least visible location.

Commissioner Sharman noted that there are a lot of wetlands surrounding it, making it the best location because of the buffer.

**Motion by Commissioner Sharman to approve and authorize the Mayor to execute a site lease agreement, as presented, with CLQ, LLC. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

6. **MATTERS FROM PUBLIC**

David Kassander, 15155 Ovation Drive, Winter Garden, Florida, requested an update on the status of the agreements with the County for the Avalon/Tilden intersection. City Manager Bollhoefer responded that staff has met with Orange County and they all came to an agreement philosophically. Staff has redrafted the agreement, Orange County has it, and we think they are okay with it. We are waiting for them to send it back with their approval. It would then be brought to the City Commission and then given to the Orange County Commission. Construction is expected to start this summer.

Mr. Kassander asked about the temporary light. Mr. Bollhoefer replied that the City still has the permit request in Orange County and we are waiting on its approval. Mr. Bollhoefer noted that he has a call into Orange County to check the status as the permit was submitted eight weeks ago.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer recognized Penny McLaughlin who has several petitions from residents within the communities that surround Orange County High Schools. He noted that he has drafted a letter he would like the City to send to Orange County who will be hearing an appeal on the school next week.

Penny McLaughlin, 312 English Lake Drive, Winter Garden, Florida, thanked the City for the letter and stated that they have been circulating a petition in the Westfield, Amberleigh, and Orange Cove Subdivisions. She explained that the letter states that they have co-existed peacefully with West Orange High School for over 20 years and they have just as much right to be heard as those that do not want a school in their back yard. She explained that the meeting is April 7<sup>th</sup> and asked if the City would have someone there to present it.

Commissioner Olszewski thanked Ms. McLaughlin for taking the time to do this and stated that he personally has urged Orange County Commissioner Boyd at the Horizon West town hall meeting to take a vote and action on this issue. He noted that he intends to speak as an individual at the Orange County meeting on the April 7<sup>th</sup>, but would be more than happy to represent the City of Winter Garden if this item passes.

**Motion by Commissioner Olszewski to approve issuing the proposed letter as indicated in the draft for content provided. Seconded by Commissioner Sharman and carried unanimously 4-0.**

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** thanked the City Manager Bollhoefer for his efforts in trying to get Orange County lined up as it relates to road projects and State Road 429 improvements.

**Commissioner Olszewski** thanked the City Manager for the project updates and the Orange County roundabout which will be turned over to the City. He requested an update on this issue. Mr. Bollhoefer responded that staff is meeting on this next Thursday morning.

**Commissioner Buchanan** stated that once again we had an absolutely fabulous event at the Evening at the Pops at Tanner Hall. He noted that there was an extremely large crowd and gave a special thanks to all the staff for their participation in helping make it a great event.

**Mayor Rees** asked about the status of Dillard Street. Mr. Bollhoefer replied that staff is meeting tomorrow with the Chief Planner/Engineer to come up with a conceptual design. Our City Engineer is moving forward today with hiring the surveyor for the entire project. He noted that the goal would be to try and do the road improvements the following summer.

The meeting adjourned at 7:35 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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