



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

April 14, 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, 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 Buchanan to approve the regular meeting minutes of March 24, 2016 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **FIRST 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 a voluntary annexation located at 856 Myrtle Avenue. It is an annexation, initial City zoning of R-1, and a future land use designation of residential low density. 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 Sharman to approve Ordinances 16-29, 16-30, and 16-31 with the second reading and public hearing being scheduled for April 28, 2016. Seconded by Commissioner Olszewski 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 ordinance creates a temporary pilot program that allows for up to 25 permits for residents to keep chickens in residential districts. The pilot program sunsets December 31, 2017, unless the City Commission wishes to extend the ordinance. He noted that this ordinance establishes rules and regulations for raising chickens and shared some of the regulations. Mr. Pash shared that he has handed out a revised version of the ordinance that adds a requirement for obtaining the permit (on page 3). The permit will be contingent upon the resident taking and successfully completing a course through the University of Florida Extension Office and submitting proof of completion. Staff recommends approval.

Mayor Rees noted that he is not personally in favor of caging animals but recommended that the minimum coup size be 10 by 10 (100 square feet) giving the animals enough room.

Commissioner Makin addressed the fact that this is a temporary permit for the pilot program and that he would like to reduce the fee from \$50 to \$25. There was discussion on adjusting the fee in the future should the City find that the process becomes more labor intensive.

Commissioner Olszewski noted that he wholeheartedly supports anything the City can do to assure the welfare of the animals. He shared that he has not been contacted by anyone on this issue. Mr. Bollhoefer noted that he has received a number of emails that have been favorable and or they have questions. He has not heard of any opposition.

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

Motion by Commissioner Buchanan to approve the revised Ordinance 16-33 with the two changes requested (minimum coup size 100 square feet and pilot program permit fee of \$25.00) with the second reading and public hearing being scheduled for April 28, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.

3. **REGULAR BUSINESS**

A. **Recommendation to approve Final Plat for Waterside on Johns Lake Phase 2A due to a scrivener's error on previously approved plat**

Community Development Director Pash stated that this plat was addressed on the last agenda but a scrivener's error was found. This plat is for Phase 2A of Waterside on Johns Lake for 103 single family lots. The scrivener's error was on the access to the neighboring property. They had two options; the wrong one was shown on the prior plat that was different from the one actually constructed. Staff recommends approval.

Motion by Commissioner Olszewski to approve the Final Plat for Waterside on Johns Lake Phase 2A. Seconded by Commissioner Makin and carried unanimously 5-0.

B. **Recommendation to approve Site Plan for single-story office building in Windward Cay Office Park located at 3732 and 3736 Winter Garden Vineland Road, subject to Development Review Committee conditions (Sharma)**

Community Development Director Pash stated that this is the site plan review for the last office building in the Winward Cay Office Park. The applicant is proposing to build a 5,833 square foot office building. The landscaping and parking already exist. The plans have already been reviewed and approved by the Development Review Committee and approval is recommended.

Motion by Commissioner Sharman to approve Site Plan for single-story office building in Windward Cay Office Park located at 3732 and 3736 Winter Garden Vineland Road, subject to Development Review Committee conditions. Seconded by Commissioner Olszewski and carried unanimously 5-0.

C. **Recommendation to approve contract with Shelley's Septic Tank, Inc., for a ten-year period with the per-wet-ton price ranging from \$45.00 to \$57.27**

Assistant City Manager of Public Services Cochran stated that on January 12, 2016 the City received three bids. These bids were for a contract for the wastewater treatment plant bio solids management services. The prices cover a ten-year contract term. He noted that Shelly's Septic Tank, Inc. was the lowest bidder. Our engineer of record has

recommended Shelly's Septic Tank, Inc. as the most qualified responsible and responsive lowest bidder. Staff recommends awarding the bid and contract to Shelly's Septic Tank, Inc.

City Manager Bollhoefer noted, for the Mayor, that there is a 30 day convenience out option for getting out of the contract.

Motion by Commissioner Buchanan to approve contracting with Shelley's Septic Tank, Inc., for a ten-year period with the per-wet-ton price ranging from \$45.00 to \$57.27. Seconded by Commissioner Makin and carried unanimously 5-0.

D. Recommendation to approve extending Rural Metro ambulance service for another year

City Manager Bollhoefer stated that the second firm has done a review of the first firm's analysis. The results have been received and reviewed. Staff has made a few recommendations, so a few changes will be made by working with the analyst to make a presentation to the City Commission at the next meeting. Mr. Bollhoefer stated that staff would like to extend the current contract for another year. Even if the City Commission decides to change and have the City's Fire Department provide the service, it will take six to nine month lead time to make the change. Therefore, staff recommends approval of extending this contract for one more year.

Mayor Rees asked when they will come back with the study. Mr. Bollhoefer noted that staff has the study and the Fire Chief has made some reasonable recommendations. They will be sent back to the analysts and it will be distributed at the next Commission meeting. It was noted that the City Commission would have a finalized review of the first review in the next couple of weeks.

There was discussion on a timeframe for a resolution to this issue.

Motion by Commissioner Olszewski to approve extending Rural Metro ambulance service for another year. Seconded by Commissioner Makin and carried unanimously 5-0.

4. MATTERS FROM PUBLIC – There were no items.

5. MATTERS FROM CITY ATTORNEY

City Attorney Ardaman stated that he has distributed a draft ordinance relating to security bars, security grates, otherwise known as burglar bars for the City Commission's consideration. He shared that the ordinance states that bars shall not be placed over windows, doors, breezeway openings that are visible from public rights-of-ways and streets. Any existing installed burglar bars installed in compliance with the City and Florida Building code, may continue as non-conforming. If they were illegally installed they must be removed within 12 months. He also noted that he attached a summary of burglar bar ordinances from some other cities. He expressed that this is not a first reading and is just for consideration. If there are any questions, please let him know.

There was discussion on including hurricane shutters.

Mayor Rees expressed that he would like to act on this matter soon. It is not very inviting to drive through a community and see bars on the windows. He questioned the 12 months for those not conforming. City Attorney Ardaman stated that the non-conformity clause can be shortened and suggested 30 days.

6. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer noted that the parking garage is under construction and a temporary parking plan is in place. He shared that tonight is the first night with the valet parking and the City is still working out issues. He updated the City Commission on additional parking efforts which will result in approximately 350 temporary parking spaces. However, he noted that some business employees are taking up the convenient parking spots so we may need to implement limiting the parking to two-hours. We will police the situation.

Commissioner Sharman asked if alternate parking signs are being posted on the structure barricading the garage construction site to let the public know where they can park. Mr. Bollhoefer responded that it is being placed on it and described how a lot of this information is being distributed. He noted that the webpage is where people are being directed for additional details as plans may change.

Commissioner Sharman noted that he thinks a lot of people will drive to the old location and if there is a sign there, it would be the best thing for directing drivers where to go for parking.

Windermere/Roberson Road Round-about

City Manager Bollhoefer stated that he thinks that we have found an agreement that everybody is happy with and will be brought back to the next City Commission meeting.

Bloom 'N Grow event this past weekend

City Manager Bollhoefer thanked staff for a great job on their efforts with the Bloom 'N Grow event, which he feels is probably the City's best ever.

Relay for Life

Community Relations Manager Andrea Vaughn informed the City Commission that this year's Relay-for-Life would start at 6:00 p.m. and end at 11:00 p.m. on Friday, April 22, 2016, which is a change from last year as it will not be all night.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman mentioned the West Orange Times newspaper's April fool's joke that wasn't so funny and caused some incoming emails.

Commissioner Sharman shared that he received an email regarding emergency vehicles approaching the hospital running their sirens late at night. He noted that during the approval process, Florida Hospital assured the City that this would not happen. He asked that staff

look into this issue. City Manager Bollhoefer responded that staff will check with other agencies to be sure everyone is following the same protocols with regard to this issue.

Commissioner Olszewski thanked staff and the Bloom 'N Grow Society for an outstanding Spring Fever in the Garden. He noted that this is a point of pride for our community.

Commissioner Olszewski announced that he and his wife are expecting their first child.

Commissioner Buchanan recognized the Rotary Club for 16 years of assisting in setting up for the Spring Fever event.

Commissioner Makin stated that the City really looked good this year with a lot of people attending the Spring Fever event. He expressed appreciation to Sue Crabtree who does a great job.

Mayor Rees stated that all City staff involved in the Spring Fever event did a wonderful job and noted how quickly they had the area cleaned to the point of not being able to tell that there had even been an event downtown.

The meeting adjourned at 7:01 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC