



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

February 13, 2020

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 given.

**Present:** Mayor John Rees and Commissioners  
Lisa Bennett – District 1                      Bob Buchanan – District 2  
Mark A. Maciel – District 3                      Colin Sharman – District 4

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Information Technology Director Chad Morrill, Fire Chief Matt McGrew, Police Chief Stephen Graham and Parks & Recreation Director Laura Coar

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

**Motion by Commissioner Bennett to approve regular meeting minutes of January 23, 2020. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

### 2. **PRESENTATION**

- A. Oath of Office and introduction of New Police Officers to Erica Kirkland, Aaron Sing, Austin Pace, and Adam Hall was administered by Police Chief Graham
  
- B. Trail Town Designation by Florida's Office of Greenways and Trails was presented by Assistant City Manager of Public Services Williams. Mr. Williams stated that the Office of Greenways and Trails is a component of the Florida Department of Environmental Protection Florida State Park Systems. He described that they developed the Trail Town designation in 2018 to recognize communities that meet designated criteria. Mr. Williams described the application process. He informed of the City of Winter Garden's recognition, on January 22, 2020, as Florida's newest trail town; making the City the tenth trail town in the State. Mr. Williams listed those involved in the effort of attaining this designation and presented the emblem of designation to the City Commission.

City Manager Bollhoefer noted that City Urban Planner Kelly Carson was present at the awarding of this designation by the State Board. He noted that Ms. Carson described the States' excitement with the City of Winter Garden being the example for trails. He described the community built around the trail and its advantage.

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

- A. **Ordinance 20-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 19-52, THE CITY OF WINTER GARDEN FISCAL YEAR 2019-2020 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-13 by title only. Finance Director Zielonka stated that this Ordinance amends the current year budget to carry forward projects that were budgeted for last fiscal year but not completed by the end of the fiscal year. This ensures adequate funding to complete those projects and Exhibit 1 provides a list of carried forward projects.

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

City Manager Bollhoefer noted items carried year-by-year in the budget, which require the availability of funds in order to qualify for grants offered from the State of Florida.

There was discussion on the availability of the funds for dock repair and grant assistance from the State.

**Motion by Commissioner Maciel to approve Ordinance 20-13 with the second reading and public hearing February 27, 2020. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 20-15:** AN ORDINANCE BY THE CITY WINTER GARDEN, FLORIDA, AMENDING CHAPTER 18, ARTICLE II OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES TO CREATE LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; CREATING A NEW SECTION 18-63 TO REQUIRE MASONRY BLOCK, METAL, OR CONCRETE EXTERIOR AND INTERIOR LOAD BEARING WALLS IN CERTAIN STRUCTURES; CREATING A NEW SECTION 18-64 TO REQUIRE VERTICAL ACCESSIBILITY IN CERTAIN MULTI-FAMILY STRUCTURES HAVING TWO OR MORE FLOORS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, TRANSMITTAL AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-15 by title only. Community Development Director Pash stated that this Ordinance creates two new chapters in Chapter 18 of the City code. He noted that Section 18-63 requires the first floor exterior and load-bearing walls on commercial offices and multi-family buildings require masonry block, concrete, or metal. Section 18-64 requires that multi-family structures with two or more floors, containing ten or more dwelling units must provide vertical accessibility by installing elevators. He noted that there is also a provision that allows developers of multi-family projects containing less than 50 total dwelling units to request an exemption from that section. This would come through the site plan. Staff recommends approval of Ordinance 20-15.

City Manager Bollhoefer addressed the possible introduction of a variance to this ordinance allowing the City Commission to waiver of these items. He explained that in efforts of economic development or in areas of low-income neighborhoods, this could pose an issue of out-pricing for a project; noting ordinances of this nature killed a lot of good past projects elsewhere. There was discussion on the criteria for determination of a waiver, inspection requirements for elevators in commercial versus residential building code and State approval requirements to change building code. Mr. Bollhoefer noted the requirement for hardwire phone lines to commercial elevators which is not required for residential buildings and suggested bringing back the elevator issue as a separate ordinance.

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

**Motion by Commissioner Buchanan to approve Ordinance 20-15 with the second reading and public hearing February 27, 2020. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

- A. **Ordinance 20-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY BEING APPROXIMATELY 8.25 +/- ACRES AND GENERALLY LOCATED AT 12301 WEST COLONIAL DRIVE ON THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND CARTER ROAD FROM THE EXISTING PLANNED COMMERCIAL DEVELOPMENT (PCD) ADOPTED BY ORDINANCE 00-78 TO PLANNED COMMERCIAL DEVELOPMENT (PCD) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD DEVELOPMENT CONDITIONS AND REQUIREMENTS; DESCRIBING THE DEVELOPMENT AS THE PEOPLES PLAZA PCD; REPEALING AND REPLACING ORDINANCE 00-78; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-04 by title only. Community Development Director Pash stated that this is request to repeal and replace the existing PCD ordinance at 12301 W. Colonial Drive. He noted that the applicant is proposing to develop this site by demolishing all existing buildings. The redevelopment would include a gas station, two hotels, and two commercial out parcels along West Colonial Drive, along with associated site improvements. He noted that the PCD Ordinance has design guidelines that limit the number of rooms to 220 between the two hotels. He also noted the limited use and allowance of one drive-through restaurant.

Mayor Rees addressed development already in the surrounding area, quality of the proposed hotels, and requested monitoring the aesthetics of the new development.

Mayor Rees opened the public hearing.

Ron Mueller, 709 Lake Cove Point Circle, Winter Garden, Florida addressed the issue of the need for a gas station along with the development of the hotels.

City Manager Bollhoefer responded by explaining how a gas station was not the City's preference, but necessary for developers to redevelop the entire site work, and have it be financially feasible; a gas station is an essential component in making the numbers work. He described past redevelopment projects; noting gas stations as a large financial component to these deals.

Mayor Rees closed the public hearing.

**Motion by Commissioner Buchanan to adopt Ordinance 20-04. Seconded by Commissioner Maciel carried unanimously 5-0.**

- B. **Ordinance 20-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.51 ± ACRES LOCATED AT 541 WINTER GARDEN VINELAND ROAD, WEST OF DANIELS ROAD, EAST OF WINTER GARDEN VINELAND ROAD, SOUTH OF SUNBRIDGE CIRCLE AND NORTH OF ROPER ROAD FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE
- C. **Ordinance 20-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.51 ± ACRES LOCATED AT 541 WINTER GARDEN VINELAND ROAD, WEST OF DANIELS ROAD, EAST OF WINTER GARDEN VINELAND ROAD, SOUTH OF SUNBRIDGE CIRCLE, AND NORTH OF ROPER ROAD, FROM R-1 (RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE SONATA WEST MOB II / NHCC PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-07 and 20-08 by title only. Community Development Director Pash stated that this request would amend the future land use designation of low density residential to commercial. It also rezones the property from R-1 to Planned Commercial Development (PCD). He described the location of the property and noted that the site development would include two 2-story medical office buildings and a later phased single-story church. The applicant is required to make improvements to the adjacent roads, turn-lanes, as well as pay their fair share of new traffic light installation. He noted a 40 feet building height limitation for the two-story office buildings and noted the designs are similar to other Sonata products with a more residential feel. Staff recommends approval of Ordinances 20-07 and 20-08.

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

**Motion by Commissioner Maciel to adopt Ordinances 20-07 and 20-08. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 20-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-193, DISABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-14 by title only. Assistant City Manager of Administrative Services Gilbert stated that in 2019 the Florida legislature passed the Firefighter Cancer Presumption Bill under Chapter 112. The legislation addresses pension eligibility for firefighters meeting certain criteria such as diagnosis of certain type cancers and considerations of total and permanent disability. The ordinance amendment follows statutory requirements and codifies Chapter 54-193 of the City Code of Ordinances, adding subsection (b) to the line of duty presumptions. Staff recommends approval of Ordinance 20-14.

Mayor Rees commented on the interest rate.

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

**Motion by Commissioner Sharman to adopt Ordinance 20-14. Seconded by Commissioner Bennett and carried unanimously 5-0.**

## 5. **REGULAR BUSINESS**

- A. **Recommendation to approve Seminole County Piggy-Back Contract with Fausnight Stripe and Line, Inc. and authorize a Purchase Order for Citywide Roadway Markings, Striping and Brick Texture Surfacing Services in the amount of \$222,500**

Assistant City Manager of Public Services Williams stated that this is a request to piggyback the Seminole County contract with Fausnight Stripe and Line, Inc., approved in August of 2018. The request is for citywide roadway markings, striping and brick texture resurfacing. He listed some of the priorities identified for these services. Staff recommends approval.

There was discussion on the low pricing and scheduling work around school schedules.

**Motion by Commissioner Bennett to approve Seminole County Piggy-Back Contract with Fausnight Stripe and Line, Inc. and authorize a Purchase Order for Citywide Roadway Markings, Striping and Brick Texture Surfacing Services in an amount of \$222,500. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

B. Recommendation to approve SITE PLAN for 14180 W. Colonial Drive (DQ Grill & Chill), subject to conditions

Community Development Director Pash stated that this site plan review is for 14180 W. Colonial Drive. The applicant requests to construct an approximately 2600 square foot grill and chill restaurant with a drive-through. The plan includes associated site improvements and is consistent with the approved PCD ordinance. The plan has been reviewed and approved by the Development Review Committee (DRC). Staff recommends approval, subject to the DRC report.

Commissioner Maciel disclosed that he would recuse himself from this vote due to financial interest.

**Motion by Commissioner Buchanan to approve SITE PLAN for 14180 W. Colonial Drive (DQ Grill & Chill), subject to conditions. Seconded by Commissioner Sharman and carried 4-0-1; Commissioner Maciel abstained.**

C. Recommendation to approve SPECIAL EVENT – Winter Garden Heritage Foundation Wine Walk – October 15, 2020 – Event Time: 6:00 p.m. to 10:00 p.m.

Community Development Director Pash stated that this is an event request from Winter Garden Heritage Foundation to hold their Spirits in the Garden Wine Walk on Thursday, October 15, 2020 from 6:00 p.m. to 10:00 p.m. The event is to be the same as last year, starting at the Heritage Foundation with 13 different merchants with wine and food to sample. Staff recommends approval.

Mayor Rees inquired if this was the first time for the serving of spirits at the Heritage Foundation. Mr. Pash responded that they did this last year; noting there were no issues and everything went well.

**Motion by Commissioner Buchanan to approve Winter Garden Heritage Foundation Wine Walk – October 15, 2020 – Event Time: 6:00 p.m. to 10:00 p.m. Seconded by Commissioner Maciel and carried unanimously 5-0.**

D. Recommendation to approve SPECIAL EVENT – Annual Easter Egg Hunt – requested by the Winter Garden Lions Foundation, Inc. to use City Facilities and Newton Park - April 11, 2020 – 8:00 a.m. to 12:30 p.m.

Community Development Director Pash stated that the Winter Garden Lions Clubs requests holding its 69<sup>th</sup> Annual Easter Egg Hunt at Newton Park on April 11, 2020 from 8:00 a.m. to 12:30 p.m. He noted that this will be the same as previous years and described some of the activities. Staff recommends approval.

**Motion by Commissioner Sharman to approve Annual Easter Egg Hunt requested by the Winter Garden Lions Foundation, Inc. with use of City Facilities and Newton Park**

**on April 11, 2020 at 8:00 a.m. to 12:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

E. Discussion on E-Scooters

City Manager Bollhoefer noted that an Orlando company recently came to Winter Garden and did a Segway tour downtown. He stated that Orlando recently started allowing E-Scooters and there have been new laws. He indicated that the City of Winter Garden attorneys are currently researching the laws in order to implement regulations. He informed that there are laws giving protection to Segways and E-Scooters, but the State has also given the cities regulation rights. He disclosed that the City of Winter Garden recently received a letter from one of these companies; he expressed that it was somewhat threatening. He stated that the letter says that these are what the laws are, but no matter what, they are coming to the City on February 21, 2020 with their E-Scooters. He stated that, even though stated in the letter they would like to have amenable discussions with the City, they are still bringing them in on February 21, 2020.

Mr. Bollhoefer indicated that in the short term the attorneys would draft an ordinance on E-Scooters making it as strict as possible. He described the sidewalks in the downtown being crowded and described past issues experienced with bicycles and skateboards. He expressed that adding another motorized vehicles on the City's sidewalks would be a recipe for disaster.

There was discussion on the City's limitations without an ordinance in place. Also discussed was limitations of people with disabilities on already narrow sidewalks trying to navigate a wheelchair or walker with the introduction of E-Scooters. Mr. Bollhoefer expressed the immediate need for an ordinance and time for a review of this issue. Commissioner Buchanan spoke of the West Orange Trail already having limitations of not allowing motorized vehicles. There was discussion that the trails are primarily the State's regulation and this ordinance would regulate the City's streets and sidewalks. Commissioner Bennett noted that this could also possibly be a liability for the City.

**Motion by Commissioner Sharman to approve authorizing the City Attorney draft an ordinance addressing the regulation of E-Scooters. Seconded by Commissioner Bennett and carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC**

Mark Anthony, 1507 Fullers Cross Road, Winter Garden, Florida inquired of the status on the red light at the end of Fullers Cross Road. City Manager Bollhoefer informed that the construction starts next week.

Mr. Anthony described the area around his home and informed of five homes impacted by drainage issues when it rains and requested a status update. Mr. Bollhoefer responded that staff reviewed several different solutions; the City is trying to find which will work best. There was discussion that an open flume out to the lake may be the solution. Mr. Anthony

requested that it not be fenced off so that the homeowners would have access to clean it. Mr. Bollhoefer noted that he did not think it would have a fence.

Mr. Anthony inquired about getting a fire hydrant in his area. Mr. Bollhoefer requested Mr. Anthony forward an email directly to him to get this resolved.

Mr. Anthony inquired of plans to two-lane Dillard Street. Mr. Bollhoefer explained of staff's plan reviews and purchase of right-of-way. Mr. Bollhoefer noted he understands that it is a concern for some, but is confident that once two-laned, traffic will work better, it will be pedestrian friendly and also create redevelopment. Mr. Bollhoefer shared information on the addition of roundabouts in surrounding towns noting better intersection improvements, and more cars moving than with the adding of lanes. He informed that the number of lanes does not determine how well traffic moves, it is actually intersection points and traffic lights.

Allison Painter, 393 N. Lakeview Avenue, Winter Garden, Florida voiced concerns regarding the need for a stop sign at the corner of Lakeview Avenue and Division Street. City Manager Bollhoefer noted that an analysis is in process to address issues on this road.

Ms. Painter also voiced concerns on the lack of parking for patrons of the downtown Post Office; suggesting that spaces be reserved. There was also discussion on police surveillance and parking meters as options.

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

8. **MATTERS FROM CITY MANAGER**

New State Road 429/Stoneybrook West Parkway Ramps

City Manager Bollhoefer indicated that information distributed regarding the beginning of work on State Road 429.

Roads for Resurfacing and Repair

City Manager Bollhoefer noted that he also distributed a list of roads scheduled for repair; noting that several projects in the City's main list are not included but will follow behind these projects. He indicated that Fuller's Cross Road was not included, as the City does not want to pave that road and install a traffic light at the same time.

Brandy Creek Stormwater Pipe Repair

City Manager Bollhoefer spoke of past solutions to repair collapsed pipes in the Brandy Creek neighborhood. He noted that one last pipe leading to their pond has collapsed on one side. He described how the City would like to do a repair at a cost of approximately \$30,000 to \$50,000; a price not fully known until reviewed. He expressed that it is essential for this neighborhoods stormwater.

