



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 28, 2019

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Pro Tem Buchanan 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 – District 2 and Commissioners
Lisa Bennett – District 1 Mark A. Maciel – District 3

Absent: Mayor John Rees and Commissioner Colin Sharman – District 4

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, 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 and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Bennett to approve regular meeting minutes of March 14, 2019 as submitted. Seconded by Commissioner Maciel and carried unanimously 3-0.

2. **PRESENTATIONS**

A. **OATH OF OFFICE – NEW POLICE OFFICERS**

Police Chief Graham introduced and administered the oath of office to new Police Officers Samira De Nijs, Amanda Lesperance, Christian Hamby, and Errol Harris Jr.

B. **PROCLAMATION 19-03:** Proclaiming April as Water Conservation Month was read and presented by Mayor Pro-Tem Buchanan and the City Commissioners.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 19-18:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 98-189 OF CHAPTER 98 OF THE CITY CODE TO AMEND THE QUORUM AND VOTING REQUIREMENTS OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; PROVIDING FOR CODIFICATION, CONTROL, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-18 by title only. Community Development Director Pash stated that this ordinance amends section 98-189 of the City code. He noted that this clarifies the meaning of a quorum in relation to voting for the Architectural Review and Historic Preservation Board. Staff recommends approval of Ordinance 19-18.

Motion by Commissioner Maciel to approve Ordinance 19-18 with a second reading and public hearing April 11, 2019. Seconded by Commissioner Bennett and carried unanimously 3-0.

4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 19-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1ST STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-15 by title only. Community Development Director Pash stated that this property is located at 43 1st Street. The owners are requesting to rezone the property to Planned Commercial Development (PCD). They are planning to develop the property with a 3,200 square foot office building, with parking, landscaping and site improvements. This will incorporate their existing construction business which is located on the property to the north. Staff recommends approval of Ordinance 19-15.

There was discussion on the applicant being ready to start right away and mention of the nice aesthetics of the building.

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

Motion by Commissioner Bennett to adopt Ordinance 19-15. Seconded by Commissioner Maciel and carried unanimously 3-0.

- B. **Ordinance 19-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING CHAPTER 94 "NATURAL RESOURCE PROTECTION" TO ADD A NEW SECTION 94-1 GOVERNING FERTILIZER USE WITHIN THE CITY; ADOPTING THE ORANGE COUNTY REGULATIONS PERTAINING TO FERTILIZER USE AND AUTHORIZING COUNTY AND CITY ENFORCEMENT THEREOF WITHIN THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-16 by title only. Assistant City Manager – Public Services Williams stated that this is the second reading and public hearing of Ordinance 19-16 which adds new Section 94-1. This incorporates the Orange County code governing fertilizer use and enforcement. He noted that there have been no changes since the first reading and staff recommends approval.

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

Motion by Commissioner Maciel to adopt Ordinance 19-16. Seconded by Commissioner Bennett and carried unanimously 3-0.

5. **REGULAR BUSINESS**

A. Recommendation to reduce and remove Code Enforcement liens for 1080 Lincoln Terrace (Code Case No. 07-981)

Community Development Director Pash stated that in 2007 the Code Enforcement Board imposed fines on the property due to the structure being unfit for habitation. The owner pulled permits at that time but never finished the work; as of today, code fines total \$1,054,250. He noted that in addition to those fees, unpaid utility fees total \$7,266.22. He shared that the owner of the property has since passed away and the attorney representing the estate is requesting the reduction in fines in order to sell the property. Mr. Pash noted that staff has spent a considerable amount of time on this property and with the unpaid utility bills, recommend that the fine be reduced to \$10,000 if paid by April 5, 2019. He also noted some of the other conditions that would be required.

There was discussion on the start of construction and clarification on the date payment is required as being April 5, 2019, and work to be finalized and completed within six months. There was discussion that if not paid by that date the fines would revert back.

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

Motion by Commissioner Maciel to reduce and remove Code Enforcement liens for 1080 Lincoln Terrace (Code Case 07-981), subject to conditions and payment by April 5, 2019. Seconded by Commissioner Bennett and carried unanimously 3-0.

B. Recommendation to approve second amendment to Building Permit Inspection and Plan Review Services Agreement with Bureau Veritas North America, Inc. and authorize the City Manager to add \$300,000.00 to the spending limit

Community Development Director Pash stated that there is an existing contract between the City of Winter Garden and Bureau Veritas North America, Inc. He noted that staff is requesting it be extended by an additional \$300,000 for continuance of services. He noted that funding would be completely through building permits and does not come out of the general fund. Staff recommends approval.

There was discussion on volume prompting this need and the absence of applicants applying for the job of inspections at this time.

Motion by Commissioner Bennett to approve second amendment to Building Permit Inspection and Plan Review Services Agreement with Bureau Veritas North America, Inc. and authorize the City Manager to add \$300,000 to the spending limit. Seconded by Commissioner Maciel and carried unanimously 3-0.

C. Recommendation to approve SPECIAL EVENT – Annual Downtown Sidewalk Sale on June 8, 2019 from 11:00 a.m. to 7:00 p.m. in Downtown Winter Garden

Community Development Director Pash shared that last year the City partnered with the downtown merchants and hosted a very successful one-day sidewalk event. He described some of the activities and arrangements for the event and it was noted that the street would not be closed. Staff recommend approval.

Commissioner Maciel inquired about approvals for blocking some of the parking spaces. Mr. Pash noted that the City walks through and coordinates everything with the merchants.

Motion by Commissioner Maciel to approve a SPECIAL EVENT for the Annual Downtown Sidewalk Sale on June 8, 2019, 11:00 a.m. to 7:00 p.m. in Downtown Winter Garden, with staff recommendations. Seconded by Commissioner Bennett and carried unanimously 3-0.

D. Recommendation to approve SPECIAL EVENT – Annual Winter Garden Choir Wine Walk on April 25, 2019 from 6:00 p.m. to 9:00 p.m. in Downtown Winter Garden

Community Development Director Pash stated that the Winter Garden Choir is requesting their annual Wine Walk on April 25th from 6:00 p.m. to 9:00 p.m. He noted that there is also the request for the use of the Pavilion at 4:00 p.m., ending at 10:00 p.m., to accommodate set up, preparations, and registration for the wine walk. Staff recommends approval.

Motion by Commissioner Bennett to approve the SPECIAL EVENT for the Annual Winter Garden Choir Wine Walk on April 25, 2019 from 6:00 p.m. to 9:00 p.m., with 4:00 p.m. to 10:00 p.m. Pavilion use in Downtown Winter Garden. Seconded by Commissioner Maciel and carried unanimously 3-0.

E. BOARD APPOINTMENT: Canvassing Board – 4 Members

City Clerk Grimmage shared that this item is one that is required by the City Charter to be addressed 90 days prior to July 1st. She noted that postponement is requested in order to conduct a recruitment effort and get a better handle on the applications.

Commissioner Maciel inquired as to more information and requirements for serving on this board. City Clerk Grimmage explained that this is for canvassing the City's 2020 general election, which will require an earlier qualifying period due to the 2020 Presidential Primary Election. She shared that this board's actual service is during a

short period of time when there is an election, meeting only approximately three to four times. Also noted is that there will be a recruitment effort for all the City's boards and this happens to be one of them. There were no noted objections.

It was the **consensus** of the City Commission that this item be postponed to a date uncertain.

6. MATTERS FROM PUBLIC

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, voiced his concerns regarding the City's current invocation policy and the 501(c)3 requirement.

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

8. MATTERS FROM CITY MANAGER

A. Purchase property located at 902 Avalon Road

City Manager Bollhoefer displayed slides showing the property location of 902 Avalon Road, noting its proximity to Knox Nursery. He informed that the property is up for sale and described the potential benefits of the City purchasing it and affixing it an already owned City property; making a large four-acre piece. He described possible long term and short term uses such as a potential park, or possible use as a substation. He noted that the City could always decide to sell at a later time, if so desired. Purchasing it gives the City more land and also gives more frontage. Also mentioned was a short term use for housing the labor force by using the current structure at this location. He noted an asking purchase price of \$250,000 but the City would offer \$240,000.

There was discussion on the owner of the property moving away, a cell tower currently at the location which is not generating lease rent, and the land's proximity to Orange County's road and park.

City Attorney Ardaman advised that if the City Commission so wishes, a motion would be needed to approve the City Manager and City Attorney entering into a contract and closing the transaction.

Motion by Commissioner Maciel to approve and authorize the City Manager and City Attorney entering into a contract and closing the transaction for property located at 902 Avalon Road in the amount of \$240,000. Seconded by Commissioner Bennett and carried unanimously 3-0.

Removal of Sign off of State Road 50

City Manager Bollhoefer displayed and noted that from State Road 50 there is a location sign for the historic downtown blocking the sign for the 4Rivers Restaurant. He noted that the restaurant approached the City to alter their sign, but it is thought that instead it would be better to remove the obstructive sign. There was discussion on the future

sign master plan and the potential replacement of indicator signs leading to the historic downtown in the future. He noted that the Florida Department of Transportation(FDOT) has been contacted and are not concerned if this sign is removed. Mr. Bollhoefer described some future projects relating to the City-wide master sign plan.

There was discussion on the location of signs on the mast arms at the nearby intersection and the regulations and requirements of the FDOT in relation to signs.

Motion by Commissioner Bennett to approve the removal of the directional sign for the Winter Garden Historic District located in front of the 4Rivers Restaurant on West Colonial Drive. Seconded by Commissioner Maciel and carried unanimously 3-0.

9. MATTERS FROM MAYOR AND COMMISSIONERS

Mayor Pro-Tem announced the kick-off for the Spring Fever in the Garden on April 7th and 8th.

The meeting adjourned at 7:05 p.m.

APPROVED:

/S/

Mayor John Rees

ATTEST:

/S/

City Clerk Angee Grimage, CMC