



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

June 13, 2019

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 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 Dan Langley, City Clerk Angee Grimmage, Assistant City Manager for Administration Frank Gilbert, Assistant City Manager for Public Services Jon Williams, Community Development Director Stephen Pash, City Engineer Jim Monahan, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Maciel to approve regular meeting minutes of May 23, 2019 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.

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

- A. **Ordinance 19-19:** 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 3.70 +/- ACRES OF LAND GENERALLY LOCATED AT 1061, 1063, AND 1065 TILDENVILLE SCHOOL ROAD ON THE SOUTHEAST CORNER OF TILDENVILLE SCHOOL ROAD AND THE WEST ORANGE TRAIL FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- B. **Ordinance 19-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 3.70 +/- ACRES OF LAND GENERALLY LOCATED AT 1061, 1063, AND 1065 TILDENVILLE SCHOOL ROAD ON THE SOUTHEAST CORNER OF TILDENVILLE SCHOOL ROAD AND THE WEST ORANGE TRAIL, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PACKING PLANT PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinance 19-19 and 19-20 by title only. Community Development Director Pash shared that this is a request to change the land use designation for property located at 1061, 1063, and 1065 Tildenville School Road. He

noted that this request changes the property zoning from R-1 to PCD. He provided some history on the property; noting that it was formerly a citrus packing plant which was annexed into the City. He also described some of the uses for this property over the years. The property has since been purchased by a new owner who would like to repurpose the historic structure. Mr. Pash spoke of some proposed improvements and of the related community meetings. He shared that some concerns included: speeding in front of Lake View Reserve, safety at the trail crossing, school kids along the sidewalks, and the one-way traffic of Tildenville School Road. To address those concerns, the area in front of Tildenville School Road will be narrowed, West Orange Trail will be realigned with a raised cross walk cable installed, and northern access to the trail will be limited to pedestrians and bicycles only. He also mentioned the removal of a loading dock and the installation of a sidewalk and landscaping. Staff recommends approval of Ordinance 19-19 and 19-20.

There was discussion on the removal of the loading dock, parking, and installation of a raised table to give a speed bump type of effect.

Mayor Rees opened the public hearing.

Ron Mueller, 709 Lake Cove Pointe Circle, Winter Garden, Florida addressed staff conditions that limit the time for the sale of alcohol; noting the allowance of the sale of a product that cannot be sold throughout the life cycle of the hours established. He indicated that studies have proven that consumption of alcohol is at a higher rate sometimes due to certain prohibitions. He requested that these limitations be reviewed and possibly changed so that the sale coincides with the restaurant's hours.

Mr. Mueller also spoke in favor of how the Tildenville School Road concerns are being handled.

Sarah Wolfe, 221 N. Boyd, Winter Garden, Florida inquired of the number of parking spaces allotted for this property and wondered if the 127 spaces noted by staff would be sufficient. City Manager Bollhoefer responded by explaining how certain businesses have had their hours staggered in order to ensure that the 127 spaces would be used as shared parking. He noted that monitoring this issue would be done and the City could actually disallow certain types of businesses in this area as a failsafe.

Mayor Rees closed the public hearing.

Mayor Rees requested staffs comments on the 10:00 p.m. versus 11:00 p.m. time issue. City Manager Bollhoefer recommended leaving this as is for now and reviewing the issue before the seconding reading. He offered that the last call for drinks could be at 10:30 p.m. before closing, but would first like to do some research.

Motion by Commissioner Buchanan to approve Ordinance 19-19 and 19-20 with staff review of the alcohol consumption time limitation before the second reading and public hearing on June 27, 2019. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. **Ordinance 19-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.58 +/- ACRES OF LAND GENERALLY LOCATED AT 8 N HIGHLAND AVENUE ON THE NORTHWEST CORNER OF N HIGHLAND AVENUE AND W PLANT STREET, FROM R-2 (RESIDENTIAL) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS **THE WINTER GARDEN HOTEL PCD**; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinance 19-21 by title only. City Manager Bollhoefer stated that this will be the fifth public hearing on this issue. He shared information about an extensive presentation he had given at the last Planning and Zoning meeting; noting that tonight's presentation would be a condensed version. He shared history of the redevelopment of the City of Winter Garden's downtown and its statewide recognition. Mr. Bollhoefer provided a brief PowerPoint Presentation. Some items noted were the City's investment into infrastructure, planning staff, layout of the area, he noted that there were no ugly sides. He also spoke of architectural structures in other cities that did not fit their surroundings. He further addressed issues of parking management, wayfinding signs, potential Uber designated spaces, golf cart shuttles and possible downtown ambassadors. He pointed out that these designs were only conceptual. He also addressed related items such as the purchasers of the property being Crown Towers, proposed uses for the little league fields, dedicated parking spaces on top of the parking garage rooftop and other parking issues. There was also discussion on this hotel having 60 rooms and being a boutique hotel.

City Manager Bollhoefer also addressed the increase of investment by investing in the downtown and how it drives property values for the entire city. He spoke of the location, activity zones, guests being close to businesses and people being able to walk to amenities. He further addressed the concerns of some that feel that it will have an effect on the historical district next door. He shared that the residents closest to this development fully support this hotel and it is not thought to have an impact on the historical district. He shared key quotes on how vital a hotel is to a downtown; emphasizing that it is a key ingredient to success. He noted that a fact sheet had been provided and read how some of the other issues that would be addressed.

Commissioner Sharman inquired as to whether there would be a charge for the use of valet parking on the top deck of the parking garage. City Manager Bollhoefer responded no. The City does not actually charge anyone for parking and explained the alternative

of all good parking spaces being taken without this option. In allowing this valet parking, the City steers the parking to a specific area and reserves parking spaces for patrons and visitors.

Mayor Rees opened the public hearing.

The following people addressed the City Commission and expressed their viewpoints in favor of this item:

Business owner	Dennis Jones	Wheel Works & Winter Garden Merchants Assn.
Business owner	Robert Scott	Crooked Can Brewing Company and Resident
Resident	Jay Conn	205 S. Lakeview Avenue
Business owner	Patrick Campbell	Within 100 S. Plant Street
Resident	Curtis Gunter	128 N. Highland Avenue
Business owner	Kari Flack	Within 100 S. Plant Street (Real Estate Collection)
Resident	Ralph F. Hensel Jr	Bay Street Apartments

Speakers during the public hearing discussed issues such as good foot traffic, attraction to the downtown, it being a well-designed and unique project, having the pleasure of a downtown that is bustling and vibrant, and the great need for this kind of hotel.

Mr. Hensel also requested that the City Commission take into consideration some additional housing for the low income.

Also discussed was the tax dollars that would be generated and the need for a larger hotel near the turnpike.

Mayor Rees closed the public hearing.

Motion by Commissioner Bennett to approve Ordinance 19-21 with the second reading and public hearing June 27, 2019. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- D. **Ordinance 19-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 9.945 +/- ACRES OF LAND GENERALLY LOCATED AT 15500 WEST COLONIAL DRIVE AT THE SOUTHWEST CORNER OF WEST COLONIAL DRIVE AND TUCKER OAKS BOULEVARD, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS **THE TUCKER OAKS COMMERCIAL PCD**; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinance 19-25 by title only. Community Development Director Pash described the location of the property. He stated that staff has worked with the applicant; requesting that they go through the PCD zoning process, which allows the City greater restrictions and stipulations, as well as offer design guidelines. He described the improvements and noted that there would be three commercial buildings with one drive-through facility. There will be medical office buildings designed to look like residences. He stated that the ordinance has guidelines for landscaping, site improvements, as well as the architectural design. Staff recommends approval of Ordinance 19-25.

City Manager Bollhoefer shared that this is Schmidt Construction, the largest commercial contractor in Central Florida. He expressed that it is a great opportunity for the City of Winter Garden to get these types of businesses to come into Winter Garden. He shared how they moved here first and then wanted their business nearby, which has become one of the City's best tools for economic development.

Commissioner Maciel inquired about the applicant having other tenants. Mr. Pash noted that they are working on one surgery center.

Commissioner Buchanan inquired about the entrance off of State Road 50. Mr. Pash noted that there is cross access across the site which will be used by everyone. Discussion ensued on proposed uses. Commissioner Buchanan noted his concern was for fire safety and access to the property. Mayor Rees addressed access and traffic issues.

Motion by Commissioner Buchanan to approve Ordinance 19-25 with the second reading and public hearing June 27, 2019. Seconded by Commissioner Sharman.

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

Motion carried unanimously 5-0.

- E. **Ordinance 19-31**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 114, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING LANDSCAPING TO ADD A NEW SECTION 114-40 TO CREATE ADDITIONAL AND SUPPLEMENTAL REGULATIONS FOR GOLF COURSE MAINTENANCE REQUIREMENTS; PROVIDING FOR STANDARDIZED UPKEEP AND MOWING PRACTICES FOR GOLF COURSES LOCATED WITHIN THE JURISDICTION OF THE CITY OF WINTER GARDEN; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Langley read Ordinance 19-31 by title only. Community Development Director Pash stated that this Ordinance is an amendment to Chapter 114; adding section 114-40. It creates standards for the maintenance of golf courses. Staff recommends approval of Ordinance 19-31.

Commissioner Sharman inquired as to whether the City would have to mow and back charge in the event it is not maintained by the owner. Mr. Pash responded that this would then become a Code Enforcement issue.

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

Motion by Commissioner Sharman to approve Ordinance 19-31 with the second reading and public hearing June 27, 2019. Seconded by Commissioner Maciel and carried unanimously 5-0.

- F. **Ordinance 19-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE I, ARTICLE III AND ARTICLE V OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN GOVERNING SUBDIVISIONS OF LAND CONCERNING DEFINITIONS, EXEMPTIONS FROM SUBDIVISION REQUIREMENTS, SUMMARY PROCEDURES FOR LOT ADJUSTMENTS, LOT SPLITS AND LOT COMBINATIONS AND VACATION OF PLATS AND PLAT DEDICATIONS; PROVIDING FOR COMBINATION OF CONTIGUOUS NONCONFORMING LOTS UNDER COMMON OWNERSHIP; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Langley read Ordinance 19-32 by title only. Community Development Director Pash stated that this Ordinance is an amendment to Chapter 110 which clarifies lot adjustments and lot combination. It creates code sections and codifies what the City has been doing through the lot split process. This makes it a new process that is completed administratively and reviewed by the Development Review Committee (DRC). The amendment also allows the Community Development Director the ability to waive the requirement for preliminary plat approval if there is less than three lots in the subdivision. It also creates code requirements for plat vacations. Staff recommends approval of Ordinance 19-32.

Commissioner Sharman requested that Community Development Director Pash describe the long process that is currently required for lot splits or combinations. Mr. Pash obliged by stating that they are similar; noting that they supply the same documents and go through the Development Review Committee. He noted that this outlines and codifies those pieces. It may still require that they go through an entire plat process. Mr. Pash further explained the process and the differences. Commissioner Sharman noted that in his history of being on the City Commission he is not aware of one of these ever

being denied. Mayor Rees noted that this lengthy process is being eased for both the work load of staff and the resident looking to get it done. City Manager Bollhoefer shared how it helps in the elimination of the bureaucracy. Commissioner Sharman noted that in his 12 years as a City Commissioner he has never seen opposition for these items and thinks this will help the applicant and staff. Mayor Rees noted that there is still the opportunity that they can still appeal to the City Commission.

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

Motion by Commissioner Maciel to approve Ordinance 19-32 with the second reading and public hearing June 27, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.

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

- A. **Ordinance 19-23:** AN ORDINANCE OF THE CITY COMMISSION AMENDING CHAPTER 90 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES TO PROVIDE FOR COORDINATION WITH THE FLORIDA BUILDING CODE (FBC) REGARDING PERMITTING, CONSTRUCTION AND STANDARDS RELATING TO FLOODS; PROVIDING FOR INTENT AND APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Langley read Ordinance 19-23 by title only. City Engineer Jim Monahan stated that this a requirement of the National Flood Insurance Program. Staff recommends approval.

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

Motion by Commissioner Sharman to adopt Ordinance 19-23. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. **Ordinance 19-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2018-2019 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Finance Director Zielonka stated that this is the second reading of Ordinance 19-24 and the exhibit was not changed. She noted that there was one question from last meeting regarding the fund balance reserve. She informed that it is at 33 percent, which is slightly higher than the goal of 30 percent.

Mayor Rees inquired as to whether this is cash and not assets. Ms. Zielonka responded that it is cash.

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

Motion by Commissioner Buchanan to adopt Ordinance 19-24. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Resolution 19-04:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Resolution 19-04 by title only. City Manager Bollhoefer stated that this part of State Road 50 construction was completed subsequent to the project being done in Winter Garden. He noted that the landscaping was not completed at the time. This will allow the City to complement all of the rest of the landscape done throughout the rest of the City, keeping all medians looking the same. He noted that the cost for installing this will be approximately \$365,000. He noted that \$200,000 will come from the general fund and \$165,000 will come from impact fees. He mentioned the prior work done on the entire length of State Road 50 being over \$2 Million and quite costly. The City will be absorbing the yearly fees to maintain the medians and Mr. Bollhoefer addressed the upkeep of the medians. There was discussion on the cost for the upkeep and the hiring of City staff to take over this type of maintenance.

Motion by Commissioner Sharman to approve Resolution 19-04. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. **Recommendation to approve 2019 SPECIAL EVENTS by City of Winter Garden:**

4 th of July Party in the Park	Newton Park	Thursday	July 4	6:00 to 9:30 p.m.
Back to School Bash	Zanders Park	Saturday	August 3	12:00 to 2:00 p.m.
Halloween Fest	Downtown	Thursday	October 31	6:00 to 8:00 p.m.
Light Up Winter Garden	Downtown	Friday	December 6	6:00 to 9:00 p.m.
Christmas Parade	Downtown	Saturday	December 7	1:00 to 3:00 p.m.

Community Development Director Pash stated that these are several of the City events and listed them giving some details about each event. He noted that these are City-sponsored events, run by departments such as the Parks and Recreation, Public Services, Fire, and Police. He noted that they would run the same as previous years and staff recommends approval of the events.

Motion by Commissioner Buchanan to approve 2019 Special Events by the City of Winter Garden as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC** – There were no items.
6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER**

Architecture for Florida Hospital

City Manager Bollhoefer noted that he had distributed for the City Commission's review, copies of architecture for the Florida Hospital. He noted that there has been extensive review and believe that it agrees with what was submitted originally. He requested that they review it and contact him with any questions or comments.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman thanked staff for correcting the intersection signaling at CR 535 at the exit of State Road 429 at StoneyBrook Parkway. He noted that it has been a few weeks and it is still moving along well.

Commissioner Bennett thanked staff for all of their hard work with all of the community meetings related to the hotel. She noted that she had some of the same concerns and by the end of the community meetings all of those concerns were answered adequately. She expressed that it is a gorgeous project. She again thanked staff and noted that this kind of effort is done every single time and is appreciated.

Mayor Rees echoed Commissioner Bennett's comments noting that there were two fairly harsh project on this evening's agenda and it is not by accident that tonight's meeting was very calm and analytical on everything. He emphasized that it was because of the City Manager and City staff who worked hard to incorporated the residents' concerns into the final project. He expressed that it is very much appreciated and thanked staff.

The meeting adjourned at 7:38 p.m.

APPROVED:

/S/

Mayor John Rees

ATTEST:

/S/

City Clerk Angee Grimmage, CMC