



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

July 11, 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

Absent: Commissioner 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, 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 Buchanan to approve regular meeting minutes of June 27, 2019 as submitted. Seconded by Commissioner Maciel and carried unanimously 4-0.

2. **PRESENTATIONS**

A. A **Legislative Update** was presented by Florida House of Representatives District 44 Geraldine Thompson highlighting laws enacted during the legislative session of 2019. She also addressed topics such as legislation she supported as well as legislation she opposed. Ms. Thompson also informed of various funding items approved during the legislative session.

B. **OATH OF OFFICE – NEW OFFICERS**

Introduction and Oath of office to new officers Keaton Lang, Terry Westwood, and Andrew Cisowski was given by Police Chief Graham.

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

A. **Ordinance 19-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.95 ± ACRES LOCATED AT 12920 REAVES ROAD, ON THE NORTHWEST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, 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 19-27:** 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 8.95 ± ACRES LOCATED AT 12920 REAVES ROAD, ON THE NORTHWEST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 19-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.80 ± ACRES LOCATED AT 12921 REAVES ROAD, ON THE NORTHEAST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, 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
- D. **Ordinance 19-29:** 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 1.80 ± ACRES LOCATED AT 12921 REAVES ROAD, ON THE NORTHEAST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 19-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 10.75 +/- ACRES OF LAND GENERALLY LOCATED AT 12920 & 12921 REAVES ROAD ON THE NORTHWEST AND NORTHEAST CORNERS OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY A-1 (AGRICULTURAL) AND R-CE-2 (RURAL RESIDENTIAL) TO CITY PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE STONEYBROOK SENIOR LIVING PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley informed that these five ordinances were postponed to a date uncertain at the Planning and Zoning Board meeting which will not allow the City Commission to move forward on these items. He requested that the City Commission motion to postpone these items to a date uncertain.

Motion by Commissioner Buchanan to POSTPONE Ordinances 19-26, 19-27, 19-28, 19-29, and 19-30 to a date uncertain. Seconded by Commissioner Bennett and carried unanimously 4-0.

- F. **Ordinance 19-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 631 PAMELA AVENUE, WEST

OF COKE AVENUE, EAST OF PAMELA AVENUE, AND SOUTH OF STORY 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

- G. **Ordinance 19-34:** 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 0.22 ± ACRES LOCATED AT 631 PAMELA AVENUE, WEST OF COKE AVENUE, EAST OF PAMELA AVENUE, AND SOUTH OF STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- H. **Ordinance 19-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES LOCATED AT 631 PAMELA AVENUE, WEST OF COKE AVENUE, EAST OF PAMELA AVENUE, AND SOUTH OF STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Mayor Rees informed that Ordinances 19-33, 19-34 and 19-35 had been **WITHDRAWN** by the applicant and no action is required at this time.

- I. **Ordinance 19-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 28.32 ± ACRES LOCATED AT 14908 AND 14950 TILDEN ROAD, EAST OF STATE ROAD 429, WEST OF WINTER GARDEN VINELAND ROAD, AND SOUTH OF TILDEN 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
- J. **Ordinance 19-37:** 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 28.32 ± ACRES LOCATED AT 14908 AND 14950 TILDEN ROAD, EAST OF STATE ROAD 429, WEST OF WINTER GARDEN VINELAND ROAD, AND SOUTH OF TILDEN ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinances 19-36 and 19-37 by title only. Community Development Director Pash stated that this is a request to annex a property that is approximately 28 acres and he described the location. He noted that the application also requests a future land use designation of suburban residential and they are also applying for a planned unit development to build a single family neighborhood. Staff recommends approval of Ordinance 19-36 and 19-37 with the second reading after State comments. There was discussion on there being 64 units proposed and that the location is across from the Emerald Ridge subdivision.

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

Motion by Commissioner Maciel to approve Ordinance 19-36 and 19-37 with a second reading and public hearing after State review. Seconded by Commissioner Bennett and carried unanimously 4-0.

- K. **Ordinance 19-39:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-1653, ARTICLE XIV OF CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES TO CLARIFY THE PLANT STREET STREETSCAPING REQUIREMENTS; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinance 19-39 by title only. This section of the code has two treatments required for streetscape; one is shown as optional and the other is required. He noted that a clarification statement is being added to make it very clear that it is optional and not required; as there had been some confusion about it. Staff recommends approval of Ordinance 19-39.

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

Motion by Commissioner Buchanan to approve Ordinance 19-39 with a second reading and public hearing July 25, 2019. Seconded by Commissioner Maciel and carried unanimously 4-0.

4. **REGULAR BUSINESS**

- A. **Recommendation to approve setting the proposed MILLAGE RATE for fiscal year 2019/2020 at the current rate of 4.5000 mills and schedule budget public hearing dates for September 12th and 26th at 6:30 p.m.**

City Manager Bollhoefer stated that this is to approve the proposed millage rate. He explained how once it is approved it can be lowered at a future meeting but cannot be raised. This also establishes the budget public hearing dates for September 12 and September 26. He indicated that it is believed that 4.5000 mills would be a necessary millage for moving the City into the future. He described some of the benefits this millage will allow and urged the City Commission consideration as staff recommends approval.

Motion by Commissioner Buchanan to approve setting the proposed millage rate for fiscal year 2019/2020 at the current rate of 4.5000 mills with budget public hearing dates September 12th and 26th at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 4-0.

B. Recommendation to approve Pegasus Engineering, LLC to design and permit Marsh Road widening and roundabout improvements project in the amount of \$324,639.23

Assistant City Manager for Public Services Williams stated that the design proposal provides for the widening of Marsh Road from the existing 2-lanes to 4-lanes. He noted that it is from Avalon Road to Johns Lake Overlook Drive. He explained the components of the project, noting an addition of a roundabout at the intersection of Johns Lake Overlook Drive and Marsh Road, stormwater pond to accommodate drainage and a proposed fire station.

Motion by Commissioner Buchanan to approve Pegasus Engineering, LLC to design and permit Marsh Road widening and roundabout improvements project in the amount of \$324,639.23. Seconded by Commissioner Maciel and carried unanimously 4-0.

C. Recommendation to approve a collective bargaining agreement between the City of Winter Garden and the Florida State Lodge, Fraternal Order of Police, Inc., for the period of October 1, 2019 to September 30, 2022

Assistant City Manager for Administrative Services Gilbert stated that his opening comments address both items 4.C and 4.D on the agenda. Mr. Gilbert informed that after several months of negotiating with both unions, Police and Fire, simultaneously; agreements with both bargaining units were completed. He indicated that a significant amount of information was presented to the City Commission during the negotiations recap meeting held on June 27, 2019.

Mr. Gilbert acknowledged some of the participants and complimented the union leadership and their bargaining unit team members. He noted that the negotiations were professional, cordial, and productive. He noted that the primary goal of the negotiations as agreed upon by both unions and the City was the focus on retention of our employees and recruiting of new employees. Mr. Gilbert recognized and acknowledged Human Resources Director Cheryl Jones, Finance Director Laura Zielonka, City Manager Bollhoefer, and both the Fire and Police Chiefs for their efforts in these negotiations and finalization of the agreements.

Mr. Gilbert noted that both contracts were overwhelmingly approved and ratified by the bargaining unit members. He then presented the first item 4.C noting that it is a collective bargaining agreement between the City of Winter Garden and the Florida State Lodge, Fraternal Order of Police, Inc., for the period of October 1, 2019 to September 30, 2022. He noted that it was ratified on June 21, 2019. He informed that there was also an addendum A included which is the Master Police Officer (MPO) program which will go into effect the following pay period after approval of the contract by the City Commission. Staff recommends a motion for approval of this collective bargaining agreement.

Commissioner Maciel thanked both sides of the negotiations noting it definitely makes the City Commission's job easier and Mayor Rees agreed.

City Manager Bollhoefer thanked staff for their efforts in these negotiations.

Motion by Commissioner Maciel to approve a collective bargaining agreement with Fraternal Order of Police, Inc. for a period of October 1, 2019 to September 30, 2022 to include all addendums. Seconded by Commissioner Bennett and carried unanimously 4-0.

- D. Recommendation to approve a collective bargaining agreement between the City of Winter Garden and the Winter Garden Professional Firefighters, International Association of Firefighters, Local 4947 for the period of October 1, 2018 to September 30, 2021

Assistant City Manager for Administrative Services Gilbert stated that this is item 4.D a collective bargaining agreement between the City of Winter Garden and the Winter Garden Professional Firefighters, International Association of Firefighters, Local 4947. He noted that the period covered is October 1, 2018 to September 30, 2021. Staff recommends approval.

City Manager Bollhoefer thanked staff for their efforts in these negotiations noting that they were amazing and cordial negotiations.

Commissioner Buchanan noted that these kinds of negotiations could have been difficult and he thanked staff for their efforts in working on this.

Motion by Commissioner Buchanan to approve a collective bargaining agreement with International Association of Firefighters, Local 4947 for a period of October 1, 2018 to September 30, 2021. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- E. Recommendation to approve SITE PLAN for 2000 Fowler Grove Boulevard (AdventHealth Winter Garden Patient Bed Tower), subject to conditions

Community Development Director Pash stated that this is the site plan for the Florida Hospital medical bed tower. He noted that this includes a 7-story 300,000 square foot building with associated site improvements. It is consistent with the approved Planned Commercial Development (PCD) ordinance. Staff recommends approval, subject to conditions as outlined in the DRC report.

There was discussion on the start date of the project and it was noted as quickly as possible. Mr. Pash described the steps they would need to take before starting noting that this is the site plan with the building permit process to follow.

Motion by Commissioner Bennett to approve site plan for AdventHealth Winter Garden Patient Bed Tower located at 2000 Fowler Grove Boulevard, subject to conditions. Seconded by Commissioner Buchanan and carried unanimously 4-0.

F. Recommendation to approve SITE PLAN for 14190 West Colonial Drive (Goodwill), subject to conditions

Community Development Director Pash described the location of this property and noted that it is part of the West Market PCD. He noted that a new Goodwill store is proposed for this location. He shared that it is approximately 25,000 square feet and described some of the associated site improvements. He noted that all of this is consistent with the PCD and staff recommends approval, subject to conditions as stated in the DRC report.

Commissioner Maciel noted that he would recuse himself from this item as he has a financial interest in this property.

City Manager Bollhoefer spoke of the new designed buildings for Goodwill stores nationwide. Mayor Rees indicated that he pleased to know it was not another fast food restaurant. Commissioner Bennett commented that this would be a move across the street from the current location.

Motion by Commissioner Buchanan to approve the site plan for Goodwill located at 14190 West Colonial Drive, subject to conditions. Seconded by Commissioner Bennett.

Mayor Rees inquired as to plan for the current Goodwill location and if any information was available about what might go in this location. Mr. Pash noted that there was no information at this time.

Motion carried unanimously 3-0-1; Commissioner Maciel abstained.

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

Community Development Director Pash noted that this item is for 1080 Lincoln Terrace and was on the March 28, 2019 agenda for the same request. He shared that back in 2007 fines were incurred and as of today the fines amount to \$1,080,500. He noted that the previous owner pulled permits and never completed the work and has since passed away. He informed that the State is trying to sell the property and the previous purchaser fell through and now there is a new buyer. He informed that with those liens are also unpaid utility bills that total \$7,356.22. He reminded that the City Commission previously agreed to allow reduction in an amount of \$10,000 to cover the City's costs. Staff recommends approval of the same reduction amount of \$10,000 to be paid by July

26, 2019. He indicated that permits must be pulled by a licensed contractor and all work must be completed by January 1, 2020.

Motion by Commissioner Buchanan to reduce and remove Code Enforcement liens for 1080 Lincoln Terrace (Code Case No. 07-981) if paid by July 26, 2019 and staff recommendations. Seconded by Commissioner Maciel and carried unanimously 4-0.

5. MATTERS FROM PUBLIC

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, voiced concerns regarding the City's current invocation policy and suggested that it should be changed back to a moment of silence or eliminated.

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

7. MATTERS FROM CITY MANAGER

City Manager Bollhoefer noted that he would be addressing two items that have been in the newspaper.

Vacation Rentals within Subdivisions

Mr. Bollhoefer noted that he would like to look into this issue with the City's Attorney noting that we cannot disallow it but may be able to regulate them. He stated that we do not want our residential communities to be overrun with rental properties for vacationers.

Puppy Mills

Mr. Bollhoefer noted that this has been discussed a few times and a few communities have outlawed puppy mills. He noted that we would like the legislature to outlaw these due to animal cruelty issues. He noted that this would be reviewed and brought back to the City Commission.

Fireworks Policy

Mr. Bollhoefer shared that the Fireworks Policy has worked very well, noting that there were only a few instances where people did not follow the rule but overall there has been a significant improvement.

July 4th Staff Contributions

Mr. Bollhoefer noted that the City received a lot of calls and complements on the 4th of July event which went very well.

