



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

December 6, 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, and Colin Sharman

Vacant: Commissioner District 3

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 Makin to approve the regular meeting minutes of November 10, 2016 as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0.

2. **OATH OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

This item was postponed until the next City Commission meeting.

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

A. **Ordinance 17-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.4 ± ACRES LOCATED AT 535 WEST PLANT STREET GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST PLANT STREET AND NORTH PARK AVENUE FROM CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-02 by title only. Community Development Director Pash gave the location of the property and stated that the owners are requesting to rezone the property from R-NC to C-1 which is consistent with the property next door and the surrounding area. He stated that nothing is changing and it will continue to be offices for now. Staff recommends approval.

Mayor Rees clarified that there will be offices for now but inquired as to if there was anything in the works. Mr. Pash responded that there is nothing in the works to change the use.

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

Motion by Commissioner Buchanan to approve Ordinance 17-02 with the second reading and public hearing being scheduled for January 12, 2017. Seconded by Commissioner Makin and carried unanimously 4-0.

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 16-61:** 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 54-190, CONTRIBUTIONS; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-214, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 54-215, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-61 by title only. Assistant City Manager of Administrative Services Gilbert stated that this is the second reading of Ordinance 16-61 which does implement changes required by the Internal Revenue Code as prepared by the City's Pension Attorney. This has also been agreed to through the Collective Bargaining Agreement with the Florida State Lodge, Paternal Order of Police. Staff recommends approval of this Ordinance.

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

Motion by Commissioner Buchanan to adopt Ordinance 16-61. Seconded by Commissioner Makin and carried unanimously 4-0.

5. **REGULAR BUSINESS**

At this time Mayor Rees dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:36 p.m.

- A. **Appointment to the Community Redevelopment Advisory Board for expired term of Alan Haughey to a three-year term**

Economic Development Director Gerhartz stated that the CRA Advisory Board met last month and are recommending that an eighth member be added to their board which is Tara Moore. She referred the agency members to the applications provided in the agenda packet.

B. Appointment to the Community Redevelopment Agency for expiring term of agency member Cappleman to a four-year term

Economic Development Director Gerhartz stated that the CRA Advisory Board are also recommending Larry Cappleman be appointed as the sixth member of the CRA for another four year term.

There was discussion on the methods for breaking a potential tie vote on a board that has eight members. City Manager Bollhoefer does not feel that will be an issue. The extra person does assist in ensuring there are enough members to meet the required quorum. Ms. Gerhartz noted that there are nine members because Orange County has an appointee that typically does not attend.

Motion by Agency Member Makin to approve appointing Tara Moore to the Community Redevelopment Advisory Board for a three-year term and appointing Larry Cappleman to the Community Redevelopment Agency for a four-year term. Seconded by Agency Member Sharman and carried unanimously 4-0.

Agency Chairman Rees adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 6:38 p.m.

C. Recommendation to approve special event requested by the Winter Garden Art Association on Friday, February 24, 2017 from 6 p.m. to 10 p.m. with consumption of alcohol within a restricted area

Community Development Director Pash stated that the Winter Garden Art Association holds an annual fundraising event. During next year's event staff expects a lot of construction to be occurring on the property to the north, so they are requesting to use the City's Pavilion for that event.

Mr. Pash stated that the event would be held on Friday, February 24, 2017 from 6:00 p.m. to 10:00 p.m. with the consumption of beer and wine within a restricted area. They are also requesting permission to set everything up Thursday evening between 5:00 p.m. and 11:00 p.m. with honor guards watching it overnight. Staff has reviewed the request and recommends approval.

Motion by Commissioner Sharman to approve the special event requested by the Winter Garden Art Association on Friday, February 24, 2017 from 6 p.m. to 10 p.m. with consumption of alcohol within a restricted area. Seconded by Commissioner Buchanan and carried unanimously 4-0.

D. Recommendation to approve a Right-of-Way Maintenance Agreement with Oakland Park Association, Inc. for Phase 4B

Community Development Director Pash stated that this is the Right-of-Way Maintenance Agreement for Phase 4B of Oakland Park. It allows the developer and the neighborhood to install additional landscaping, irrigation, and signage. It also holds them responsible for all maintenance. Staff recommends approval of the Right-of-Way Maintenance Agreement.

Motion by Commissioner Sharman to approve Recommendation to approve a Right-of-Way Maintenance Agreement with Oakland Park Association, Inc. for Phase 4B. Seconded by Commissioner Buchanan and carried unanimously 4-0.

E. Recommendation to approval Final Plat Phase 4B of Oakland Park subject to Development Review Committee conditions

Community Development Director Pash stated that this is the Final Plat for Phase 4B of Oakland Park which is 58 single family lots and it is consistent with the Planned Unit Development. It has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval.

Mayor Rees commented on his current concerns with traffic to the mall and that the area is starting to feel packed in. He stated that he knows that this is not an apartment complex but it has 58 units on 13 acres, which with R-1 would be somewhat less than that. He expressed that the City has come a long way with this but he feels that the City should spread the growth out a little bit to prevent overcrowding. He voiced that he is hearing concerns about what is being done to the surrounding area out there, in particularly to the trees. He noted that his comments were for future reference.

There was discussion on other roads in that area and traffic options.

Motion by Commissioner Buchanan to approve Final Plat for Phase 4B of Oakland Park subject to Development Review Committee conditions. Seconded by Commissioner Makin and carried unanimously 4-0.

F. Recommendation to approve Final Plat for Oxford Chase subject to Development Review Committee conditions

Community Development Director Pash stated that this is the Final Plat for 103 single family lots in the Oxford Chase Subdivision formally known as the Sessions Property. It is consistent with the Planned Unit Development and has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval.

Commissioner Sharman asked about DRC's recommendations. Mr. Pash noted that they are the City's standard plat conditions for recording the Mylar that appears on the front page.

Motion by Commissioner Sharman to approve Final Plat for Oxford Chase subject to Development Review Committee conditions. Seconded by Commissioner Makin and carried unanimously 4-0.

G. **Recommendation to purchase a budgeted Vac-Con (sewer cleaning) truck from Southern Sewer Equipment and Nextran Mack under the Florida State Sheriffs contract for a total purchase price of \$411,106.58**

Assistant City Manager Public Service Cochran stated that staff is requesting postponement of this item for further evaluation. This item will be brought it back to the City Commission at a later date.

H. **Recommendation to approve renewing a four-year Inter-local Voluntary Mutual Aid Agreement with multiple law enforcement agencies**

Police Chief Brennan stated that our current Mutual Aid Agreement, with other municipalities, expires January 1, 2017. He noted that this item extends the mutual aid agreement for another four years. Staff recommends authorizing the Mayor and Police Chief to execute the agreement.

Motion by Commissioner Sharman to approve renewing the submitted four-year Inter-local Voluntary Mutual Aid Agreement with multiple law enforcement agencies. Seconded by Commissioner Makin and carried unanimously 4-0.

I. **Recommendation to accept proposal from Pegasus Engineering for the design and permitting of a roundabout at Windermere and Roberson Road for \$173,563.76**

City Manager Bollhoefer stated that this roundabout has been discussed for many years and the engineer has given the City a very good price. He explained that staff has discussed this with other engineers who have given significantly higher prices, plus they were not able to meet the timeframe. He anticipates that the construction can start at the end of this school year and a lot of the work will be done during the summer but may go out to six months due to the extended amount of piping.

Commissioner Makin noted that he saw large power poles in this area. Mr. Bollhoefer stated that the road has been shifted in order to keep the costs low and to not have to move one of the power poles. Mr. Bollhoefer shared staff used an expert in roundabouts who will be doing this job. There was discussion on issues at the intersection and repaving in the area. Commissioner Makin wanted to be sure that the City was not paying twice for asphalt. Mr. Bollhoefer responded no, the City has worked this into the plan and timed it so that we do not pay twice.

Motion by Commissioner Sharman to approve the proposal submitted from Pegasus Engineering for the design and permitting of a roundabout at Windermere and Roberson Road for \$173,563.76. Seconded by Commissioner Buchanan and carried unanimously 4-0.

J. **Resolution 16-10:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE INDIVIDUALS QUALIFIED AND ELIGIBLE TO RUN AS CANDIDATES IN THE JANUARY 24, 2017 SPECIAL ELECTION TO FILL THE VACANCY ON THE CITY COMMISSION, DISTRICT 3, RESULTING FROM THE RESIGNATION OF COMMISSIONER ROBERT "BOBBY" OLSZEWSKI; PROVIDING DIRECTIONS TO THE CITY CLERK

City Attorney Ardaman read Resolution 16-10 by title only. City Clerk Golden stated that she has distributed the results at the end of qualifying. She shared that there were three people qualifying; Patricia Ann Angry, Harold L. Boulter and Mark Maciel.

Commissioner Buchanan thanked City Clerk Golden for all the work involved with running this Special Election due to the resignation of Commissioner Olszewski who resigned to run for an Orange County seat.

Motion by Commissioner Makin to approve Resolution 16-10. Seconded by Commissioner Sharman and carried unanimously 4-0.

K. Appointment to the Election Canvassing Board to fill Rachel Saunders seat

City Clerk Golden stated that with the appointment of Rachel Saunders to another board, this created a vacancy of our second alternate seat on the Election Canvassing Board. Ms. Golden noted that only one interest application was submitted for consideration.

Commissioner Sharman asked if this was for the stand by member and Mayor Rees responded yes.

Motion by Commissioner Sharman to appoint John Edward Murphy to the Election Canvassing Board to fill the second alternate seat of Rachel Saunders. Seconded by Commissioner Makin and carried unanimously 4-0.

L. Recommendation to affirm reappointment of Trustee member Mark Griffith to the General Employees' Pension Board for a two-year term contingent upon the results of the Pension Trustee meeting the same date

Motion by Commissioner Buchanan to affirm the reappointment of Trustee Member Mark Griffith to the General Employees' Pension Board for a two-year term. Seconded by Commissioner Makin.

City Clerk Golden confirmed that the Pension Board met this afternoon and unanimously recommended Mark Griffith.

Motion carried unanimously 4-0.

6. MATTERS FROM PUBLIC

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, stated that he has four unaddressed issues by the City Manager and asked for the status. City Manager Bollhoefer stated that he emailed him today and if he could give him a call he would go over them with him.

Mr. Richardson asked if there was clarification as to whether Mr. David Williamson was eligible for the invocators list. Mr. Bollhoefer stated that the email did not; it did request Mr. Richardson call him to discuss that issue.

Mr. Richardson sought clarification that in order to be on the invocators list, one would have to be part of a 501(c)3 organization. City Attorney Ardaman advised the Mayor that this is not the time for discussion but for citizen comment.

Mr. Richardson pointed out that as far as he can tell there have been some individuals giving the invocation that do not meet the 501(c) 3 requirement and urged that their organizations be removed from the list. He does not think that the individuals should be banned from the list but they should be representing organizations that are actual 501(c) 3 organizations. He further suggested modifying the policy to remove the 501(c) 3 restriction and use some other type of restriction or get rid of invocations altogether.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer recognized Laura Coar of the City's staff in regards to the downtown area, stating that she has taken over that department and has taken Winter Garden to a whole new level when it comes to all the landscaping. He also thanked all staff in their efforts and recognized them and their staff for far exceeding any other year.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin thanked staff for their efforts in the Light Up Winter Garden event and noted that he thinks it was the biggest turn out.

Commissioner Buchanan also noted that it was crowded and people were enjoying it so much that they were hanging around afterwards. He also noted the same thing for the Christmas Parade, which was fabulous. He also thanked all the staff for their efforts and stated that he enjoyed it.

Commissioner Sharman thanked Police Chief Brennan and City Manager Bollhoefer for coming out to a tough HOA meeting with him.

Mayor Rees echoed comments on the City staff and stated that if you drive through town right now it looks absolutely wonderful. He stated that all the work involved is not overlooked by the City Commission or the residents of Winter Garden. He reiterated that the City is most grateful and he wanted to say thank you to the staff.

The meeting adjourned at 6:59 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC