



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 9, 2017

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, Mark A. Maciel, and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, 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 Buchanan to approve the regular meeting minutes of January 26, 2017 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

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

Police Chief Brennan introduced and administered the oath of office to new Police Officers Michael Augusto and Darrell Brown. Mayor Rees and the City Commission welcomed the new officers.

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

A. **Ordinance 17-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-26, DEFINITIONS; AMENDING SECTION 54-27, MEMBERSHIP; AMENDING SECTION 54-29, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 54-31, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-32, PRE-RETIREMENT DEATH BENEFITS; AMENDING SECTION 54-33, DISABILITY; AMENDING SECTION 54-35, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-39, MAXIMUM PENSION; ADDING SECTION 54-49, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 54-51, PRIOR GOVERNMENT SERVICE; AMENDING SECTION 54-52, RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-01 by title only. Assistant City Manager of Administrative Services Gilbert stated that this ordinance implements several Internal Revenue Service (IRS) requirements. It also provides for a deferred retirement option plan and also decreases the age of normal retirement. Staff recommends approval.

Mayor Rees sought clarification as to the unfunded accrued liability increasing as well as the contribution amount; his rough calculation comes to an increase of \$175K a year. He asked if these increases would this be made up with the Fire Insurance Revenue Trust which would net no added expense for the City. City Manager confirmed that it is zero for the first 20 years and over 30 years the actuarial pension fund manager who stated that it is actually a wash. We are currently funded at 99.7%, which is probably the best funding in the State of Florida.

Mayor Rees noted that the actuarial experience study was based on 2007 which is ten years old and asked if they still felt comfortable with the results and is it applicable to this. Mr. Gilbert assured Mayor Rees that he believes it is all still accurate and the valuation is updated every year.

Commissioner Sharman sought clarification on the changes being mandated by the IRS. Mr. Bollhoefer replied that most of the changes are mandated by the IRS but change the of retirement age from 65 to 62 and adding a DROP program are not mandated.

Commissioner Maciel stated that his conversation with the City Manager was that this Ordinance will make the City more competitive in the hiring process. Mr. Bollhoefer pointed out that when reviewing comparable benefits for retirement age, the City of Winter Garden has one of the highest retirement ages for the surrounding cities.

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

Motion by Commissioner Buchanan to approve Ordinance 17-01 with the second reading and public hearing being scheduled for February 23, 2017. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. **Ordinance 17-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 2.29 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST DIVISION STREET, EAST OF NORTH DILLARD STREET, AND WEST OF SURPRISE DRIVE AT 555 NORTH DILLARD STREET BEING LOTS 135 THROUGH 146 OF THE WINTER GARDEN SHORES REPLAT ACCORDING TO PLAT THEREOF RECORDED AT PLAT BOOK M, PAGES 76-77, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS

THE DILLARD POINTE PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Dillard Pointe)

City Attorney Ardaman read Ordinance 17-04 by title only. Community Development Director Pash stated that this is a request to rezone the property from R-1 to Planned Unit Development (PUD). The applicant is requesting this rezoning so they can take the existing 12 blocks, platted in 1925, and reorient them to allow 12 new lots fronting Dillard Street and Surprise Drive. The new lots will be designed with alley access, helping to eliminate 12 driveways onto the surrounding roads. He also noted other features of the development. There is also an option, at construction, to build six homes with a granny flat above the garage with one electric and water meter. He stated that staff has reviewed it and recommends approval subject to conditions.

Mayor Rees sought clarification on the zoning platted back in 1925 because this project does not meet the R-1 zoning requirements. Mr. Pash replied that the R-1 zoning did not exist in 1925 when this was platted and described the variety in development during those times. Mayor Rees asked about the meetings with the neighbors. Mr. Pash replied that there were three community meetings held and on Monday at the Planning and Zoning Board meeting had two residents who were opposed. City Manager Bollhoefer noted there were actually four total meetings with the majority in support. The exception was the two opposing neighbors; however they do not actually live close to the property.

There was discussion on past adjustments to the original plans in order to please the neighbors and parking spaces made available from the alley access.

Mayor Rees opened the public hearing.

Eric Marks, 28 East Washington Street, Orlando, Florida, stated that he represents Avex Homes, the applicant for this project. He stated that they worked hard with the City through this process and thanked the Commissioner for participating in what started out as a dense proposal by them, but came back with a substitution and plan that they felt was a good collaboration between them and the City.

Mayor Rees closed the public hearing.

Motion by Commissioner Makin to approve Ordinance 17-04 with the second reading and public hearing being scheduled for February 23, 2017. Seconded by Commissioner Maciel and carried unanimously 5-0.

Mayor Rees stated this is the second incident of leveled structures that we have dealt with that had prior zonings and requested that staff review what else was done decades ago around the City and what we can do to change them. Mr. Pash replied that staff would look into it.

4. **REGULAR BUSINESS**

A. **Recommendation to approve Site Plan for 161 S. Boyd Street (Kelso Investments Building)**

Community Development Director Pash stated that this is a site plan for 161 S. Boyd Street whereby the applicant proposes to demolish the existing duplex and build a new office approximately 4500 square feet. It has been reviewed by the Architectural Review and Historic Preservation Board, the Development Review Committee and staff, who each recommend approval.

Motion by Commissioner Buchanan to approve site plan for 161 S. Boyd Street. Seconded by Commissioner Makin and carried unanimously 5-0.

B. **Recommendation to approve Site Plan for 1991 Daniels Road (Daniels Professional Park)**

Community Development Director Pash stated that the applicant has requested that this item be postponed to a date uncertain as staff continues to work with them on a couple of items.

Motion by Commissioner Sharman to POSTPONE site plan for 1991 Daniels Road to a date uncertain. Seconded by Commissioner Makin and carried unanimously 5-0.

C. **Recommendation to approve a Provisional Lot Split, subject to conditions, for 12175 W. Colonial Drive (Miller's Ale House/Baer's Furniture)**

Community Development Director Pash stated that this is a provisional lot split for the Baer's Furniture site for a proposed Miller's Ale House. The lot split allows for the transfer of property from Baer's Furniture to Miller's Ale House while the final plat is being completed. The preliminary plat has already been reviewed and is almost in place. The applicant is trying to do this in an effort to speed along the construction process for the restaurant. Staff has reviewed it and recommended approval subject to conditions as noted in the staff report. There was discussion on the amount of the property to be split being approximately 1.67 acres.

Motion by Commissioner Maciel to approve the provisional lot split as presented, subject to conditions, for 12175 W. Colonial Drive. Seconded by Commissioner Makin and carried unanimously 5-0.

D. **Recommendation to authorize the Police Chief and Mayor to execute the 2017-2021 Memorandum of Understanding with the Central Florida Metro SWAT Team Task Force**

Police Chief Brennan stated that the current Memorandum of Understanding (MOU) with the Central Florida Metro SWAT Team Task Force is expiring so the new agreement is needed for another four year extension. The City Attorney has reviewed and approved it with the understanding that both the Mayor and the Police Chief should sign it.

Commissioner Maciel inquired if the other party is aware of the parameters and ramifications of the MOU as to insurance and jurisdictional issues. Police Chief Brennan responded that this has been in existence for approximately four years and the City of Winter Garden joined with the City Apopka and also coordinate with Cities of Winter Park and Maitland. Chief Brennan also explained that there are two teams that all train at once. This agreement gives the City of Winter Garden the ability that in the event of two incidents happening at once, there would be two teams that could go for long periods then one could relieve the other. The City Commission then discussed SWAT training.

Motion by Commissioner Makin to authorize the Police Chief and Mayor to execute the 2017-2021 Memorandum of Understanding with the Central Florida Metro SWAT Team Task Force. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, stated that almost a year ago the City Commission voted to restrict invocators to representatives of 501(c)3 organizations. He addressed statements made by City Manager Bollhoefer as noted in the West Orange Times on making this list more inclusive and he noted some history of the names list. He shared that there have been people seen giving invocations that haven't been on the list and organizations on the list that are not 501(c)3. He stated that both of these situations violate the rules approved by the City Commission. He suggested removing the 501(c)3 restriction or abandon invocations altogether.

6. **MATTERS FROM CITY ATTORNEY**

Mr. Ardaman reported that Right-of-Way Transfer Agreement with Central Florida Expressway Authority from the last meeting was approved by the authority.

7. **MATTERS FROM CITY MANAGER**

Community Development Block Grant

City Manager Bollhoefer stated that he has given the Mayor a document to sign as the City is still working with the Community Development Block Grants. He noted that this document allows the City to finish the final two homes at 526 S. Boyd Street and 500 Seminole Street.

Update on Roads

City Manager Bollhoefer gave the City Commission a quick update on road construction projects, which included the installation of some traffic lights, turn lanes, and round-a-bouts. The City Engineer is still working on it and he anticipates sending it out in an email before the next meeting for discussion.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman thanked the Police Chief, Deputy Police Chief and City Manager for attending a somewhat contentious HOA meeting for a neighborhood with limited parking.

Commissioner Sharman addressed speeding dump trucks in the Marsh Road and Stoneybrook West Parkway area and the need for increased Police presence.

Commissioner Maciel thanked Police Chief Brennan for bringing in new the officers as well as showing diversity which he feels is important for the City.

Commissioner Maciel recognized Ms. Wilder in the audience and stated that they've had some great meetings in East Winter Garden and there are a lot of great things going on. He shared that the neighborhood is extremely engaged and the neighborhood alliance is back, alive and well with a lot of great projects.

Commissioner Maciel thanked the City Manager for providing him with information and helping him along; it has been a good first week.

Commissioner Buchanan shared that he has recently learned a lot about Ms. Charlie Mae Wilder as she was recognized at the History Center. He expressed his admiration and stated that if anyone wanted to know the history of Winter Garden that she knows it very well.

Commissioner Buchanan expressed that he hopes the ladies in attendance have a very memorable Valentine's Day.

Commissioner Buchanan stated his appreciation of all City staff and noted that he is constantly getting comments about this great City. He mentioned all the people moving here and how great it is to see the City doing so well.

Commissioner Makin echoed the comments of the other Commissioners and thanked staff for all that they do. He stated that this City runs so efficiently and expressed it is because we have such great staff.

Mayor Rees thanked everyone for attending, wished them well and hopes they'll have a great weekend and Valentine's Day.

The meeting adjourned at 7:07 p.m.

APPROVED:

____/S/_____
Mayor John Rees

ATTEST:

____/S/_____
City Clerk Kathy Golden, CMC