



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

January 23, 2020

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 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 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 Buchanan to approve regular meeting minutes of January 9, 2020 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.**

### 2. **PRESENTATION**

Oath of Office and introduction of New Firefighters administered by Fire Chief McGrew to James Alexander, Connor Allen, Xavier Couvertier, Gregory Hogancamp, Eric Huovinen, Eric McAfee, Christopher Moy, Richard Perron, Austin Reed, Jimmy Rodas, Austin Rodriguez, and Xavier Rodriguez.

*(Item 5.A addressed at this point in the meeting)*

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

A. **Ordinance 20-14:** 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 54-193, DISABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-14 by title only. Assistant City Manager of Administrative Services Gilbert stated that in 2019 the Florida legislature passed the Firefighter Cancer Presumption Bill under Chapter 112 of the Florida State statutes referring to city employees. The legislation addresses pension eligibility for firefighters who meet certain criteria. He noted that some of the criteria being five years of service, a diagnosis of certain type cancers, and considerations of total and permanent disability. The ordinance amendment follows statutory requirements as set forth in Florida State

Statute § 112.1816(1) (a). This will also serve to codify Chapter 54-193 of the City Code of Ordinances adding subsection (b), in the line of duty presumptions. Staff recommends approval of Ordinance 20-14 with a second reading and public hearing on February 13, 2020.

Mayor Rees stated that the only change he noted was between the old and new benefits in disability. Mr. Gilbert noted that this was the only change and added that there is no impact to the actuarial statements; there will be no cost to the City.

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

**Motion by Commissioner Sharman to approve Ordinance 20-14 with the second reading and public hearing scheduled for February 13, 2020 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

- A. **Ordinance 20-04:** ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY BEING APPROXIMATELY 8.25 +/- ACRES AND GENERALLY LOCATED AT 12301 WEST COLONIAL DRIVE ON THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND CARTER ROAD FROM THE EXISTING PLANNED COMMERCIAL DEVELOPMENT (PCD) ADOPTED BY ORDINANCE 00-78 TO PLANNED COMMERCIAL DEVELOPMENT (PCD) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD DEVELOPMENT CONDITIONS AND REQUIREMENTS; DESCRIBING THE DEVELOPMENT AS THE PEOPLES PLAZA PCD; REPEALING AND REPLACING ORDINANCE 00-78; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-04 by title only. Community Development Director Pash stated that staff recommends postponement of this item until the meeting of February 13, 2020.

**Motion by Commissioner Sharman to POSTPONE Ordinance 20-04 to February 13, 2020 at 6:30 p.m. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- B. **Ordinance 20-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.51 ± ACRES LOCATED AT 541 WINTER GARDEN VINELAND ROAD, WEST OF DANIELS ROAD, EAST OF WINTER GARDEN VINELAND ROAD, SOUTH OF SUNBRIDGE CIRCLE AND NORTH OF ROPER ROAD FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

- C. **Ordinance 20-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.51 ± ACRES LOCATED AT 541 WINTER GARDEN VINELAND ROAD, WEST OF DANIELS ROAD, EAST OF WINTER GARDEN VINELAND ROAD, SOUTH OF SUNBRIDGE CIRCLE, AND NORTH OF ROPER ROAD, FROM R-1 (RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE SONATA WEST MOB II / NHCC PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-07 and 20-08 by title only. Community Development Director Pash stated that staff recommends postponement of this item until the meeting of February 13, 2020.

**Motion by Commissioner Maciel to POSTPONE Ordinances 20-07 and 20-08 to February 13, 2020 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 20-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.99 ± ACRES LOCATED AT 15151 E. OAKLAND AVENUE; NORTH OF STATE ROAD 438 E. OAKLAND AVENUE, WEST OF TILDENVILLE SCHOOL ROAD, AND EAST OF OAKLAND PARK BLVD; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 20-10:** 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 0.99 ± ACRES OF LAND LOCATED AT E. OAKLAND AVENUE; NORTH OF STATE ROAD 438 E. OAKLAND AVENUE, WEST OF TILDENVILLE SCHOOL ROAD, AND EAST OF OAKLAND PARK BLVD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 20-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.99 ± ACRES LOCATED AT 15151 E. OAKLAND AVENUE; NORTH OF STATE ROAD 438 E. OAKLAND AVENUE, WEST OF TILDENVILLE SCHOOL ROAD, AND EAST OF OAKLAND PARK BLVD; FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-09, 20-10 and 20-11 by title only. Community Development Director Pash stated that this is a voluntary annexation and described the location as 15151 E. Oakland Avenue. He noted that property west of this location was annexed at the last meeting. The owners request low-density residential

land use and R-1 zoning. The applicant would continue to live in the existing home on that property. Mr. Pash informed that this is all consistent with the surrounding area. Staff recommends approval of Ordinances 20-09, 20-10 and 20-11.

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

**Motion by Commissioner Buchanan to ADOPT Ordinances 20-09, 20-10 and 20-11. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- G. **Ordinance 20-12:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED DRAINAGE AND UTILITY EASEMENTS OVER LOT 8 OF OAKLAND PARK UNIT 1A PARTIAL REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGE 121, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND LOT 9 OF OAKLAND PARK UNIT 1A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 33, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (LOCATED AT 1242 AND 1248 UNION CLUB DRIVE, WINTER GARDEN, FLORIDA) OWNED BY J & J BUILDING, LLC AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 20-12 by title only. Community Development Director Pash stated that this request vacates the drainage utility easement located between the two lots. This would combine lots 8 and 9 to build one home across the lots. Mr. Pash noted that approvals from all of the utility companies were provided. Staff recommends approval of Ordinance 20-12.

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

**Motion by Commissioner Buchanan to ADOPT Ordinances 20-12. Seconded by Commissioner Maciel and carried unanimously 5-0.**

## 5. **REGULAR BUSINESS**

- A. **Lake Apopka Natural Gas District – District Update Presentation**  
(*This item addressed earlier in the meeting*)

Monica Marlow gave an update on the progress of the Lake Apopka Natural Gas District. Ms. Marlow thanked Mayor Rees, Fred Crabtree, and City management for their support. Ms. Marlow highlighted some of the Lake Apopka Natural Gas Districts' achievements in 2019. She stated they are the fastest growing in Florida; and listed some affirming statistics. She spoke in opposition of a new trend happening in many cities to move to an all-electric, one source energy; thus eliminating the use of natural gas. She spoke of the cost effectiveness of natural gas and requested that the City Commission support the option of allowing the citizens have a choice.

B. Recommendation to approve Orange County Piggyback Contract with Middlesex Corporation for the 2020 Street Resurfacing Projects for a total amount of \$1,775,544

Assistant City Manager of Public Services Williams stated that last year the City Commission approved a piggyback agreement with Orange County and Middlesex Corporation for Citywide street resurfacing. The terms of the agreement provided for two consecutive one-year options. Based upon Middlesex Corporation's satisfactory performance, staff requests proceeding with option year two of the agreement and approve a purchase order with an amount of \$1,775,544. Staff recommends approval.

City Manager Bollhoefer noted that a list of the projects was distributed and the dates listed are tentative. He noted prior issues with pavement and the repairs to be completed.

Commissioner Sharman inquired if one company could complete these projects. City Manager Bollhoefer affirmed, stating that Middlesex Corporation is very large and one of the better companies.

Mayor Rees confirmed repairs affecting the school would be accomplished during spring break. Mr. Williams affirmed, noting conversations held that very day.

**Motion by Commissioner Buchanan to approve Orange County Piggyback Contract with Middlesex Corporation for the 2020 Street Resurfacing Projects for an amount of \$1,775,544. Seconded by Commissioner Bennett and carried unanimously 5-0.**

C. Recommendation to approve Purchase Order to Cathcart Construction Company for Stoneybrook sidewalk replacement in the amount of \$52,225

Assistant City Manager of Public Services Williams stated that this is a request to issue a purchase order for an amount of \$52,225. This is for an existing continuing services contract to Cathcart Construction Company for the replacement of sidewalk at various points along eastbound and westbound Stoneybrook. Staff recommends approval.

**Motion by Commissioner Maciel to approve purchase order to Cathcart Construction Company for Stoneybrook sidewalk replacement for an amount of \$52,225. Seconded by Commissioner Bennett and carried unanimously 5-0.**

D. Recommendation to approve SITE PLAN for 303 West Crown Point Road (Boys and Girls Club), subject to conditions

Community Development Director Pash stated that this is a request for site plan approval at 303 West Crown Point Road. The applicant requests approval to build a new approximately 10,000 square foot Boys and Girls Club recreation and learning center. The plan includes site improvements, landscaping and a building built on the same property as the Magic Gym and the Mildred Dixon Center. He noted that the design of

the architecture looks like that of the Mildred Dixon Center. The plans reviewed and approved by the Development Review Committee (DRC) and staff recommends approval, subject to conditions.

Mayor Rees noted Randy June's accomplishment in this effort, Commissioner Buchanan expressed it has been 15 years in the making and Commissioner Maciel acknowledged his daughter, Ms. June, in the audience to give an update.

Lauryn June, relayed her father's apology for not being present, but noted that he supplied her with some highlights about the project. She noted those points, as being that this is a great public and private partnership, and this new 10,000 square foot building expands from 75 elementary children to over 150 children in the new facility. This allows for both teenagers and elementary children. She described its use noting also its attachment to a pavilion. She informed that the Boys and Girls Club of Central Florida provide the operation. She noted that Mr. June also wants to acknowledge some of their supporters and she listed them.

Commissioner Maciel stated that this would be a great partnership. He commented on the non-profit organizations in East Winter Garden having a place they can utilize. He described that there will be huge classrooms and conference rooms.

**Motion by Commissioner Maciel to approve SITE PLAN for 303 West Crown Point Road subject to conditions. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- E. Recommendation to approve SPECIAL EVENT - Celtic Festival by the Crooked Can Brewery (Plant Street Market) - March 13, 14, and 15, 2020 – with street closure and subject to conditions

Community Development Director Pash stated that Crooked Can Brewery requests approval for their annual Celtic Fest on March 13, 14, and 15. He noted that the event would be the same as years past. There will be street closure, food, beer and wine, as well as live music. He described the event times; noting that the live music stops at 9:00 p.m. Staff recommends approval, subject to conditions.

Commissioner Sharman asked about complaints of neighbors as in the past. Mayor Rees acknowledge one resident who would like to address this issue.

Phil Baker, 125 W. Smith Street, Winter Garden, Florida, spoke in opposition to the event due to noise levels and described how this event effects his home and community. He inquired of the event's approval, focusing his request on information relating to the conditions for the approval. He spoke of efforts he has made in resolving this noise issue himself and suggested an event relocation.

City Manager Bollhoefer addressed Mr. Baker's concerns and described steps the City has taken to remedy this issue. He noted the cessation of live music at 9:00 p.m. being one of the remedies and offered to have staff monitor this in order to come to an allowable amount sound. Mr. Baker spoke of the noise ordinance and items contained within it addressing this issue.

There was discussion on the allowance of amplified sound with outdoor events, and decibel levels versus a reasonable person standard due to bass levels. City Attorney Ardaman explained the difficult standard of decibel meters and noted that the Florida Supreme Court upheld the reasonable person standard; which is now a part of the City's code of Ordinances.

There was discussion on the scheduling of staff to monitor this particular event.

**Motion by Commissioner Sharman to approve Celtic Festival by the Crooked Can Brewery (Plant Street Market), March 13, 14, and 15, 2020 with street closure and subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- F. Recommendation to approve SPECIAL EVENT - Annual Evening at the Pops by The Rotary Club of Winter Garden at Newton Park on March 28, 2020

Community Development Director Pash stated that this is the Rotary Club special event the Annual Evening at the Pops. He noted that March 28, 2020 is the date requested with a rain date of March 29, 2020.

**Motion by Commissioner Buchanan to approve Annual Evening at the Pops by The Rotary Club of Winter Garden at Newton Park on March 28, 2020, with a rain date of March 29, 2020. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- G. Recommendation to approve SPECIAL EVENT – Annual Oktoberfest by the Crooked Can Brewery (Plant Street Market) - October 16, 17 and 18, 2020 – with street closure and subject to conditions

There was discussion to postpone this item.

**Motion by Commissioner Sharman to POSTPONE Annual Oktoberfest by the Crooked Can Brewery (Plant Street Market) on October 16, 17 and 18, 2020 with street closure and subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC** – There were no items.

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

## 8. **MATTERS FROM CITY MANAGER**

### A. Draft Ordinance 20-15 (Amend Chapter 18 – Building Code)

City Manager Bollhoefer noted that a draft ordinance distributed for the City Commission's review would toughen the City's standards. He noted that one of the items addressed is the requirement of all commercial buildings to be block buildings on the first floor, as well as multi-family buildings. He noted the effect these new requirements would have on incoming apartments within the City, if not eliminating them, at least driving a better quality. He noted that multi-family buildings of three stories or more would require an elevator. He stated that he would meet with the City Commission individually to discuss this item. There was discussion on changes or exceptions; noting that exceptions open the possibility of challenges.

- Energize Business on Downtown Side Streets

City Manager Bollhoefer addressed the challenges in generating more foot traffic for businesses located on downtown side streets such as Main Street and Boyd Street. The City is looking for ways to energize those areas. He shared ideas of murals painted on the side of buildings for selfies, this done by quality artist selected through the SoBo Art Gallery. He displayed mural art examples and indicated that they would not be permanent, available for only one to two years, and reviewed in advance.

City Manager Bollhoefer noted the first proposed building location as the Doxology Building. They have a great business; have done a lot of work, but still struggle because they are so far down for people walking through downtown. He indicated that placing this art on the buildings would pull people down to the location.

Mayor Rees confirmed the approval process would be first through SoBo and then to the City with approval of the design and scope. Mr. Bollhoefer affirmed and displayed additional example photos. Commissioner Maciel inquired about branding of the photos for Winter Garden. Mr. Bollhoefer noted it as a possibility.

Commissioner Buchanan addressed issues of redevelopment on Main Street, specifically the telephone poles. His thought was possibly wrapping the art around to Main Street area. Mr. Bollhoefer indicated that he would provide a status update on that project; noting that it also includes redoing the trash systems. City Manager Bollhoefer mentioned the music store and its need for some assistance. He suggested a sidewalk park. He displayed examples and noted that this temporary solution would help bring more people down Main Street.

**Motion by City Commissioner Bennett to approve Mural Art on business walls located on side streets of downtown Winter Garden, with artist and art selection by SoBo and final review and approval by the City of Winter Garden. Seconded by Commissioner Sharman and carried unanimously 5-0.**

