



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 14, 2019

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:33 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 A. Kurt Ardaman, City Clerk Angee Grimmage, 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 February 28, 2019 as submitted. Seconded by Commissioner Bennett and carried unanimously 4-0.

2. **PRESENTATION**

A. **Promotional Acknowledgments**

Fire Chief McGrew introduced and acknowledged Fire Engineer promotions to James Anderson, Frank Genua, Jeffrey Justice, Jordan Sabat, Arthur Vogler. He then introduced and acknowledged Fire Lieutenant promotions to Frederick Davis, and Michael Gurney.

(Commissioner Sharman arrived during this portion of the meeting at 6:40 p.m.)

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

A. **Ordinance 19-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1ST STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-15 by title only. Community Development Director Pash stated that this Ordinance is to rezone the property located at 43 1st Street from C-2 to PCD. The owners plan to develop this property with a 3,200 square foot office building, expanding their existing construction business. They have received approval from the Architectural Review and Historic Preservation Board (ARHPB) for the elevations. Staff recommends approval of Ordinance 19-15.

Mayor Rees commented on how the 1920's building fits in and noted how nice it looks.

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

Motion by Commissioner Buchanan to approve Ordinance 19-15 with the second reading and public hearing March 28, 2019. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. **Ordinance 19-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING CHAPTER 94 "NATURAL RESOURCE PROTECTION" TO ADD A NEW SECTION 94-1 GOVERNING FERTILIZER USE WITHIN THE CITY; ADOPTING THE ORANGE COUNTY REGULATIONS PERTAINING TO FERTILIZER USE AND AUTHORIZING COUNTY AND CITY ENFORCEMENT THEREOF WITHIN THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-16 by title only. Assistant City Manager of Public Services Williams stated that the Florida Department of Environmental Protection (FDEP) recently conducted an annual review and found the City's code addressing the fertilizer use issue to be deficient. He noted Ordinance 19-16 amends Chapter 94 "Natural Resource Protection" and adds new section 94-1, incorporating Orange County's code which covers fertilizer use. The City is co-permitting with Orange County, together sharing the responsibilities regarding stormwater discharges to major water bodies. Staff recommends approval.

Commissioner Sharman inquired as to any changes to fertilizer usage that may restrict anything that is currently allowed, or if this is to simply comply with Orange County. Mr. Williams responded that this complies with Orange County as the City has been complying with this article for some time. When the City Code was reviewed it was noted that it does not give the City the enforceability. There is a section in this ordinance establishing fines and also requiring certification by staff to do annual inspections.

Mayor Rees noted there would be some challenges, expressing that it would be tough to enforce. He expressed that if the City really does not want them to do it, he is in favor of increasing the fines.

Mayor Rees opened the public hearing.

James L. Hall, 375 Grove Court, Winter Garden, Florida, stated after reading information on this item, he could not determine definitively how it applies to him. He questioned how this would be measured and enforced for the average person. City Manager Bollhoefer responded that the enforcement is very difficult and noted how a complaint

would lead to an investigation. City Attorney Ardaman noted that as City Manager Bollhoefer mentioned, this will not get a lot of attention unless there is an egregious use of the rule. There was further discussion on this issue and it was noted that this is being done statewide to protect our natural bodies of water.

Mayor Rees closed the public hearing.

Motion by Commissioner Sharman to approve Ordinance 19-16 with the second reading and public hearing March 28, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.

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

- A. **Ordinance 19-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 18-32, THE CITY OF WINTER GARDEN FISCAL YEAR 2018-2019 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-10 by title only. Finance Director Zielonka stated that this is the second reading for this Ordinance which carries forward prior year appropriations. She noted that nothing has changed since the first hearing.

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

Motion by Commissioner Buchanan to adopt Ordinance 19-10. Seconded by Commissioner Maciel and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Recommendation to approve and award the City of Orlando Piggyback Agreement with American Grinding Company, LLC for Citywide Sidewalk Inspection and Grinding Services**
Assistant City Manager of Public Services Williams stated that this agenda item requests piggybacking the City of Orlando's bid for sidewalk inspection and grinding services. Under the terms of the agreement the contractor is to document all hazards in an electronic format and differentiate between those that can and cannot be removed by grinding. He noted that they are to remove trip hazards in accordance to ADA standards and pedestrian safety. They are also to provide self-containing grinding equipment with integral debris and dust recovery systems that produces minimal noise. Staff recommends approval.

Commissioner Maciel inquired as to if this is the same contractor currently providing the City's services. Mr. Williams responded yes; but corrected by stating that this is the current contractor the City of Orlando uses and is a new contractor for us, the City of Winter Garden.

Commissioner Sharman noted that grinding is cheaper than replacement, but inquired as to what point does replacement of the sidewalk become an option. **City Manager Bollhoefer** responded that it is very subjective, noting that if it looks bad it is removed, but if grinding gets us by, we will leave it. It was noted that this will be done either by people reporting issues or discovered by staff inspections. **Commissioner Buchanan** inquired as to the alternative of staining. **Mr. Williams** noted that he was not aware of anything currently on the Market. **Commissioner Maciel** surmised that he has never actually seen anyone providing this service but has seen the results. **Commissioner Bennett** inquired as to whether there was a survey of all City sidewalks. **Mr. Williams** explained the current selection process and inspection for determining the need for the grinding process. There was also discussion on trees in the right-of-way. **City Manager Bollhoefer** noted that it was determined long ago that the value of trees is so important that there is a willingness to have this happen to the sidewalks.

Motion by Commissioner Sharman to approve and award the City of Orlando Piggyback Agreement with American Grinding Company, LLC for citywide sidewalk inspection and grinding services. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. Recommendation to approve RFQ rankings and award contracts for continuing professional surveying services to Southeastern Surveying and Mapping, Inc., Cribb Philbeck Weaver Group (CPWG), Inc., and KPM Franklin

Assistant City Manager of Public Services Williams stated that the City received six request for qualification (RFQ) submittals to provide professional surveying services relating to engineering design and property boundaries for water, wastewater, stormwater, and roadway projects to be performed on an as-needed basis. A selection committee evaluated and ranked the qualified respondents. They selected the top three respondents for City Commission consideration; Southeastern Surveying and Mapping, Inc., Cribb Philbeck Weaver Group (CPWG), Inc., and KPM Franklin. Staff recommends approving the RFQ ranking and awarding the contracts for continuing professional surveying services to the aforementioned firms.

Commissioner Sharman inquired as to if once approved, the City would be able to use any of these selected. Mr. Williams responded that this is correct. It was noted that the City already has experience with two of the selected firms.

Motion by Commissioner Sharman to approve RFQ rankings and award contracts for continuing professional surveying services to Southeastern Surveying and Mapping, Inc., Cribb Philbeck Weaver Group (CPWG), Inc., and KPM Franklin. Seconded by Commissioner Maciel and carried unanimously 5-0.

- C. Recommendation to waive formal procurement process and award contract to Cathcart Construction Company, LLC in the amount of \$71,770 for installation of underdrains within Traditions Subdivision

Assistant City Manager of Public Services Williams explained how this project extends the underdrains along Traditions Drive. It controls subsurface water and dries the road base as to accommodate the street resurfacing project. He informed that residents would be notified prior to proceeding with construction. Staff requests waiving the formal procurement process and awarding the contract to Cathcart for the installation of the underdrains in the amount of \$71,770.

Motion by Commissioner Buchanan to waive formal procurement process and award contract to Cathcart Construction Company, LLC in the amount of \$71,770 for installation of underdrains within the Traditions Subdivision. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. Recommendation to reduce Code Liens for 226 6th Street

Community Development Director Pash stated that the property located at 226 6th Street has had Code Enforcement problems and fines dating back to 2007. He shared some of the history of the violations and fines of \$250 per day, which he stated now total \$1,049,230. He also noted two Code Enforcement cases from 2008 where the City mowed the property at \$115 each time. He shared that in 2015 new owners purchased the property and hired a licensed contractor. Mr. Pash referred to photos in the agenda packet showing the work that had been done. He informed that they pulled the proper permits and had required inspections by City staff; the owners are awaiting that last inspection. Mr. Pash stated that staff recommends the fines be reduced to \$230 to cover the mowing and that the remainder of the liens be forgiven if the payment is received by next Friday, March 22, 2019.

Mayor Rees noted that this property had been in disrepair for a long time and expressed how good it now looks.

Motion by Commissioner Bennett to reduce Code liens for 226 6th Street to \$230 to cover City expenses and release the liens if paid by March 22, 2019. Seconded by Commissioner Sharman and carried unanimously 5-0.

- E. Recommendation to approve seventh amendment to the restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden

Community Development Director Pash stated that this is an amendment to the Joint Planning Area with Orange County. The developer had already started working with Orange County on two parcels located on the south side of Tilden Road. These two properties are within the City of Winter Garden service area, where the City services sewer and water. The City has worked with Orange County to amend the JPA to include these two properties so the owners can begin the process of annexing the property into

the City of Winter Garden; continuing forward with PUD zoning afterwards. Staff recommends approval to amend the JPA to include those two parcels so that it can then move forward to the Orange County Board of Commissioners.

There was discussion on the number of units per acre and the reduced density. There was discussion on the annexation of the property versus including it in the JPA, then annexing, and the involved challenges.

Motion by Commissioner Sharman to approve Seventh Amendment to the Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- F. Recommendation to approve SPECIAL EVENT – Annual Spring Fever in the Garden by Bloom ‘N Grow Garden Society - April 6 - 7, 2019 in Downtown Winter Garden
Community Development Director Pash stated that this is the special event application for the annual Spring Fever in the Garden. The event is proposed for April 6 – 7 and is the same as previous years.

Motion by Commissioner Buchanan to approve special event - Annual Spring Fever in the Garden by Bloom ‘N Grow Garden Society on April 6 - 7, 2019 in Downtown Winter Garden. Seconded by Commissioner Bennett and carried unanimously 5-0.

- Roundabout Completion

Planning Consultant Ed Williams shared that the roundabout is about finished and encouraged everyone to go through it. He noted that the City of Winter Garden lead the charge and paid a greater share of the cost during its construction and it is fantastic.

- G. Recommendation to approve Agreement for Acquisition of Property and authorize City Manager to execute documents for property located at East Crown Point Road and Fullers Cross Road

Planning Consultant Williams stated that this started about three years ago, has been challenging, and was not considered by the owners until the City passed a resolution to consider condemnation. He noted that it was not until then, that one of the owners came forth in an effort to try and work this out. Staff recommends approval of both contracts. There was discussion on this including traffic signals, drainage and turn lanes.

Motion by Commissioner Buchanan to approve Agreement for Acquisition of Property and authorize City Manager to execute documents for property located at East Crown Point Road and Fullers Cross Road. Seconded by Commissioner Bennett 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** – There were no items.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan noted seeing several posts on FaceBook and wanted to send a round of applause to City staff; noting that the City is really looking beautiful.

Commissioner Buchanan brought to attention a dip in the road off of State Road 50 and described its location. It was noted that the Florida Department of Transportation (FDOT) would be notified.

Commissioner Sharman noted good weather and a good show at the Evening at the Pops event. He shared he had been approached at this event by one of the City Commissioners from Oakland who addressed the City of Winter Garden not being a part of the Tri-County League of Cities. He feels we may want to rejoin in order to be involved with our fellow cities.

Mayor Rees echoed comments about the Evening at the Pops having been a great event; noting it was because of the assistance of City staff and the Winter Garden Rotary Club.

The meeting adjourned at 7:20 p.m.

APPROVED:

/S/

Mayor Pro Tem Bob Buchanan

ATTEST:

/S/

City Clerk Angee Grimmage, CMC