



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 25, 2021

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 L. Bennett – District 1

Ron Mueller – 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 Grimage, 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, Fire Chief Jose P. Gainza, Jr., Information Technology Director Chad Morrill, and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Bennett to approve regular meeting minutes of March 11, 2021 as submitted. Seconded by Commissioner Maciel and carried unanimously 4-0.

Commissioner Bob Buchanan was not present for the approval of these minutes.

2. **GENERAL ELECTION RESULTS**

A. **Resolution 21-04:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MARCH 9, 2021 FOR COMMISSIONER DISTRICTS 2, 3, AND 4, AUTHORIZING THE ISSUANCE OF CERTIFICATES AND OTHER SUCH MATTERS AS PERMITTED BY LAW

City Attorney Ardaman read Resolution 21-04 by title only. City Clerk Grimage stated that Resolution 21-04 declares results of the 2021 General Election held March 9, 2021 for Commissioner Districts 2, 3, and 4. She read the results as duly elected by receiving the majority of votes cast are Commissioner District 2 Ron Mueller, Commissioner District 3 Mark A. Maciel, and Commissioner District 4 Colin Sharman. She informed that this election was officially certified on Friday, March 12, 2021 by the City of Winter Garden Election Canvassing Board. Staff recommends approval of Resolution 21-04 and request authorization to issue certificates of election to the elected commissioners.

Motion by Commissioner Bennett to approve Resolution 21-04. Seconded by Commissioner Maciel and carried unanimously 4-0.

3. **OATH OF OFFICE**

- A. The Oath of Office for Ron Mueller as Commissioner District 2, Mark A. Maciel as Commissioner District 3 and Colin Sharman as Commissioner District 4 was administered by City Clerk Grimmage. Mayor Rees congratulated the newly sworn Commissioners.

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

- A. **Ordinance 21-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.28 +/- ACRES OF LAND GENERALLY LOCATED AT 38 & 42 NORTH BOYD STREET, EAST OF NORTH LAKEVIEW AVENUE, SOUTH OF WEST NEWELL STREET, NORTH OF WEST PLANT STREET, AND WEST OF NORTH MAIN STREET; FROM C-1 (CENTRAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE ISLAND EASE PCD; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-03 by title only. Community Development Director Pash stated that staff requests postponement of this item until April 8, 2021 at 6:30 p.m.

Motion by Commissioner Sharman to POSTPONE Ordinance 21-03 until April 8, 2021, at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. **Ordinance 21-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING VEHICLE CLASSIFICATION AND WEIGHT LIMITATIONS ON A CERTAIN PORTION OF MARSH ROAD IN ACCORDANCE WITH SECTION 316.555, FLORIDA STATUTES; PROHIBITING USE OF A CERTAIN PORTION OF MARSH ROAD BY CLASS 6, 7, 8, 9, 10, 11, 12, AND 13 VEHICLES IN ACCORDANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION VEHICLE CLASSIFICATIONS, AND ADOPTING CERTAIN VEHICLE WEIGHT LIMITATIONS; PROVIDING FOR FINDINGS SUPPORTING SUCH VEHICLE CLASSIFICATION AND WEIGHT LIMITATIONS; PROVIDING FOR STAFF AUTHORIZATION, SEVERABILITY, CONFLICTS, NON-CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-11 by title only. Commissioner Sharman and City Manager Bollhoefer informed of recent meetings with residents, new details since those meetings, meetings with traffic engineers, statistical data and issues relating to the reduction in the total number of trucks. They also noted a positive impact made due to signage and a reduction in speeding. Commissioner Sharman emphasized that the data the City receives would be shared with the public as soon as it is available. Mr. Bollhoefer noted potential options of introducing a resolution to restrict hours of operation for trucks, emails to associated parties and conversations with Titan who noted potentially being forced into litigation should a ban be implemented. Mr. Bollhoefer expressed that this is what the City has been trying to avoid. Mayor Rees

noted currently having these types of restrictions on hours of operation in the City for construction. Mr. Bollhoefer described how earlier hours for loading and travel are needed for the trucks to avoid certain school traffic. Mr. Bollhoefer spoke of the option of the resolution potentially leading to litigation which would take the issue out of the City's power to negotiate. He said if this goes that route, the City may as well pass the Ordinance, not go the resolution route, and go all the way. However, Mr. Bollhoefer noted a plea for two more weeks to see if there could be improvements. He noted understanding the residents frustration, possibility of this going to litigation, but would still recommend allowing an additional two weeks more to see if there could be an improvement.

Commissioner Sharman noted conversations with some of the residents and the majority are willing to wait two more weeks to see if the numbers, speed and noise could come down significantly. He expressed his trust in the City Manager on this issue and requested that Mr. Bollhoefer address the sound issue. Mr. Bollhoefer responded by noting the effort to have a technological way of approach in the future, but in the meantime have the area monitored by people utilizing decibel meters.

City Manager Bollhoefer and Commissioner Sharman noted the improvement to the truck traffic reduced down to the high 400s, sparking a positive response from residents.

Commissioner Maciel inquired about how they could reduce the number of trucks with their business being such that it is. Mr. Bollhoefer responded that they think they can do it by rerouting and communication with their businesses. He noted that it is really incumbent upon them to find a solution.

Mayor Rees noted the hours of operation issue and agreed with conversations of two more weeks; but stressed that at some point the push for two more weeks must end.

Commissioner Sharman warned truck operators to be responsible partners when entering these areas.

Commissioner Mueller noted his support of a two more weeks option and inquired of a long range solution should something happen in the future with trucks ramping back up; asking what would be the City's control mechanism. Commissioner Sharman responded that this was discussed with the residents and he acknowledged Mr. Bollhoefer to report the outcome. Mr. Bollhoefer responded that the City would periodically place speed strips and perform counts on an ongoing basis. He noted that this is empirical data for measurement and the onus would be on them to maintain control.

Commissioner Maciel wondered if this fails would the judge recommend mediation at some point. City Manager Bollhoefer noted the possibility of mediation, a possibility of an injunction being filed, but it is believed that the law and facts are on the side of the City. City Attorney Ardaman also noted moving forward with the Ordinance as an

option and tweaking it during the negotiations. He noted that this would give staff the authority to impose it at any point in time; noting the data as confirmation.

City Attorney Ardaman noted that the resolution is already in place, giving staff the authority for enforcement. The Ordinance would be a more permanent solution.

There was discussion on enforcement as an option but the preference would be changes made by the trucking operators, as it would otherwise be the City controls all the time. Mr. Bollhoefer noted the ease of enforcement with a total ban, but wants to see their organization get this to a level that is livable for everyone; addressing speed, sound and numbers. Commissioner Sharman noted that the City wanted this to be very clear and transparent about what the City is trying to achieve.

Motion by Commissioner Sharman to POSTPONE Ordinance 21-11 until April 8, 2021 at 6:30 p.m. Seconded by Commissioner Mueller and carried unanimously 5-0.

5. **REGULAR BUSINESS**

A. Recommendation to approve SITE PLAN for 12323 (formerly 12301) West Colonial Drive (Verax Medical Office), subject to conditions

Community Development Director Pash stated that this is a request for site plan approval for property located at 12323 W Colonial Drive. The proposed development consists of a new two-story, 24,000 square foot medical office building on lot four of the Peoples Plaza Planned Commercial Development (PCD). He noted the plans also include parking areas, sidewalks and landscaping and a pond is being built with the overall development. The proposed development is consistent with the PCD Ordinance, it has been reviewed by the Development Review Committee and staff would recommend approval, subject to the conditions.

Mayor Rees inquired if this was the proposed hotel. Mr. Pash responded yes. There was discussion regarding the start of demolition and the install of infrastructure. City Manager Bollhoefer noted that this eliminates two restaurants that would have gone out front of this location. Discussion ensued about the City's role in zoning, but not having a choice in who would be the tenant.

Motion by Commissioner Sharman to approve SITE PLAN for 12323 (formerly 12301) West Colonial Drive (Verax Medical Office), subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.

B. Selection of MAYOR PRO TEM

City Commissioner Sharman voiced his interest and there was discussion on the functions of the position in the Mayor's absence. Further noted was Commissioner Sharman as the senior seated commissioner.

Motion by Commissioner Maciel to appoint Commissioner Sharman as Mayor Pro Tem. Seconded by Commissioner Sharman and carried unanimously 5-0.

6. MATTERS FROM PUBLIC – There were no items.

Mayor Rees opened the public hearing; reading a dedicated phone number and noting instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

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

8. MATTERS FROM CITY MANAGER

Social Media Attacks on the City of Winter Garden

City Manager Bollhoefer noted being approached over the last month by City Commissioners who would like him to address the social media misinformation that are nonfactual, the wrong thinking and other misstatements towards what the City of Winter Garden has done over the past ten years. He expressed he would address these statements by providing a presentation to set the record straight, and also give an update on some City items.

Mr. Bollhoefer stated there was a lot of information on Facebook regarding the City's downtown incentives for businesses. He noted the information stated that these incentives do not work and how incentives for the downtown shifts the burden onto taxpayers. He stated that he wants to correct that thinking and show what the City has done. These business incentives for the downtown are done to increase the City's quality of building and the success of the downtown. He addressed the Community Redevelopment Agency (CRA) and the City Commission's courage to begin redevelopment.

Mr. Bollhoefer began by displaying concepts of the new Exchange building, noting the architecture on all sides. There was discussion on the expensive construction, the incentives provided for this project and the return to the community for the life of the building. He expressed that there is no cost to taxpayers, actually savings for taxpayers and increases to their property values. He expressed that these are not called expenses, they are called investments in the City and investments in the City's future.

Mr. Bollhoefer addressed issues such as tax revenue, displayed before and after pictures showing designs of better looking buildings, spoke of increases to the tax base, and noted the City's return on its investment. He spoke of revenues from the downtown, and payoffs from making good entrepreneurial decisions. He discussed the Community Redevelopment Agency, its investments into the community, and its current value.

City Manager Bollhoefer addressed statements about the narrow streets, noting the truth in those statements and explaining how these well designed narrow street stops speeding. He described the intentionality of narrowing the streets by adding traffic circles, bump outs,

large trees, and the redesign of intersections which address the turn radius for slowing down traffic and is good design for controlling speeding. He described other options and emphasized how roads needed traffic calming ideas in order to take away the drag strip inclinations. There was discussion that speed bumps do not slow down trucks, they slow down cars.

Mr. Bollhoefer further addressed misstatements that the City is easing up on rules regarding sidewalks, which he stated are not true. He explained how the City intended on building a community with a rural look and this was by design, not to cut costs for a developer. He noted one development that installed sidewalks in areas as safety provisions for school children. He mentioned linking the bike trails and other requests to developers to do more.

City Manager Bollhoefer addressed criticisms about the City lowering its standards for building code. He stated that those statements are not true and touted the City of Winter Garden as being the toughest in the State of Florida. He spoke of the requirement to have concrete block or metal for commercial buildings and concrete block or metal for the apartment building's ground level. He shared information on how building code and State rule changes came about when a supposed higher end development was not at the standard expected. The City also requires elevator and inspections which are not standard. Commissioner Mueller inquired and it was affirmed that an apartment development on Plant Street had been started before these standards were put in place.

City Manager Bollhoefer addressed the City's tough planning standards, requirements for design standards, move to two year bonding requirements, and the toughest standards for Homeowner Association (HOA) turnovers. He expressed that the City is one of few municipalities actually shutting builders down for non-compliance to City standards; noting related past litigation. He shared some past history of litigation the City has faced and commended the City Commission for having the courage at the political level to make those decisions. Commissioner Maciel noted past advice given to some developers to get good architects and sit and work with the City; when they listen to City staff they end up with a better project. City Manager Bollhoefer noted how they work with the City, make a profit and become proud of their product. He expressed that this is how the City of Winter Garden has lead the way.

City Manager Bollhoefer expressed that his time with the City is coming to an end, but wanted to remind of past projects. He listed items such as City Hall, the Pavilion, and splash pad. He addressed ordinance changes allowing outdoor drinking and compromises that allowed this in restricted areas while still maintaining a family-oriented friendly downtown. He noted the goal of bringing in retail, not making the downtown a tourist site, keeping authenticity and continue making the City successful. He shared the success of the smaller micro events and named some of the upcoming events. He noted that the City would focus on the Mom and Pop businesses to work on keeping the character of the City.

Mr. Bollhoefer named other projects, accomplishments, and future projects for the City. There was discussion on reducing visible power lines. Mr. Bollhoefer future described trail realignment, downtown parking, Tucker Ranch and the partnering with many groups.

Commissioner Mueller inquired about a bus route and City Manager Bollhoefer noted that the City does not own bus transportation, but could work with Lynx in this effort. Mr. Bollhoefer noted the linking of the bicycle routes.

City Manager Bollhoefer noted efforts through the CRA, the annexation of enclaves, work with Orange County regarding moving up the CRA which would bring in funding for the East Winter Garden. He noted the master plan is just the framework. He spoke about redevelopment starting points with a focus of Tenth Street and Center Street, the businesses and the plans which would lead the way for redevelopment in that area. Commissioner Maciel mentioned that there was the incubation of a restaurant and then COVID-19 slowed things down. City Manager Bollhoefer noted the desire of City's Economic Development Director Gerhartz for this redevelopment and the eagerness to start.

City Manager Bollhoefer spoke of green space and its areas along Lake Apopka.

City Manager Bollhoefer spoke of nodular marketing of the City and displayed articles and prestigious recognition of the City of Winter Garden. He displayed before and after photos of Winter Garden.

Mr. Bollhoefer noted that the City of Winter Garden is not successful "in spite of" all our policies, but "because of" all its policies and actions. He displayed a list of those inquiring about Winter Garden and its success.

City Manager Bollhoefer gave going forward items for the future of Winter Garden as bettering its communication, telling our own story on social media, electronic newsletters, meetings with HOAs, internet items, and the addition of records online for direct access.

Mr. Bollhoefer concluded stating that the City of Winter Garden does a great job with less employees, government should not be more business-like, but entrepreneurial, thinking outside the box, separating you from the rest. He noted the old way is not appropriate thinking and not a formula for success.

Mayor Rees requested a copy of the presentation and noted this would be good for remembering some of the accomplishments. There was discussion on getting the list and keeping it going. City Manager Bollhoefer inserted that it must be continuous improvement.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Mueller thanked the City and everyone who came out and participated in the Election. He noted that he and Ms. Jones were able to meet a lot of great people, and stated Ms. Jones was a wonderful opponent and great neighbor and he voiced his

