



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

April 8, 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 Mueller to approve regular meeting minutes of March 25, 2021 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **PRESENTATION**

- A. **Proclamation 21-02:** Proclaiming April as Water Conservation Month was read and presented by Mayor Rees and the City Commissioners to Sustainability Coordinator Donna Corbus. Ms. Corbus awarded Drop Saver Winners Halle Sheeter of Foundation Academy the Middle School Division Winner and Peyton Brown of West Orange High School as the High School Winner.
- B. **Proclamation 21-03:** Proclaiming Autism Awareness Day and Autism Month was read and presented by Mayor Rees and the City Commissioners. Henry Wright and family accepted it. Mr. Wright shared some of his history and experiences with the City and thanked the City Commission for their support in this effort.

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

- A. **Ordinance 21-10:** 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 54-31, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-32, PRE-RETIREMENT DEATH BENEFITS; AMENDING SECTION 54-35, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-40, MINIMUM DISTRIBUTION OF BENEFITS; 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 21-10 by title only. Assistant City Manager of Administrative Services Gilbert stated that this ordinance aligns our pension plan with recent Internal Revenue Service (IRS) code changes. He noted that pension plan attorney Scott Christiansen recommends these changes. He described primary changes as mandatory distribution age moving from age 70 and a half to age 72. The secondary change moves back the age from 62 to age 59 and a half, the age on which a normal or early retiree may reemploy and start their retirement benefits. The Pension Board's Actuary, Foster and Foster, determined there is not cost and the changes would have no impact on the actuarial assumptions used in factoring funding requirements. Mr. Gilbert stated that based on this information, staff recommends approval with the second reading and public hearing April 22, 2021.

Mayor Rees commented that this is being done for the retirement plan and not on social security seems a little backwards.

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

Motion by Commissioner Mueller to approve Ordinance 21-10 with the second reading and public hearing April 22, 2021 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 21-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.487 ± ACRES HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 23-22-27-8199-00-225 AND 23-22-27-8199-00-226 LOCATED AT 859 SOUTH LAKEVIEW AVENUE, BOTH PARCELS BEING SOUTH LAKEVIEW AVENUE, EAST OF ACCESS ROAD, WEST OF VINELAND ROAD, SOUTH OF WEST PALMETTO STREET, AND NORTH OF WEST MORGAN STREET INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 21-13:** 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 APPROXIMATELY 0.487 ± ACRES HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 23-22-27-8199-00-225 AND 23-22-27-8199-00-226 LOCATED AT 859 SOUTH LAKEVIEW AVENUE, BOTH PARCELS BEING SOUTH LAKEVIEW AVENUE, EAST OF ACCESS ROAD, WEST OF VINELAND ROAD, SOUTH OF WEST PALMETTO STREET, AND NORTH OF WEST MORGAN STREET FROM ORANGE COUNTY LOW DENSITY

RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- D. **Ordinance 21-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.487 ± ACRES HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 23-22-27-8199-00-225 AND 23-22-27-8199-00-226 LOCATED AT 859 SOUTH LAKEVIEW AVENUE, BOTH PARCELS BEING SOUTH LAKEVIEW AVENUE, EAST OF ACCESS ROAD, WEST OF VINELAND ROAD, SOUTH OF WEST PALMETTO STREET, AND NORTH OF WEST MORGAN STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 21-12, 21-13, and 21-14 by title only. Community Development Director Pash stated that this is a voluntary annexation of the two properties. These properties would be rezoned R-NC and have a future land use designation of residential neighborhood commercial and it is consistent with the surrounding area. He noted a concern brought to the City's attention regarding future development. He noted speaking with the church and indicated that an annexation agreement would be brought to the second hearings. Staff recommends approval of Ordinances 21-12, 21-13 and 21-14.

Commissioner Sharman inquired if services such as water or sewer was their primary reason for annexing into the City, or was there other reasons. Mr. Pash responded that they have also submitted for a lot split, the church keeping a part and a part being sold to Skyline Janitorial, which is next to it.

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

Motion by Commissioner Sharman to approve Ordinances 21-12, 21-13, and 21-14 with the second reading and public hearing April 22, 2021 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 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 this is a City-initiated rezone of property located at 38 & 42 North Boyd Street. He noted that this is part of the purchase agreement, which would be heard later on the agenda to build a new parking lot. The request is to rezone from C-1 to Planned Commercial Development (PCD), to develop an approximately 15,800 square foot building for office and retail. He informed that the PCD ordinance has design guidelines as well as architectural and specific uses. Staff recommends approval of Ordinance 21-03.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting.

Sarah Wolfe, 221 North Boyd Street, Winter Garden, Florida voiced concerns regarding the lack of sidewalks on Boyd Street especially in the 200 and 300 block area. She noted that when the proposed property is developed and the proposed parking lot is open, traffic would significantly increase. She described areas that would be impacted. She spoke of large trucks required for local area deliveries and a fair amount of foot traffic. She proposed placement of signage alerting drivers to pedestrians, especially the children. She suggested language for the signs such as "be alert pedestrians" or "drive carefully pedestrians". She feels that signage would be a less expensive resolution than installing sidewalks.

City Manager Bollhoefer noted that the City would also have a transportation expert look into this issue to review best alternatives to assure safety. Mayor Rees noted that this would be for Boyd Street and Newell Street.

Commissioner Mueller requested City Manager Bollhoefer give a brief summary of the overall design for this area. City Manager Bollhoefer complied noting the purchase, then demolition of the old Valpro warehouse, building of a large parking lot in its place, and installation of new sidewalks and lighting.

After waiting and receiving no public calls or comments, Mayor Rees closed the public hearing.

Motion by Commissioner Bennett to ADOPT Ordinance 21-03. Seconded by Commissioner Maciel 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. City Manager Bollhoefer spoke of the length of time this Ordinance has been reviewed and postponed. He noted working with the residents, Orange County, Titan and a trucking company and he expressed that there has also been a lot of cooperation from Lake County and City of Clermont. He noted work to improve conditions, and stated that it is beyond the control of any one agency to get these truck numbers decreased and provide safety for the community. He addressed the conditions of the road, noted the decrease of speeding, but stated that the behavior is different when monitored.

City Attorney Ardaman spoke of information provided from a February 9, 2021 meeting with Luke Transportation Consultants and a follow up by the same. He noted a pavement evaluation by Tierra and spoke of other agencies providing the City of Winter Garden with data. Mr. Ardaman recognized Police Chief Graham to address his and staff's observations over the past few months.

Police Chief Graham indicated that he and other City of Winter Garden Police officers have witnessed convoys of truck in excess of 20 at times. He noted that they have many times exceeded the speed limit, but potentially communicate with each other when there is a police presence. He noted that the minute the police withdraw, the problem returns, and this location cannot be policed at all times. He shared information regarding one encounter with a speeder and stated that this is a concern.

City Attorney Ardaman inquired of Police Chief Graham if he thought that a safety hazard exists with the noted classification of trucks and their interaction with traffic at the intersections. Police Chief Graham responded that his concern is that when trucks are in convoy, navigating the roundabouts there may become the inability to stop, and accidents with heavy trucks would be devastating to a small vehicle. City Attorney Ardaman assessed that Police Chief Graham's assertion is that this would be a safety hazard and risk to the public; Police Chief Graham responded, yes, in his opinion.

City Attorney Ardaman noted the recitals in the ordinance and indicated that these were based on facts provided by individual observations of City staff or by others. He informed the City Commission that they have a lot of data upon which to make their decision on whether this is a safety problem, damage to the roadways, danger at intersections, propensity and intensity of trucks in conjunction with the other traffic. He advised that if they chose to proceed with this after hearing from the public, they would be justified in adoption or as they see fit.

City Manager Bollhoefer, based on initial studies, subsequent studies, observations, and the fact that it has been noticed that this behavior seems to get better when monitored but is impossible to monitor daily, recommends approval of adopting the ordinance.

Commissioner Mueller stated that it seems clear, from the provided evidence, that there are safety issues as well as the residents and their living condition. He inquired of City Manager Bollhoefer and Commissioner Sharman if through their observations; the trucking companies had been given adequate space to try to address these issues. Commissioner Sharman responded that it had been four weeks since the postponement of the ordinance's second reading. City Manager Bollhoefer responded that ample opportunity had been given, and a great effort had been made. Mr. Bollhoefer noted difficultly with there being so many trucks, reducing the amount and having speeding increase again when not monitored.

There was discussion that there had been reasonable opportunity for finding solutions, there is a safety risk to the public and no single agency has the influence to control the issue.

City Attorney Ardaman spoke of the City of Winter Garden making a big effort to accommodate truck traffic in the ordinance as well as making provisions for the traffic. He noted additional alternatives were sought, but to date none was acceptable to the truckers, who do not want to take another route. He noted that this has been at the citizen's expense and a balancing act with efforts made to accommodate a certain number of businesses.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting.

Norine Dworkin, of VoxPopuli a nonprofit news organization, inquired if meetings with the stakeholders included the builders constructing the new communities. City Manager Bollhoefer responded no. Ms. Dworkin stated that it was her understanding that the traffic before 7:00 a.m. was related to construction and somewhat the responsibility of the builders; she further queried why they were not invited to those meetings. After citing difficulties in connecting with all contractors related to construction, Mr. Bollhoefer responded that in order to make these meetings constructive the focus was on groups having the greatest control.

Ms. Dworkin inquired about potential litigation if the ordinance is passed. City Manager Bollhoefer noted that this would be brought back to the City Commission for review.

Caitlin Emling, an Attorney with de Beaubien, Simmons and Knight (DSK Law), Counsel for the City of Clermont, read into the record their objection as submitted to the City Clerk prior to the meeting.

Tim Murry, Mayor for the City of Clermont, 685 W. Montrose Street, Clermont, Florida stated that the core issue is the quality of life, what we as public servants strive to provide to our citizens. He expressed that it has been heard loud and clear the impact that the truck traffic along Marsh Road has had on the residents of the City of Winter

Garden. He noted that this ordinance would force a reroute of traffic, which would in turn also impact the residents of the City of Clermont. He noted thankfulness to the City of Winter Garden for welcoming dialogue between stakeholders and noted progress because of the dialogue. He stated that they respectfully ask that the ordinance be delayed to continue work on dialogue in an effort to find solutions while working together.

Commissioner Mueller asked if Mayor Murry had an outcome that the City of Clermont would be focused on that they would find fruitful. Mayor Murry responded that there was not a particular outcome as they have also had issues with the traffic for many years. However, he does not feel constricting the road is the solution, noting the unfairness to the businesses. He shared that these businesses used this road for many years and this now impedes their territory; noting memories from the late 1960s. He hopes the stakeholders could come together, possibly consider four-laning the highway and upgrading for better traffic movement. He expressed also having truckers understand the need to slow their trucks.

Fred Schneider, Public Works Director for Lake County, thanked the City Commission for the opportunity to be heard and for working with the agencies for solutions. He also thanked City Manager Bollhoefer and staff, noting the many related meetings. He indicated his presence was in support of the City of Clermont and Lake County who are requesting additional time to find alternatives and solutions to this problem.

Commissioner Maciel sought clarification from Mr. Schneider that Titan is a Lake County and City of Clermont company. Commissioner Maciel stated that no one wants to see litigation and noted their request for more time. He questioned, being at the state of an impasse now, what concrete items could be worked on, right now, with more time. Mr. Schneider responded that at this time there has not been a meeting to discuss further actions that would be acceptable to the City of Winter Garden.

There was discussion that four-laning was not an option.

Mr. Schneider noted that Lake County has worked with Orange County, Florida Department of Transportation (FDOT) to build additional east-west routes. He described the locations and how they would connect to the expressway. It was noted that this might take two to three years.

Vincent Niemic, 4569 Barrister Drive, Clermont, Florida stated that he is a resident that lives on Hartwood Marsh Road, is the strongest advocate for Hartwood Marsh Road and constantly attends the City of Clermont and Lake County meetings in complaint of the traffic on Hartwood Marsh Road. He spoke of the traffic, named those impacted by it, and plans currently in progress. He pleaded for more time stating that there are enough problems already on Hartwood Marsh Road and those 11 communities, a mega church and a school would be effected.

Jennifer Rafferty, General Counsel for Titan America and Titan Florida, spoke of the meetings held with the City of Winter Garden, City of Clermont, Lake County and Orange County in efforts to find an amicable resolution. She mentioned an email she sent to City Manager Bollhoefer earlier that day and requested it be read during these proceedings. She noted reiterating Mr. Schneider's observation regarding the need to explore all options and alternatives and requested more time. She stated that she does not feel we are at an impasse as many resolutions have been suggested, trials have begun, and positive movement has been seen on each of those items.

Ms. Rafferty spoke of the ordinance, its expected outcome, and its impact on the industrial neighbors. She noted that they do not want a lawsuit, do not believe they are at an impasse, and would like to continue to work with the staff of the City of Winter Garden.

City Manager Bollhoefer noted that City Attorney Ardaman does not believe the email should be read into these proceeding. Mr. Bollhoefer summarized the email as noting their objection to the decision, a suggestion made as Ms. Rafferty stated, and they would move forward with litigation if the ordinance is approved.

Vic McCall, General Manager for Bishop and Buttrey, Inc., 933 Lee Road, Orlando, Florida, requested that this item be postponed a little longer and consider more options, expressing that they are the local traffic. He noted that they are working with the Sand Mines in addressing safety issues, of which, he stated they are currently are not aware of any. He feels that this is a ploy to get attention, noting that the traffic is too slow for major traffic issues. He voiced that they like the idea of local traffic, explaining that there are lots of others using this as a cut through route.

After waiting and receiving no public calls or comments, Mayor Rees closed the public hearing.

City Attorney Ardaman addressed the traffic issue, referring the City Commission to an exception for local deliveries stated in Ordinance 21-11. City Manager Bollhoefer explained that they would like to be defined as part of the local traffic in order for them to utilize the road. Discussion ensued on local deliveries, definition thereof, and prohibitions for cut through traffic.

Commissioner Maciel give emphasis to the great difficulty of this decision.

City Manager Bollhoefer summarized discussions noting definition of certain trucks to use the road and options to eliminate early morning traffic. Mr. Bollhoefer recognized Jack Hilson from a local homeowner's association (HOA) to address some of the issues.

Jack Hilson, Board member of the HOA for Waterside, addressed the truck traffic, and hours of operation early mornings and late at night. He spoke of the traffic increase and noticed when it dropped. He stated that the speeding on the road was initially higher than posted. He described hazards in trying to use crosswalks, noting times when the trucks would not stop, especially when travelling in a convoy. He also mentioned hazards from loss of debris coming from loaded trucks. He stated that anything to slow the truck traffic would be welcomed.

Commissioner Maciel expressed not wanting to see litigation in this matter and especially not the loss of life due to the safety issues. He inquired if others paying for police detail might be an option. City Manager Bollhoefer noted that this is an option, but the City of Winter Garden would still need demonstration of this traffic slowing down when there is no one watching. Discussion ensued on the City not having sufficient staff to cover this option.

Commissioner Sharman suggested passing the ordinance and delaying the enforcement. Mr. Bollhoefer noted that this was exactly what he was offering, pass the ordinance, delay implementation, and notify everyone that meetings would continue. Then find solid solutions that can happen right away, and if no solutions are found, move forward with signage and enforcement. City Attorney Ardaman noted certain authorizations to the City Manager and staff in Section 3 of the ordinance.

Mayor Rees expressed that we all want to be good neighbors, but noted responsibility for the citizens of the City of Winter Garden. His two issues of concern are the time trucks are running, early morning and late at night, and the number of trucks. He stated that we cannot wait until roads are built two to three years later. He has no problem with passing this ordinance tonight and implementing authorization for when to enforce; noting the need for implementation, which lets everyone know we are serious about the issue. He expressed that the City does not want to hurt the drivers, the companies or the neighbors.

Commissioner Mueller asked that Ms. Rafferty expand on earlier comments she made regarding significant dialogue and changes. Ms. Rafferty responded noting the institution of sequitous patterns so trucks would not enter or exit at the City of Winter Garden Hartwood Marsh area. She noted that this would cut down truck traffic specifically from their company. She noted that speed control was also emphasized with their staff.

There was discussion on the rerouting of traffic, a decrease felt in the number of trucks, and other options for further decreasing the numbers for the residents. Ms. Rafferty noted the impact the ordinance would have on their industry.

Brian Bleakney, Plant Manager for Center Sand Mine, 16375 Hartwood Marsh Road, shared recent observations regarding the morning traffic prior to 7:00 a.m. and feels that the Sand Mine and borrow pit are being unfairly blamed for the truck traffic.

Gabriela Pierami, 16827 Sanctuary Drive, Winter Garden, Florida stated that she has attended these meetings and now voices frustration with this issue that has been now going on for months. She expressed that they have been suffering with this and feels that the City of Winter Garden has to do something to defend the residents.

City Manager Bollhoefer noted that the residents were unanimous in moving forward with this ordinance after having been almost unanimous to delay it in a prior meeting.

There was discussion on moving forward with implementation of the ordinance after not having heard any other acceptable solutions from other stakeholders. However, credit was given to the City of Clermont and Lake County in their efforts to shift traffic. It was noted that additional efforts were still needed in finding other key players for help in reducing the numbers.

Motion by Commissioner Sharman to ADOPT Ordinance 21-11. Seconded by Commissioner Mueller.

Mayor Rees noted that he has no problem with moving forward, but has lost patience with the early morning trucks at 5:00 a.m. and 6:00 a.m.; feeling that they can run at a more reasonable hour.

Commissioner Bennett noted that there is no benefit to the City of Winter Garden or funding from the Lake County side, which is where this traffic originates. She noted that the City gets the impact and a big portion of the expense because they want to come in our direction.

Mayor Rees hopes that there can be some resolve.

Motion carried unanimously 5-0.

City Manager Bollhoefer indicated that he would hold off on enforcement and putting up signs, but in the case of a lawsuit being filed all negotiations would end.

5. **REGULAR BUSINESS**

- A. Recommendation to approve purchase of one new Automated Side Load Garbage Truck from Nextran Truck Sales utilizing the Florida Sheriff's Association & Florida Association of Counties Contract in the amount of \$287,903.84

Fleet and Facilities Division Manager Caines stated that this is a request to approve purchase of one new automated side load garbage truck from Nextran Truck Sales. He noted that the purchase is a piggyback of the Florida Sheriff's Association & Florida

Association of Counties Contract in the amount of \$287,903.84. He noted that this was an anticipated purchase included in the current budget.

Motion by Commissioner Sharman to approve purchase of one new Automated Side Load Garbage Truck from Nextran Truck Sales utilizing the Florida Sheriff's Association & Florida Association of Counties Contract in the amount of \$287,903.84. Seconded by Commissioner Bennett.

Mayor Rees made inquiry regarding inventory as it relates to what is left of manual trucks. Mr. Caines responded that a number of the rear-load trucks are still used. He explained that, for yard waste and recycle, the automatic trucks cannot get through certain neighborhoods. Mayor Rees inquired and it was affirmed that the City would move to the automated trucks as much as possible.

Motion carried unanimously 5-0.

- B. Recommendation to approve purchase of one new Wheeled Coach Type 1 Ambulance Rescue Truck from REV Technical Center utilizing the Florida Sheriff's Association & Florida Association of Counties Contract in the amount of \$271,975, with a not to exceed price of \$280,000

Fleet and Facilities Division Manager Caines stated that this request is to approve purchase of one new Wheeled Coach Type 1 Ambulance Rescue Truck from REV Technical Center. He noted that this purchase was anticipated and is a piggyback of the Florida Sheriff's Association & Florida Association of Counties Contract. He noted the quoted price of \$271,975 and stated that the request is to include a not to exceed price of \$280,000 as preconstruction may have potential changes.

Motion by Commissioner Sharman to approve purchase of one new Wheeled Coach Type 1 Ambulance Rescue Truck from REV Technical Center utilizing the Florida Sheriff's Association & Florida Association of Counties Contract in the amount of \$271,975, with a not to exceed price of \$280,000. Seconded by Commissioner Mueller and carried unanimously 5-0.

- C. Recommendation to approve minor SITE PLAN amendment for 270 & 252 W. Plant Street (The Exchange), subject to conditions

Community Development Director Pash stated that this is a minor site plan amendment to the building next door to City Hall. He noted that one of the first floor tenants requests changing storefront windows to roll up doors, as well as having an outdoor dining corner. He indicated installation of a metal canopy, spoke of collaboration with staff regarding architecture. He described the serving area function where all patrons would be seated, not standing, and noted certain visibility constraints. He pointed out that everything meets the requirement for sidewalk café. Staff recommends approval.

Motion by Commissioner Mueller to approve SITE PLAN amendment for 270 & 252 W. Plant Street (The Exchange), subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. Recommendation to approve SITE PLAN for 1577 & 894 Beard Road (Winter Garden Self Storage), subject to conditions

Community Development Director Pash stated that this is the site plan for 1577 & 894 Beard Road. The plan includes one three-story building along with five single-story structures totaling 114,000 square feet. He then described other proposed improvements. He stated that the plans are consistent with the approved PCD ordinance, they have been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval, subject to the DRC Report.

There was discussion on another previously approved storage facility, its location, and items not visible on the site.

Commissioner Maciel sought confirmation of the extension of the sidewalk in the plan. City Manager Bollhoefer responded yes and discussion ensued.

Motion by Commissioner Maciel to approve SITE PLAN for 1577 & 894 Beard Road (Winter Garden Self Storage), subject to conditions. Seconded by Commissioner Bennett and carried 4-1; Commissioner Mueller opposed.

E. Recommendation to approve the reduction and removal of Code Enforcement Liens for 865 Klondike Street - Case No. 10-194, 10-959, 11-281, 11-765, 14-142, 15-12, 15-32, 15-75, and 16-10

Commissioner Maciel disclosed recusing himself from voting on this item due to a potential conflict of interest.

Community Development Director Pash stated that the owner of this property has many Code Enforcement liens totaling \$428,966.01. He noted that there were also unpaid utility bills totaling \$3,285.36. He described the nine code cases being over a six year period, the dilapidated structure, and the multiple occasions the City was required to mow the property; eventually demolishing the structure and cleaning it up. He noted that the current owner purchased this property with these liens already in place. They now request a reduction so that it can be sold to a developer who intends to build a new single family home on it. Mr. Pash stated that with the time and funds invested into this property by the City, staff requests the reduction for code liens be set at \$10,000 and the unpaid utility bills of \$3,285.36 for a total of \$13,285.36, if paid by April 30, 2021.

Mayor Rees inquired if the current owner has maintained the property since acquiring it. Mr. Pash responded yes.

Commissioner Mueller inquired if there was a mechanism for going back to the original owner to recover the unpaid utility bills, acknowledging that this is the right thing to do for the new owner. City Manager Bollhoefer noted that the utility bills would be paid in this case, but there is no mechanism to go back to the previous owner for a previous amount. Mayor Rees noted the property lien as a way to recoup the funds, noting the possibility of the owner never selling the property. Mr. Pash noted foreclosure also as an option.

Motion by Commissioner Mueller to approve the reduction and removal of Code Enforcement Liens for 865 Klondike Street - Case No. 10-194, 10-959, 11-281, 11-765, 14-142, 15-12, 15-32, 15-75, and 16-10 to \$13,285.36, if paid by April 30, 2021. Seconded by Commissioner Sharman and carried 4-0-1; Commissioner Maciel abstained.

- F. Recommendation to approve the reduction and removal of Code Enforcement Liens for 877 Klondike Street - Case No. 15-13, 15-76, and 16-11

Community Development Director Pash stated that the owner of 877 Klondike Street has three Code Enforcement liens on this property ranging from year 2015 to 2016; noting all for mowing. Mr. Pash indicated that the owner has a contract with the developer to sell this property with the intent to build a new single family home. Staff recommends reduction of the lien to \$700 to cover all City costs, if paid by April 30, 2021; noting the lien currently totals \$1,267.61

Commissioner Maciel disclosed recusing himself from voting on this item due to a potential conflict of interest.

Motion by Commissioner Mueller to approve the reduction and removal of Code Enforcement Liens for 877 Klondike Street - Case No. 15-13, 15-76, and 16-11 to \$700, if paid by April 30, 2021. Seconded by Commissioner Sharman and carried 4-0-1; Commissioner Maciel abstained.

- G. Recommendation to approve Purchase Agreement for 37 N. Boyd Street and Waiver Agreement for 42 and 38 N. Boyd Street

City Manager Bollhoefer noted work in negotiations for this item, which is part of an earlier deal for construction of the building across the street. He noted that the City would purchase the building for the appraised value of \$1,645,000, and described preparations to begin construction of the much-needed parking lot. Staff recommends approval of the purchase.

Motion by Commissioner Bennett to approve Purchase Agreement for 37 N. Boyd Street and Waiver Agreement for 42 and 38 N. Boyd Street. Seconded by Commissioner Mueller and carried unanimously 5-0.

*Dispensed as the City Commission and convened as the **Community Redevelopment Agency** at 8:00 p.m.*

Present: Chairman John Rees, Members Lisa Bennett, Ron Mueller, Mark A. Maciel, Colin Sharman, Orange County Representative Jeff Sedloff, and CRAAB Member Larry Cappleman

- H. Recommendation to approve the purchase of a 960 Sq. Ft. modular building including Installation, from Creative Modular Buildings Inc. for \$148,255.00 plus a 10% Contingency, for a total amount of \$163,080.50 utilizing the Florida Department of Agriculture contract 00-148-FCO-19. The cost is to be split 50/50 between the City and the CRA

City Manager Bollhoefer stated that the City is in the process of redeveloping east Winter Garden, the key for ground zero being Tenth Street and Center Street. He indicated that the beginning of the redevelopment would be the purchase of this building, placing it in this area as a local office and Police substation. He described other potential new businesses wishing to move into the surrounding area. He reverberated that this would be the true beginning of all the great happenings in East Winter Garden.

Mr. Bollhoefer described 120 days from beginning to end for the manufactured building construction. He recognized Board Member Cappleman to relay input from the Community Redevelopment Agency Advisory Board's (CRAAB).

CRA Member Cappleman informed that the CRA Advisory Board met on Tuesday and heard discussion about the building. He noted that the request is for the CRA to pay one-half of the cost of the building with the City being requested to pay the other half. He shared that he believes it is a great project to start the east Winter Garden project; noting the long wait and wisdom in seeing it move forward.

Motion by CRA Member Cappleman to approve the purchase of a 960 Sq. Ft. modular building including Installation, from Creative Modular Buildings Inc. for \$148,255.00 plus a 10% Contingency, for a total amount of \$163,080.50 utilizing the Florida Department of Agriculture contract 00-148-FCO-19. The cost is to be split 50/50 between the City and the CRA. Seconded by CRA Member Sedloff.

CRA Member Rees inquired as to whether the CRAAB vote was unanimous. CRA Member Cappleman responded yes, noting a lot of support and relief to finally see something moving forward.

CRA Member Mueller commended City Manager Bollhoefer for getting this going.

CRA Member Sedloff noted that he definitely likes this project and inquired if, this being modular, included site work and utility connections. City Manager Bollhoefer noted that

it is turnkey, with the City needing only provide sewer and water to the building's hookup.

Motion was carried unanimously 7-0.

City Manager Bollhoefer commended Orange County's appointee CRA Member Sedloff for his attendance record.

*Adjourned as the Community Redevelopment Agency and reconvened as the **City Commission** at 8:03 p.m.*

6. **MATTERS FROM PUBLIC**

Mayor Rees opened the public hearing, reading a dedicated phone number and noting instructions for the public's participation in this meeting.

Sarah Wolfe, on behalf of Charlie Mae Wilder, announced that items from the community garden were available to anyone in attendance.

Iliana Ramos Jones, 529 Lake Cove Pointe Circle, Winter Garden, Florida thanked City Manager Bollhoefer for his presentation at the last meeting. She spoke of changes she has seen made by the City in the last 15 years. She personally thanked the City Manager and City Commission for their entrepreneurship, vision and ambition. She noted that although City staff is considered small in quantity, they are great in quality and she thanks them.

After waiting and receiving no additional public calls or comments, Mayor Rees closed the public hearing.

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

8. **MATTERS FROM CITY MANAGER**

A. Recommendation to approve the purchase of a 960 Sq. Ft. modular building including Installation, from Creative Modular Buildings Inc. for \$148,255.00 plus a 10% Contingency, for a total amount of \$163,080.50 utilizing the Florida Department of Agriculture contract 00-148-FCO-19. The cost is to be split 50/50 between the City and the CRA

City Manager Bollhoefer made recommendation for the City to pay the other half of the purchase and installation of the building on Tenth and Center Street as noted earlier.

Motion by Commissioner Maciel to approve the purchase of a 960 Sq. Ft. modular building including Installation, from Creative Modular Buildings Inc. for \$148,255.00 plus a 10% Contingency, for a total amount of \$163,080.50 utilizing the Florida Department of Agriculture contract 00-148-FCO-19. The cost is to be split 50/50 between the City and the CRA. Seconded by Commissioner Bennett and carried unanimously 5-0.

- Art Night VIP
City Manager Bollhoefer announced an Art night event on April 17, 2021; noting VIP tickets available to the City Commission. He directed that they see Economic Development Director Gerhartz for details.
- Homeless Camps
City Manager Bollhoefer informed the City Commission of issues related to the homeless within the City, their homeless camps and trespass violations. He indicated that as a City we do not seek the homeless in effort to enforce trespassing; however, a group was recently trespassed, they moved to another property, and at an owners request, the City must enforce the law. He spoke of key contacts for action in these instances, addressing trash and sanitation issues, and City efforts to assist in keeping the properties clean.
- Speeding Complaints
City Manager Bollhoefer noted an increase in speeding calls and speeding as a whole increasing Citywide. He addressed traffic, how stop signs do not work but only increase speeding in between the signs. He introduced ideas of traffic calming; noting that the City would start at Marsh Road to address the issue. He expressed that the City of Winter Garden would start by aiming to be the most pedestrian friendly City, road plan the entire City, and perform street-by-street analysis.
- Stoneybrook West Golf Course
City Manager Bollhoefer informed that the City closed on the purchase of the golf course this afternoon. He spoke of moving forward to turn over the golf course to the HOA, options for its operation and options for the HOA purchase.

Commissioner Sharman noted that the main point is that they now maintain control. City Manager Bollhoefer responded, yes, that makes the difference as now they control their own fate.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman spoke of donating funds and efforts to a marketing campaign for the vision of what Marsh Road could look like, championing the City Manager in this effort.

Commissioner Maciel thanked City Manager Bollhoefer for his efforts in the recent purchase for East Winter Garden; reiterating that this would be the beginning for redevelopment in the area. He also later noted his thanks to the Community Redevelopment Agency (CRA).

Commissioner Mueller thanked the City and the Winter Garden Rotary Club for the Broadway under the Stars series. He noted that it was an amazing event he really enjoyed.

