



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

April 22, 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 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, Fire Chief Jose P. Gainza, Jr., Information Technology Director Chad Morrill, and Police Chief Stephen Graham

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Maciel to approve regular meeting minutes of April 8, 2021 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.**

### 2. **SECOND 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 follows recommendations from the City's pension plan attorney. Primary changes he described are the mandatory distribution age moving from age 70 and a half to age 72. A 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 that there would be no cost and the changes would have no

impact on the actuarial assumptions used in factoring funding requirements. Staff recommends approval of Ordinance 21-10.

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 ADOPT Ordinance 21-10. 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 which would be rezoned R-NC and have a future land use designation of residential neighborhood commercial. He noted that the included annexation agreement limits the development to one single family home, if not developed for an office or

commercial use. Staff recommends approval of Ordinances 21-12, 21-13, 21-14, and the annexation agreement.

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 Maciel to ADOPT Ordinances 21-12, 21-13, 21-14 and annexation agreement (As noted in Item 3.C). Seconded by Commissioner Mueller and carried unanimously 5-0.**

### 3. **REGULAR BUSINESS**

- A. **Resolution 21-05:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING A DOWNTOWN GOLF CART DISTRICT PURSUANT TO § 74-4 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; IDENTIFYING STREETS UPON WHICH GOLF CARTS MAY BE OPERATED; PROVIDING FOR SIGNAGE; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 21-05 by title only. City Manager Bollhoefer stated that staff requests postponement for this item. He described past discussions on this issue, noting having had meetings with the Mayor and some Commissioners for their ideas on the subject. He noted that Commissioner Mueller was not seated on the City Commission at the time the golf carts issue was introduced. Mr. Bollhoefer noted that State law does not authorize golf carts. He provided background on the voting criteria related to golf carts, addressed determinations of streets being safe for golf carts, potential for liability, and authorizations to use golf carts. Mr. Bollhoefer spoke of golf cart speeds, speed limits, type of roads, travel distance of certain golf cart sections, and slowing of traffic. He noted that also considered in the criteria were the number of requests, location, proximity to traffic signals and signs. He defined street legal golf carts versus light vehicles, differences in speed and how they are defined by State law.

Mr. Bollhoefer noted that staff has discussed this issue with more subdivisions, did more review and would like to further discuss this issue with the City Commission for more input before moving forward.

Mayor Rees encouraged the City Commission to review this issue, understand the concepts and criteria and encouraged them to sit down with staff to discuss before the item is brought back for decision.

Commissioner Mueller noted receiving positive resident feedback on this issue.

**Motion by Commissioner Mueller to POSTPONE Resolution 21-05 to May 13, 2021 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- B. Recommendation to approve minor SITE PLAN for 646 East Plant Street (WG Plant, LLC)  
Community Development Director Pash stated that this is the site plan reviewed for 646 East Plant Street. The site plan includes demolition of a portion on the back of the building and constructing an addition on the front of the building. He also noted other site improvements such as parking and landscaping. The proposed development is consistent with the approved Character Area Planned Unit Development (CAPUD) zoning Ordinance. The plans have been reviewed by the Development Review Committee (DRC) and staff recommend approval, subject to conditions as noted in the DRC Report.

City Manager Bollhoefer noted that these plans are identical to the conceptual plans that were brought to the City Commission in the past.

Commissioner Bennett inquired and it was confirmed that there were no changes concerning the permitted use.

**Motion by Commissioner Bennett to approve SITE PLAN for 646 East Plant Street (WG Plant, LLC), subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- C. Recommendation to approve Annexation Agreement for 859 South Lakeview Avenue  
*This item was addressed and approved earlier in the meeting under Items 2.B, C and D.*
- D. Recommendation to approve Land Donation Agreement for 275 Center Street  
Community Development Director Pash stated that the property located at 275 Center Street is owned by the City of Winter Garden. The City has been working closely with Habitat for Humanity in an effort to build new affordable homes in East Winter Garden. Mr. Pash noted that the plans are to build four new homes on this property. He indicated that in order for the plat to be recorded and approved for Habitat to build the homes, they need to own the property. In order to build the four new homes in east Winter Garden, staff recommends approval of donating this property to Habitat for Humanity.

City Manager Bollhoefer noted working with Habitat for Humanity on this issue, and spoke of the beauty of the homes and the success of the project.

Commissioner Maciel noted the importance of this effort, being that this is in the heart of Center Street where the City is trying to start the redevelopment.

Marilyn Hattaway, Executive Director of the West Orange Habitat for Humanity, thanked the City for its commitment, assistance and partnership in providing affordable housing. She noted that in a climate where real estate is not easy to come by, she thanked the City for its forethought. She named some of those entrenched in an effort to preserve

this culturally diverse community; she thanked the City Commission, Mayor, City staff members Carson and Pash, and the City Manager. She thanked them especially for believing that everyone deserves a decent place to live. She noted that Habitat struggles in other communities with the municipalities, but noted that the City of Winter Garden has had an open door.

Ms. Hattaway announced a hopeful soon start for Criswell Court, which is the 275 Center Street location where they plan to build two cottages and two garden homes. She described the homes and noted that the families are now being chosen. She shared that 39 homes would be worked on in the neighborhood revitalization efforts and described the proposed work.

Ms. Hattaway shared fundraising information for the launch of a neighborhood revitalization fundraiser called the Rockthehou\$e event on May 7, 2021 at 7:00 p.m. She noted that this is a virtual as well as live event.

Mayor Rees inquired and there was discussion on enclaves, annexations thereof, and work with Orange County to address this issue. City Manager Bollhoefer noted that our City Attorney Ardaman worked alongside the Orange County Attorney on those legal issues. City Attorney Ardaman noted that the County could use a statutory agreement in this effort and it would be actually easier than negotiating the enclaves.

**Motion by Commissioner Maciel to approve Land Donation Agreement for 275 Center Street. Seconded by Commissioner Mueller and carried 5-0.**

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

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

6. **MATTERS FROM CITY MANAGER**

A. Police Vehicles Purchase

City Manager Bollhoefer addressed the hiring of new Police officers and the necessity for purchasing three new cars for the three new officers. He also noted needing replacement cars for those which were totaled and another with a blown engine. He calculated the cost for the new vehicles minus the insurance reimbursement funds. He indicated that funding for the new Police Officers would not come out of regular tax dollars but that of impact fees.

Commissioner Maciel inquired and it was confirmed that this does include lights and equipment.

**Motion by Commissioner Mueller to approve the purchase of (6) police vehicles in the amount of \$296,000. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- Speeding and Purchase of Equipment

City Manager Bollhoefer noted that speeding is the current number one concern in the City at this time. In an effort to impede speeding, the City would like to purchase speed trailers, radar guns, speed enforce evaluator, and speed limit mobile sign indicators.

There was discussion on the equipment, its use, its need, and the availability of potential quantity pricing discounts.

**Motion by Commissioner Mueller to approve purchase of equipment to address speeding in the amount of \$32,200. Seconded by Commission Sharman and carried unanimously 5-0.**

- Downtown High School Seniors Walk

City Manager Bollhoefer noted that Orange County Public Schools is not allowing the seniors to have their senior walk on their campuses. He noted that they have requested permission to do a senior walk in the downtown. They would like to take one hour on Wednesday, May 12, 2021 from 5:30 to 6:30 p.m. and the participants would be the seniors and the High School band. He noted that this has been done for the High School seniors before.

**Motion by Commissioner Bennett to approve the High School Senior walk in the downtown on Wednesday, May 12, 2021 from 5:30 to 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- 4<sup>th</sup> of July Fireworks

City Manager Bollhoefer addressed this year's fireworks in a modified format due to COVID-19. He noted that there would be no vendors and people would bring their own refreshments.

Commissioner Mueller inquired if it were possible to have some vendors with limited items such as offering some water or snacks. Mr. Bollhoefer responded that the City could do that and provide some water, but the thought was to not have people in lines and in proximity of each other. It would be more like a picnic 4<sup>th</sup> of July with family groups adhering to social distancing, and masks would be recommended although they do come off when people are eating. Mr. Bollhoefer noted mentioning this for early planning. It was noted that there were no objections on this budgeted item.

- Tree Planting at Tucker Ranch (Arbor Day)  
City Manager Bollhoefer announced that Friday, April 30, 2021, 8:30 – 11:30 a.m. at Tucker Ranch there would be a tree planting sponsored by the Bloom N’ Grow Society.
- Lake Breeze – Lake Roberts Clean up  
City Manager Bollhoefer noted working with this private community for over nine years in an effort to assist with cleanup of their private lake. He noted that it is not accessible to the public. He described how enough people finally signed up so that this item could be placed on the ballot to vote on as a Municipal Servicing Taxing Units (MSTU). He shared the past history of the City agreeing to assist with the one-time cleanup, which at the time was approximately \$10,000 and in perpetuity they would be responsible for the cleanup in the future.

Commissioner Maciel inquired of when this would go on the ballot. Mr. Bollhoefer noted that he was not sure but thought it would be soon or early next year, but he would look into this and provide the information. He shared information about educating that community on how this effects their property values and is also a benefit to everyone.

- Short Staff  
City Manager Bollhoefer addressed current activity and high demand for staff. He shared that although the City did not have very many people out due to COVID-19 (Coronavirus) we did, however, experience a high volume of absences due to the after effects of the vaccinations.

## 7. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** thanked Community Development Director Steve Pash for recently providing a resident with some information. He thanked Information Technology Director Chad Morrill for coming out to the Marsh Road meeting and he spoke of Police Chief Graham and City Manager Bollhoefer regarding Marsh Road traffic statistics.

**Commissioner Maciel** thanked Marilyn Hattaway of West Orange Habitat for Humanity and their staff for all the good work they are doing in east Winter Garden. He thanked City staff for their work regarding the Art event and expressed that it looked amazing and was a great event.

**Commissioner Mueller** thanked Mr. Williams and staff for their response to some drainage issues that occurred at Hyde Park.

Commissioner Mueller reminded everyone of Black Maternal Health Week when women healthcare survivors and advocates highlight the wide disparity between birth outcomes between certain ethnic groups.

