



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

May 13, 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, 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 April 22, 2021 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

- A. **Proclamation 21-04:** Proclaiming Apraxia Awareness Day was read and presented by Mayor Rees and the City Commission.
- B. **Proclamation 21-05:** Proclaiming Outdoor Dining Month was read and presented by Mayor Rees and the City Commission.
- C. **Proclamation 21-06:** Proclaiming Florida Emancipation Day was read and presented by Mayor Rees and the City Commission to Tiffany Hughes, President of the Orange County branch of the National Association for the Advancement of Colored People (NAACP). Ms. Hughes thanked the City Commission and shared information on the organization and upcoming events.

### 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 of this item as it is still in review. He spoke of the City needing to demonstrate that its streets are safe for golf carts before allowing

them. He addressed the inclusion of more communities, creation of golf cart zones, methods for slowing cars, safety, protection from liability, and the linking of different areas such as Dillard Street. He spoke of how the east side could get to Dillard Street by safe navigation through roundabouts.

City Manager Bollhoefer noted that in relation to the golf carts, adjustments are still being made. There was discussion that the Commissioners should review and discuss this issue with the City Manager before it is brought back for consideration. Mr. Bollhoefer noted that, if approved, there would be the need for adjustments to the roads to make them safe for the golf carts. There is the need for asphalt stamping, launching an information campaign to educate the citizens, and enforcement regarding under age golf cart drivers. He also explained the definition of golf carts versus light vehicles. He also spoke of licensing requirements and noted certain outlawed vehicles.

**Motion by Commissioner Mueller to POSTPONE Resolution 21-05 until May 27, 2021 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. Recommendation to approve FINAL PLAT for 275 Center Street (West Orange Habitat for Humanity), subject to conditions

Community Development Director Pash stated that this is the final plat for the property located at 275 Center Street. The plat creates four new single-family lots and easements. It has been reviewed and approved by the Development Review Committee (DRC) and staff recommend approval, subject to conditions.

**Motion by Commissioner Maciel to approve FINAL PLAT for 275 Center Street (West Orange Habitat for Humanity), subject to conditions. Seconded by Commissioner Bennett and Sharman simultaneously and carried unanimously 5-0.**

- C. Recommendation to approve SITE PLAN for 12100 W. Colonial Drive (Pet Suites Winter Garden), subject to conditions

Community Development Director Pash stated that this is a site plan for 12100 W. Colonial Drive. This site has already been developed; previously operating as a club and event space. The proposal is to renovate the building and turn it into a Pet Suites, which provides pet grooming, pet boarding and training. He described some of the site improvements. He stated that the plan has been reviewed and approved by the Development Review Committee (DRC) and staff recommend approval, subject to conditions.

Mayor Rees inquired of the space in the back of the building where the wetlands start, noting that it seems to be a noisy place. Mr. Pash responded noting a description of the buffer.

Commissioner Mueller commended staff on the landscape noting it would make it look better. Mr. Pash interposed that it would be a softer look, to which Commissioner Mueller agreed.

**Motion by Commissioner Bennett to approve SITE PLAN for 12100 W. Colonial Drive (Pet Suites Winter Garden), subject to conditions. Seconded by Commissioner Mueller and carried unanimously 5-0.**

- D. Recommendation to approve waive of formal procurement process and approve Construction Services Agreement with R.C. Stevens to construct and install Winter Garden Butterfly Garden Project in the amount of \$199,675

Community Development Director Pash stated that this is a construction services agreement with R.C. Stevens to build a butterfly garden. He noted the location as being between the Splash Pad and the new Exchange building. He described future improvements to the location as well as the addition of the new butterfly sculpture. He spoke of R.C. Stevens currently building The Exchange building and working with staff. He noted that it was thought best to include R.C. Stevens on this so as not to hire another contractor, go through the procurement process, and pay staging fees. He noted that they provided a bid amount of \$199,675, which is below the \$300,000 State threshold for the procurement process. Staff recommends waiver of the procurement process under City requirements and approve the Construction Services Agreement with R.C. Stevens in the amount of \$199,675.

Mayor Rees noted that he felt R.C. Stevens would insure that it is a good job in light of their project next door.

Commissioner Sharman commented on the breakdown of the cost and this being a good purchase for the City having the project done now as opposed to waiting and have the prices increase. He feels that this is a smart move.

**Motion by Commissioner Bennett to approve waiving formal procurement process and approve Construction Services Agreement with R.C. Stevens to construct and install Winter Garden Butterfly Garden Project in the amount of \$199,675. Seconded by Commissioner Mueller and carried unanimously 5-0.**

- E. Recommendation to approve budget amendment to allow Mead & Hunt to provide engineering services for a Reclaimed Water Facility Plan in the amount of \$314,774, which includes a 10% contingency

City Engineer Jim Monahan stated that this is a request to amend the budget to reallocate \$370,000 from the northwest reuse storage and main extension to a reclaimed water facility plan. This proposal serves as a planning and funding document for expansion and improvement of the City's reclaimed water production,

interconnectivity of all storage tanks, and pumping/distribution. It would be integrated with the overall capacity expansion of the Wastewater Treatment Plant.

He explained the goal with the Reclaimed Water Facility Plan is to significantly reduce or potentially eliminate the need to discharge any water via the pond site, which ultimately makes it way to Lake Apopka. In addition, to reduce the amount of water purchased from Conserv II. Staff recommends approval of budget amendment to allow Mead & Hunt to provide engineering services for a Reclaimed Water Facility Plan in the amount of \$314,774, which includes a 10% contingency.

Mayor Rees confirmed that the amendment of the budget of \$370,000 is actually the \$314,774, which includes the 10% contingency. Mr. Monahan and City Manager Bollhoefer both affirmed. Mayor Rees also inquired and it was confirmed that everything would be completed in the 365-day timeframe.

Commissioner Bennett noted understanding that this would be at the current water treatment plant. Mr. Monahan explained that this would be a modelling exercise of the facility plan to review the entire reclaim system. This including additional storage to try and maximize what the City currently has and provide others with reclaimed water. City Manager Bollhoefer sought confirmation that it would be especially in the northern area; Mr. Monahan affirmed.

**Motion by Commissioner Sharman to approve budget amendment to allow Mead & Hunt to provide engineering services for a Reclaimed Water Facility Plan in the amount of \$314,774, which includes a 10% contingency. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- F. Recommendation to approve Mead & Hunt to provide design services for East Winter Garden Water Main Improvements in the amount of \$72,372, which includes a 10% contingency

City Engineer Jim Monahan stated that this a proposal for design services to upgrade the existing 2" water mains to 6" along E. Bay, Christopher, Trumbo and Saba Streets. These upgrades would coincide with the Orange County stormwater improvement project and would increase the water main size to provide improved potable service and fire flow protection to the resident in East Winter Garden. Staff recommends approval of Mead & Hunt to provide design services for East Winter Garden Water Main Improvements in the amount of \$72,372, which includes a 10% contingency.

Mayor Rees inquired and there was discussion on the remaining 2-inch pipe in existence. It was noted that some still exists in the older sections and the City is slowly working its way through them.

Commissioner Maciel inquired and it was discussed that this does include some of the unincorporated Orange County sections such as Trumbo. Also noted were projects in process under Orange County and timeframes being at least over a year.

**Motion by Commissioner Sharman to approve Mead & Hunt to provide design services for East Winter Garden Water Main Improvements in the amount of \$72,372, which includes a 10% contingency. Seconded by Commissioner Maciel and carried unanimously 5-0.**

G. Recommendation to approve Traffic Enforcement Agreements for Residences at Oxford Chase HOA and Belle Meade Residents HOA

Police Chief Graham stated that the residents at Oxford Chase and Belle Meade are requesting traffic enforcement inside their gated communities; these agreements would enable that enforcement. Staff recommends approval.

Mayor Rees inquired if the agreements were the same the City holds with some of the other communities. Police Chief Graham affirmed. Commissioner Sharman commented on the enforcement process.

**Motion by Commissioner Sharman to approve Traffic Enforcement Agreements for Residences at Oxford Chase HOA and Belle Meade Residents HOA. Seconded by Commissioner Mueller and carried unanimously 5-0.**

H. Recommendation to approve SPECIAL EVENT for American Legion – Memorial Day Special Event at Veterans Park – May 31, 2021 from 7:30 – 9:30 a.m.

Community Development Director Pash stated that this is special event request from the American Legion for a Memorial Day ceremony at the Veterans Park, May 31, 2021 from 7:30 a.m. to 9:30 a.m. He informed that the ceremonial event would highlight names of Winter Garden residents who gave their lives in war. Staff would recommend approval of the event.

Mayor Rees inquired if the American Legion would take this event over going forward. Mr. Pash affirmed and noted that this would be in conjunction with assistance from the City's Parks and Recreation Department.

Commissioner Bennett spoke of former Commissioner Theo Graham, his past dedication to this event even days after having heart surgery. There was discussion on honors given in his remembrance.

**Motion by Commissioner Bennett to approve SPECIAL EVENT for American Legion – Memorial Day Special Event at Veterans Park – May 31, 2021 from 7:30 – 9:30 a.m. Seconded by Commissioner Maciel and carried unanimously 5-0.**

#### 4. **MATTERS FROM PUBLIC**

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

Elizabeth McKinney, representative for the Art Association, thanked the City for their pivotal role in the recent Art Night. She noted that the activities during the day and those during the night would not have been possible without the City. She thanked the City Commission, City employees, and gave special thanks to staff members Parks and Recreation Director Laura Coar and Economic Development Director Tanja Gerhartz. Ms. McKinney spoke of feedback from merchants and improvements for the next year.

There was discussion on the event and its success. City Manager Bollhoefer commended Parks and Recreation Director Laura Coar and Economic Development Director Tanja Gerhartz on the groundwork in establishing this event.

Norine Dworkin, Editor of Vox Populi, addressed an upcoming expiration of the Centers for Disease Control and Prevention (CDC)'s eviction moratorium, lack of housing units in greater Orlando area, and bracing for the increase in homelessness. She inquired of the City's plans to address this issue of those people who would become suddenly homeless. She mentioned discussions at the last meeting regarding the homeless, but accentuated that this would potentially be thousands of people. She spoke of current rent costs, minimum wage, and affordable of housing.

City Manager Bollhoefer responded that there is approximately \$39 million that Orange County has for addressing this issue with all the cities. Although there is not currently a plan in place, there is a funding source. He noted lack of time for adjustment to the issue, but noted conversations addressed regarding the immediacy, the middle timeframe and a long-term basis reviewed for workforce housing. Several older communities have also been reviewed for cleanup. However, he reiterated that the City is looking at the short, middle and long term.

Mayor Rees noted that the City has been working with a couple of groups and churches to try to assist in this effort. Also noting reviewed alternatives, which still priced housing out of range.

Commissioner Maciel noted community conversations at the Maxey Center, but noted that there has not been a lot of talk about who is vulnerable. He spoke of funds for the community and for the landlords, stressing again the critical point being the identification of those that are vulnerable.

*Information Technology Director Morrill informed of a citizen who wanted to comment but logged off before the opening of public comment.*

Alan Haughey, property owner of a vacant lot located at 15275 W. Colonial Drive, stated that his timing here is apropos in light of conversations about the homeless. He thanked the City for removing the people who had built an elaborate encampment on his property. He spoke of the people who are trying to be an advocate for the homeless but are creating a reverse problem. In their haste to show compassion, he stated that they are providing tents and maps to vacant land. He expressed that this is his land and other people's land. Frankly, he has no problem if someone were living out there, noting that it is 16 acres, and densely wooded; however stressing the impact on those living nearby. He indicated that there are people with emotional problems out there screaming all throughout the night, drug addicts, and beware of dog signs, which present a liability to him as the landowner. He expressed that, in his mind, there is a church violating his property rights and affecting the quiet enjoyment of people who live nearby. He admits it is a tough situation, but feels that the short term solution cannot be allowing people to living there, trashing the place and using the space as a public restroom.

Additionally, Mr. Haughey expressed his pleasure working with City Manager Bollhoefer over the years; noting him as one of the best civil servants he has ever met. He shared that Mr. Bollhoefer approaches every situation by running it through the filter of "would this increase the quality of life for the citizens." Mr. Haughey encouraged the City Commission to also use that filter when addressing this issue.

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

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

6. **MATTERS FROM CITY MANAGER**

Board Appointments

City Manager Bollhoefer addressed a hold put on board appointments due to the COVID-19 pandemic and the need for the reduction of contact. However, he noted that necessary appointments to the boards would be forthcoming. He named some of the boards and informed the City Commission that they would soon receive a packet relation to this issue. He also noted that advertisements would be run in a campaign to reach board volunteers.

Districting Commission

City Manager Bollhoefer informed of the soon release of Census data in August, which would require the City to consider its redistricting. He informed that the City Attorney would provide a brief overview of requirements at the next meeting. He informed that this is not optional and is required by City Charter.

COVID-19 Update and CDC Ruling

City Manager Bollhoefer noted that there are new edicts out on COVID-19 and explained that the Governor has given a new order, which supersedes those of local government. He

shared that the City has moved forward by opening the parks, postings signs for liability. He noted that the CDC ruling is that masks are not required indoors for those who have been fully vaccinated. He informed of the City go back to its normal meeting procedure; no longer offering virtual meetings, but still working to accommodate the handicapped when required.

#### Term limits for Boards

Mayor Rees noted that term limits for the boards had been implemented a while back and asked that the City Commission revisit this issue.

City Manager Bollhoefer noted meeting with City Commissioners on this issue. He stated that the implementation of term limits for the boards in the past was thought to create greater participation. The downside was good board members were forced off due to the term limits. He encouraged the City Commission to consider this issue, noting a packet in relation to this issue would be sent out the next week for review and discussion.

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

**Commissioner Sharman** inquired if the term limits were recommended in the Charter. He noted starting with the Planning and Zoning Board (P&Z) on this issue as there were more people requesting to fill positions than were seats available. He acknowledged that lately there is the struggle getting positions filled with the other boards.

**Commissioner Maciel** inquired of City Clerk Grimmage as to the City's current list and backlog for interests on these boards. City Clerk Grimmage responded noting there is currently a good list, but shared that past advertisements did not produce the expected response and noted the ill effect of the term limits. Mayor Rees noted that there is a year or two in between appointments and the available applicants may have moved on to something else.

**Commissioner Mueller** thanked Commissioner Maciel and noted his very generous bid on a Habitat for Humanity item this year. Commissioner Maciel responded that Habitat for Humanity does a lot for east Winter Garden and he is happy to support them.

Commissioner Mueller thanked the City Manager for his assistance with some calls received from citizens. He thanked him for his personal follow up with them and his help in getting things sorted out.

Commissioner Mueller commented that it was a great event for the High School Seniors and he thanked staff, the Parks and Recreation Department, and the Police Department. He noted that there was rain but also a nice rainbow for them.

**Commissioner Bennett** noted that she has had many calls and emails of people who are extremely grateful that the City is getting back to "quasi-normal" for the Fourth of July.

