



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

May 27, 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, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, 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 May 13, 2021 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

A. Central Florida Expressway Authority represented by Will Hawthorne, Director of Engineering, presented the CFX 2045 Master Plan. Mr. Hawthorne shared history of CFX, composition of its board of directors, and described the 125 miles of the expressway. He noted that the master plan is reviewed every five years and its funding is completed in phases of design and build. He expressed the need for gathering input of the City's transportation needs in order to better serve the communities.

There was discussion on possible light rails in the area, new technology for the future, spaces set aside for special use corridors to cover the unknown needs of the future. Also discussed were the multiple passenger-shared lanes, which utilize the honor system, keeping traffic, moving at a decent speed, and emergency response usage.

City Manager Bollhoefer noted how pleasurable it was to work with the Expressway Authority. Discussion ensued regarding arterial roads, the Stoneybrook West exit ramp installation and other local improvements.

City Attorney inquired of possible new technology for the reduction of road noise. Mr. Hawthorne noted that he had not heard of it but would follow up with the Florida Department of Transportation (FDOT) as a means for researching it. However, he did note that efforts are made to mitigate noise.

Commissioner Maciel thanked Mr. Hawthorne and the Expressway Authority for their assistance.

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

- A. **Ordinance 21-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PERTAINING TO CERTAIN CITY BOARDS; AMENDING SECTION 2-61 GOVERNING THE CODE ENFORCEMENT BOARD WITH RESPECT TO ITS CREATION, COMPOSITION, TERMS, REMOVAL, AND ORGANIZATION; SECTIONS 98-26 AND 98-29 OF THE CITY CODE OF ORDINANCES GOVERNING PLANNING AND ZONING BOARD CREATION, COMPOSITION, APPOINTMENT, TERMS, REMOVAL, COMPENSATION OF MEMBERS, FILLING OF VACANCIES, QUORUM; AMENDING SECTION 98-189 OF THE CITY CODE OF ORDINANCES GOVERNING THE ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD WITH RESPECT TO APPOINTMENT, REMOVAL, AND TERMS OF MEMBERS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-15 by title only. City Manager Bollhoefer noted that staff requests postponement of this item until the next meeting. He noted more time is needed for City Commission review, assembly of an information packet and the gathering of additional volunteer interest applications.

Motion by Commissioner Sharman to POSTPONE Ordinance 21-15 until June 10, 2021 at 6:30 p.m. Seconded by Commissioner Mueller and carried unanimously 5-0.

4. **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 noted that this item had been postponed a few times and expounded on its complicated and difficult nature. He spoke of the City Commission's requirement to determine that its streets are safe for golf carts and noted the potential liabilities involved. He spoke of signs, stamped asphalt notices for golf cart zones, tests for shorter areas and future plans. Discussion ensued on the test locations and Commissioner Mueller thanked staff for their work on this effort, noting the difficulty of the task.

Motion by Commissioner Mueller to POSTPONE Resolution 21-05 until June 10, 2021 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.

B. Recommendation to approve Impact Fee Deferral and Forgiveness Agreement for 30 North Park Avenue

City Manager Bollhoefer noted the City using this option in the past and explained the strict architectural requirements. He noted that this, in the long term, lends to good quality architecture with good building and good design. He explained how this drives up property value for buildings downtown, builds up tax revenue, and increases property value for all adjacent properties. He described that what the City demands in architecture drives up the expenses for the builder. He shared information on how this method has worked with other past projects. He explained how the waived funds are made back within one year with the generation of revenue in property taxes for the nine units. He noted that encouraging the higher quality architecture makes a big difference for the downtown. Staff recommends approval of the waiver.

Commissioner Mueller noted understanding incentives for other projects in the past and noted that in this case, it is already under construction and is already moving forward. He expressed struggling with why an incentive or freebie would be given for something already approved and moving forward. City Manager Bollhoefer responded that this is about doing the right thing, this was discussed and not done at the time it was required, but they did do what was asked of them. He noted that this would be done in fairness as it has been done for everyone else and is the right thing to do.

Motion by Commissioner Bennett to approve Impact Fee Deferral and Forgiveness Agreement for 30 North Park Avenue. Seconded by Commissioner Sharman and carried 4-1; Commissioner Mueller opposed.

C. Recommendation to approve community event for Winter Garden Masonic Lodge – 15th Annual All American Kids Parade on July 4, 2021

Community Development Director Pash stated that this item is for the annual kids parade sponsored by the Masonic Lodge on the 4th of July. He stated that it is the same as previous years with the exception of no pancake breakfast this year. He noted the time of 7:30 a.m. to approximately 1:00 p.m. with Plant Street closure during that time for approximately two hours. He informed that the City departments would work together to coordinate this event. Staff recommends approval. City Manager Bollhoefer noted that step-by-step efforts are being made to get back to normalcy.

Motion by Commissioner Bennett to approve the community event for Winter Garden Masonic Lodge’s 15th Annual All American Kids Parade on July 4, 2021, which includes temporary closure of Plant Street. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. **Resolution 21-06:** A RESOLUTION OF THE CITY OF WINTER GARDEN DETERMINING THAT THE WEST ORANGE HABITAT FOR HUMANITY PROJECTS LOCATED IN EAST WINTER

GARDEN ARE CONSISTENT WITH LOCAL PLANS AND REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ardaman read Resolution 21-06 by title only. City Manager Bollhoefer stated that this resolution is the same as done in the past and it is required for the West Orange Habitat for Humanity to move forward with their project. Passing this resolution it allows them to continue building homes in East Winter Garden and rehabilitation of homes. It was noted that this is a standard item, which is more for them than for the City as it assists them in their funding approval. Staff would recommend approval.

Motion by Commissioner Maciel to approve Resolution 21-06. Seconded by Commissioner Mueller and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC**

Norine Dworkin, of Vox Populi a nonprofit news organization, noted the City Commission's compliance with the CDC guidelines and spoke of online discussions regarding vaccine hesitancy. She thanked them for their show of leadership.

Ms. Dworkin noted the City's celebration events such as Martin Luther King Day and Black History Month and inquired if there was something scheduled for Juneteenth. City Manager Bollhoefer noted that there had not been anything planned. Commissioner Maciel informed of an event by the Orlando Retirees at the Mildred Dixon Center, but noted that it was not affiliated with the City, but is held in east Winter Garden. There was discussion on review of a more diverse option, recognition of Juneteenth, inclusivity and outreach to discuss the issue.

Kyle Napier, 673 Glenview Drive, Winter Garden, Florida expressed attending the meeting as a last resort and spoke of an issue with a disruptive neighboring renter in the Garden Heights community. He noted that this issue requires continued police assistance. He shared issues of the noise of a four-wheeler all-terrain vehicle in the late night hours, and as neighbors, their inability to effectively communicate with this individual. He commended the Winter Garden Police Department and named certain Officers for their assistance in this effort. He further noted property damage to his vehicle in retaliation and now being terrorized for "seeing something and saying something". He informed that other neighbors are also being impacted by this individual's behavior and pleaded for additional help in the situation.

City Manager Bollhoefer suggested a meeting to come up with a plan, noting the challenge in finding a solution. Mr. Napier noted an increased Police presence and voiced his appreciation for it. There was discussion that the noted individual also carries a gun and should not be approached. It was reiterated that a meeting with the City Manager, City Attorney, Mr. Napier and the neighbors would be arranged.

Steve Miller, 657 Glenview Drive, Winter Garden, Florida, shared history of his background working with at risk children. He expressed noting red flags with reference to the previously discussed disruptive individual; however, advice was given not to intervene. He spoke of Mr. Napier and his family and strongly expressed that they do not feel safe. He stated that next week might not be soon enough and shared how he loves the saying “see something, say something.” He stated that he loves that the City Commission began the meeting in prayer, expressed that he prays that this ends well and give emphasis to the need for help. City Manager Bollhoefer interjected with an option for meeting the next morning, it was affirmed and arrangements were made for a 9:00 a.m. meeting.

6. **MATTERS FROM CITY ATTORNEY**

Districting Overview

City Attorney Ardaman gave the City Commission an overview of districting requirements as mandated after a census is completed. He also informed of the establishment of a Districting Commission and requirements in the event of a significant change in the largest district and the smallest district in terms of population. He noted four determining factors for a requirement to redistrict as being the City Charter, a 1983 Court Order, Voting Rights Act and the Equal Protection Clause.

Mr. Ardaman noted that this effort, with respect to timing, should be done within 45 of the official certification of the decennial census by the State; noting that the State receives first its data from the Federal agency. He noted that the 2020 Census is not yet complete and should be released in the next few months. He informed that the Districting Commission would consist of five members, the Mayor appoints one elector that resides in the City and the district commissioner appoints one elector from each respective district. Residency of each districting commission members is to be determined from the most current voter registration roll. He explained that each appointment to the Districting Commission shall be confirmed by majority vote of the City Commission. He informed that an employee could not be appointed as a member of the Districting Commission.

Mr. Ardaman further explained that the appointed Districting Commission has within 120 days to provide its official recommendations to the City Commission for consideration of adjusting the district boundaries. A map and description of each proposed district must be included and all in the form of an ordinance. He informed that if the City Commission does not timely act upon this, it would move forward as an ordinance.

Mr. Ardaman noted that the City Manager is required to provide staff assistance, technical data, and shall have adopted a redistricting ordinance at least 90 days prior to the next official City election. He noted that if this is also not done it goes forward as an ordinance.

Mr. Ardaman asked that each City Commissioner consider their person for appointment to this board.

Mayor Rees inquired about the timeframe, which was noted to be approximately five meetings. Mr. Ardaman explained the process. City Manager Bollhoefer noted that the census results were supposedly available in August.

7. **MATTERS FROM CITY MANAGER**

Splash Pad

Announced that the Splash Pad is open and explained the difficulties and issues with making this happen.

Downtown Events

City Manager Bollhoefer gave an update on the Downtown events, explaining how the downtown was packed with people. There was discussion on parking, future plans for parking, and the outdoor tables.

City Manager Bollhoefer gave a briefing on plans for the Christmas Parade, spoke of use of the downtown shuttle, the Bloom 'N Grow event and a new event planned for the Winter Garden Heritage Foundation called Heritage Day. He indicated that the Blues festival would be delayed this year. He expounded on the Christmas events such as 12 Days of Christmas and the spreading out of events for more days and the resulted thriving business downtown.

Shooting in East Winter Garden

City Manager Bollhoefer gave a briefing on a shooting in East Winter Garden this weekend and steps taken such as community meetings and expediting of the redevelopment. He feels that community outreach is critical and spoke of a great plan in process but a need to step it up. He explained some of the current enforcement efforts in the City and expressed that there is a lot of demand on the police force right now. There are efforts to increase hiring, interim budget adjustments to that affect; also noting an increase in wrongdoing.

Traffic Light Timing

City Manager Bollhoefer gave an update regarding the timing of a traffic light at Marsh Road and Avalon Road; noting there had been citizen complaints. He addressed changes to the off ramp at State Road 429, the traffic it produced in another area and a redo of the timing of lights as an improvement. A status update would be provided later on the expansion of the intersection and completion of the roundabout at Hickory Hammock.

City Commission Workshop

City Manager Bollhoefer spoke of plans to schedule a special workshop for the City Commission. This would allow the City Commission to speak on general items and communicate views for future strategy. He indicated the possibility of doing another strategic visioning plan and there was discussion that it had been approximately 11 years since the last one. Mr. Bollhoefer indicated that this is not only for the City Commission, but

