



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES AND COMMUNITY REDEVELOPMENT AGENCY MEETING MINUTES

June 27, 2019

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 Bennett – District 1 Bob Buchanan – District 2
Mark A. Maciel – District 3 Colin Sharman – District 4

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Angee Grimmage, Assistant City Manager for Administration Frank Gilbert, Community Development Director Stephen Pash, City Engineer Jim Monahan, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of June 13, 2019 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **PRESENTATION**

A. **Promotional Acknowledgments**

Promotions of Kristi Richardson to Fire Engineer and Shann Cliburn to Fire Lieutenant were acknowledged by Fire Chief McGrew.

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

A. **Ordinance 19-19:** 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 3.70 +/- ACRES OF LAND GENERALLY LOCATED AT 1061, 1063, AND 1065 TILDENVILLE SCHOOL ROAD ON THE SOUTHEAST CORNER OF TILDENVILLE SCHOOL ROAD AND THE WEST ORANGE TRAIL FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 19-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 3.70 +/- ACRES OF LAND GENERALLY LOCATED AT 1061, 1063, AND 1065 TILDENVILLE SCHOOL ROAD ON THE SOUTHEAST CORNER OF TILDENVILLE SCHOOL ROAD AND THE

WEST ORANGE TRAIL, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PACKING PLANT PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-19 and 19-20 by title only. Community Development Director Pash stated that this request is to change the future land use designation of property located at 1061, 1063, and 1065 Tildenville School Road. The change is from low-density residential to commercial as well as rezoning those properties from R-1 to PCD. He described some of the components and requirements of the ordinances; noting guidelines for architecture to renovate the existing packing plant, landscaping and parking. Staff recommends approval of Ordinance 19-19 and 19-20.

City Manager Bollhoefer addressed the issue of alcohol service hours as noted at the last meeting. He noted that there was not a lot of research available on this issue with more information available about happy hour. He expressed that the Ten o'clock time was included because of the neighbors' concerns about noise and suggested having the last call set for 10:30 p.m. since the establishment must close at 11:00 p.m., if they were so inclined to change it. He noted that this is up to the City Commission to decide. He reiterated that there is not much research on the closing time or information about a time for the last call. Commissioner Buchanan inquired as to the Ten o'clock reference regarding the neighbors. Mr. Bollhoefer responded that it was not exactly the specific time of Ten o'clock, but a concern about the hours and the noise. It was from staff's perspective, after listening to the neighbors, to use Ten o'clock. There was further discussion on this item with mention of its relation to the noise ordinance. It was expressed by Mayor Rees and then by Mr. Bollhoefer, on behalf of the staff, there being no opinion either way on the issue.

Mayor Rees opened the public hearing.

Ron Mueller, 709 Lake Cove Pointe Circle, Winter Garden, Florida expressed his views on businesses and drinking, neighbors' concerns, functional restaurants, the overconsumption of alcohol, and people being reasonable and responsible in their drinking.

Commissioner Buchanan expressed that anyone who is going to drink responsibly will drink responsibly. He stressed that he does think we should legislate what happens in our businesses as it is our responsibility.

Commissioner Sharman noted that he agrees with Commissioner Buchanan. He stated that his thoughts were to establish the Ten o'clock time with an opportunity for a business owner to express whether it is harmful to their business rather than setting the time at Eleven o'clock with no opportunity to roll the time back.

Mayor Rees closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinances 19-19 and 19-20. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. **Ordinance 19-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.58 +/- ACRES OF LAND GENERALLY LOCATED AT 8 N HIGHLAND AVENUE ON THE NORTHWEST CORNER OF N HIGHLAND AVENUE AND W PLANT STREET, FROM R-2 (RESIDENTIAL) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WINTER GARDEN HOTEL PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-21 by title only. City Manager Bollhoefer stated that there have been six public meetings on this item with a lot of input. Changes were made based on that input. Staff believes this is a great project which will be great for the City of Winter Garden and recommend approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Bennett to adopt Ordinance 19-21. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- D. **Ordinance 19-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 9.945 +/- ACRES OF LAND GENERALLY LOCATED AT 15500 WEST COLONIAL DRIVE AT THE SOUTHWEST CORNER OF WEST COLONIAL DRIVE AND TUCKER OAKS BOULEVARD, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE TUCKER OAKS COMMERCIAL PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-25 by title only. Community Development Director Pash stated that this is a request to rezone the property located at 15500 West Colonial Drive from C-2 to PCD. Mr. Pash described the PCD zoning, stating that it allows for the development of approximately 85,000 square feet of office, commercial, and medical buildings. He informed that this ordinance has guidelines for site improvements, landscaping, as well as architecture. Staff recommends approval of Ordinance 19-25.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 19-25. Seconded by Commissioner Maciel and carried unanimously 5-0.

- E. **Ordinance 19-31:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 114, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING LANDSCAPING TO ADD A NEW SECTION 114-40 TO CREATE ADDITIONAL AND SUPPLEMENTAL REGULATIONS FOR GOLF COURSE MAINTENANCE REQUIREMENTS; PROVIDING FOR STANDARDIZED UPKEEP AND MOWING PRACTICES FOR GOLF COURSES LOCATED WITHIN THE JURISDICTION OF THE CITY OF WINTER GARDEN; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-31 by title only. Community Development Director Pash stated that Ordinance 19-31 is an ordinance that amends Chapter 114 to create a section for establishing standards for golf course maintenance. Staff recommends approval of Ordinance 19-31.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Bennett to adopt Ordinance 19-31. Seconded by Commissioner Sharman and carried unanimously 5-0.

- F. **Ordinance 19-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE I, ARTICLE III AND ARTICLE V OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN GOVERNING SUBDIVISIONS OF LAND CONCERNING DEFINITIONS, EXEMPTIONS FROM SUBDIVISION REQUIREMENTS, SUMMARY PROCEDURES FOR LOT ADJUSTMENTS, LOT SPLITS AND LOT COMBINATIONS AND VACATION OF PLATS AND PLAT DEDICATIONS; PROVIDING FOR COMBINATION OF CONTIGUOUS NONCONFORMING LOTS UNDER COMMON OWNERSHIP; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-32 by title only. Community Development Director Pash stated that this ordinance is an amendment to Chapter 110 clarifying lot combinations, lot splits and vacation requirements. Staff recommends approval of Ordinance 19-32.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Bennett to adopt Ordinance 19-32. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. Recommendation to approve utilization of Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds of \$10,817 to purchase speed measurement equipment for the Police Department, with public comment

Police Chief Graham noted that this is the Justice Assistance Grant for countywide distribution of which the City of Winter Garden will receive \$10,817. He noted that staff is recommending approval of these funds to purchase speed measurement equipment.

Police Chief Graham noted that this was open for public comment.

Commissioner Sharman inquired as to the type of equipment to be purchased. Police Chief Graham responded that this will be radars and lasers.

Motion by Commissioner Sharman to approve the utilization of Edward Byrne Justice Assistance Grant (JAG) Program funds of \$10,817 to purchase speed measurement equipment for the Police Department. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- B. Recommendation to approve Purchase and Sale Agreement, Impact Fee Deferral and Forgiveness Agreement, and Vehicle Parking License for 8 N. Highland Avenue

City Manager Bollhoefer stated that this item is related the hotel. The purchase price is \$1.2 million and he stated that the city paid \$200,000 about 20 years ago. He noted that even though this was not an investment, the City has done pretty well on the sale of the property. He disclosed that also included is an impact fee deferral, as done for other businesses downtown; he named some of them. He spoke the price of land and the price of construction in the downtown area. He stated that in order for the City to get quality constructed building assistance by the City must be provided. He noted that the last part of this item is the parking license agreement; noting that the City wants the developer and his guest to park in a particular place. He described the parking location as being on the rooftop of the parking garage and explained that it also enables the City to shift that parking if necessary in the future. Staff recommends approval of all three.

Mr. Bollhoefer noted a change in the parking agreement making it good for ten years with a five-year renewal. He disclosed that a clause was also added to protect the builder of the hotel in the event this parking agreement was not renewed. They could then park in regular parking spaces as the other businesses.

Mayor Rees confirmed that the five-year renewal for parking has to be denied or approved by either party. Mr. Bollhoefer responded, correct.

Motion by Commissioner Sharman to approve Purchase and Sale Agreement, Impact Fee Deferral and Forgiveness Agreement, and Vehicle Parking License for 8 N. Highland Avenue. Seconded by Commissioner Maciel and carried unanimously 5-0.

- C. Recommendation to authorize City Manager to negotiate and execute contract for acquiring right-of-way for Dillard Street Project by purchasing property located at 537 S. Dillard Street (*The Sign Wave*)

City Manager Bollhoefer described the location the property stating that it is the sign shop on the northeast corner across from Progress Energy. The sale price is \$280,000 and it is on the market now, which is the reason for the request to purchase now. He explained that it would be needed for round-a-bouts in the construction of Dillard Street. Should this not occur, the City would still own the building and could always sell or demolish it for redevelopment. Staff recommends approval of purchasing this building.

Motion by Commissioner Buchanan to approve authorize City Manager to negotiate and execute contract for acquiring right-of-way for Dillard Street Project by purchasing property located at 537 S. Dillard Street (*The Sign Wave*). Seconded by Commissioner Sharman and carried unanimously 5-0.

Dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:58 p.m.

Present: Chairman John Rees and CRA Members Lisa Bennett, Bob Buchanan
Mark A. Maciel, Colin Sharman, and CRAAB Member Larry Cappleman

- D. BOARD APPOINTMENTS: Community Redevelopment Agency Advisory Board (CRAAB) for expiring terms of Larry Cappleman, Tara Moore, Daniels Starks, and Donald Wingate
CRA Member Cappleman addressed the issue of expiring terms for four CRA Advisory Board members. He noted that they have expressed their desire to remain on the board. He informed that the CRA Advisory Board voted unanimously to renew the terms of those existing members as follows: Larry Cappleman, Tara Moore, Daniel Starks and Donald Wingate.

Motion by CRA Member Cappleman to appoint Larry Cappleman, Tara Moore, Daniels Starks, and Donald Wingate to the CRA Advisory Board. Seconded by CRA Member Buchanan and carried unanimously 7-0.

Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 7:00 p.m.

