



# CITY OF WINTER GARDEN

---

## City Commission REGULAR MEETING MINUTES

August 12, 2021

**REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:31 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                      Mark A. Maciel – District 3  
Ron Mueller – District 2                      Colin Sharman – District 4

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Angee Grimmage, 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, Police Chief Graham, Fleet and Facilities Division Manager Mike Caines

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

**Motion by Commissioner Mueller to approve regular meeting minutes of July 22, 2021 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

Commissioner Mueller inquired of City Attorney Ardaman if there is a need to approve minutes for a workshop. City Attorney Ardaman responded yes, it is a public meeting.

**Motion by Commissioner Mueller to approve regular meeting minutes of July 22, 2021 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

A. **Proclamation 21-08:** Proclaiming West Orange Healthy Selfie Day was read and presented by Mayor Rees and the City Commission. Heather Murray accepted the proclamation, thanked the City Commission and shared information on related event activities.

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

A. **Ordinance 21-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 12950 WEST COLONIAL DRIVE, SOUTH OF WEST COLONIAL DRIVE, WEST OF BEULAH ROAD, NORTH MAGNOLIA STREET, AND EAST OF 9TH 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

- B. **Ordinance 21-22:** 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 0.22 ± ACRES LOCATED AT 12950 WEST COLONIAL DRIVE, SOUTH OF WEST COLONIAL DRIVE, WEST OF BEULAH ROAD, NORTH MAGNOLIA STREET, AND EAST OF 9TH STREET FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 21-23:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.99 +/- ACRES OF LAND GENERALLY LOCATED AT 12950 & 12962 WEST COLONIAL DRIVE, ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND 9TH STREET; FROM CITY C-2 (ARTERIAL COMMERCIAL DISTRICT) AND ORANGE COUNTY C-3 (WHOLESALE COMMERCIAL DISTRICT), TO PCD (PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE MAINSTREET PCD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 21-21, 21-22, and 21-23 by title only. Community Development Director Pash stated that these items were **WITHDRAWN** by the applicant.

- D. **Ordinance 21-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.66 ± ACRES LOCATED AT 648 MAGNOLIA STREET; ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND 9TH STREET; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 21-25:** 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 0.66 ± ACRES OF LAND LOCATED AT 648 MAGNOLIA STREET; ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND 9TH STREET; FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 21-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.66 ± ACRES LOCATED AT 648 MAGNOLIA STREET; ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND 9TH STREET; FROM ORANGE COUNTY R-1 SINGLE FAMILY DWELLING DISTRICT TO CITY R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Community Development Director Pash stated that these items were associated with the previous project and have also been **WITHDRAWN** by the applicant.

4. **SECOND 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. Community Development Director Pash stated that this Ordinance addresses terms for the Code Enforcement Board, Planning and Zoning Board, and the Architectural Review and Historic Preservation Board. He stated that this ordinance eliminates the term limits, and board members would serve at the will of the City Commission. This Ordinance also clarifies that a Planning and Zoning board member shall be counted for the purpose of a quorum even if they must abstain from a vote. Staff recommends approval of Ordinance 21-15.

Commissioner Mueller requested postponement of this item until the next scheduled meeting so that he could meet with the City Manager to discuss a couple of items.

There was discussion on any issues that might be hindered by a postponement, and why the need for a delay as it has been discussed for a while. Commissioner Mueller noted that there are various items he felt needed addressing.

Commissioner Sharman noted his approval of all the other boards, however, making exception for the Planning and Zoning Board; explaining that he feels this board should keep term limits. He suggested a limit of two terms and then one may be reconsidered.

Commissioner Bennett noted being in favor of the Ordinance; expressing that she thinks there is the need for experience on the boards and members could be removed without cause.

City Manager Bollhoefer mentioned previous postponements of this item; emphasizing that it is imperative to make a decision at some point. Commissioner Mueller agreed.

Commissioner Maciel noted agreement with Commissioner Sharman regarding the Planning and Zoning Board, but noted that the other side of this issue is not wanting terms to expire for good people. He also noted that there are sometimes difficulties in finding good people to serve.

Mayor Rees noted that he is not aware of any issues which had not already been discussed. He expressed that our goal is placing the best people on the board to do the best job for our community for the long term.

There was discussion on the boards, recruitment, encouraging diversity on the boards, aggressiveness in advertisement and board turnover. Also mentioned was the stability of the Code Enforcement Board and special requirements for the Architectural Review and Historic Preservation Board.

Commissioner Sharman, noting these discussions, inquired of Commissioner Mueller's concerns. Commissioner Mueller responded by naming items in the ordinance that he felt should be identical for each board and noted different rules and criteria established for each board. He would like to see the ordinance cleaned up, read cleaner, with clear language and duplication across each committee. He noted that Code Enforcement has constructs stated under the Florida State Statutes and suggested removal of this board from the ordinance completely. He suggested seven members for all boards, described their appointment, and how they would relate to City Commission terms. Discussion ensued on the number of members for each board, board members being changed out when a new Commissioner is elected and the possibility of losing continuity. Also discussed was the staggering of board member terms, keeping terms the same for continuity and requirements to fill vacancies for unexpired terms.

Commissioner Sharman inquired as to the underlying impact to be achieved with the suggested changes and how the changes would benefit the City. Commissioner Mueller responded that this gains consistency across all of the boards, and addresses applicant selection and terms of office. He spoke of term limits, studies showing them beneficial, and a power vacuum occurring when keeping the same people in place. Discussion ensued regarding elected officials being a different matter and national versus local elections. Commissioner Sharman spoke of adhering to last meeting's request to hear others viewpoints, and expressed that he is in favor of the ordinance written as is.

Commissioner Mueller continued, addressing his concerns relating to Ordinance 21-15 by naming sections, reading excerpts and suggesting preferred changes, which included some board composition, and focus on consistency in language across the boards such as meeting requirements. During Commissioner Mueller's address of those concerns, Commissioner Bennett sought clarification, and it was provided, on one of the items referencing the City Manager.

City Manager Bollhoefer expressed that the boards were intended to be different in their design as they address items specific to the board's function. He noted protections for the Code Enforcement Board because of some quasi-judicial rulings they may have to make. He described the composition of the Architectural Review and Historic Preservation Board and its very specific function requiring expertise advice.

Commissioner Mueller addressed the number of the board members and issues related to quorums and consistency.

Commissioner Maciel sought advice from City Attorney Ardaman on whether any of the items could cause issues or concerns. City Attorney Ardaman noted that this would be a matter of policy, expressing that the Community Development Director and City Manager have a better hand in the formation of the boards and assessing needs. He also noted that an issue raised earlier regarding dismissal of a board member without cause did not have anything listed in the Florida State Statutes and advised that it could be stated with or without cause. Discussion ensued and it was noted that changes made were consistent with the Statute.

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

**Motion by Commissioner Bennett to ADOPT Ordinance 21-15. Seconded by Commissioner Maciel and carried unanimously 4-1; Commissioner Mueller opposed.**

5. **REGULAR BUSINESS**

A. **Recommendation to approve Authorization to Dispose of Surplus Vehicles and Equipment**

Fleet and Facilities Division Manager Caines stated that this is a request for authorization to dispose surplus vehicles, equipment, and property that are no longer of use to the City. He noted that a list of that equipment has been provided.

Mayor Rees inquired of some of the Police vehicles and their use, while also noting some of their ages. Mr. Caines confirmed that some have still been in use.

**Motion by Commissioner Mueller to approve Authorization to Dispose of Surplus Vehicles and Equipment. Seconded by Commissioner Maciel and carried unanimously 5-0.**

B. **Recommendation to approve the Police Department to purchase ballistic protective shields with \$10,026 from the 2021 Edward Byrne Memorial Justice Assistant Grant (JAG) funds**

Police Chief Graham stated that the Fiscal Year 2021 Countywide Solicitation Edward Byrne Memorial Justice Assistance Grant (JAG) Program has earmarked \$10,026 for the Winter Garden Police Department. He noted that they are requesting to utilize these funds to purchase ballistic shields. Staff recommends approval after allowing public comment.

Commissioner Bennett inquired as to whether the City currently has any ballistic shields. Police Chief Graham responded yes, older ones. Commissioner Bennett acclaimed that these are up-to-date and funded by a grant.

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

**Motion by Commissioner Mueller to approve the Police Department to purchase ballistic protective shields with \$10,026 from the 2021 Edward Byrne Memorial Justice Assistant Grant (JAG) funds. Seconded by Commissioner Sharman and carried unanimously 5-0.**

C. Recommendation to approve the Contract and Business Associate Agreement with Aspire Health Partners for \$89,259

Police Chief Graham stated that the City currently has a funded position approved to address situations that law enforcement encounters, but finds that the ideal solution is not within the confines of the criminal justice system. He noted that rather than hiring an employee, staff recommends partnering with Aspire Health Partners. He noted that they would provide a full time case manager clinician that is based here in Winter Garden, access to the Aspire network, continuum of care and community based programs referral sources. He noted a current City relationship with Aspire as they provide Critical Incident Training (CIT) for the City's Police Officers as well as other law enforcement in Central Florida. He noted that Aspire is the main repository for crisis situations involving Baker Act. Staff recommends approval of the Contract and Business Associate Agreement with Aspire Health Partners for \$89,259.

City Manager Bollhoefer explained that this would be a handoff situation, taking non-police work out of the hands of the Police Officers. He explained the use of assistance in situations involving homelessness, abuse cases, and juvenile delinquency. He spoke of this being City budgeted, originally to utilize a City employee, but found this as a better option with approximately the same funding, utilizing a contract employee.

Commissioner Maciel inquired of using Aspire as an on-call public source as opposed to utilizing them only through the law enforcement avenue. Police Chief Graham responded that this would begin as a test and evaluation to see how the program would work. He noted a forty-hour work week with cases referred by patrol for follow up. Commissioner Maciel noted that other agencies are reviewing this issue and inquired if the City is looking at forming a response team that is not law enforcement. City Manager Bollhoefer indicated that he and the Police Chief reviewed it and would start with this option and then future review. He described difficulties in hiring Police Officers and the relief provided by the City's recent hire of community services officer to alleviate non-police work for the officers.

Commissioner Maciel commended the Police Department for the services offered, which may not always fall within their training. Commissioner Sharman noted the added value to the community with this option.

**Motion by Commissioner Mueller to approve the Contract and Business Associate Agreement with Aspire Health Partners for \$89,259. Seconded by Commissioner Maciel and carried unanimously 5-0.**

D. Recommendation to approve SITE PLAN for 933 Carter Road (Palm Coast Collision), subject to condition

Community Development Director Pash stated that this is a site plan reviewed for property located at 933 Carter Road. The proposed development includes an approximately 34,000 square foot building to be used as an auto collision center. He described some of the site improvements and displayed an exhibit of the site and described its landscape buffer requirements and alternatives. He noted that due to the adjacent property's pond and ten foot landscaping as well as additional five foot for most of the property, staff supports this item if approved by the City Commission. He noted that the plans have been reviewed by the Development Review Committee (DRC) and staff recommends approval, subject to conditions in the DRC Report.

Mayor Rees inquired as to the applicants affiliation with or ownership by the Windermere Collision company. Mr. Pash responded that this is the same company.

**Motion by Commissioner Sharman to approve SITE PLAN for 933 Carter Road (Palm Coast Collision), subject to condition. Seconded by Commissioner Maciel and carried unanimously 5-0.**

E. Recommendation to approve SITE PLAN for 13675 W Colonial Drive (Floyd's Barber Shop), subject to conditions

Community Development Director Pash stated that this is a site plan reviewed for property located at 13675 West Colonial Drive. The proposed development includes demolition of the existing building and construction of a new approximately 1518 square feet building. He noted that it would have Floyd's Barbershop in the front and a potential second tenant in the back. The project includes landscaping, parking, and site improvements, which would eliminate dangerous back-out parking along State Road 50. Mr. Pash noted an approved variance for the front yard setback. The site plan was reviewed and approved by the Development Review Committee (DRC) and staff recommends approval, subject to conditions.

There was discussion on the prior business at this location and the setback review.

**Motion by Commissioner Mueller to approve SITE PLAN for 13675 W Colonial Drive (Floyd's Barber Shop), subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.**

F. Recommendation to approve FINAL PLAT for 14908 and 14950 Tilden Place (Tilden Place at Winter Garden), subject to conditions

Community Development Director Pash stated that this is the final plat for the Tilden Place subdivision. He described the lot sizes, and noted that the plat is consistent with the existing Planned Unit Development (PUD) ordinance. It has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval, subject to conditions.

**Motion by Commissioner Sharman to approve FINAL PLAT for 14908 and 14950 Tilden Place (Tilden Place at Winter Garden), subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC**

Norine Dworkin, of Vox Populi a nonprofit news organization, inquired about the use of golf carts within East Winter Garden. City Manager Bollhoefer responded that this would be permitted with a request to do so and surmised that it was not requested possibly due to Dillard Street. He further noted that this could change with the installation of the roundabouts. There was discussion that this could be done by resolution which only requires approval at one meeting.

7. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman informed the City Commission of the need to form the Districting Commission as required by law after the Census. He suggested that the City Commission be ready with their district nominee by next meeting. He informed that the Mayor would choose a nominee from any district, however, all nominees would need City Commission approval. Mr. Ardaman advised that the sooner the appointments to the Districting Commission are made, the easier it would be for them to do their job. He also noted that they cannot be employees with the City.

Commissioner Maciel inquired as to whether they can be from other boards. City Attorney Ardaman stated that he believes they could, but suggested avoiding this if possible.

City Manager Bollhoefer noted that the results were available today and the time clock would start today. Mayor Rees advised that the Commission be ready by next meeting.

Commissioner Sharman noted that he has a nominee and inquired to whether there should be an application. It was noted that no application would be needed, but City Attorney Ardaman added that they should probably be over the age of 18.



## 8. MATTERS FROM CITY MANAGER

- Deputy Fire Chief, Shawn Kelly  
City Manager Bollhoefer announced the appointment of Shawn Kelly as the new Deputy Fire Chief, also noting his tenure with the City.
  
- Building Maintenance Supervisor, David Markland  
City Manager Bollhoefer announced the hiring of the new Building Maintenance Supervisor David Markland, noting that he is also a Winter Garden resident.
  
- Updates  
City Manager Bollhoefer gave updates on Lidar sensing for Hyde Park, Westside Townhomes and Valencia Shores drainage. He addressed the Veterinary Clinic waiver of fees review and search for reduction in costs.
  
- A. Presentation on emergency medical response and ground transport and standby services  
City Manager Bollhoefer distributed past information regarding the City of Winter Garden taking over the ambulance service. He explained that this information included the original 2015 study showing financial feasibility, the old agreement, and a sample of a required ordinance and resolution. He indicated that a contract for the billing service would be forthcoming and recognized Fire Chief Jose Gainza, Jr. who spoke of the CMS application, which is for the Center for Medicare, and applying for Florida Medicare, which would take approximately 30 to 45 days. City Manager Bollhoefer noted the billing contract, then taking approximately 45 days. He expressed that the intent is to ensure everything is done lawfully as we move forward.  
  
Mr. Bollhoefer shared history of the ambulance services in the City and also noted the training of staff. Chief Gainza expressed that staff is ready to start.
  
- Orange County Public Schools, School Resource Officer (SRO)  
City Manager Bollhoefer noted that the City would be moving forward and bringing this issue of School Resource Officer back to the next meeting. He mentioned uniformity of this issue across different agencies, cost of \$50,000 per officer, and negotiations for an increase.
  
- Gala for Encore Performance  
City Manager Bollhoefer announced an Encore Performance gala on September 25, 2021, noted the past City purchase of a table, and the availability of two tickets for interested City Commissions.

- Orange County Rental Assistance Program

City Manager Bollhoefer stated that the City has been forming good relationships with Orange County and informed of the availability of rental assistance funds that are not being used. He informed that the City of Winter Garden would have legal services assist with signups in City Hall Chambers on August 19, 2021 at 3:00 p.m. to 7:00 p.m.

There was discussion on getting the information out, use of Next Door, social media, email blast and newsletter.

- Pass Codes to Gated Communities

City Manager Bollhoefer indicated that there was a request for gate codes to the Homeowner's Associations (HOA) for City Commissioners. He informed that this was only ever provided for staff absolutely needing access. He noted that the communities would need to be contacted directly. He recognized City Attorney Ardaman for a legal opinion on this issue.

City Attorney Ardaman informed that the gate codes, under Florida State Statute, provide for confidentiality. The City Manager, under the City Charter, is required to make sure that those laws are enforced. He repeated the City Manager's point of directly contacting the community for access, if needed. He cautioned the City Commission on this issue, stating that unless there is something compelling, let the City Manager exercise his duty in making sure that the codes are not released. He noted that the Police and Fire departments use the codes due to their assigned responsibilities.

- Homelessness Issue

City Manager Bollhoefer addressed homelessness and efforts to address this issue within the City. He spoke of different organizations in the community for assistance and the opportunities for grants with State and Federal government. He informed that this would be reviewed by staff, but expressed that there is no easy answer to this issue. He indicated that staff would work on this item and bring it back to the City Commission.

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

**Commissioner Maciel** recognized Ms. Wilder and thanked her for attending the City Commission meetings.

Commissioner Maciel spoke of meeting with City Manager Bollhoefer regarding a recent event in East Winter Garden, for which they both commended Police Chief Graham, Police Officers Captain Anthony Dawkins, Lieutenant April Durias, Master Officer James McLeod and East Winter Garden resident Wendell Coates, Jr., who was noted as the event's coordinator.

Commissioner Maciel gave an update regarding annexations in East Winter Garden and City Manager Bollhoefer noted that an interlocal agreement would be brought to the next City

