



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

January 14, 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, Mark A. Maciel – District 3, Colin Sharman – District 4

Absent: Commissioner Bob Buchanan – District 2

Also Present: City Manager Mike Bollhoefer, City Attorney Dan Langley, 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, Information Technology Director Chad Morrill, Deputy Fire Chief Jose P. Gainza, Jr., Police Chief Stephen Graham and Planning Consultant Ed Williams

1. **APPROVAL OF MINUTES**

Motion by Commissioner Maciel to approve regular meeting minutes of December 10, 2020 as submitted. Seconded by Commissioner Sharman and carried unanimously 4-0.

2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 21-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.28 +/- ACRES OF LAND GENERALLY LOCATED AT 38 & 42 NORTH BOYD STREET, EAST OF NORTH LAKEVIEW AVENUE, SOUTH OF WEST NEWELL STREET, NORTH OF WEST PLANT STREET, AND WEST OF NORTH MAIN STREET; FROM C-1 (CENTRAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE ISLAND EASE PCD; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Langley stated that staff requests postponement of this item to a date uncertain. **Motion by Commissioner Maciel to POSTPONE Ordinance 21-03 to a date uncertain. Seconded by Commissioner Sharman and carried unanimously 4-0.**

B. **Ordinance 21-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 20-36, THE CITY OF WINTER GARDEN FISCAL YEAR 2020-2021 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Langley read Ordinance 21-04 by title only. City Manager Bollhoefer explained that items shown in the budget having large amount values would still require City Commission approval. An approval for this item is an approval to set the funds aside and bring each item back before the City Commission for approval at the appropriate times.

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 Sharman to approve Ordinance 21-04 with second reading and public hearing January 28, 2021. Seconded by Commissioner Maciel and carried unanimously 4-0.

- C. **Ordinance 21-05:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 98, ARTICLE VII OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING SIGNAGE PERMITTED FOR COMMERCIAL PROPERTIES WITHIN THE CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT OVERLAY; CLARIFYING REQUIREMENTS PERTAINING TO NEW NEON SIGNS; AMENDING A REFERENCE TO THE CITY'S SIGN CODE; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Langley read Ordinance 21-05 by title only. Community Development Director Pash stated that this ordinance still prohibits neon signs in the downtown area but would permit the Community Development Director the authority to allow them, only in the historic district, if they are consistent with the Historic District and the character of the buildings and not a detraction. The Ordinance has been reviewed and approved by the Architectural Review and Historic Preservation Board and the Planning and Zoning Board; staff recommends approval of Ordinance 21-05.

Commissioner Sharman noted that the neon signs were of the past and inquired if done properly this ordinance would allow them. City Manager Bollhoefer responded by explaining its intent of restoring the historical integrity and having it done tastefully.

Mayor Rees noted confidence in current City staff but inquired if these decisions would require additional staff input. Community Development Director Pash noted that any appeals to decisions made are heard by the City Commission.

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 Bennett to approve Ordinance 21-05 with second reading and public hearing January 28, 2021. Seconded by Commissioner Sharman and carried unanimously 4-0.

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 21-01:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED UTILITY EASEMENT OVER LOT 9 OF WESTLAKE MANOR 1ST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Z, PAGE 10 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 367 NORTH PARK AVENUE) OWNED BY JAMES AND JOY BAKER AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING DATE

City Attorney Langley stated that staff requests postponement of this item to January 28, 2021. **Motion by Commissioner Bennett to POSTPONE Ordinance 21-01 to January 28, 2021. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- B. **Ordinance 21-02:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, VACATING AND TERMINATING A PORTION OF THE EASEMENT FOR SIDEWALKS AND UTILITIES IN FAVOR OF THE CITY OF WINTER GARDEN RECORDED AT OFFICIAL RECORDS BOOK 5323, PAGES 386-389, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING DATE

City Attorney Langley stated that staff requests postponement of this item to January 28, 2021. **Motion by Commissioner Sharman to POSTPONE Ordinance 21-02 to January 28, 2021. Seconded by Commissioner Maciel and carried unanimously 4-0.**

4. REGULAR BUSINESS

- A. **Recommendation to approve Purchase Order for American In-line Inspections, Inc. for installation of a Cured-In-Place Pipe Liner System in the amount of \$124,515, which includes a 5 % contingency**

Assistant City Manager of Public Services Williams stated that the stormwater pipe & inlet structures located in the easement behind 190 Temple Grove needs rehabilitation. Due to limited access and depth of the pipe, staff proposes installation of approximately 485' of 36" cured-in-place epoxy lamination or liner system. Funding for this project was anticipated and included in the current operating budget. Staff recommends approval of the Purchase Order for American In-line Inspections, Inc. in the amount of \$124,515, which includes a 5 % contingency.

Commissioner Sharman inquired about the process and the robotics possibly used. Assistant City Manager of Public Services Williams explained the process and stated that it would take approximately 2 – 5 days.

Mayor Rees restated that this amount was in our budget. Mr. Williams affirmed, stating that it was slightly less than budgeted.

Motion by Commissioner Maciel to approve Purchase Order for American In-line Inspections, Inc. for installation of a Cured-In-Place Pipe Liner System in the amount of \$124,515, which includes a 5 % contingency. Seconded by Commissioner Sharman and Commissioner Bennett simultaneously and carried unanimously 4-0.

B. Recommendation to approve renewal of Municipal Interlocal Voluntary Cooperation Mutual Aid Agreement for Orange County

Police Chief Graham stated that the current agreement is up for renewal and is needed for the City to provide and receive voluntary assistance with the other municipalities. He noted that if it is approved it will remain in effect until 2025. Staff recommends approval of authorizing the Mayor and the Police Chief to execute the new Interlocal agreement.

Motion by Commissioner Sharman to approve renewal of Municipal Interlocal Voluntary Cooperation Mutual Aid Agreement for Orange County. Seconded by Commissioner Maciel and carried unanimously 4-0.

C. Recommendation to approve Land Swap and Acquisition of Property and Option Agreement with First Baptist Church/Foundation Academy for certain right-of-way on Plant Street and Dillard Street

City Manager Bollhoefer noted that after some discussions with the City Commissioners it was surmised that an overview should be presented to briefly explain this item and some of its components. He acknowledged Assistant City Manager for Public Services Jon Williams and Planning Consultant Ed Williams to provide the presentation in non-technical language.

Assistant City Manager for Public Services Jon Williams began with displays and explanations of the overview of the original concept plan. He described the roundabouts, right-of-ways, and their configuration and designs. He noted staff discussions with property owners and Duke Energy and anticipates finalizations readying bids in March of 2021.

Planning Consultant Williams displayed aerial views and described property locations, landscape, driveways, access and negotiations. He described certain acquisitions, location of a retention pond, negotiations, avoidance of costs involved in condemnation fees, and costs and purchases involved in the land swap. Staff recommends authorizing the City Manager execute the agreement allowing the land swap.

Mayor Rees made inquiry and there was discussion on one of the smaller pieces of land in the area, clarification on the aerial views, and description of crossing areas. City

Manager Bollhoefer responded by describing the amount of land needed and positioning for making the crosswalks safe and effective. There was also discussion on the negotiations that were currently in process.

Motion by Commissioner Maciel to approve Land Swap and Acquisition of Property and Option Agreement with First Baptist Church/Foundation Academy for certain right-of-way on Plant Street and Dillard Street. Seconded by Commissioner Bennett and carried unanimously 4-0.

D. Recommendation to approve Valentine’s Day Weekend Horse-Drawn Carriage Tours for February 12, 13, and 14, 2021

Community Development Director Pash stated that this request is for the approval of providing Horse-Drawn Carriage Tours on February 12, 13, and 14 in celebration of Valentine’s Day weekend. He noted that these would be the same as provided in the past and staff recommends approval.

Motion by Commissioner Sharman to approve Valentine’s Day Weekend Horse-Drawn Carriage Tours for February 12, 13, and 14, 2021. Commissioner Sharman sought confirmation, and it was affirmed, that there would be proper social distancing for this service. **Motion seconded by Commissioner Bennett and carried unanimously 4-0.**

E. Recommendation to approve 2021 Elections Services Contract with Orange County Supervisor of Elections for upcoming March General Election and April Run-off election, if needed

City Clerk Grimmage stated that this contract is in line with our standard agreements for election services with Orange County. She addressed questions in the contract on page nine requiring answers and noted that they have all been marked “yes” for previous contracts, but wanted to give the City Commission an opportunity to re-address the issues if they so desired. Staff recommends approval with the appropriate markings for page nine.

Commissioner Sharman inquired as to the polling location for District 4. City Clerk Grimmage noted reserving the Stone Crest clubhouse and requiring approval from Orange County.

Motion by Commissioner Sharman to approve 2021 Elections Services Contract with Orange County Supervisor of Elections for upcoming March General Election and April Run-off election, if needed. Seconded by Commissioner Maciel and carried unanimously 4-0.

F. BOARD APPOINTMENT CONFIRMATION: Police and Firefighters’ Pension Board - Fifth Trustee (Phil Cross) for 2-year term through December 31, 2022

City Clerk Grimmage noted this item in the City Code as a ministerial duty of the City Commission. The fifth trustee is chosen by the Police and Firefighters’ Pension Board and then confirmed by the City Commission. Staff recommends approval of the

appointment confirmation of fifth trustee Phil Cross to the Winter Garden Police and Firefighters' Pension Board for a two-year term through December 31, 2022.

Motion by Commissioner Bennett to approve confirmation appointment of Phil Cross as Fifth Trustee to the Police and Firefighters' Pension Board for a two-year term through December 31, 2022. Seconded by Commissioner Sharman and carried unanimously 4-0.

5. MATTERS FROM PUBLIC

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

The following residents are some who voiced concerns regarding safety issues, traffic, noise pollution, speeding, and road deterioration in relation to dump trucks near the Sanctuary at Twin Waters and Marsh Road area: George Mas, Alfredo Varela, Maritza Saint-Hilaire and Carlos Vila.

There was discussion on possible solutions such as increased Police presence. Some of the residents also spoke of the decibel levels of noise at early morning hours such as 4:30 a.m. to 6:00 a.m. and its effect on the quality of life living in that area. Mayor Rees noted that the City Manager would address this issue under his items.

After waiting and receiving no public calls or comments, he closed the public hearing.

6. MATTERS FROM CITY ATTORNEY – There were no items.

7. MATTERS FROM CITY MANAGER

Speeding

City Manager Bollhoefer addressed the speeding issue and spoke of the current shortage of Police Officers. He addressed the hiring of Police Officers and the training of Civilian officers. He addressed an increased Police presence in certain area and recognized Police Chief Graham to address what is currently in process.

Police Chief Graham gave statistical information on the Police stops, citations given, and assists from the Florida Highway Patrol (FHP) in areas such as Daniels Road and Marsh Road in an effort to address speeding issues in those areas. He described the need for moving throughout the City to address speeding issues; and shared how those challenges are being met.

City Manager Bollhoefer noted that addressing speeding would be a priority this year and listed some specific areas in the City. He recognized that there were also approximately nine citizens in the audience desiring to share their concerns relating to the Marsh Road issue.

Mr. Bollhoefer noted that there is a State Statute preventing the use of noise regulations on construction trucks, thus eliminating this as an option as a resolve for this issue. Research is needed to see if the City can limit use time for dump trucks on these roads and noted that other options are being sought.

At this point in the meeting, Mr. Bollhoefer recognized additional public comments from attendees wishing to speak on some of the issues and concerns previously noted at the Sanctuary at Twinwaters, Marsh Road and additionally the Waterside on Johns Lake community and in the Avalon Road vicinity: Andrew McGovern, Matthew Wilhite, Glen Harris and Sean Brazil.

Although many of the same issues were restated, additionally mentioned and discussed were the effects on mental health already affected by a pandemic, traffic cameras, code enforcement, long-term plans, and road widening to handle traffic. Also questioned was the development of a master plan and any plans on working with Orange County. Roundabout accidents, repairs and safety relating to the dump trucks losing their load was also mentioned.

City Manager Bollhoefer addressed some of the issues as they were presented such as legalities to implement a timeline and how road-widening increases traffic, so slowing traffic would be the preference. He also offered signage as a tool in slowing speeders and discussion ensued that every technique available would be used as this is a top priority.

Commissioner Sharman thanked his constituents for the emails and phone calls and encouraged that they continue to do so as this is necessary in addressing the issues and effecting long-term solutions.

Golf Course Update

City Manager Bollhoefer shared a brief golf course history, noting ownership, bankruptcy, potential auction of the property, and an option of HOA ownership. He noted the need for an assist by the City to purchase the course and seek reimbursement by the HOA via special assessment to the homeowners at a cost of approximately \$50.00 per year.

There was discussion on the HOA turnover, special assessment over 20 years, potential cost to purchase and the bidding process. Mr. Bollhoefer noted that the preference would be to purchase the property before it goes to auction.

Thank you to staff

City Manager Bollhoefer thanked City staff for their efforts over the holidays, noting the decorations, merchants doing well, and keeping the downtown thriving during the pandemic.

