



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

January 24, 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 A. Kurt Ardaman, 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, Fire Chief Matt McGrew and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of January 10, 2019 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **OATH OF OFFICE – NEW POLICE OFFICER**

Police Chief Graham introduced and administered the oath of office to Officer Ellis Schoen. Mayor Rees and the City Commission greeted and welcomed the new officer to the City.

3. **PRESENTATION**

The Lake Apopka Natural Gas District's Director of Marketing and Business Development, Monica Marlow, gave a presentation providing information about this municipality-owned agency. She thanked Mayor Rees, who serves as a member of the Board of Directors, and Fred Crabtree, who serves as their Board President, and she noted that both serve as representatives for Winter Garden. Ms. Marlow shared that public utilities are community owned and this agency is owned by the City of Winter Garden, City of Clermont, and City of Apopka. They are governed by a local board of directors and she described their function. Ms. Marlow also shared that the district is recognized by the American Public Gas Association with the SOAR award, which stands for System Operational Achievement Recognition. She then shared some detailed information about the agencies growth.

Mayor Rees noted that Ms. Marlow has done a great job with Lake Apopka Natural Gas and he spoke of its growth as well its ownership being 40 percent Winter Garden, 40 percent Apopka, and 20 percent Clermont. He addressed the capital expenditures needed to support that growth and how it builds a good investment for the future, but the main reason is the service to its customers. He shared that Mr. Fred Crabtree, a former City Commissioner for the City of Winter Garden, also serves as the President of the Lake

Apopka Natural Gas and brings a lot of knowledge and insight to that position for the City of Winter Garden. Mayor Rees again thanked Ms. Marlow for her presentation.

4. **FIRST READING AND PUBLIC HEARING OF ORDINANCES**

- A. **Ordinance 19-08**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-193, DISABILITY; AMENDING SECTION 54-202, MISCELLANEOUS PROVISIONS; AMENDING SECTION 54-213, REEMPLOYMENT AFTER RETIREMENT; AMENDING SECTION 54-214, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-08 by title only. Assistant City Manager of Administrative Services Gilbert stated that the proposed Ordinance 19-08 has been drafted by the Police and Firefighters' Pension Board Attorney. It addresses changes to the Internal Revenue Code, as well as recent litigation that has resulted in pension ordinance language changes. He noted that the Firefighter and Police Pension Board has approved these changes as shown in the proposed ordinance. In addition, the Pension Board's Actuary has submitted a letter stating that there will be no financial impact to the City as a result of these changes. Staff recommends approval of Ordinance 19-08 with a second reading and public hearing on February 14, 2019.

Commissioner Buchanan inquired as to whether any of these changes were mandated by the State. Mr. Gilbert responded that these changes are from legislative, Internal Revenue Services (IRS), and also from the court declarations addressing the need to clarify certain language.

Motion by Commissioner Sharman to approve Ordinance 19-08 with the second reading and public hearing February 14, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. **Ordinance 19-09**: AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-33, DISABILITY ; AMENDING SECTION 54-41, MISCELLANEOUS PROVISIONS; AMENDING SECTION 54-49, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 54-52, RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-09 by title only. Assistant City Manager of Administrative Services Gilbert stated that the proposed Ordinance 19-09 has been drafted by the General Employees' Pension Board Attorney. It addresses changes to the Internal Revenue Code, as well as recent litigation that has resulted in pension ordinance language changes. He noted that the General Employees' Pension Board has approved these changes as shown in the proposed ordinance. In addition, the Pension Board's Actuary has determined that there will be no financial impact to the City as a result of these changes. Staff recommends approval of Ordinance 19-09 with a second reading and public hearing on February 14, 2019.

Motion by Commissioner Buchanan to approve Ordinance 19-09 with the second reading and public hearing February 14, 2019. Seconded by Commissioner Maciel and carried unanimously 5-0.

5. **SECOND READING AND PUBLIC HEARING OF ORDINANCE**

- A. **Ordinance 18-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.7, POLICY 1-1.2.8, POLICY 1-1.2.10, POLICY 1-1.2.14 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-36 by title only. Community Development Director Pash stated that this is an amendment to the comprehensive plan. This adds the zoning district character area planned unit development (CAPUD) to several future land use designations. It increases the maximum density allowed in the commercial future land use designation. This amendment makes the future land use consistent with several overlays recently completed on Plant Street as by Ordinance 17-06. Staff recommends approval of Ordinance 18-36.

Mayor Rees addressed Policy 1-1.2.7 that notes up to 30 dwelling units, and asked where this was being allowed. Mr. Pash responded that it is on Plant Street from the 7-11 business to the east and there was discussion on this area. Mayor Rees also addressed the 40-foot height limitation as noted in Policy 1-1.2.10 and how it compares to other height limitations in other areas of the City of Winter Garden. Mr. Pash listed the limitations in some City subdivisions and Mayor Rees noted that this is compatible to those other areas.

Commissioner Sharman noted that there was a notation that commercial can be up to five stories. There was discussion on the allowed maximum heights. City Manager Bollhoefer stated that there is a general rule of thumb that people are open to having a three-story building, four-stories are questionable, and with five-stories there is really no chance. He stated that this City Commission controls any height of any building based on the density and parking needs. He noted that in order to exceed a certain height,

requires a process of obtaining a special exception and although it is not codified, there is no way to build any taller without this City Commission agreeing to the changes.

Commissioner Maciel inquired as to whether this approval would affect any applications currently in process. Mr. Pash responded that there is one application that will come before the board and is for the Holland property.

Commissioner Bennett inquired as to whether this matches the future land use map. City Manager Bollhoefer responded that the zoning has already been changed. This makes the comprehensive plan match the existing zoning.

Motion by Commissioner Sharman to adopt Ordinance 18-36. Seconded by Commissioner Maciel and carried unanimously 5-0.

6. **REGULAR BUSINESS**

- A. **Resolution 19-01**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA INFORMING THE OFFICE OF GREENWAYS & TRAILS THAT THE WEST ORANGE TRAIL DOWNTOWN REALIGNMENT PROJECT PHASE 1 WILL BE ADDED TO THE CAPITAL EXPENDITURES FISCAL YEAR 2019 SHOULD THE CITY RECEIVE PROGRAM FUNDS; PROVIDING FOR DELIVERY TO THE OFFICE OF GREENWAYS & TRAILS AT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 19-01 by title only. City Manager Bollhoefer stated that this resolution allows the City to qualify for the grant with the deadline being January 31st. This in no way requires the City to build, which is a separate issue that would come before the City Commission for review. He noted that this was done quickly to at least qualify should the opportunity arise.

Commissioner Sharman inquired as to the trail options available, should the City receive this grant. City Manager Bollhoefer described the proposed trail area, its realignment for a safer, more attractive and useable area.

Commissioner Maciel inquired as to the chances of getting this grant. Mr. Bollhoefer noted that the chances are very good noting that the State likes this project.

Motion by Commissioner Maciel to approve Resolution 19-01. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. Recommendation to waive the formal procurement process and award a contract for removal and replacement of fabriform erosion control system to Division 2, Inc. in the amount of \$164,925

Assistant City Manager of Public Services Williams stated that this is request to waive formal procurement process and award the contract to Division 2, Inc. He noted that this is based on the fact that they are a preferred manufacturer and recommended to the City of Winter Garden. This company also assisted the City with a portion that was previously replaced after the damage of Hurricane Irma. This project removes and replaces approximately 29,000 square feet of the fabriform and completes the embankment stabilization along the entire length of the canal behind the Regal Pointe Subdivision. Staff recommends approval.

Motion by Commissioner Buchanan to approve waive the formal procurement process and award a contract for removal and replacement of fabriform erosion control system to Division 2, Inc. in the amount of \$164,925. Seconded by Commissioner Maciel and carried unanimously 5-0.

- C. Recommendation to approve and award the Orange County Piggy-Back Contract with Middlesex Corporation for the 2019 Street Resurfacing Projects for a total amount of \$1,844,810

Assistant City Manager of Public Services Williams stated that staff is recommending a piggy-back off of the Orange County contract with Middlesex Corporation to accomplish the city-wide street resurfacing projects as identified in the agenda packet. He noted that a piggy-back allows the City to take advantage of a lower cost per square yardage. He noted that the City has had previous work experience with Middlesex Corporation and have found them to be satisfactory. Staff recommends approval of the piggy-back contract with Orange County in the total amount of \$1,844,810.

City Manager Bollhoefer noted that during the budget process there was discussion on this item in an effort to resurface all main roads. He named some major roads to be addressed and noted that this would free up local option gas tax funds moving forward.

Mayor Rees requested a list of the priority order and their anticipated dates when this information becomes available.

Commissioner Bennett noted her gratefulness that Hennis Road was also included.

Motion by Commissioner Buchanan to approve and award the Orange County Piggy-Back Contract with Middlesex Corporation for the 2019 Street Resurfacing Projects for a total amount of \$1,844,810. Seconded by Commissioner Bennett and carried unanimously 5-0.

D. Recommendation to approve a Final plat, Termination of Developer's Agreement, and Termination of Stormwater Pond Maintenance Agreement for the West Market

Community Development Director Pash stated that this a final plat for West Market to subdivide an 18-acre property located on West Colonial Drive into six lots, with a pond and access tracts. The plat is consistent with the existing PCD zoning. This will also terminate the previously approved developer's agreement and a stormwater pond maintenance agreement. The plat has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval.

Commissioner Maciel advised that he would recuse himself from this vote do to a conflict of interest.

Mayor Rees inquired as to the plans for this location. Mr. Pash noted that there is currently an application for the Goodwill office and store, a Grill and Chill restaurant and the rest are unknown at this point.

Motion by Commissioner Sharman to approve a Final plat, Termination of Developer's Agreement, and Termination of Stormwater Pond Maintenance Agreement for the West Market. Seconded by Commissioner Bennett and carried 4-0-1; Commissioner Maciel abstained.

E. Recommendation to approve site plan for Ranger Construction at 1185 Elboc Way, subject to conditions

Community Development Director Pash stated that this site plan is for Ranger Construction. The plan replaces eight 45-foot tall existing storage tanks, adds three new 65-foot tall asphalt silos, and relocates the existing pile of millings further south away from State Road 50; maximizing the height at 40 feet. He also noted that there will be the installation of an earth and berm with substantial landscaping. Staff recommends approval, subject to conditions as noted in the DRC report.

Motion by Commissioner Buchanan to approve site plan for Ranger Construction at 1185 Elboc Way, subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.

F. Recommendation to approve the Annual Winter Garden Blues & BBQ City special event for Saturday, February 9, 2019 at the downtown Pavilion with the sale of beer in designated areas

Community Development Director Pash noted that this special event application is for the Winter Garden Blues & BBQ event, February 9, 2019 from 4:00 p.m. to 10:30 p.m. at the Pavilion along South Lakeview Avenue; Tremaine Street will be closed, as well as a portion of West Plant Street. He noted that there are approximately 10,000 attendees. This event will have live music and beer sales in that area. Staff recommends approval.

There was discussion on how best to handle the crowd and it was noted that no advertisement is ever needed for this popular event. Also discussed was the use of portable toilets for these events.

Motion by Commission Maciel to approve the Annual Winter Garden Blues & BBQ City special event - Saturday, February 9, 2019 at the downtown Pavilion with the sale of beer in designated areas from 4:00 p.m. to 10:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- G. Recommendation to approve the Celtic Festival by the Crooked Can Brewery (Plant Street Market) special event - March 15, 16, and 17, 2019 with street closure, subject to conditions

Community Development Director Pash stated that this event is 4:00 p.m. to 11:00 p.m. on Friday, 11:00 a.m. to 11:00 p.m. on Saturday, and 12:00 p.m. to 6:00 p.m. on Sunday. This is a special event request for Plant Street Market to hold their annual Celtic Festival on March 15, 16, and 17. It includes closing South Central Avenue, allowing beer and wine sales, and will have live music. Staff recommends approval, subject to conditions.

Mayor Rees inquired as to whether there were any past issues that would cause a concern. Mr. Pash responded no.

Motion by Commissioner Sharman to approve Celtic Festival by the Crooked Can Brewery (Plant Street Market) special event - March 15, 16, and 17, 2019 with street closure, subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.

- H. Recommendation to approve the Annual Oktoberfest by the Crooked Can Brewery (Plant Street Market) special event - October 18, 19 and 20, 2019 with street closure and subject to conditions

Community Development Director Pash stated that this is another event in the same location for the Oktoberfest on October 18, 19, and 20, 2019 at the same hours. It also includes closing South Central Avenue, allowing beer and wine sales, and will have live music. Staff recommends approval, subject to conditions.

Mayor Rees noted a correction to the time for Sunday as being 12:00 p.m. to 6:00 p.m. which was confirmed by Mr. Pash as being correct.

Motion by Commissioner Buchanan to approve Annual Oktoberfest by the Crooked Can Brewery (Plant Street Market) special event - October 18, 19 and 20, 2019 with street closure, subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.

I. Board appointments: Architectural Review and Historic Preservation Board

Community Development Director Pash stated that the Architectural Review and Historic Preservation Board has two members whose terms have expired. He noted that the code has very specific requirements for this board. One of the vacancies must be filled by someone who owns commercial property in the district, and the other vacancy can be filled by a City resident. He informed that there are no requirements for districts and staff recommends the appointment of two new members.

There was discussion that only one applicant qualified for the position requiring that they own commercial property in the district. It was noted that this applicant, Jared Czachorowski, owner of the Crooked Can Brewery (Plant Street Market) was in the audience.

Commissioner Maciel noted that he also had a recommendation for Mark Hide, an owner of a real estate agency here in Winter Garden. He shared that Mr. Hide approached him with a willingness to serve on one of the boards. Commissioner Maciel feels that Mr. Hide would be a great candidate who cares a lot about Winter Garden. It was noted that this recommendation would fill the vacant seat of a City resident.

Motion by Commissioner Maciel to appoint Mark Hide as the City Resident and Jared Czachorowski as the owner of commercial property in the district to the Architectural Review and Historic Preservation Board. Seconded by Commissioner Bennett and carried unanimously 5-0.

7. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 North Highland Avenue, Winter Garden, Florida noted that he was pleased to learn more about the Lake Apopka Natural Gas agency of which he is a customer and also did not realize that they are owned by municipalities.

Mr. Richardson noted last year's discussions regarding the City of Winter Garden taking action towards its own internet access and he inquired as to the status of this issue. City Manager Bollhoefer noted that the City has reviewed this and have found that it is not very feasible at this time but is an item that is still being reviewed.

8. **MATTERS FROM CITY ATTORNEY** – There were none.

9. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer informed the City Commission that a notice would be sent to all residents in the Windermere Roberson area regarding the roundabouts. He noted that the work is reaching a phase where there will be interference with traffic. He shared that it is preferred that this work be done at night as to not to interrupt traffic, but the final decision will be determined by resident feedback.

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman shared that he was able to represent the City of Winter Garden in the MLK Parade held for the first time in the downtown area and was notably a great turnout. He shared that the only feedback received was that it was held at a similar time as the City of Ocoee and this may need reviewing.

Commissioner Buchanan inquired as to the required paperwork for beer and wine sales for the Pops event and where these documents need to be submitted. There was discussion of possible online submission for these types of permits. City Attorney Ardaman noted that the State requires an approval from the City, which would be the approval of the special event.

Mayor Rees announced that City Manager Bollhoefer is being awarded the Chairman's Award by the West Orange Chamber of Commerce and offered his congratulations.

The meeting adjourned at 7:19 p.m.

APPROVED:

____/S/_____
Mayor John Rees

ATTEST:

____/S/_____
City Clerk Angee Grimage, CMC