



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

January 25, 2018

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

Absent: Commissioner Colin Sharman – District 4

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant 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, Deputy Fire Chief Jose P. Gainza, Jr., Information Technology Director Chad Morrill, Police Chief George Brennan, and Director of Operations Public Services Richard Fasano

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of January 11, 2018 as submitted. Seconded by Commissioner Maciel and carried unanimously 4-0.

2. **PRESENTATION**

A. **Proclamation 18-01:** Honoring the West Orange High School Warrior Girls Volleyball team for winning the State Championship was presented by Mayor Rees and the City Commission. Mayor Rees also acknowledged their coach, who shared highlights of their season and expressed how proud he was of them.

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

A. **Ordinance 18-06:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, VACATING A PORTION OF THE PERKINS STREET RIGHT-OF-WAY AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 18-06 by title only. Community Development Director Pash stated that this is a partial vacation of the Perkins Street right-of-way. He noted the location of the portion to be vacated and informed that there are no utilities underground. He explained how the property would be deeded and stated that staff recommends approval of Ordinance 18-06.

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

Motion by Commissioner Buchanan to approve Ordinance 18-06 with the second reading and public hearing being scheduled for February 8, 2018. Seconded by Commissioner Bennett and carried unanimously 4-0.

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 18-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 2-253 OF THE CITY CODE GOVERNING ABSENTEE BALLOTS TO UPDATE RELEVANT STATUTORY CITATIONS AND TO DESIGNATE SUCH BALLOTS AS “VOTE-BY-MAIL BALLOTS,” ALL AS IS CONSISTENT WITH RECENT CHANGES TO THE ELECTION STATUTES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-05 by title only. City Clerk Golden stated that this is the final adoption of the ordinance which will bring our code current with the Florida Statutes.

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

Motion by Commissioner Bennett to adopt Ordinance 18-05. Seconded by Commissioner Maciel and carried unanimously 4-0.

5. **REGULAR BUSINESS**

- A. **Recommendation to approve Binding Lot Combination Agreement for 428 S. Dillard Street and 35 E. Vining Street; Owner: Lakeview Investments, LLC**
Community Development Director Pash stated that this is a binding lot agreement for 428 S. Dillard and 35 E. Vining Street. He noted that the City Commission has already approved the site plan. The applicant plans to build an approximately 4,500 square foot office at this location. Staff recommends approval of the binding lot agreement.

Commissioner Buchanan asked if this was the location where a home had burned behind it. Mr. Pash responded yes and that this is where the pond will go.

Motion by Commissioner Buchanan to approve Binding Lot Combination Agreement for 428 S. Dillard Street and 35 E. Vining Street; Owner: Lakeview Investments, LLC. Seconded by Commissioner Maciel and carried unanimously 4-0.

- B. **Recommendation to approve Final Plat for Cypress Reserve Phase 2**
Community Development Director Pash stated that this is the final plat for Phase 2 of the Cypress Reserve subdivision. There are 69 single family lots, as well as recreation and an open space tract. The lots are consistent with the improved Planning Urban Development (PUD) ordinance. He noted that this lot has been reviewed and approved by the Development Review Committee (DRC) and that staff also recommends approval.

Motion by Commissioner Buchanan to approve Final Plat for Cypress Reserve Phase 2. Seconded by Commissioner Bennett and carried unanimously 4-0.

- C. Recommendation to approve the sale of beer, in designated areas, during the annual City event Blues & BBQ on Saturday, February 10, 2018 from 4 p.m. to 10 p.m. at the Pavilion

Community Development Director Pash stated that this is the annual Blues & BBQ event request for the City. The request is to hold the event on Saturday, February 10, 2018 from 4:00 p.m. to 10:00 p.m. at the Pavilion as well as the parking lot across the street. He noted that this would close Tremaine Street from south Highland Avenue to south Lakeview Avenue. He described that there would be live music, food and beer sales. Staff recommends approval.

Commissioner Buchanan sought clarification on the parameter of the designated area for beer and expressed that he wants to ensure safety and protection for the children; there was brief discussion.

Motion by Commissioner Maciel to approve the sale of beer, in designated areas, during the annual City Blues & BBQ event on Saturday, February 10, 2018 from 4:00 p.m. to 10:00 p.m. at the Pavilion, with staff recommendations. Seconded by Commissioner Bennett and carried unanimously 4-0.

- D. Recommendation to approve special event request by Crooked Can Brewery, located at 426 W. Plant Street, for their annual Celtic Festival on March 16, 17, and 18, 2018, with conditions

Community Development Director Pash stated that this request is for their Celtic Festival by Plant Street Market and the Crooked Can Brewery. They request permission to close south Central Avenue and Plant Street to Smith Street. He explained that they would have live music, food, and the sale of beer and wine. He also noted that they would offer face painting and set up another tent for Paws for Cause. The event is proposed for March 16th, from 4:00 p.m. to 11:00 p.m., March 17th, 11:00 a.m. to 11:00 p.m., and March 18th from 12:00 p.m. to 6:00 p.m. Staff recommends approval, subject to conditions.

Mayor Rees inquired as to whether there had been concerning issues in the past. Mr. Pash responded no.

Motion by Commissioner Buchanan to approve a special event request by Crooked Can Brewery, located at 426 W. Plant Street, for their annual Celtic Festival on March 16, 17, and 18, 2018, subject to conditions. Seconded by Commissioner Maciel and carried unanimously 4-0.

- E. Recommendation to award contract to Affordable Structures of Tavares, Florida, for the design build of a 65' x 54' x 20' metal canopy structure for a total cost of \$65,050
Fleet and Facilities Division Manager Michael Caines stated that this is a request to award a contract to Affordable Structures for construction of a 65' x 54' x 20' metal canopy which includes a concrete floor. He noted that it would be adjacent to the existing heavy fleet repair shop. The existing shop only allows about three vehicles and this would give additional space. It was noted that staff currently works outside. He informed that this will provide a covered area as well as an ability to control any environmental spillages by having the concrete floor. Staff recommends approval of the \$65,050 and shared that this is a piggyback contract of Lake County Schools.

Mayor Rees mentioned that he intended to ask if the facility expansion would also lead to an increase of mechanics but understands that they were already working outside. Mr. Caines informed that there was an increase to staff by one.

Commissioner Buchanan asked if the price included sealing of the concrete. Mr. Caines responded that it does not but explained that this will be done in-house with our own staff. Commissioner Buchanan inquired as to the percentage of work sent out versus what is done in-house. Mr. Caines responded that staff consistently tries to do most of the work in-house and believes that about 10 to 15 percent is contracted out.

Motion by Commissioner Buchanan to approve and award contract to Affordable Structures of Tavares, Florida, for the design build of a 65' x 54' x 20' metal canopy structure at a total cost of \$65,050. Seconded by Commissioner Maciel and carried unanimously 4-0.

- F. Resolution 18-01: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE QUALIFYING RESULTS OF THE 2018 GENERAL ELECTION FOR DISTRICTS 2, 3 AND 4; AND THE CANDIDATES.

City Attorney Ardaman read Resolution 18-01 by title only. City Clerk Golden stated that this Resolution has been distributed for the Commission's consideration and it declares that the incumbents were re-elected by virtue of no opposition. She provided a special note that the Oath of Offices would be administered at the March 22nd meeting.

Mayor Rees congratulated Commissioners Buchanan, Maciel, and Sharman for running unopposed and on doing a good job.

Motion by Commissioner Bennett to approve Resolution 18-01. Seconded by Commissioner Buchanan and carried unanimously 4-0.

6. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, expressed his views regarding past events relating to invocations and voiced that maybe what he has been seeking has become obscured. He shared that he would be refocusing on his purpose and wants equality, fairness, equal opportunity, equal access and fair treatment; not just for him or with respect to invocations only. He expressed that his request is equal treatment for all.

George Laman, 1150 E. Plant Street, Winter Garden, Florida, informed that documents from one of his attorneys have been sent to the City and should have been received. He stated that he wanted to be sure the City was aware he was present should anyone desire to discuss the issues. He indicated that in the letter he has requested a meeting with the Mayor and the City Commission in April. He asked that the City Commission direct staff on a swift resolution to this issue and shared that he is under contract to construct a Dollar General at the location.

City Attorney Ardaman advised the City Commission that because Mr. Laman has retained an attorney and has actually crafted a lawsuit, it is suggested that any discussions with Mr. Laman be done with the City Manager and not publicly discussed.

Commissioner Bennett noted that per the City Charter she is not allowed to direct staff anyways.

7. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that he sent an email regarding the Constitutional Revision Committee that would be meeting tomorrow. He shared that the legislative committee is getting seven members that will take at least two proposed amendments to the Florida's Constitution. He urged that the City Commission should contact them and explained that some citizens are pretty upset with the legislature's overreaching and hopefully this will make a difference.

Mr. Ardaman noted that there are two bills and the League of Cities has sent out an alert to actually oppose Proposal No. 95 which would hamstring cities ability to regulate trade and commerce. He also noted that support of Proposal No. 91 is requested because it gives enhanced protection to the City's home rule powers.

8. **MATTERS FROM CITY MANAGER**

• **Winter Garden Art Association Gala**

City Manager Bollhoefer noted that the City has purchased a table to the Winter Garden Art Association Gala on Friday, February 16th and asked anyone wishing to attend to contact him. He noted that the event time is from 7:00 p.m. to 10:00 p.m.

A. **Update regarding the City possibly providing electricity and cable services to residents**

Mr. Bollhoefer stated that the City is still reviewing this item and shared that there is no rush as the City's current franchise agreement is good through the year 2023. He

mentioned that it appears the company Spectrum is gaining control of the entire industry and noted that staff would like to bring some experts back to talk about options.

B. Update on the Windermere/Roberson Road roundabout options

City Manager Bollhoefer noted that staff will meet with the County sometime next week to start discussion on this roundabout issue. He shared some details on the increasingly changing cost of the project and how having a roundabout at the intersection could affect the development. He noted that this item would be brought back to the City Commission after staff has had an opportunity to meet with the County.

• Police Officer Mall Coverage

City Manager Bollhoefer shared that the City has a contract within the Mall development documents that provide for one officer during the week and two officers on weekends. This was required during the development process and is now set to expire this year. However, when hospital negotiations were done, there was some language included that was missed, extending the requirement to the year 2023. He shared that at \$28.00 per hour, the City's Officers are now on the lower end when it comes to off-duty pay. He would like to have this amount brought up to a competitive \$33.00 per hour. He noted that generally the person hiring the officer pays the full amount. He asked that there be an exemption just for the mall, allowing the City to pay the officers \$33.00 per hour, absorbing the additional \$5.00 cost. He explained that the mall pays approximately \$186,000 per year for this service and also pays approximately \$750,000 a year in taxes. He expressed that they are also willing to continue paying the officers after this expires in 2023. The officers would be paid \$33.00 per hour but the City would rebate back the \$5.00 per hour to the mall because of the fact that they pay so much in taxes. Mayor Rees calculated the amount to be just over \$31,000 and Mr. Bollhoefer expressed that he thought this was fair since the mall pays so much in taxes.

Motion by Commissioner Buchanan to approve a \$5.00 increase in pay to off-duty officers at the mall, bringing their pay to \$33.00 per hour. Seconded by Commissioner Maciel and carried unanimously 4-0.

9. MATTERS FROM MAYOR AND COMMISSIONERS

Mayor Rees regrettably read a memo submitted by City Clerk Golden to the City Commission announcing her retirement. He expressed to Ms. Golden that it has been an honor and a pleasure to work and serve with her over all these years. He feels that she has always put Winter Garden first and always did her best for the City. He expressed his appreciation and thanked her for her service.

Commissioner Buchanan shared some past experiences and history of working with City Clerk Golden and thanked her for her service.

Commissioner Maciel expressed that we sometimes look at the big picture and want everything to happen fast; but noted that every organization needs that person who intently

ensures that the details are taken care of. He mentioned that every time she is asked a question, you know you will get the right answer and that all will be done right because she is that person. He expressed his appreciation and stated that she would be missed.

Commissioner Bennett stated that City Clerk Golden is very encouraging and keeps us all on the straight and narrow.

Mayor Rees expressed that City Clerk Golden has been very helpful and wished her nothing but the best in her new journey in life. He again thanked her for all her years of service and indicated that he, as a resident and on behalf of all the residents of the City of Winter Garden, also thanks her.

The meeting adjourned at 7:14 p.m.

APPROVED:

/S/ _____
Mayor John Rees

ATTEST:

/S/ _____
Assistant City Clerk Angee Grimage, CMC