



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 8, 2018

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, 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 Maciel to approve regular meeting minutes of January 25, 2018 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

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

A. **Ordinance 17-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.25 ± ACRES LOCATED AT 304, 310, 314 W. BAY STREET, 419, 429, 439, AND 455 W. PLANT STREET ON THE NORTH SIDE OF W. PLANT STREET, WEST OF N. CENTRAL AVENUE AND SOUTH OF W. BAY STREET FROM R-2 RESIDENTIAL DISTRICT AND C-1 CENTRAL COMMERCIAL DISTRICT TO PCD PLANNED COMMERCIAL DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 17-23:** 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 1.01 ± ACRES LOCATED AT 304, 310, 314 W. BAY STREET, 439, AND 455 W. PLANT STREET ON THE NORTH SIDE OF W. PLANT STREET, WEST OF N. CENTRAL AVENUE AND SOUTH OF W. BAY STREET FROM LOW DENSITY RESIDENTIAL TO TRADITIONAL DOWNTOWN AND EXPAND THE BOUNDARY OF THE TRADITIONAL DOWNTOWN ACTIVITY CENTER TO INCLUDE SUCH PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 17-22 and 17-23 by title only. Community Development Director Pash indicated that this application was originally brought to the City Commission in July of 2017 to rezone the property to C-2. The Planning and Zoning Board had approved the item; but when it was brought before the City Commission, neighbor's concerns prompted suggestions of community meetings in order to discuss the development. Mr. Pash explained that two community meetings had been held with the immediate adjacent neighbors and staff has worked with the owners on a Planned Commercial Development (PCD). He informed that this application amends the future land use designation at 304, 310, 314 West Bay Street, and also changes 439 and 455 West Plant Street from low density residential to traditional downtown. It moves the downtown activity center and rezones all of those properties as well as 419 and 429 West Plant Street to PCD. He highlighted some of the allowed uses in these locations and noted that a review and approval of the Architectural Review and Historic Preservation Board would be required. He also shared that the Ordinance addresses that certain parking requirements be met for the site. Staff recommends approval of Ordinance 17-22 and 17-23.

City Manager Bollhoefer added that after staff heard the community's concerns, the ordinance was drafted in an effort to find a compromise between adjacent neighbors, the City, and the property owners. He felt that this ordinance did a great job in balancing the needs of all involved.

Commissioner Bennett stated that her company manages one of these properties and informed that she would recuse herself from the vote.

Mayor Rees sought and received clarification on the subject property addressed in one of the attachments.

Commissioner Maciel confirmed that the Architectural Review and Historic Preservation Board would have to review this item and that it would be open to the public.

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

Motion by Commissioner Sharman to approve Ordinance 17-22 and 17-23 with the second reading and public hearing being scheduled for February 22, 2018. Seconded by Commissioner Buchanan and carried 4-0-1; Commissioner Bennett abstained.

- C. **Ordinance 18-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 18.25 ± ACRES LOCATED AT 14120 W. COLONIAL DRIVE GENERALLY LOCATED SOUTH OF W. COLONIAL DRIVE, WEST OF S. PARK AVENUE, AND NORTH OF SAND LIME ROAD FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL

DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-09 by title only. Commissioner Maciel noted that due to potential personal gain he would have to recuse himself from the vote on this item.

Community Development Director Pash stated that the owner is requesting to rezone the property to Planned Commercial Development (PCD). They would like to construct approximately 85,000 square feet of commercial space, office, retail and restaurant uses. After highlighting other proposed uses for the property, he noted some restrictions and limitations of the PCD ordinance. Staff recommends approval of Ordinance 18-09.

Commissioner Sharman commended staff for the buffers and recommendations on the project. Mayor Rees voiced his desire to see more upscale development for the State Road 50 areas.

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

Motion by Commissioner Buchanan to approve Ordinance 18-09 with the second reading and public hearing being scheduled for February 22, 2018. Seconded by Commissioner Sharman and carried 4-0-1; Commissioner Maciel abstained.

3. **SECOND 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 ordinance vacates the undeveloped portion of Perkins Street and he described the location. Staff recommends approval of Ordinance 18-06.

Commissioner Sharman inquired as to plans for the lot next to the property. Mr. Pash responded that the lot next to it is a Battaglia property which is the Heritage at Plant Street townhouses and single family development.

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

Motion by City Commissioner Bennett to adopt Ordinance 18-06. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Resolution 18-02**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN APPROVING THE TERMINATION OF A UTILITY EASEMENT IN FAVOR OF THE CITY OF WINTER GARDEN RECORDED AT OFFICIAL RECORDS BOOK 2456, PAGES 826-27, PUBLIC RECORDS OF ORANGE COUNTY

City Attorney Ardaman read Resolution 18-02 by title only. Community Development Director Pash stated that this is the same property as discussed earlier. In 1973, there was an easement recorded across the Battaglia property in favor of the City. The easement is no longer needed as the property has now been redeveloped. Staff recommends approval of Resolution 18-02 to vacate that easement.

Motion by Commissioner Sharman to approve Resolution 18-02. Seconded by Commissioner Maciel and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, addressed an Orlando Sentinel article regarding invocations and spoke unfavorably towards the City's current method of choosing invocators. He requested an equal opportunity for invocators, suggested a moment of silence, or suggests completely skipping this ceremony altogether.

Will Hawthorne, 757 Bainbridge Loop, Winter Garden, Florida, thanked the City of Winter Garden, City staff, Police Chief Brennan and the Police Department for their support in making the Winter Garden Golf Cart Parade a success. He shared that on December 17th of last year there were just over 180 golf carts and \$7,200 was raised for the Edgewood Children's Ranch. There was discussion on the event, the golf carts, and the attending spectators.

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

7. **MATTERS FROM CITY MANAGER**

- A. **Sale of 252 West Plant Street**

City Manager Bollhoefer stated that next door the old Planning and Zoning Building had gone out for Request for Proposal (RFP). Staff subsequently realized that an RFP is not required for the City to sell the building. He suggested that the City negotiate directly with Mr. Keating and his group who owns the adjacent property. This would give the City much more leverage in getting the right project there. If this is not done, the City has less control as to what goes next door. Mr. Bollhoefer shared information about staff approaching other potential parties of interest and noted that any proposed project would have to come back before the City Commission. He recommended approval for permission to move forward with negotiations.

Commissioner Sharman inquired about what would go in this area and Mr. Bollhoefer shared the potential vision for the location. There was also discussion on parking and restaurants for the area.

Motion by Commissioner Buchanan to approve moving forward in negotiations with Mr. Tim Keating and his associates regarding the sale of 252 West Plant Street. Seconded by Commissioner Maciel and carried unanimously 5-0.

B. Interim City Clerk

City Manager Bollhoefer stated that the City no longer officially has a City Clerk. He suggested that, at bare minimum, the City would need an Interim City Clerk. He indicated that if the City Commission so desired they would also have the option of appointing a City Clerk tonight. He suggested appointing Assistant City Clerk Angee Grimmage as the Interim City Clerk or, if the City Commission so desires, appoint her as the City Clerk. There was discussion that Ms. Grimmage has already been the Interim City Clerk for the past two weeks.

Mayor Rees shared that from his personal perspective; he thinks that Ms. Grimmage does a good job, is ready, and has been trained for it. He expressed that he would be in favor of appointing her as City Clerk.

Motion by Mayor Rees to appoint Angee Grimmage as the City of Winter Garden City Clerk. Seconded by Commissioner Sharman and carried unanimously 5-0.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Maciel thanked staff for the roundabout discussions and noted that this item is being reviewed. He acknowledged City Manager Bollhoefer who gave a brief update on the status of the roundabout and noted that staff is working on an effort to get the cost down. A status update for East Winter Garden was then also given.

Commissioner Bennett noted that although she was not able to vote on a prior discussed item, she was able to go to one of the community meetings and was impressed with the process.

Mayor Rees expressed that the view of bars on windows and trash on the street make for a less appealing drive into the City. He noted that an ordinance addressing bars on the windows has already been enacted but he does not know what to do about the trash issue. In his opinion, it has gotten out of hand and requested that a solution be devised.

Mayor Rees announced a birthday celebration for Charlie Mae Wilder on Saturday, February, 24th at 12:00 noon, at Bethlehem Missionary Baptist Church and encouraged everyone to go by and wish Ms. Wilder a Happy Birthday.

The meeting adjourned at 6:58 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Angee Grimage, CMC