



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

March 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 Mark A. Maciel – District 3 Colin Sharman – District 4

**Absent:** Commissioner Bob Buchanan – District 2

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, and Director of Operations Public Services Richard Fasano

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

**Motion by Commissioner Sharman to approve regular meeting minutes of February 22, 2018 as submitted. Seconded by Commissioner Bennett and carried unanimously 4-0.**

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

A. **Ordinance 18-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.16 ± ACRES LOCATED AT 720 MAGNOLIA AVENUE ON THE SOUTHWEST CORNER OF MAGNOLIA AVENUE AND OAK 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 18-12:** 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 0.16 ± ACRES LOCATED AT 720 MAGNOLIA AVENUE ON THE SOUTHWEST CORNER OF MAGNOLIA AVENUE AND OAK STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 18-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.16 ± ACRES LOCATED AT 720 MAGNOLIA AVENUE ON THE SOUTHWEST CORNER OF MAGNOLIA AVENUE AND OAK STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO

**CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Ardaman read Ordinances 18-11, 18-12, and 18-13 by title only. Community Development Director Pash stated that this is a voluntary annexation and described its location. The owners request annexation in order to receive City services. They are requesting a land use designation of low density residential and R-2 zoning; both are consistent with the surrounding area. Staff recommends approval of Ordinances 18-11, 18-12 and 18-13.

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

**Motion by Commissioner Maciel to approve Ordinances 18-11, 18-12, and 18-13 with the second reading and public hearing being scheduled for March 22, 2018. Seconded by Commissioner Bennett and carried unanimously 4-0.**

- D. **Ordinance 18-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.21 ± ACRES LOCATED AT 557 9TH STREET, EAST OF 9TH STREET, WEST OF OAK STREET, AND SOUTH OF MAGNOLIA AVENUE 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
- E. **Ordinance 18-15:** 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 0.21 ± ACRES LOCATED AT 557 9TH STREET, EAST OF 9TH STREET, WEST OF OAK STREET, AND SOUTH OF MAGNOLIA AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 18-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.21 ± ACRES LOCATED AT 557 9TH STREET, EAST OF 9TH STREET, WEST OF OAK STREET, AND SOUTH OF MAGNOLIA AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 18-14, 18-15, and 18-16 by title only. Community Development Director Pash stated that this is a voluntary annexation and described its location. The owners request annexation in order to receive City services.

He noted that they are requesting a land use designation of low density residential and R-2 zoning; both are consistent with the surrounding area. Staff recommends approval of Ordinances 18-14, 18-15 and 18-16.

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

**Motion by Commissioner Sharman to approve Ordinances 18-14, 18-15 and 18-16 with the second reading and public hearing being scheduled for March 22, 2018. Seconded by Commissioner Maciel and carried unanimously 4-0.**

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

- A. **Ordinance 18-10:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED DRAINAGE AND UTILITY EASEMENTS OVER LOTS 219 AND 220 OF OAKLAND PARK UNIT 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGES 30 AND 31 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 950 AND 954 TILDENVILLE SCHOOL ROAD, WINTER GARDEN, FLORIDA) OWNED BY J & J BUILDING, LLC AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 18-10 by title only. Community Development Director Pash stated that this is an owner of two lots in the Oakland Park neighborhood requesting vacation of the drainage and utility easement which runs down the center of the two lots. They are looking to build one house over the two lots. Staff reviewed the request and recommends approval of Ordinance 18-10.

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

**Motion by Commissioner Bennett to adopt Ordinance 18-10. Seconded by Commissioner Maciel and carried unanimously 4-0.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve Binding Lot Combination Agreement (Owner: J & J Building, LLC) for 950 & 954 Tildenville School Road**

Community Development Director Pash stated that this is the binding lot combination agreement for the two lots discussed earlier in the meeting so one home can be built on the two lots. Staff recommends approval.

**Motion by Commissioner Bennett to approve Binding Lot Combination Agreement (Owner: J & J Building, LLC) for 950 & 954 Tildenville School Road. Seconded by Commissioner Sharman and carried unanimously 4-0.**

B. Recommendation to approve designation of a Records Management Liaison Officer (RMLO)

City Clerk Grimmage stated that the City Charter names the City Clerk as the custodian of records and the Florida Department of State requires that the City, as an agency, designate a Record Management Liaison Officer. She indicated that because these two positions align, staff recommends approval of designating the City Clerk as the RMLO.

**Motion by Commissioner Sharman to approve designating City Clerk Grimmage as the Records Management Liaison Officer (RMLO) for the City of Winter Garden. Seconded by Commissioner Bennett and carried unanimously 4-0.**

5. MATTERS FROM PUBLIC

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, read an excerpt from a column written for Religious Freedom Day in January 2018 by Danny de Armas, Senior Associate Pastor at First Baptist Church Orlando.

6. MATTERS FROM CITY ATTORNEY

**City Attorney Ardaman** addressed a number of communications the City has had with the Florida Legislators. He stated that it is with respect to preemptive attempts they continue making in an effort to take away the powers of numerous cities and counties throughout the State. He noted that they are now focused on Community Redevelopment Agencies (CRA). He described some of the proposed changes by the legislature and voiced that these changes are detrimental to the ability of the City to extend its CRA. We want to make sure the City continues receiving what it bargained for when the CRA was adopted. Mr. Ardaman shared details on some of the House Bills and comparison bills that are immediately being addressed in the Legislature regarding CRAs. He strongly urged that the City Commission get involved by calling and e-mailing the legislature regarding proposed CRA changes that would take away city and county abilities. There was discussion regarding persuading the Senate not to agree to these changes.

**City Manager Bollhoefer** shared future plans for use of the CRA funds and stressed that Senator Bracy be contacted on this issue. There was discussion that communication is needed by tomorrow morning so City Attorney Ardaman would craft a letter to be sent to the City Commission for forwarding to the legislators.

**Commissioner Maciel** shared that he has spoken to Senator Bracy in the past on other home rule issues and found him to have been supportive on the side of the cities.

**City Attorney Ardaman** advised that calling might be more effective as letters may not be read in time.

**City Manager Bollhoefer** expressed the need for cities and counties to fight together on these issues regarding the CRAs in order to be more effective and protect these rights. **City**

**Attorney Ardaman** also shared that he had conversations with neighboring attorneys regarding the idea of cities and counties coming together. He felt that if they establish their own force with their own agenda they can fight these types of issues collectively, without fear of retribution and criticism from the legislature.

**City Manager Bollhoefer** stressed that the elected officials are elected to represent the people and not to follow the direction of the political parties they represent.

**City Attorney Ardaman** noted that these communications would be sent by email to each City Commissioners for contacting the legislature directly regarding Senate Bill 1348.

7. **MATTERS FROM CITY MANAGER**

East Winter Garden Plan

City Manager Bollhoefer announced that a draft of the East Winter Garden Plan would be brought to the Community on March 12, 2018 at 6:30 p.m. at the Maxey Center. He noted that if all goes well it will also be brought back to the City Commission sometime in April.

Tremaine/Boyd Project Groundbreaking

Mr. Bollhoefer offered that the City Commission could attend a groundbreaking for the Tremaine/Boyd Project at 9:00 a.m. on April 13, 2018.

Community Garden Waiver of Utility Rates

Mr. Bollhoefer addressed utility rates with regards to the Community Garden and requested a waiver be given on their behalf. He noted that the rates were not significant and estimated them to be about \$1,200 per year. It was the **consensus** of the City Commission to waive the utility rates for the Community Garden.

Evening at the Pops

Mr. Bollhoefer announced that the Evening at the Pops event would be held on Saturday, March 24, 2018 at Newton Park and that tickets were available for the City Commission.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Maciel** thanked staff for their preparations for the March 12<sup>th</sup> meeting at the Maxey Center.

**Mayor Rees** addressed a partially burned building that was once the old Bradley Market. He noted that it was only partially cleaned up. Mr. Bollhoefer noted that staff is addressing this issue with the County. Mayor Rees also requested that staff look into an issue with incomplete fencing located at the last lot near the end of Newell Street.

Mayor Rees addressed the need for scheduling City Commission photos for 2018. City Clerk Grimmage responded that she would schedule for March 22, 2018 at 6:00 p.m. and send the City Commission confirmation.

The meeting adjourned at 6:59 p.m.

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_\_/S/\_\_\_\_\_  
City Clerk Angee Grimmage, CMC