



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

April 11, 2019

**REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:42 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, Fire Chief Matt McGrew and Police Chief Stephen Graham

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

**Motion by Commissioner Bennett to approve regular meeting minutes of March 28, 2019 as submitted. Seconded by Commissioner Maciel and carried unanimously 4-0.**

### 2. **PRESENTATION**

A. **Proclamation 19-04:** Proclaiming Autism Awareness Day and Autism Month was read and presented by Mayor Rees and the City Commissioners. It was accepted by Henry Wright, who shared some of his history and experiences with the City and thanked the City Commission for their support in this effort.

*(Commissioner Buchanan arrived during this portion of the meeting at 6:44 p.m.)*

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

A. **Ordinance 19-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 14.87 +/- ACRES OF LAND GENERALLY LOCATED AT N. WEST CROWN POINT ROAD ON THE NORTHEAST CORNER OF N. WEST CROWN POINT ROAD AND E PLANT STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE ALTA WINTER GARDEN CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

**City Attorney Ardaman** read Ordinance 19-17 by title only. **Community Development Director Pash** described the location of the property. He noted that the applicant is requesting to rezone the property from C-2 to Character Area Planned Unit Development (CAPUD) in order to develop 250 apartments. He shared that through the

rezoning the overlay allows for the owners to request up to 30 dwelling units per acre, this development is at 20 units per acre. He shared that the ordinance outlines all of the design requirements for the building, landscaping, as well as access and described the proposed buildings for this project and the plans for the location.

**City Manager Bollhoefer**, in addressing some of the City Commission's concerns regarding apartments, informed that the City has been very tough on apartments and multi-family projects. He noted that although the City of Winter Garden does not want a lot of apartments within the City, the need and proper location for the right types of apartments is recognized. After some negotiation and review of alternatives, it is thought that these apartments are a good idea. However, the City will continue to be strict on these issues, as not to have a lot of multi-family projects. He informed that these are high-end apartments and many community meetings had been held to address all of the issues.

There was discussion on the location of the buildings for this project in relation to the walkways and how it meets the standard of the overlay as also that of the City of Ocoee. There was discussion on the number of apartments currently in the City of Winter Garden, which was noted to be unknown.

**Mayor Rees** voiced his concerns with this type of project, sharing that he also understands that rezoning also opens up other alternatives. He also noted his concerns for traffic in the area. **City Manager Bollhoefer** described improvements planned to address some of those issues for the location.

**Commissioner Bennett** inquired as to whether these improvements would assist in funding the east Winter Garden plans. **Mr. Bollhoefer** responded yes, it would actually help with property values, which would help provide funding as we move forward with the redevelopment of east Winter Garden.

**Commissioner Maciel** expressed the noteworthiness in the City Manager's efforts to keeping him informed on this obviously sensitive project. He reiterated that he has been well informed and expressed his appreciation.

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

**Motion by Commissioner Bennett to approve Ordinance 19-17 with second reading and public hearing April 25, 2019. Seconded by Commissioner Buchanan and carried 4-1; Mayor Rees opposed.**

#### **4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 19-15**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1<sup>ST</sup> STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-15 by title only. Community Development Director Pash stated that this ordinance is to rezone property located at 43 1<sup>st</sup> Street. He explained that although this item was addressed on the last agenda, advertisement for it was placed for tonight's meeting and requested a revisit. Staff recommends approval.

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

**Motion by Commissioner Sharman to adopt Ordinance 19-15. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- B. **Ordinance 19-18**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 98-189 OF CHAPTER 98 OF THE CITY CODE TO AMEND THE QUORUM AND VOTING REQUIREMENTS OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; PROVIDING FOR CODIFICATION, CONTROL, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-18 by title only. Community Development Director Pash stated that this ordinance amends section 98-189 of the City code. It clarifies what constitutes a quorum with the Architectural Review and Historic Preservation Board. Staff recommends approval of Ordinance 19-18.

Mayor Rees confirmed that this matches the verbiage as noted for the City's other boards. Mr. Pash responded yes.

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

**Motion by Commissioner Maciel to adopt Ordinance 19-18. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

## 5. **REGULAR BUSINESS**

- A. Recommendation to approve RFP rankings and award Construction Services Contract for 9th Street Gravity Sewer & Force Main Improvements to Cathcart Construction Company for a total amount of \$4,642,753.50, which includes a 10% contingency

This item was postponed to a date uncertain.

**Motion by Commissioner Sharman to POSTPONE recommendation to approve RFP rankings and award Construction Services Contract for 9th Street Gravity Sewer & Force Main Improvements to Cathcart Construction Company for a total amount of \$4,642,753.50, which includes a 10% contingency, to a date uncertain. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- B. Recommendation to approve RFP rankings and award Continuing Services Contracts to Cathcart Construction Company, LLC, Central Florida Environmental Corp., Stage Door II, Inc., and VMG Construction, Inc. for various asphalt and concrete services

Assistant City Manager of Public Services Williams stated that the proposal process for continuing services contracts have been completed to have multiple contractors to perform asphalt, road base, asphalt, curbs, gutters, sidewalks, and other misc. concrete repairs on an as needed basis throughout the city. He noted that the City received proposals from Cathcart Construction Company, LLC, Central Florida Environmental Corporation, Stage Door II, Inc., and VMG Construction, Inc. Staff recommends approving the RFP rankings and awarding continuing services contracts to the aforementioned.

**Motion by Commissioner Buchanan to approve RFP rankings and award Continuing Services Contracts to Cathcart Construction Company, LLC, Central Florida Environmental Corp., Stage Door II, Inc., and VMG Construction, Inc. for various asphalt and concrete services. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. Recommendation to approve Purchase Order with TD Thomson Construction Inc. for Donald Drive Drainage Improvements in the amount of \$56,409.25

Assistant City Manager of Public Services Williams stated that this agenda items requests approval of a purchase order for TD Thomson Construction Inc. in the amount of \$56,409.25. for Donald Drive drainage improvement project which consists of constructing an open swale to collect runoff from the roadway, as well as installing culverts and driveway aprons for each of the homes along Donald Drive. Staff recommends approval.

Mayor Rees inquired as to the location of the ditches along the road. Mr. Williams responded that it would be along the west side of the road. It was noted that a swale

would be installed in a way to be minimally intrusive as possible. He shared that staff would reach out to each of the homeowners before starting this project.

**Motion by Commissioner Bennett to approve purchase order with TD Thomson Construction Inc. for Donald Drive Drainage Improvements in the amount of \$56,409.25. Seconded simultaneously by Commissioner Buchanan and Commissioner Sharman and carried unanimously 5-0.**

- D. Recommendation to approve RFQ rankings and award Continuing Professional Engineering Services contracts to Cribb Philbeck Weaver Group (CPWG), Mead & Hunt, Pegasus Engineering, Inc. and Neel-Schaffer, Inc.

Assistant City Manager of Public Services Williams noted that the request for qualifications (RFQ) were recently completed to have continuing professional engineering services contracts with multiple firms. He noted that this is on an as needed basis for water, wastewater, stormwater, roadway, traffic control, engineering design and construction projects. he indicated that there were a total of 11 submittals which were ranked on experience, past performance, resources, location of office, and workload. Four firms received the highest ranking were Cribb Philbeck Weaver Group (CPWG), Mead & Hunt, Pegasus Engineering, Inc., and Neel-Schaffer, Inc. Staff recommends approving the RFQ rankings and awarding continuing professional engineering services contracts to the aforementioned.

Mayor Rees inquired as to how long this contract would be open. Mr. Williams replied that it would be open three years for the services contracts with the possibility of extensions. It was noted that it would come back to the City Commission.

**Motion by Commissioner Sharman to approve RFQ rankings and award Continuing Professional Engineering Services contracts to Cribb Philbeck Weaver Group (CPWG), Mead & Hunt, Pegasus Engineering, Inc. and Neel-Schaffer, Inc. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- E. Recommendation to approve community event for the Masonic Lodge's 15<sup>th</sup> Annual All American Kids Parade and Breakfast on July 4, 2019 at 7:30 a.m. to 1:00 p.m., including temporary street closure on Plant Street

Community Development Director Pash noted that this is the annual breakfast and kids parade sponsored by the Masonic Lodge on the 4<sup>th</sup> of July. He stated that it is the same as previous years with staff working with them to close the road at 10:00 a.m. Staff recommends approval.

**Motion by Commissioner Sharman to approve community event for the Masonic Lodge 15<sup>th</sup> Annual All American Kids Parade and Breakfast on July 4, 2019 at 7:30 a.m. to 1:00 p.m., which includes temporary street closure on Plant Street. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- F. **Resolution 19-02:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE, ESTABLISHING COMMITTEE DUTIES, ESTABLISHING APPOINTMENT OF MEMBERS, ESTABLISHING ORGANIZATION, PROVIDING FOR THE SUNSETTING OF THE CHARTER REVIEW COMMITTEE AND PROVIDING FOR AN EFFECTIVE DATE

**City Attorney Ardaman** read Resolution 19-02 by title only. **City Clerk Grimmage** stated that the City Attorney has advised of the need to have a review of the City's Charter. She informed that after approval there would be the need for recruitment efforts, advertisements, obtaining a facilitator, committee appointments by the City Commission. She also informed that there will need to inform the Orange County Supervisor of Elections as this is a ballot item for the 2020 Election on March 10<sup>th</sup>.

**Mayor Rees** inquired as to the selection process for the Committee, noting that the City Commissioners select two members and the Mayor position selects only one. **City Attorney Ardaman** responded that this could be done any way the City Commission desires, but suggested having an odd number. There was discussion on the committee's voting decisions being non-binding upon the City Commission as they are informational and educational. There was discussion that the information being brought to the City Commission for review as being more important than how the committee actually voted, thus making non-important the number of members on the committee. It was noted that each City Commissioner, including the Mayor, could appoint two members for a total of ten committee members.

**Commissioner Sharman** questioned the ability to timely appoint the full ten members. Discussion ensued on the timeframe and possibility of changing the number of members in the future, depending upon the outcome of recruitment efforts. **City Clerk Grimmage** noted that the first Charter Review Committee meeting is scheduled for June 10, 2019 and is organizational in nature.

**City Attorney Ardaman** noted that the City Charter is the City's constitution and is critical to the City. He expressed the importance of having qualified members on the committee. **City Clerk Grimmage** noted that the last review covered a period from 1975 through 2006 and was very thorough in updating over 31 years of change. She stated that this review may not take as long as anticipated, but will depend on the committee's examination.

**City Attorney Ardaman** suggested changing the amount of members to five and increasing it later depending on the recruitment effort. **City Manager Bollhoefer** also agreed with the choice of only five members as he does not anticipate significant

changes as in the last review; pointing out that the City Commission ultimately makes the final decision.

**Commissioner Sharman** inquired as to when the final decision would need to be made on the number of members for this committee. **City Attorney Ardaman** responded that the City Commission can make modifications. There was discussion on the qualifications required to serve on this committee being only that they be a resident of the City of Winter Garden.

**City Manager Bollhoefer** noted that this decision could also be postponed until the end of May.

**Commissioner Buchanan** inquired more into the criteria for serving this committee. **City Attorney Ardaman** responded that they needed to be a resident of the City, and cannot be an employee or an elected official of the City. **Commissioner Buchanan** inquired as to if someone already seated on a board or committee could also serve on this committee. **City Attorney Ardaman** noted that he would check into this issue and let them know.

**City Clerk Grimmage** noted that the time sensitivity will be more towards the end when getting items prepared to go to the electorate, so an adjustment to the schedule could be done, if needed.

**Mayor Rees** noted that the decision to change the number of members was up to the City Commission and inquired as to their desire on this matter. There was discussion on the last committee being nine members who made unanimous decisions in most cases, with a facilitator to help keep everyone on task.

**Commissioner Maciel** noted that he shared with some people that serving on these types of boards lead to the possibility of being able to serve on other boards.

**Motion by Commissioner Sharman to approve Resolution 19-02 with a change to the total of Committee members being ten. Seconded by Commissioner Maciel and carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC** - There were no items.

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

8. **MATTERS FROM CITY MANAGER**

A. Update on Dillard Street

City Manager Bollhoefer postponed this update until the next City Commission Meeting.

- Construction of Building - Corner of Main Street and Story Road  
City Manager Bollhoefer noted that the City is looking to bring an ordinance that will require the first floor of commercial buildings to be block construction. He noted the City is restricted from preventing this type of construction as it is currently allowed in the Code.
- Invocation Policy  
City Manager Bollhoefer noted that staff would be reviewing proposed changes for the prayer [invocation] policy and possibly bring a resolution back for the next meeting.

## 9. MATTERS FROM MAYOR AND COMMISSIONERS

**Commissioner Buchanan** apologized for his tardiness and also thanked Assistant City Manager of Public Services Williams for taking care of an item in his district.

**Commissioner Bennett** apologized for her tardiness and also thanked staff for their efforts during the Spring Fever event.

**Mayor Rees** thanked staff for their efforts during the Bloom 'N Grow event, stating that they did an outstanding job.

Mayor Rees read an email from a citizen who was extremely pleased with the assistance received at the Splash Pad by City staff member Edgardo Gonzalez of the Parks & Recreation department. Mayor Rees noted that he believes this is the third time his service has been noted and encourage staff to let him know it is much appreciated.

The meeting adjourned at 7:18 p.m.

APPROVED:

/S/

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Mayor John Rees

ATTEST:

/S/

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City Clerk Angee Grimmage, CMC