



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

May 24, 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, Assistant City Manager of Public Services Jon Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, Police Chief George Brennan, Director of Operations Public Services Richard Fasano and Planning Consultant Ed Williams

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

**Motion by Commissioner Buchanan to approve regular meeting minutes of May 10, 2018 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.**

### 2. **PRESENTATIONS**

- A. Solar Presentation – Orange County Solar Cooperatives in partnership with the Florida League of Women Voters and Mayor Teresa Jacobs (*This presentation was not given*)
- B. Presentation by Jerry Warren to outline the process for the City to assume the Franchise Agreement for providing electric power at the expiration of Duke’s Franchise Agreement in 2023 (*This presentation was not given*)

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

- A. **Ordinance 18-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2017-2018 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-18 by title and an excerpt from Section 1: That the sum of \$3,982,174 to be appropriated as follows:

#### REVENUES

Local Option Gas Tax Fund	\$ 35,000
Transportation Impact Fee-General Fund	1,700,000
Utility Operating Fund	1,780,232
Solid Waste Fund	<u>466,942</u>
	\$3,982,174

City Attorney Ardaman stated that the expenditures are itemized identically as the revenues in the same amount of \$3,982,174.

City Manager Bollhoefer gave a PowerPoint presentation highlighting some items amending the budget.

Mayor Rees inquired about the hiring of a new planner and the current status of the City's plans review. City Manager Bollhoefer responded that the City is not far behind and assured that the new Planner would add to efficiency and dedicate a lot of their time to East Winter Garden redevelopment and focus on Code Enforcement.

There was discussion on Crossing Guards, the fencing for Walker Field, and it was noted that previously approved disfilters and the filters noted in the amended budget were separate.

Mayor Rees inquired as to when the City would be reimbursed by the Federal Emergency Management Agency (FEMA). City Manager Bollhoefer responded that no one ever really knows but shared that it was said to be by the end of this year or early next year. He noted that FEMA does eventually pay at rate 87 percent.

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

**Motion by Commissioner Buchanan to approve Ordinance 18-18 with the second reading and public hearing scheduled for June 14, 2018. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

- A. **Ordinance 18-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.26 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 42 E SMITH STREET, ON THE SOUTH SIDE OF E SMITH STREET, WEST OF S DILLARD STREET AND EAST OF S WOODLAND STREET; FROM R-2 RESIDENTIAL DISTRICT TO C-3 PROFESSIONAL OFFICE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-20 by title only. Planning Consultant Williams stated that this proposal is a recently renovated single family residential structure. The proposed change is from residential zoning to commercial zoning to allow for an office. Three of the surrounding sides are already commercial or office development. If approved, the applicant would have to come back to the City to address parking, landscaping and signage. The site has sufficient size to accommodate these changes and staff recommends approval, subject to conditions as stated in the staff report.

Commissioner Maciel inquired about C-3 zoning versus a choice of C-2 zoning. Mr. Williams responded that this was to accommodate what is already there; it helps having similar zonings next to each other.

Mayor Rees opened the public hearing.

Sarah Wolfe, 221 N. Boyd Street, Winter Garden, Florida asked about residents on and around the property. City Manager Bollhoefer assured that there were no issues from the neighbors regarding this project.

Mayor Rees closed the public hearing.

**Motion by Commissioner Buchanan to adopt Ordinance 18-20. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 18-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 3.32 +/- ACRES OF LAND GENERALLY LOCATED AT 205 WINDERMERE ROAD ON THE NORTHEAST CORNER OF WINDERMERE ROAD AND WARRIOR ROAD, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE SOUTHWEST AQUATICS PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-21 by title only. Planning Consultant Williams stated that Southwest Aquatics is a West Orange County institution, previously located in Gotha and relocated to Winter Garden across from the YMCA. They continued to expand and grow since locating here and need to add an additional swimming pool and address some parking issues. Staff reviewed the plans and recommend approval, subject to conditions. There was discussion on the expansion of the pool area and architectural standards being met.

Mayor Rees opened the public hearing.

Sarah Wolfe, 221 N. Boyd Street, Winter Garden, Florida inquired about residents near the location. Commissioner Sharman described the location of the project and explained that the expansion is to a vacant property adjacent to them.

Mayor Rees closed the public hearing.

**Motion by Commissioner Bennett to adopt Ordinance 18-21. Seconded by Commissioner Sharman and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

A. **Recommendation to approve an Interlocal Agreement for Police Dispatching Services for the Town of Windermere**

Police Chief Brennan informed that this Interlocal Agreement for Police dispatching services is a renewal of an existing agreement for the Town of Windermere. Normally a multiple-year agreement would be submitted. However, in this case, the Town of Windermere is tied in with the City of Ocoee for an additional year; this request sets an expiration to occur at the same time.

**Motion by Commissioner Buchanan to approve the Interlocal Agreement for Police Dispatching Services for the Town of Windermere. Seconded by Commissioner Maciel and carried unanimously 5-0.**

B. **Recommendation to approve the East Winter Garden Plan**

City Manager Bollhoefer noted that the East Winter Garden Plan has been distributed and gave a presentation highlighting main points of the plan.

Commissioner Buchanan inquired as to when the project would start. City Manager Bollhoefer responded that it has essentially already started. There was discussion on the CRA and the need for community support.

Commissioner Maciel spoke of work the City has done in the development of this plan and expressed that as City Commissioner for the district he feels he would be the communicator and liaison. He expressed his appreciation for those persons and organizations attending the meetings and indicated that he would keep everyone informed about such meetings.

Mayor Rees opened for public comment.

Ron Mueller, 709 Lake Cove Pointe Circle, Winter Garden, Florida noted that he is impressed with the plan and thanked the City Commission. Mr. Mueller sparked discussions on the choice of a project manager, contingency plans in the event of an economic downturn, housing development and carefully planning for density.

Byron Stephenson, 1301 E. Bay Street, Winter Garden, Florida expressed that it is a great plan and likes what he is seeing. He inquired about annexation timelines and the scope of the project. City Manager Bollhoefer responded that, with the exception of some of the commercial area, most of the entire residential area will be annexed. He indicated that the target is in the fall and addressed some challenges being related to stormwater issues.

Lynette Fields, 1213 Winter Green Way, Winter Garden, Florida shared that she lives on Winter Green Way and works at 1000 Lincoln Terrace. She thanked the City for all the details given at this meeting and for involving the community in the entire process. She expressed concerns regarding code enforcement and the residents with limited financial ability. She hopes the City will assist in identifying grants or offer funds from the CRA to foster partnership with the City's Code Enforcement, rather than just levying fees. She suggested an alternative of rather than just having community meetings, that a formal City, private, faith-based, residential organization group be formed. She also shared information about the Shepherd's Hope plan to create a community kitchen and again thanked the City for all their hard work. At Commissioner Maciel 's request, Ms. Fields share information about the Door-to-Curb program. She described the program, noted that 10 homes are near completion, and informed about its empowerment of homeowners.

Karl McKenzie, 711 Climbing Oaks Court, Winter Garden, Florida noted that he is President of the East Winter Garden Development Corporation. He shared a letter written on behalf of the Corporation addressing the partnering with the City to secure grants. He echoed suggestions of forming a faith-based, non-profit community organization or committee to partner with the City for accountability within this project. Commissioner Maciel expressed that he would love to see the corporation get involved; especially in grant writing and offered his help in facilitating this effort.

Mayor Rees closed the public comment.

**Motion by Commissioner Maciel to approve the East Winter Garden Plan. Seconded by Commissioner Bennett and carried unanimously 5-0.**

C. Recommendation to approve the reduction and removal of a Code Enforcement lien for 345 Lake Amberleigh Drive

Planning Consultant Williams stated that this case is similar to those of the past where the Code Enforcement Board is not interested in penalizing the owner once the violation has been corrected. Those cases involve extenuating circumstances which would lead to a requested reduction in fines. In this case, the property owner unknowingly contracted with and unlicensed contractor. Mr. Williams explained that Code Enforcement discovered there were no permits and he described the circumstances surrounding the case. He shared that the owner did everything the City asked and the property has been restored to a normal condition. Mr. Williams expressed that it was felt they had been penalized more than enough through that unlicensed contractor and the City should consider reducing the fine to \$250 from the \$35,750 that accrued on the property. He noted that this would cover the City's cost for advertisements and staff time.

**Motion by Commissioner Sharman to approve reduction and removal of the Code Enforcement lien for 345 Lake Amberleigh Drive. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

D. Recommendation to approve Purchase and Sale Agreement for Lakefront Property (Godin Property)

City Manager Bollhoefer noted that these purchases had been previously discussed, he described the locations, and noted that the asking price of \$1.6 million is believed to be a very fair price. The City does not have any plans for the location at this time but has the opportunity to build one of the nicest parks along Lake Apopka. In the interim, the revenue stream for this property is \$9,000 a month and will pay for the loan until such time there is a plan. He noted that if the City does not buy it now, there will not be another chance.

City Attorney Ardaman noted a typo correction to Section 5 on page 212.

**Motion by Commissioner Buchanan to approve purchase and sale agreement for lakefront property (Godin Property) with corrections as noted by City Attorney Ardaman. Seconded by Commissioner Sharman and carried unanimously 5-0.**

E. Recommendation to approve purchase of right-of-way for Windermere/Roberson Roundabout

City Manager Bollhoefer commended Planning Consultant Ed Williams on being one of the best experts in the State of Florida and having saved the City millions of dollars. He shared that these are the two pieces on Windermere/Roberson Road on the northeast and northwest. He shared that the details and amounts have been provided. He shared that what the City is paying is \$15 per square feet. The City will design the ingress and egress for the two properties which will enable getting the roundabout completed.

**Motion by Commissioner Maciel to approve the purchase of the right-of-way for the Windermere/Roberson Roundabout. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

7. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman addressed a settlement agreement regarding a lawsuit between Mark Mazo and the City. Mr. Ardaman explained that Mr. Mazo sued the City and tried to obtain a declaratory judgement. He described that Mr. Mazo is claiming that what he had given to the City was a trade secret and confidential; which the City disputes. Mr. Ardaman noted that a settlement agreement was reached without the City having to pay Mr. Mazo. He further explained that if there is a request for the documents that Mr. Mazo believes are trade secrets, he would then have an opportunity to file a suit. City Manager Bollhoefer

further expounded that it is not an actual suit against the City, but Mr. Mazo would file an injunction to stop it and the City would then be a party along with the third-party requestor. Mr. Ardaman recommended entering into the settlement agreement, explaining that there were two agreements; one with the exhibits and one without.

**Motion by Commissioner Sharman to approve the Settlement Agreement as submitted by the City Attorney. Seconded by Commissioner Maciel and carried unanimously 5-0.**

**8. MATTERS FROM CITY MANAGER**

**City Manager Bollhoefer** announced that County Road 535, south of Country Lake Estates' entrance, and north of the Cracker Barrel entrance, will be shut down for a period of one to two weeks for stormwater pipework.

**9. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Bennett** thanked City Manager Bollhoefer and City Attorney Ardaman for their efforts in providing her with answers to questions she has had and expressed her appreciation.

**Commissioner Buchanan** said thank you on behalf of Martha Cooper, who almost lost her pool relating to drainage issues near Roper Drive. He shared that she gave a special thanks to Public Services Collections Superintendent Gary Sapp for his efforts in helping make her pool safe again. He expressed that this is one more time the City's staff comes out on top.

**Commissioner Maciel** thanked City Manager Bollhoefer for his presentation that answered a lot of the people's questions. He expressed the need for everyone's patience and communication throughout this process. He thanked all of the groups that came out and he recognized former Commissioner's Boulter and Wilder, who were in attendance, for their efforts in this plan.

**Commissioner Sharman** shared information on an email invitation from one of the residents and asked assistance coordinating someone from the City Commission to attend.

The meeting adjourned at 7:48 p.m.

ATTEST:

APPROVED:

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

  /S/  \_\_\_\_\_  
Mayor Pro-Tem Bob Buchanan