



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

August 9, 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, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Information Technology Director Chad Morrill, Interim Police Chief Stephen Graham, Deputy Fire Chief Jose Gainza, Jr., Director of Operations for Public Services Richard Fasano and Planning Consultant Ed Williams

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of July 26, 2018 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

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

A. **Ordinance 18-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.11 OF THE FUTURE LAND USE ELEMENT, AMENDING POLICY 5-1.4.1, POLICY 5-1.4.2, POLICY 5-1.4.10, POLICY 5-1.4.12, POLICY 5-1.4.14 AND DELETING POLICY 5-1.4.6 OF THE CONSERVATION ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Planning Consultant Williams stated that these are several revisions to current policies in the comprehensive plan future land use and conservation elements. In the past these policies have recognized the City's role in wetlands determinations as well as other agencies. He described difficulties the City experiences when property owners or developers go to different agencies, then come back to the City with another agency's determination. He noted that these policies have been set up to provide that the most important determination is that of the City. He mentioned the importance of determinations regarding soil and drainage conditions. Having multiple agencies input on wetlands can be sometimes counterproductive and costly. He informed that the Planning and Zoning Board unanimously approved this item and staff recommends approval, with the second reading and public hearing being scheduled.

Mayor Rees noted that they can still go to the other agencies and get their opinions, but the City will still have final jurisdiction. Mr. Williams described how this would address potential encroachment and mitigation issues and stressed the importance of the City having the first determination.

There was discussion on the approval process, the necessity in some cases to warrant going to the other agencies, and the prevention of litigation regarding approvals.

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

Motion by Commissioner Sharman to approve Ordinance 18-24 with the second reading and public hearing scheduled for August 23, 2018. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. **Ordinance 18-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 94-130(c), SECTION 94-130(d), SECTION 94-129, SECTION 106-2, SECTION 94-131, SECTION 94-132.5(b), SECTION 94-132.5(c), AND SECTION 118-1323 OF THE WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Planning Consultant Williams explained that these proposed changes effect the land development code and the actual review procedures when reviewing wetlands. He noted that this has been reviewed by the Planning and Zoning Board and noted a word change on page 3, section 94-132.5(c) from the word traditional to transitional. Staff recommends approval.

Motion by Commissioner Sharman to approve Ordinance 18-25 with the change as noted and the second reading and public hearing scheduled for August 23, 2018. Seconded by Commissioner Maciel and carried unanimously 5-0.

- C. **Ordinance 18-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.00 ± ACRES LOCATED AT 1220 EAST STORY ROAD, EAST OF GARDEN COMMERCE PARKWAY, WEST OF CARTER ROAD, AND SOUTH OF STORY ROAD 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
- D. **Ordinance 18-27:** 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 1.00 ± ACRES LOCATED AT 1220 EAST STORY ROAD, EAST OF GARDEN COMMERCE PARKWAY, WEST OF CARTER ROAD, AND SOUTH OF STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY MULTI

OFFICE INDUSTRIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- E. **Ordinance 18-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.00 ± ACRES LOCATED AT 1220 EAST STORY ROAD, EAST OF GARDEN COMMERCE PARKWAY, WEST OF CARTER ROAD, AND SOUTH OF STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY I-1 LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 18-26, 18-27 and 18-28 by title only. Community Development Director Pash stated that this is a voluntary annexation for the property located at 1220 East Story Road. The owners have requested annexation into the City, a future land use designation of multi-office industrial, and a zoning of I-1. He noted that all of these are consistent with the surrounding area and staff recommends approval.

There was discussion on industrial use for the surrounding properties, estimated timeframe for the project to begin, and mention of the house currently at this location built in 1925.

Motion by Commissioner Maciel to approve Ordinance 18-26, 18-27, and 18-28 with the second reading and public hearing scheduled for August 23, 2018. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- F. **Ordinance 18-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.95 +/- ACRES OF LAND GENERALLY LOCATED AT 1200 E PLANT STREET ON THE SOUTHEAST CORNER OF E PLANT STREET AND S WEST CROWN POINT ROAD, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS WEST ORANGE HEALTHCARE DISTRICT CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-33 by title only. Community Development Director Pash stated that this is the first rezoning the City has on Plant Street that is within in the new character overlay. The property owners are requesting to rezone this property to Character Area Planned Unit Development (CAPUD). He noted that they have designed the building on this site and it is consistent with the overlay requirements. He described some of the improvements and features. Staff and the Planning and Zoning Board has reviewed this item and recommend approval.

Mayor Rees noted language in the ordinance that needed clarification regarding the structure on the property. City Manager Bollhoefer noted that this was standard language which had not been changed. It was noted that it is just the one structure; with Mr. Pash explaining that there are multiple tenants.

Commissioner Buchanan inquired and there was discussion about the zoning of a nearby property.

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

Motion by Commissioner Buchanan to approve Ordinance 18-33 with the second reading and public hearing scheduled for August 23, 2018. Seconded by Commissioner Sharman and carried unanimously 5-0.

- G. **Ordinance 18-34**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 118-1310 OF THE CITY CODE TO PROVIDE THAT CONSTRUCTION OR INSTALLATION OF STORAGE BUILDINGS UNDER 160 SQUARE FEET AS AN ACCESSORY USE DOES NOT REQUIRE SUBMISSION OF BUILDING PLANS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-34 by title only. Community Development Director Pash stated that this is a code amendment to section 118-1310 regarding accessory structures. This amendment will allow homeowners to draw their own plans and have guidance from the building department. This will be for structures that are 160 square feet or less. It will not require submittal of signed and sealed plans but will still need to meet code. Staff recommends approval of Ordinance 18-34.

Mayor Rees addressed language that read 160 square feet in one place and then less than 160 square feet in another. Mr. Pash responded that it is 160 square feet or less and noted that the code also reads greater than 160 square feet. Mr. Pash explained that the wording was done this way so that the 160 is not missed.

Commissioner Sharman thanked staff for bringing this ordinance.

City Attorney Ardaman read from Section 2(c)(1) of Ordinance 18-34 regarding the 160 square feet issue and suggested that a change reflecting that they are the same may be needed.

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

Motion by Commissioner Buchanan to approve Ordinance 18-34 with the second reading and public hearing scheduled for August 23, 2018. Seconded by Commissioner Sharman and carried unanimously 5-0.

3. **REGULAR BUSINESS**

- A. **Recommendation to approve the First Amendment to the Developer's Agreement for Sanctuary at Twin Waters**

Community Development Director Pash stated that this is the first amendment to the developer's agreement changing the name from Meritage Homes to M/I Homes. Staff recommends approval.

Commissioner Buchanan expressed concerns with the new developer adhering to all previous approvals and agreements. Mr. Pash noted that staff worked very closely with them through this process and stated that Meritage Homes had all approvals in place but had not closed on the property. He noted that there is a zoning ordinance in place to which they must adhere and are well aware. City Attorney Ardaman noted that this is the case even in claiming that they were unaware; it is all still in writing.

Motion by Commissioner Bennett to approve the First Amendment to the Developer's Agreement for Sanctuary at Twin Waters. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. Recommendation to approve a Construction Engineering and Inspection Services Agreement with CPWG Engineering, Inc. to provide inspection services as needed
Assistant City Manager for Public Services Williams noted that if this agreement is approved it would allow the City to use Construction Engineering and Inspections Services on an as needed basis or period of six months, not to exceed the amount of \$75,000. He informed of currently having over 30 projects at various construction stages. These services will ensure that these projects are completed in accordance with plans and specifications. Mr. Williams noted that during the six-month trial period, the City will evaluate the efficiency and effectiveness of the contractual services and then hire a third full time inspector. Staff recommends approval of the agreement with CPWG Engineering, Inc. providing construction engineering and inspection services for a period of six months, not to exceed an amount of \$75,000.

Commissioner Sharman noted that this was needed for flexibility but inquired as to the workload of the currently used service providers. Mr. Williams responded that they have full schedules and explained various scenarios noting that it depends where a project is in its phase of construction.

Commissioner Bennett inquired as to the distribution of the \$75,000 as related to the provider's personnel. Mr. Williams responded that they would provide the necessary personnel to the City to do the necessary inspections.

Motion by Commissioner Bennett to approve Construction Engineering and Inspection Services Agreement with CPWG Engineering, Inc. to provide inspection services as needed. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida shared excerpts from a news article he had read regarding the Pledge of Allegiance. He expressed that he did not read this excerpt to request removal of the Pledge of Allegiance, but to stress its parallel

relation to the City's invocation process. He does not believe the invocation process is fully inclusive and requests that the it be made fully inclusive or eliminated altogether.

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

6. **MATTERS FROM CITY MANAGER**

A. Letter of Intent for Purchase of Property - 8 N. Highland Avenue

City Manager Bollhoefer informed the City Commission that the City has been approached by a developer who is offering an opportunity for the building of a high-end boutique hotel in the downtown area. He shared that the developer is seeking assurance that should they go through all the efforts of meeting the City's requirements and criteria, that the City would support moving forward with the hotel. He noted that if the City Commission thinks this is a good idea, staff would draft a letter of intent for the developer and bring it back to the Commission for approval.

Mr. Bollhoefer stated that staff suggests getting involved with the design and providing design assistance by paying half of the design costs up to \$15,000.

Commissioner Sharman inquired about the number of rooms and parking for the hotel. Mr. Bollhoefer responded that it would be a 60-room hotel and the parking would be valet only parking. There would need to be a plan to work out the public parking as there is no parking on the side of the hotel.

Mayor Rees inquired about the timeframe for the reimbursement of the \$15,000. Mr. Bollhoefer explained that it would be included in the design costs and if approved the City would get the entire \$15,000 back. There was discussion on design rights and these being conceptual drawings as opposed to architectural drawings. Also discussed were issues regarding future sale of the property, the City's being financially invested in the project and having greater control of what happens with the project.

Commissioner Maciel sought clarification on the City's advantage of investing the \$15,000. City Manager Bollhoefer shared some past history of the City's involvement in these kinds of projects and the advantage of the City having greater control in the architecture.

Motion by Commissioner Buchanan to approve moving forward with a letter of intent for purchase of property located at 8 N. Highland Avenue. Seconded by Commissioner Maciel and carried unanimously 5-0.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Bennett thanked City Manager Bollhoefer for his efforts with some community concerns and other related items.

Commissioner Maciel shared that he attended the open house at the Maxey Center and expressed that it is a great addition to the neighborhood. He thanked the City for its work in helping with planning of traffic patterns and sidewalks and wished the people at the Maxey Center good luck.

Commissioner Sharman thanked staff member Community Development Director Steve Pash for his efforts in resolution of some issues. He also thanked Assistant Police Chief Graham, noting that great comments have been received from some of the officers about what he has been doing.

Mayor Rees commented on the minimal landscaping at the new Maxey Elementary School. He requested staff provide the grades for all the schools for Winter Garden and what they were built for as well as their anticipated capacity for this year.

Mayor Rees inquired about plans for repair to Woodland Street. City Manager Bollhoefer gave an update on the upcoming budget which include plans for assessing all the side streets in the downtown area including Woodland Street. He noted that he would like to have all the side streets done at one time.

The meeting adjourned at 7:09 p.m.

APPROVED:

____/S/_____
Mayor John Rees

ATTEST:

____/S/_____
City Clerk Angee Grimmage, CMC