



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 10, 2019

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:31 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, I T Director Chad Morrill and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of September 26, 2019 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

2. **PRESENTATIONS**

A. Presentation of the Charter Review Committee (CRC) results were given by CRC Chairperson Blakeslee who thanked the City Commission for the opportunity of community input. Mr. Blakeslee named the members of the Charter Review Committee, spoke of their attendance, and noted there were six meetings to complete the review; he gave some history of their process. He informed that the results were ten items that were voted on unanimously by the CRC. He gave a brief explanation of each item and shared CRC thoughts regarding the update. Mr. Blakeslee explained to the public in attendance that this review is now being handed over to the City Commission.

Mayor Rees and the City Commissioners thanked the Charter Review Committee for their service in this charter review.

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

A. **Ordinance 19-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.95 ± ACRES LOCATED AT 12920 REAVES ROAD, ON THE NORTHWEST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, 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 19-27:** 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 8.95 ± ACRES LOCATED AT 12920 REAVES ROAD, ON THE NORTHWEST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 19-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.80 ± ACRES LOCATED AT 12921 REAVES ROAD, ON THE NORTHEAST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, 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 19-29:** 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 1.80 ± ACRES LOCATED AT 12921 REAVES ROAD, ON THE NORTHEAST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 19-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 10.75 +/- ACRES OF LAND GENERALLY LOCATED AT 12920 & 12921 REAVES ROAD ON THE NORTHWEST AND NORTHEAST CORNERS OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY A-1 (AGRICULTURAL) AND R-CE-2 (RURAL RESIDENTIAL) TO CITY PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE STONEYBROOK SENIOR LIVING PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-26, 19-27, 19-28, 19-29 and 19-30 by title only. **Community Development Director Pash** stated that this project consists of two properties and noted their location. He stated that the Reaves Road is an unimproved County road and StoneyBrook is a divided arterial road. He described the size of each property and noted that they both have an Orange County future land use designation of rural; which allows a maximum of one dwelling unit per ten acres. This is consistent with the development along Reaves Road. He described the proposed plan by the applicant to annex the properties, assign a future land use designation of low density residential and zone the properties to PUD. In this rezoning, they are requesting is to allow construction of a 166 unit assisted living facility, in two buildings. One would be a two-story and the other a three-story building. Mr. Pash shared history of past project

proposal, community meetings, and a withdrawal of the project due to an inappropriate commercial use as well as opposition from the neighbors.

Mr. Pash noted an April 24, 2019 community meeting to discuss the current project. At this meeting it seemed most concerns had been addressed and met by the applicant. Based on that community meeting, the project moved forward to the Planning & Zoning Board on July 8, 2019; approval recommended. At the Planning & Zoning Board meeting, multiple neighbors attended in opposition, there was then recommendation to postpone until another community meeting could be held. Mr. Pash noted that on August 13, 2019, he and the City Manager met with residents concerning the project. After listening to their arguments, it was agreed a better use of these properties would be four or five large family lots; consistent with the existing rural development along Reaves Road. On October 7, 2019, staff presented this project with a recommendation of denial to the Planning & Zoning Board. An overturn of staff's denial recommendation was made by a vote of 3-2; he noted two of the members being absent from that meeting. Mr. Pash stated that staff again recommends denial of Ordinance 19-26, 19-27, 19-28, 19-29 and 19-30.

Mr. Pash clarified that staff is not in opposition to the annexation of these properties, however opposes annexation with this density; and thus recommend denial. Mr. Pash also noted that should the City Commission move forward with the recommendation of approval as noted by the Planning & Zoning Board; limitation to two-stories maximum and a maximum of 85,000 square feet, is suggested.

City Manager Bollhoefer noted political pressure, lobbying, and attempts to sway decisions on this vote. He expressed that the developers need to get community support for this project. Staff changed its decision based on arguments from residents who came out to the community meeting in opposition. Mr. Bollhoefer noted he would address some of the incorrect statements made regarding staff giving the developer direction to purchase property adjacent to this property. Additionally, he shared that when the [*Winter Garden Fowler Grove*] mall was in process, there were promises made then that it is not the City's goal to turn this entire area into a commercial area. Mr. Bollhoefer then addressed complaints that staff met with residents without the developer present and explained that it is standard; noting also that staff met numerous times with developers without residents present. He noted that this is a common practice with which the City would continue. He shared history on the past Sonata project, noting some of the issues involved. He spoke of going forward to the neighbors to a find compromise that works with both the developer and the community. He stated that the best way to find compromise on this project is by finding an allowable reduction in density and changing to a two-story building. He noted that this would be the only three-story building in the entire StoneyBrook area. He addressed the criticism of staff due to their viewpoint change in this process; noting that the reason for

community meetings is so that staff can listen to the residents. He expressed that when all said and done, staff works for the residents to determine what is best for the City.

Angel De La Portilla, stated that he has the privilege of presenting the StoneyBrook Senior Living project and noted he would briefly introduce members of their team. He stated they would provide a very detailed history on the project for discussion. Mr. De La Portilla introduced himself, noting his government consulting firm which works for developers on real estate projects throughout the region. He noted his past professional experience as consultant for the City of Ocoee. He introduced the team as Walt Chancey (Architect), Bill Burkett (Civil Engineer), Allan Bradley and his sister (Owners of the property and developers).

Mayor Rees disclosed that he had a briefing with Angel De La Portilla. **Commissioner Bennett** disclosed that she had also had a briefing with Stacy.

Walt Chancey, Senior Managing Partner of Chancey Design, gave some history of his background stating that their firm specializes in senior living projects of this nature. He explained the project of the proposed 101 independent living units and 65 assisted living units. A PowerPoint Presentation was utilized. He described the facility noting its senior care, full service availability, and amenities. He spoke of the age of independent living, transportation issues, population growth, as well as current supply and demand. He stated that this would be a private pay facility, gave demand estimates and addressed architectural design and layout. Mr. Chancey gave history of the proposed project up to this point, noting meetings with staff, their requested changes to building size, buffers, and preservation of some of the trees. He addressed the issue of this being a residential type development and expressed that they feel it is. They also feel that it is compatible with the community and expressed how seniors should be woven into their community.

Bill Burkett, of Burkett Engineering, addressed engineering related topics they discussed with staff. They started with a feasibility meeting with DRC and a follow up meeting with staff concerning the building height and the landscape buffer. There have been discussions on issues relating to stormwater management, and hydration of the wetlands. Also on traffic concerns and studies on traffic impact; which he noted would be low impact. There has been a meeting with a neighbor near the site, who had no objection to the project being across the street but requested relocation of the driveway. He stated that they have had several discussions with neighbors, staff, and have addressed issues as they have come up. He listed the issues addressed such as providing a buffer, moving the driveway, and reduction in the density. He requested the support of this project.

Allan Bradley, introduced himself as part of the family owning this land for the past 15 years. He shared history of the project and noted topics such as impacts to the area. He spoke of impact to the neighbors and also the incompatible proposed uses in the past.

He used Sonata West as a benchmark for their project; describing study comparisons. He shared statistics on assisted living facilities, spoke of land use consistency, development in the surrounding area, independent living, memory care, and assisted living in one building. They are proposing a project they feel is residential in nature, and addressed topics such as transitional use, community meetings, and neighbor concerns. He displayed PowerPoint slides describing performed site balloon testing, aerials shots taken of the site, canopy of trees, building height, traffic, buffers and setbacks. He noted issues relating to safety and security for their residents, compatibility as a transitional facility, and its location near the State Road 429. He highlighted the jobs to be created by the project, while also supplying an immediate need to aged community. He requested judicious guidance and understanding for this residential option for south Winter Garden.

Angel De La Portilla, stated that he is a government consultant hired to help real estate investors and developer with their projects. He gave history of his involvement with this project, noting meetings with the City of Winter Garden staff and Orange County. He described feasibility meetings with Orange County and noted Development Review Committee (DRC) meetings with the City of Winter Garden. He defined the composition of the DRC and gave additional history on the project which included receiving staff comments and required community meetings. He informed that staff recommendation of approval had been received. Mr. De La Portilla read an excerpt from the staff comments and noted that this was before the July 8, 2019 Planning and Zoning meeting. Some new residents attended that had not been a part of the first community meeting and staff asked them during the meeting if they would agree to table the meeting. He noted that Planning and Zoning had also directed staff to hold another community meeting; which Mr. De La Portilla stated they were anticipating. He explained that he was later informed that staff had held a meeting with the residents; of which they had not been invited. He disclosed that he later met with Mr. Pash who informed him that staff decided they would not support the project. Mr. De La Portilla noted that since they had already gone through the process they felt that they would be entitled to be heard by the Planning and Zoning and the City Commission. He displayed and read a slide of the staff's recommendation for denial. He expressed that the project had been vetted by the experts already and received the Planning and Zoning Board approval.

Mr. De La Portilla displayed a slide addressing benefits of annexation of the property into the City. He spoke of the City's millage rate, management of the City itself and cost increases. He summarized with a history of the process to date and asked the City Commission to support the five ordinances that address this project.

Mayor Rees opened the public hearing.

Rick McDowell, 12709 Dallington Terrace, noted that he lives right behind the proposed development and expressed that no one is against a senior living facility; he is not in

favor of the project behind his home, he believes it will be very visible in the winter. He then described why he chose their lot which was facing an Unincorporated Orange County area. He also noted speaking to Mr. Bradley and mention of the balloon testing.

Julie Stiles, 12720 Dallington Terrace, thanked staff for providing clarity on some of what she called misstatements and misrepresentations from Monday night's meeting. She addressed being unaware of the meetings and upon becoming aware immediately came out in opposition. She shared history of the meetings and addressed home owner concerns regarding issues of sound and light pollution already in nearby developments. She is not asking the City to not annex the property but is not in favor of development that is not in keeping with the characteristics of the area; which is rural and for single family homes.

Nicole Jones, 12714 Dallington Terrace, expressed opposition to the proposed Reaves Road development rezone for an assisted living facility. She feels better locations are available in County area where there will be less negative impact and social impacts. She also spoke of more suitable uses for land on Reaves Road rather than high density assisted living and a wastewater treatment facility. Those will forever change the landscaping of Reaves Road and noted change of the surrounding area in the winter time. She addressed issues such as the median age of Winter Garden being 36 years old and a growing community with lots of young families. She addressed promises made during the Winter Garden Village in Fowler Groves development. She also noted the number of assisted living facilities in the immediate surrounding area. She expressed that she does not think that this is the right place or the right property.

Annette Davila, 12708 Dallington Terrace, spoke in opposition of the development and voiced concerns about the high density of the project. She also shared some of her experiences with some of the issues addressed in her own family.

Darren Williams, 12960 Reaves Road, noted his advocacy in alerting the neighbors to this issue and spoke in opposition to the development's use and feels the size is too large.

Mayor Rees closed the public hearing.

Allan Bradley addressed prior noted issues from the residents such as the community meetings, surprise at new opposition to the project, balloon testing, conversations with residents, and tree buffers as part of the conditions. He noted trying to work toward harmony with the community and apologized for any missed communications and delays. He appreciates the community's input and wants to find a way to put a project together that everyone can be proud of and is adequate for the land.

Mayor Rees addressed the amount of information presented to him and having only heard it for the first time at this meeting. He requested a copy of the PowerPoint presentation that had been displayed and requested time to review it all. He requested that the neighbors and City staff meet again to see if a resolution can be found on some of the issues. He indicated that he would also need time to digest all of this information.

Commissioner Sharman noted that he too is in agreement with needing more time to review this item, the need for the parties to come more to a compromise, and also recommends postponement.

Commissioner Buchanan noted that one of the worst things City Commissions can do is make promises to residents and not fulfill them years later. He spoke of not being in favor of the project if the people are not on board. He also agreed with a postponement of this item.

City Attorney Ardaman inquired as to whether a continuance would be acceptable to the applicant in a community meeting. Mr. Bradley replied, as long as they are able to be there.

Commissioner Buchanan addressed the applicant and expressed that they have the right to petition the neighboring residents themselves.

It was noted that Mr. Bradley would provide the City Commissioners with a copy of the presentation in a PDF format.

Commissioner Sharman recounted the mall meetings and how they were postponed for months in order to get many of the compromises worked out with the community and the developer. He agreed with Commissioner Buchanan on the issues faced years later.

There was discussion on a timeframe for this item being brought back to the City Commission. It was determined that postponing to a date uncertain would be better to allow time for community meetings; which should all be scheduled as soon as possible.

Motion by Commissioner Buchanan to POSTPONE Ordinances 19-26, 19-27, 19-28, 19-29 and 19-30 to a date uncertain. Seconded by Commissioner Sharman and carried unanimously 5-0.

- F. **Ordinance 19-47:** 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 0.58 ± ACRES LOCATED AT S PARK AVENUE, NORTH OF W PLANT STREET, WEST OF S PARK AVENUE, AND SOUTH OF W BAY STREET, FROM NO

FUTURE LAND USE TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE

- G. **Ordinance 19-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.91 +/- ACRES OF LAND GENERALLY LOCATED AT 30 N PARK AVENUE AND S PARK AVENUE, NORTH OF WEST PLANT STREET, WEST OF N/S PARK AVENUE, AND SOUTH OF W BAY STREET, FROM R-2 (RESIDENTIAL) AND NZ (NO ZONING) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE 30 NORTH PARK PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-47 and 19-48 by title only. Community Development Director Pash stated that staff requests postponement of this items to a date uncertain as details are being worked out with the applicant.

Motion by Commissioner Sharman to POSTPONE Ordinances 19-47 and 19-48 to a date uncertain. Seconded by Commissioner Bennett and carried unanimously 5-0.

- H. **Ordinance 19-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.28 ± ACRES LOCATED AT LAKEVIEW ROAD, WEST OF LAKEVIEW ROAD, SOUTH OF TILDENVIEW ROAD, AND NORTH OF WEST PLANT 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
- I. **Ordinance 19-54:** 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 0.28 ± ACRES LOCATED AT LAKEVIEW ROAD, WEST OF LAKEVIEW ROAD, SOUTH OF TILDENVIEW ROAD, AND NORTH OF WEST PLANT STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- J. **Ordinance 19-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.28 ± ACRES LOCATED AT LAKEVIEW ROAD, WEST OF LAKEVIEW ROAD, SOUTH OF TILDENVIEW ROAD, AND NORTH OF WEST PLANT STREET FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-53, 19-54 and 19-55 by title only. Community Development Director Pash stated that this is a voluntary annexation of a very narrow piece of land as noted on the site map. It is owned by the property owners of the two pieces of land of the south. The request is for annexation, a future land use

designation of low-density residential and R-1 zoning; all consistent with the property to the south. Staff recommends approval of Ordinances 19-53, 19-54 and 19-55.

Mayor Rees inquired as to whether this property would be adjoined with the owner's other property. Mr. Pash noted that it would be reconfigured into two lots for the building of two new single family homes.

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

Motion by Commissioner Sharman to approve Ordinances 19-53, 19-54 and 19-55 with the second reading and public hearing on October 24, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.

4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 19-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 28.32 ± ACRES LOCATED AT 14908 AND 14950 TILDEN ROAD, EAST OF STATE ROAD 429, WEST OF WINTER GARDEN VINELAND ROAD, AND SOUTH OF TILDEN 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
- B. **Ordinance 19-37:** 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 28.32 ± ACRES LOCATED AT 14908 AND 14950 TILDEN ROAD, EAST OF STATE ROAD 429, WEST OF WINTER GARDEN VINELAND ROAD, AND SOUTH OF TILDEN ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 19-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 28.32 ± ACRES LOCATED AT 14908 AND 14950 TILDEN ROAD, EAST OF STATE ROAD 429, WEST OF WINTER GARDEN VINELAND ROAD, AND SOUTH OF TILDEN ROAD, FROM ORANGE COUNTY CITRUS RURAL DISTRICT (A-1) TO CITY PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE TILDEN ROAD PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-36, 19-37 and 19-38 by title only. Community Development Director Pash stated that this is a voluntary annexation and described the location of the property. The applicant requests the future land use designation of suburban residential and PUD zoning. He confirmed that the zoning will be for 56 single family homes; noting a correction to the typo of 64 as stated in the staff

report. He noted that the ordinance has design guidelines and is consistent with the surrounding area. Staff recommends approval of Ordinances 19-36, 19-37 and 19-38.

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

Motion by Commissioner Buchanan to adopt Ordinances 19-36, 19-37 and 19-38. Seconded by Commissioner Maciel and carried unanimously 5-0.

- D. **Ordinance 19-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.45 ± ACRES LOCATED AT 902 AVALON ROAD ON THE WEST SIDE OF AVALON ROAD, NORTH OF TOUR POINTE BLVD AND SOUTH OF EGRET HAMMOCK DRIVE 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 19-42:** 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 0.45 ± ACRES LOCATED AT 902 AVALON ROAD ON THE WEST SIDE OF AVALON ROAD, NORTH OF TOUR POINTE BLVD AND SOUTH OF EGRET HAMMOCK DRIVE FROM ORANGE COUNTY RURAL TO CITY INSTITUTIONAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-41 and 19-42 by title only. Community Development Director Pash stated that this is a property the City purchased and requests annexation and assignment of a future land use designation of institutional with no zoning. He noted that it is consistent with the surrounding area. Staff recommends approval of Ordinances 19-41 and 19-42.

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

Motion by Commissioner Bennett to adopt Ordinances 19-41 and 19-42. Seconded by Commissioner Buchanan and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Recommendation to approve SITE PLAN for 404 Lakeview Road (Golden Pond Independent Living), subject to conditions**

Community Development Director Pash noted that the site plan did not make it into the electronic agenda backup materials and he distributed a hardcopy for review. Mr. Pash noted that this is the site plan for the last phase of the Golden Pond Independent Living facility. He noted that they are proposing to build a two-story building, with 46 units

which includes parking and landscaping. This proposed development is consistent with an approved special exception as well as the existing facility. He noted that the plans have been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval, subject to conditions as stated in the DRC report.

There was discussion on the location, the trees to be affected, retention of the undergrowth, sufficient size of the pond and the 46 units.

Motion by Commissioner Sharman to approve the site plan for 404 Lakeview Road (Golden Pond Independent Living), subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.

B. Recommendation to approve SPECIAL EVENT - Health & Harvest Festival on Saturday, November 2, 2019

Community Development Director Pash stated that this request is for the Health & Harvest Fest which has been done in the past. The event will be held at the Farmer's Market on Saturday, November 2, 2019, from 9:00 a.m. to 2:00 p.m. He noted that no additional street closures would be required. He described some of the activities and stated that staff recommends approval.

Motion by Commissioner Sharman to approve Health & Harvest Festival on Saturday November 2, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.

C. Recommendation to approve 'Tis the Season 2019 Micro Events

Community Development Director Pash stated that this request contains multiple special events that will occur over the holidays. He named some of the events and stated that staff recommends approval of the events as listed in the agenda packet.

Motion by Commissioner Sharman to approve 'Tis the Season 2019 Micro Events. Seconded by Commissioner Bennett and carried unanimously 5-0.

D. Recommendation to approve Shop Local Small Business for Saturday - November 30, 2019

Community Development Director Pash stated that this is a City and Downtown Merchants event held to promote the annual Shop Small Businesses event on Saturday, November 30, 2019. He described some of the event activities and stated that staff recommends approval.

Motion by Commissioner Sharman to approve Shop Local Small Business for Saturday, November 30, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.

E. Recommendation to approve Binding Lot Combination Agreement (VMG Construction, Inc.) located at 39 1st Street & 43 1st Street

Community Development Director Pash stated that this is the binding lot agreement for VMG Construction who owns two lots and are currently under construction for a new two-story office building. He explained that this will expand the existing business and they will knock down the existing building to build another that looks the same as the two-story building. Staff recommends approval.

Mayor Rees noted that it is a nice building that looks good in the area.

Motion by Commissioner Sharman to approve Binding Lot Combination Agreement (VMG Construction, Inc.). Seconded by Commissioner Bennett and carried unanimously 5-0.

F. Recommendation to approve Elections Service Contract with Orange County Supervisor of Elections for upcoming General Election March 2020 and Run-off Election April 2020

City Clerk Grimmage stated that this contract is in line with our standard agreement and noted some changes are due to the piggyback of the Presidential Preference Primary election. She addressed blank items requiring answers on page nine. Some answers have already been addressed by resolution or ordinance. However, one item related to whether the municipality would pay for return postage on Vote-By-Mail ballots. She informed that this item was approved in the past, but she did not want to assume that it would be approved again. Ms. Grimmage noted that there were no comparison numbers available due to the 2018 General Election being unopposed and no election held. Staff recommends approval with the confirmation of yes, if the City Commission so desires, for all answers on page nine.

There was discussion on return postage for vote-by-mail ballots, the principle of the matter, and history of some past elections. City Manager Bollhoefer noted that he would guess that it would be under \$1,000.

Ms. Grimmage also noted that this agreement is for those cities that have run-off elections. This agreement covers the Orange County Supervisor of Election's coverage of the Presidential Preference Primary, but the City of Winter Garden would cover the costs for a run-off election, if any. There was discussion that a change would be with every new contract.

Motion by Commissioner Sharman to approve the Elections Service Contract with Orange County Supervisor of Elections for upcoming General Election March 2020 (Piggyback of Presidential Preference Primary) and Run-off election in April 2020, if any and includes a yes for all questions on page nine. Seconded by Commissioner Buchanan and carried unanimously 5-0.

