



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

October 22, 2020

A **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 L. 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 Information Technology Director Chad Morrill

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

**Motion by Commissioner Bennett to approve regular meeting minutes of October 8, 2020 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

### 2. **PRESENTATION**

A. **Proclamation 20-05:** Proclaiming Week of the Family was read by Mayor Rees and presented to Victoria Laney who expressed appreciation to the City Winter Garden for being a wonderful place for families all year long. Ms. Laney also informed everyone of some of the planned virtual activities.

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

A. **Ordinance 20-19:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.07 +/- ACRES OF LAND GENERALLY LOCATED AT 199 S MAIN STREET AND 158 S WOODLAND STREET ON THE NORTHEAST CORNER OF S MAIN STREET AND E SMITH STREET, FROM C-1 (CENTRAL COMMERCIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE SMITH STREET LUXURY STUDIOS PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 20-19 by title only. Staff requested postponement of this item to a date uncertain.

**Motion by Commissioner Buchanan to POSTPONE Ordinance 20-19 to a date uncertain. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- B. **Ordinance 20-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 15.83 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON WEST PLANT STREET, WEST OF LAKEVIEW ROAD AND SOUTH OF TILDENVILLE SCHOOL ROAD, FROM R-2 (RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE A FOUND LIFE PUD; PROVIDING FOR NONSEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 20-37 by title only. Community Development Director Pash described the location of the property. He stated that the property owners are planning to rezone the property from R-2 (Residential District) to Planned Unit Development (PUD). Mr. Pash noted some of the proposed improvements to the site. However, due to many concerns of the church they opted to remove themselves from the planned church expansion and associated uses. Mr. Pash displayed a layout of the new rezoning area, noted the revision, and displayed a layout of the development area. Staff recommends approval of Ordinance 20-37 with the removal of the church portion.

Mayor Rees addressed issues with the number of beds for the assisted care living facility in this single story layout, noting recent challenges these type facilities have experienced.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Maciel to approve Ordinance 20-37 with removal of the church to a first reading and public hearing on November 12, 2020 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

- A. **Ordinance 20-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY CODE WITH RESPECT TO STORMWATER UTILITY FEES AND USE THEREOF; PROVIDING FOR INCREASE OF THE STORMWATER UTILITY FEE FOR THE YEARS 2021 THROUGH 2025; CLARIFYING CITY AUTHORITY TO MAINTAIN, REPAIR, AND REPLACE CERTAIN NON-PUBLIC STORMWATER IMPROVEMENTS AND TO EXPEND FUNDS COLLECTED VIA THE CITY'S STORMWATER FEE THEREON; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 20-46 by title only. City Manager Bollhoefer noted full discussion of this item at the last meeting and acknowledged that he and Assistant City Manager of Public Services Williams were available to answer any questions.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Sharman to adopt Ordinance 20-46. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- B. **Ordinance 20-47:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.83 +/- ACRES OF LAND GENERALLY LOCATED AT 855 & 955 SOUTH DILLARD STREET, EAST OF SOUTH DILLARD STREET, SOUTH OF EAST PALMETTO STREET, NORTH OF WEST COLONIAL DRIVE, AND WEST OF GRAND ROYAL CIRCLE; FROM C-2 (CENTRAL COMMERCIAL DISTRICT) AND FROM THE EXISTING PLANNED COMMERCIAL DEVELOPMENT (PCD) ADOPTED BY ORDINANCE 06-23, TO PCD (PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE CENTRAL PARC AT WINTER GARDEN PCD; REPEALING AND REPLACING ORDINANCE 06-23; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 20-47 by title only. Community Development Director Pash stated that this is a request to rezone the property located at 855 & 955 South Dillard Street from C-2 to PCD. Mr. Pash described the layout of the included proposed improvements, noting the buildings, buffers, entrances and access. Staff recommends approval of Ordinance 20-47.

Mayor Rees inquired if there had been any concerns voiced by the neighbors. Mr. Pash replied no.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Buchanan to adopt Ordinance 20-47. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- C. **Ordinance 20-48:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED DRAINAGE AND UTILITY EASEMENT OVER LOT 16 OF WESTFIELD LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGE 35, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (LOCATED AT 427 ENGLISH LAKE DRIVE, WINTER GARDEN, FLORIDA), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING.

City Attorney Ardaman read Ordinance 20-48 by title only. Community Development Director Pash stated that the owners of the property are requesting to vacate a portion of the platted drainage and utility easement. He explained that the owner requests to vacate this portion of the existing easement and replace it with a new one. Staff recommends approval of Ordinance 20-48.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Bennett to adopt Ordinance 20-48. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 20-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.17 ± ACRES LOCATED AT 21 WEST SMITH STREET ON THE NORTHEAST CORNER OF WEST SMITH STREET AND SOUTH BOYD STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 20-52 by title only. Community Development Director Pash stated that the owners of 21 West Smith Street have requested to rezone the property from R-2 to C-1, he also noted consistency with the existing future land use designation. Staff recommends approval of Ordinance 20-52.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Buchanan to adopt Ordinance 20-52. Seconded by Commissioner Sharman and carried unanimously 5-0.**

## 5. **REGULAR BUSINESS**

- A. **Resolution 20-06:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE CREATION OF A COMMUNITY PARTNERSHIP, UPON BOARD APPROVAL ON OCTOBER 27, 2020, WITH THE WEST ORANGE HEALTHCARE DISTRICT AND OTHER COMMUNITY PARTNERS TO CONSTRUCT TUCKER RANCH HEALTH AND WELLNESS PARK AND COMMIT TO FUND THE OPERATION AND MAINTENANCE OF THE PARK AND DILIGENTLY WORK TO CONNECT THE PARK TO THE WEST ORANGE TRAIL SYSTEM ALONG COUNTY ROAD 545.

City Attorney Ardaman read Resolution 20-06 by title only. City Manager Bollhoefer noted the many years this park has been in the works and described plans for a health

and wellness showcase which would be the first of its kind. He addressed funding, partnering and future plans to link it to the West Orange Trails and as many communities as possible. Mr. Bollhoefer listed the partnerships and stated that staff recommends approval.

Commissioner Buchanan shared history of the property, expressing how the former owner did not want it developed with homes. He noted that they approached him to inquire if the City would be interested in purchasing the property. He credited the City of Winter Garden staff with all efforts since then. He spoke of Tucker Ranch's use, funding the development and the City's total commitment to the property.

**Motion by Commissioner Buchanan to approve Resolution 20-06. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. Recommendation to approve SITE PLAN for 12301 W. Colonial Drive (Master Site Plan & Home2 Suites), subject to conditions and Fair Share Agreement for Road Improvements  
*Community Development Director Pash addressed both items 5.B and 5.C.*
- C. Recommendation to approve SITE PLAN for 12301 W. Colonial Drive (7-Eleven), subject to conditions

Community Development Director Pash noted that this property was zoned PCD under Ordinance 20-04, which required that the hotel must occur at the same time as the 7-Eleven. He noted the effect that the pandemic has had on the use of hotels and the request of the developer to propose phases for the development. Mr. Pash displayed and explained the phases. Mr. Pash also explained the associated Fair Share Agreement for the road improvements.

Mayor Rees noted that he would like to see that staff get the final approval on the hotel with emphasis on the aesthetics of the building. He stated that he would also like this for the 7-Eleven, if it were possible, and referred to the design of a nearby store as an example.

Dale Parsons, 609 Osceola Avenue, Winter Park, Florida stated that he is the Developer and Architect for the project. He noted that this particular prototype is the latest and is an upgrade from the old prototype. However, he noted that he is perfectly willing to work with staff to readdress this issue, if necessary, stating that if there are minor issues, he does not foresee a problem. Mr. Parsons briefly addressed the phasing and proposed improvements.

Commissioner Buchanan inquired as to a proposed start time for the hotel. Mr. Parsons explained that they would have started already, noting that this is the perfect time to build, but they are facing issues with skittish lenders at this time. He noted that the developers are very comfortable with starting the project and it would probably not open until 2022, again reiterating that the delay would be with the lenders.

City Manager Bollhoefer addressed the issue of perpetual care for the 7-Eleven, noting as part of the approval an agreement was included for perpetual care. He noted the Planned Development's requirement for the Hotel and explained the importance of also having a gas station.

Mayor Rees recognized City resident Ron Mueller to comment on this item at this time.

Ron Mueller, 709 Lake Cove Pointe Circle, Winter Garden, Florida voiced concerns regarding the potential risks of being left with a gas station and no hotel.

**Motion by Commissioner Buchanan to approve SITE PLAN for (Master Site Plan & Home2 Suites) with a Fair Share Agreement for Road Improvements and (7-Eleven) at 12301 W. Colonial Drive, subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- D. Recommendation to approve SITE PLAN for 15304 Tilden Road (Foundation Academy – Phase 2), subject to conditions

*Community Development Director Pash addressed both items 5.D and 5.E.*

- E. Recommendation to approve Temporary Construction License Agreement for 15304 Tilden Road (Foundation Academy – Phase 2)

Community Development Director Pash noted the location of the property and described proposed site improvements. Plans have been reviewed and approved by the Development and Review Committee (DRC) and staff, who recommend approval, subject to conditions. He noted that also recommended was the approval of the Temporary Construction License Agreement.

**Motion by Commissioner Sharman to approve SITE PLAN and Temporary Construction License Agreement for 15304 Tilden Road (Foundation Academy – Phase 2). Seconded by Commissioner Bennett and carried unanimously 5-0.**

- F. Recommendation to approve Construction Plan Set for 30 North Park Avenue

Community Development Director Pash noted the location of the property and described the proposed development and site improvements. The plans are consistent with the approved Planned Unit Development ordinance and has been reviewed by the Development and Review Committee (DRC). He displayed an aerial view of the location and described the proposed plans with emphasis on the buffering trees. Staff recommends approval of the Construction Plan Set, subject to conditions.

There was discussion on the neighboring apartments, landscaping height, and maturity of the buffering trees.

**Motion by Commissioner Buchanan to approve Construction Plan Set for 30 North Park Avenue. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- G. Recommendation to approve Agreement for Consultant Services with PaleoWest, LLC.  
Urban Designer Kelly Carson stated that the City of Winter Garden, in partnership with the Winter Garden Heritage Foundation, recently advertised a Request for Qualification (RFQ) from firms qualified to prepare an architectural survey of structures within the City's historic downtown district. She noted that also surveyed were a number of selected properties outside of the downtown district. The City received six responses to the RFQ advertisement. After negotiations fell through with the highest-ranking submitter, staff negotiated an Agreement for Consulting Services contract with the second highest ranking submitter, PaleoWest. Included in the contract are consulting fees required to conduct a historical resources survey update for the Historic Downtown. This was in the amount of \$65,000, which includes a \$20,000 grant award from the Florida Division of Historical Resources. Staff recommends approval.

**Motion by Commissioner Bennett to approve Agreement for Consultant Services with PaleoWest, LLC. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- H. Recommendation to approve Memorandum of Understanding with Orange County Sheriff's Office for cross swearing law enforcement officers assigned to the West Orange Narcotics Task Force  
City Manager Bollhoefer mentioned approval of a similar agreement which he states had some issues; explaining that this is a new agreement for consideration. He informed that he and the City Attorney reviewed and approved the new agreement. He explained the basis of the agreement which provides officers with jurisdiction in unincorporated areas.

There was discussion on three officers being sufficient as asked by Mayor Rees.

**Motion by Commissioner Bennett to approve Memorandum of Understanding with Orange County Sheriff's Office for cross swearing law enforcement officers assigned to the West Orange Narcotics Task Force. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- I. BOARD APPOINTMENTS: Winter Garden Police and Firefighters' Pension Board (2) Expiring Seats (Erik Halluska and Bruce D. Schobel)  
City Clerk Grimmage stated that there are two seats expiring in November for the Winter Garden Police and Firefighters' Pension Board. The Plan's administrator provided interest for both of those currently seated members and the letters of interest for Erik Halluska and Bruce D. Schobel are included in the agenda packet. She reminded of Mr. Schobel being appointed only recently in March of this year to fill an unexpired seat. Mrs. Grimmage also disclosed that there were no active interest applications on file for

this particular board. Staff recommends appointment of both Erik Halluska and Bruce D. Schobel.

**Motion by Commissioner Sharman to appoint Erik Halluska and Bruce D. Schobel to the Winter Garden Police and Firefighters' Pension Board. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

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

8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

A. Recommendation to cancel regular City Commission meetings for November 26, 2020 and December 24, 2020

City Manager Bollhoefer stated that this request is to cancel the regular City Commission meetings for November 26, 2020 and December 24, 2020; noting that historically it has been done.

**Motion by Commissioner Sharman to approve cancelling the regular City Commission meetings November 26, 2020 and December 24, 2020. Seconded by Commissioner Bennett and carried unanimously 5-0.**

Staff Commendation

City Manager Bollhoefer commended Economic Director Tanja Gerhartz in her efforts to make the Tucker Ranch Health and Wellness Project come together. City Manager Bollhoefer also commended City Attorney Ardaman for his efforts on the Health and Wellness board; noting his assistance with the direction of efforts toward wellness and not just medicine.

City Events

City Manager Bollhoefer announced the start of Halloween activities and commended Director Laura Coar and her Parks and Recreation staff in their efforts to make these events and decorations happen.

Little League Fields

City Manager Bollhoefer noted efforts in working as a team to address changes, upgrades and improvements to the little league fields.



