



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

July 9, 2015

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, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager - Public Services Don Cochran, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Manager Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Deputy Fire Chief Jose P. Gainza, Jr., Police Chief George Brennan, and Recreation Director Jay Conn

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

**Motion by Commissioner Olszewski to approve the regular meeting minutes of June 25, 2015 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.**

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

A. **Ordinance 15-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 7.15 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF ROPER ROAD, EAST OF WINTER GARDEN VINELAND ROAD AND WEST OF DANIELS ROAD, FROM CITY R-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Serenades By Sonata PUD)

City Attorney Ardaman read Ordinance 15-55 by title only. City Manager Bollhoefer stated that staff would like to postpone this item to a date uncertain.

**Motion by Commissioner Makin to POSTPONE Ordinance 15-55 to a date uncertain. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

B. **Ordinance 15-56:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE V, SECTION 98-121 OF CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR WAIVER OF THE TERM LIMITATIONS UPON MAJORITY VOTE OF THE CITY COMMISSION FOR MEMBERS OF THE BOARD OF COMMISSIONERS OF THE COMMUNITY

**REDEVELOPMENT AGENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE**

City Attorney Ardaman read Ordinance 15-56 by title only. City Manager Bollhoefer stated that staff brings forward this recommendation because it is sometimes important to maintain the experience and/or institutional knowledge. Moving people off due to term limits you can lose too much of this knowledge at one time. This ordinance still keeps term limits, but gives the City Commission the option to waive the term limit if deemed necessary.

Commissioner Sharman stated that he is the one that put the original ordinance together and is in favor of keeping it the way it is. Commissioner Olszewski stated that he stands with Commissioner Sharman's comment.

Commissioner Buchanan stated that he believes that we could lose too many good people all at one time and should have the option to retain or discuss members as needed and likes this ordinance.

Mayor Rees noted that he too is concerned about losing too many at one time.

**Motion by Commissioner Buchanan to approve Ordinance 15-56 as corrected with the second reading and public hearing being held July 23, 2015. Seconded by Mayor Rees. Motion FAILED 2-3; Commissioners Olszewski, Sharman, and Makin opposed.**

City Manager Bollhoefer stated, that whether it is a moot point or not, he will look at the other board term limit ordinances.

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

**A. Ordinance 15-53: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTIONS 38-123 THROUGH 38-150 OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING LITTERING; PROVIDING FOR REGULATIONS OF DOOR-TO-DOOR DISTRIBUTION OF LEAFLETS, PAMPHLETS, AND OTHER HANDBILLS; PROVIDING REGULATIONS OF DISTRIBUTION OF LEAFLETS, PAMPHLETS AND OTHER HANDBILLS UPON AUTOMOBILES AND OTHER VEHICLES; PROVIDING FOR REASONABLE REGULATION OF EXPRESSION AND SPEECH; PROVIDING FOR REGULATIONS NECESSARY TO MAINTAIN AESTHETICS OF THE CITY AND TO PREVENT THE ACCUMULATION OF LITTER AND THE AESTHETICS OF THE CITY BY PROVIDING A LEAST RESTRICTIVE MANNER OF SECURING EXPRESSIVE ITEMS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

City Manager Bollhoefer stated that if residents decide they do not want to receive handbills, advertisements and/or newspapers in their driveways they could contact the persons delivering them and request they stop the deliveries. If that person or company continues to deliver, then the resident could contact the City and it will be up to the City to take action.

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

**Motion by Commissioner Makin to adopt Ordinance 15-53. Seconded by Commissioner Sharman and carried 4-1; Commissioner Olszewski opposed.**

- B. **Ordinance 15-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTIONS 38-121 THROUGH 38-150 OF CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING LITTERING; PROVIDING FOR THE REGULATION OF COMMERCIAL HANDBILLING AND REQUIREMENTS FOR LICENSING FOR OFF-PREMISES COMMERCIAL HANDBILLING ON PUBLIC PROPERTY; PROVIDING FOR THE DELETION OF SURPLUSAGE AND FOR RENUMBERING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-54 by title only. City Manager Bollhoefer stated that this ordinance is similar to the last ordinance and deferred to questions to the City Attorney.

Mayor Rees opened the public hearing.

Sharon Lambert, 749 Stevelynn Circle, Winter Garden, Florida, stated that she appreciates the City Commission addressing these concerns. She asked about the opt-in or opt-out option and wanted to know if permission is required under this ordinance. City Attorney Ardaman replied that this pertains to public property and is separate and apart and will not have the same kind of notices.

**Motion by Commissioner Makin to adopt Ordinance 15-54. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve Site Plan for 640 Garden Commerce Parkway (Barrier One)**

Community Development Manager Pash stated that this property is located in the Winter Garden Commerce Center. It is a planned industrial development just off Story Road. The City has recently approved three others with similar uses. The applicant is requesting site plan review to construct a 12,000 square foot office and warehouse building and the associated site improvements. The plans have been reviewed by DRC and staff; approval is recommended.

**Motion by Commissioner Olszewski to approve Site Plan for 640 Garden Commerce Parkway. Seconded by Commissioner Makin and carried unanimously 5-0.**

**B. Recommendation to approve Final Plat for Black Lake Preserve**

Community Development Manager Pash stated that this is the Final Plat for Black Lake Reserve, which is a 91 unit single family subdivision off SunRidge Boulevard.

Mr. Pash noted that all the new neighborhoods have gone through the fair share agreement and paid for the widening of SunRidge. The plat has been reviewed by DRC and staff; approval is recommended.

**Motion by Commissioner Buchanan to approve Final Plat for Black Lake Preserve. Seconded by Commissioner Makin and carried unanimously 5-0.**

**C. Recommendation to approve Final Plat for Hickory Hammock Phase 1C**

Community Development Manager Pash stated that this Final Plat consists of 50 townhome lots. It has been reviewed by DRC and staff; approval is recommended.

Mayor Rees inquired of the price range of these townhomes. Mr. Pash noted that the homes on the lake are between \$500,000 and 800,000. The homes in the interior lots are probably selling for \$300,000 and up. Mayor Rees noted that he drove through and it appears to be very high end. Mr. Pash imagines they will be in the \$200,000 range.

**Motion by Commissioner Olszewski to approve the Final Plat for Hickory Hammock Phase 1C. Seconded by Commissioner Makin and carried unanimously 5-0.**

**D. Recommendation to approve awarding two CDBG Housing Rehabilitation contracts to the qualified low bidder Central Florida Renovations contingent upon receiving Site Specific Release from the Department of Economic Opportunity for 770 Klondike Street (Annie Mullins) and 754 Klondike Street (Annie Noble)**

Economic Development Director Gerhartz introduced the City's consultant, David Fox, to present this item.

Mr. Fox of Fred Fox Enterprises stated that bids were received on two properties for replacement. The first recommendation is for 770 Klondike Street with the low bidder being Central Florida Renovations in the amount of \$101,141.79. He noted that this amount does exceed the \$67,000 amount held for the CDBG housing assistance plan. The estimated costs for the CDBG dollars for the new home is \$89,452.79 and the demolition costs for CDBG was \$5,650 for a total of CDBG costs of \$95,102.79.

Mr. Fox stated that the addition will be a front porch constructed on the front of the home utilizing local funds at \$6,039 with a total of \$101,141.79.

He stated that they are requesting approval to award this contract with the understanding that it exceeds the \$67,000 housing assistance plan loan.

Commissioner Olszewski asked if we are spending more than the grant allows. Mr. Fox explained that the \$67,000 is the standard housing assistance amount based on a few years ago. The homes that the City would be building are more than the standard home.

City Manager Bollhoefer stated that one of the beliefs in redeveloping communities is that we want these homes to look better than a standard home. The addition of a porch improves the community long-term. People take more pride in their home and he believes it is worth the investment to build the nicer home.

Commissioner Makin addressed some of the structure features of the home.

**Motion by Commissioner Sharman to award two (2) CDBG housing contracts to the qualified low bids given by Central Florida Renovations for 770 Klondike Street and 754 Klondike Street. Seconded by Commissioner Makin.**

Mayor Rees clarified that the City Commission only discussed the one home and asked if the second home is a duplicate of the first home. Mr. Fox responded that is correct, it is also exceeds the \$67,000. The home is at 754 Klondike Street which is two lots over. He noted that it is at the same cost and the same builder; Central Florida Renovations.

**Motion carried unanimously 5-0.**

E. **Appointment to the Code Enforcement Board for unexpired term of resigning board member Harold Petch ending July 1, 2016**

**Motion by Commissioner Sharman to appoint Marvin Vasquez to the Code Enforcement Board. Seconded by Commissioner Makin and carried unanimously 5-0.**

5. **MATTERS FROM PUBLIC**

Charlie Mae Wilder, 813 E. Bay Street, Winter Garden, Florida, thanked the City Commission for their kindness and support shown for the garden project. She thanked Commissioner Sharman who has been a part of the committee since 2008.

Ms. Wilder stated that the East Winter Garden Community Improvement Group met to develop a plan and programs for youth employment opportunities. She noted that this would be during the summer months and after school. She noted the need for facility to conduct the training, trainers, and businesses to place young people after they have been trained.

Commissioner Olszewski stated that Ms. Wilder has done a lot for the East Winter Garden community and asked that the City staff consider looking at utilizing the Jessie Brock Community Center and that the City serve as a conduit to help find trainers and provide opportunities to help the youth of East Winter Garden.

There was discussion that they would work with the City Manager to determine how the City could help.

Tom Reedy, 14217 Country Estate Drive, Winter Garden, Florida, voiced his displeasure with Florida Hospital. He noted they have closed a fairly significant road for an inordinate amount of time. He asked the City Commission to see if they could put pressure on Florida Hospital to reopen Fowler Grove Boulevard. He asked that if Florida Hospital should want to close this road again, the City have some specific deadlines and some milestones.

City Manager Bollhoefer stated that he would check the status and see if he can do what it takes to expedite the process.

Commissioner Sharman noted an email discussion with Karen Flood who stated that this road would be opened mid to the end of June, but did not happen. He has also received a couple more emails from people in his district on the subject.

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

7. **MATTERS FROM CITY MANAGER**

A. **Discussion on a resolution for moratorium on Plant Street**

City Manager Bollhoefer noted this was distributed for the City Commission's consideration and he would like to discuss this. He noted that the City is master planning East Plant Street and he would like to put this item on the agenda for discussion at the next meeting.

• **Request for Closed Session on Union Negotiations [Fire Department]**

Mr. Bollhoefer requested that the City Commission let him know their schedule so a closed session could be held either next Thursday or before the regular meeting the Thursday after. It was agreed the Commission would let him know tomorrow of their availability.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman thanked the City Manager for sending him a road schedule update on Tilden.

Commissioner Olszewski stated that Recreation Director Jay Conn, City Staff, Police and Fire Department, and the Masonic Lodge did a great job on the best fireworks show ever.

Commissioner Makin echoed comments about a great 4<sup>th</sup> of July celebration.

Commissioner Makin announced the West Orlando Baptist Church groundbreaking ceremony this coming Sunday at 10:15 a.m.

Mayor Rees echoed comments made about a great 4<sup>th</sup> of July event. He expressed that the kid's parade was also great.

The meeting adjourned at 7:00 p.m.

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_\_/S/\_\_\_\_\_  
City Clerk Kathy Golden, CMC