



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

October 13, 2016

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro-Tem Buchanan 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 Pro-Tem Bob Buchanan, Commissioners Kent Makin, Robert Olszewski, and Colin Sharman

**Absent:** Mayor John Rees

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Public Services Don Cochran, Assistant City Manager of Administrative Services Frank Gilbert, Community Development Director Steve Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, Planning Consultant Ed Williams and Police Chief George Brennan

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

**Motion by Commissioner Makin to approve the Budget Hearings and Regular Meeting minutes of September 21, 2016 as submitted. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

### 2. **OATH OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

*This item was postponed to a later date.*

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

A. **Ordinance 16-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL 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 16-56:** 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 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE

COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- C. **Ordinance 16-57:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY C-2 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-55, 16-56, and 16-57 by title only. Community Development Director Pash stated that this is a voluntary annexation and described its location. He stated that the owner has requested commercial land use designation and C-2 zoning. The property is located in the West State Road 50 Overlay district. Staff recommends approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Olszewski to approve Ordinances 16-55, 16-56, and 16-57 with the second reading and public hearing being scheduled for October 27, 2016. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- D. **Ordinance 16-59:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 2-1.1.5 AND ADDING POLICY 2-1.1.15 OF THE MULTIMODAL TRANSPORTATION ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCLUDE POLICIES PERTAINING TO THE DILLARD STREET CORRIDOR PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-59 by title only. Community Development Director Pash stated that this is a comprehensive plan amendment to alter policy 2-1.1.5 and add policy 2-1.1.15 to assist with the Dillard Street Corridor project. This is also to help the City pursue grants and other means of funding. Staff and the Planning and Zoning Board have reviewed it and recommend approval of Ordinance 16-59.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Sharman to approve Ordinance 16-59 with the second reading and public hearing being scheduled after the State's review. Seconded by Commissioner Makin and carried unanimously 4-0.**

- E. **Ordinance 16-62:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL

LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE 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

- F. **Ordinance 16-63:** 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 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 16-64:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-62, 16-63, and 16-64 by title only. Community Development Director Pash stated that this is a voluntary annexation and described its location. He noted that the owners have requested a low density residential land use designation as well as R-2 zoning. This request is consistent with the surrounding area and staff recommends approval of Ordinances 16-62, 16-63, and 16-64.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Makin to approve Ordinances 16-62, 16-63, and 16-64 with the second reading and public hearing being scheduled for October 27, 2016. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- H. **Ordinance 16-65:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL 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
- I. **Ordinance 16-66:** 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 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- J. **Ordinance 16-67**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY C-1 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-65, 16-66, and 16-67 by title only.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Olszewski to approve Ordinances 16-65, 16-66, and 16-67 with the second reading and public hearing being scheduled for October 27, 2016. Seconded by Commissioner Makin and carried unanimously 4-0.**

- K. **Ordinance 16-68**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9<sup>th</sup> 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

City Attorney Ardaman read Ordinance 16-68 by title only and stated that this item comes to the City Commission based on a recommendation from the Planning and Zoning Board. It is in a dual capacity of a partial recommendation for denial given certain circumstances and a partial recommendation for approval dependent upon other circumstances. The request and the application, on behalf of Orange County Public Schools, are before the City Commission as well as a comprehensive plan and the rezoning ordinances that are to come up later. He noted that in an attempt to accommodate the school system, staff thinks it is appropriate even though the conditions that the Planning and Zoning Board placed on the recommendation for approval have not been met. He stated that staff thinks it would be appropriate if the City Commission, after hearing public comment, chooses to move the first reading forward. He noted that the evidence and information that needs to come before the City Commission before a decision can be made can be heard at the second reading. He noted that he has crafted suggested language that he could provide as a potential motion.

Mayor Pro-Tem Buchanan opened the public hearing.

Paul Brooks, 1030 Horizon Street, Winter Garden, Florida, requested that should the City decide to place a school in this location they consider providing a school bus for the kids.

Mayor Pro-Tem Buchanan shared with Mr. Brooks that the issue before the City Commission tonight is only whether or not to annex the property.

Commissioner Olszewski offered to Mr. Brooks that he should speak with Christine Moore as his bussing issue because it falls under the jurisdiction of the Orange County Public Schools (OCPS).

Mayor Pro-Tem Buchanan closed the public hearing.

Commissioner Makin sought clarification on concerns expressed at the Planning and Zoning Board meeting. City Attorney Ardaman stated the concerns were about what would happen on this property if annexed, comprehensive planned, zoned, and developed as an elementary school. He suggested that rather than get involved with this issue, do it in such a way that the approval motion does not indicate approval of or intent to adopt the ordinance by the City, but to merely move it forward for a second reading. He stressed that the decision made at the second reading for adoption of the ordinance, as well as the other related ordinances, would be made by the City Commission at the second reading after all the input has been provided.

There was confirmation by the property owner that she is in favor of the annexation with the understanding that it is not an indication of a waiver by the City should anything happen at the second hearing. City Attorney Ardaman expressed that the evidence tonight is not sufficient for an approval because the City Commission has not yet received all the information. He stressed that he did not want the approval tonight to give any indication that the City Commission has heard evidence that they thought was sufficient. At the urging of Commissioner Olszewski, City Attorney Ardaman read the language he crafted which supports partial approval in order to move forward; This approval does not indicate the approval of or the intent to adopt the ordinance by the City and that the City Commission's decision will be made at the second reading and after conducting the second public hearing of all three ordinances.

**Motion by Commissioner Olszewski to approve Ordinance 16-68 with the second reading and public hearing being scheduled for October 27, 2016. This approval does not indicate the approval or intent to adopt this ordinance by the City and that the City Commission's decision will be made at the second reading after conducting the second public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

- L. **Ordinance 16-69:** 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 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9th STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-69 by title only.

Mayor Pro-Tem Buchanan opened the public hearing.

Paul Brooks, 1030 Horizon Street, Winter Garden, Florida, noted that hearing comments made about the last ordinance he is now questioning if the black people in the community have any say in what is being done on that property. He questioned when the community would be addressed and be given an opportunity to speak about this issue.

Commissioner Makin expressed that the issue being addressed tonight is about the annexation of this property into the City and not a vote on a school.

Commissioner Olszewski explained that this issue is not even in the City's jurisdiction right now. He explained that the City does not have any say when it comes to talking about schools and moving schools. He again provided the name of School Board Member Christine Moore and shared that next Monday night there will be a community meeting at the Maxey Elementary School cafeteria at 6:00 p.m. to 7:00 p.m.

Mayor Pro-Tem Buchanan closed the public hearing.

**Motion by Commissioner Olszewski to approve Ordinance 16-69 with the second reading and public hearing being scheduled for October 27, 2016 This approval does not indicate the approval or intent to adopt this ordinance by the City and that the City Commission's decision will be made at the second reading after conducting the second public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

- M. **Ordinance 16-70:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9th STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-70 by title only.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Sharman to approve Ordinance 16-70 with the second reading and public hearing being scheduled for October 27, 2016. This approval does not indicate the approval or intent to adopt this ordinance by the City and that the City Commission's decision will be made at the second reading after conducting the second public hearing. Seconded by Commissioner Makin and carried unanimously 4-0.**

- N. **Ordinance 16-71:** 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 3.07 ± ACRES LOCATED AT 707 WEST PLANT STREET ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD FROM CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-71 by title only. Community Development Director Pash stated that the owner of this property, located at the northeast corner of West Plant Street and Brayton Road, has requested to change the future land use designation from residential neighborhood commercial to low density residential. The applicant intends to come forward with a Planned Unit Development (PUD) to develop the property with 11 single family homes. Staff has reviewed this item and recommends approval of Ordinance 16-71.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Makin to approve Ordinance 16-71 with the second reading and public hearing being scheduled for October 27, 2016. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

- O. **Ordinance: 16-72:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.66 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST PLANT STREET, EAST OF DONALD DRIVE, AND WEST OF PERKINS STREET AT 605 AND 755 EAST PLANT STREET AND 290 EAST NEWELL STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL) AND R-2 (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE HERITAGE AT PLANT STREET PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-72 by title only. Community Development Director Pash described the location of the property and stated that it consists of approximately 16.66 acres. The applicant has requested to rezone the property from R-1 and R-2 PUD. The proposed PUD consists of 43 townhomes adjacent to Plant Street that will transition into 41 single family homes on the north part, which goes into the single family homes behind it which is Courtlea Oaks. There are 25 townhomes that are directly adjacent to Plant Street which would be allowed to have a granny flat of approximately 400 square feet on top of a detached garage. These are only allowed if they are built as part of the original construction. He noted that there is also a recreation area with a swimming pool, extra parking for guests, perimeter fencing, and a golf cart access path onto Donald Drive. Staff recommends approval of Ordinance 16-72 subject to the conditions in the staff report. He acknowledged the engineer of record to correct a statement he had made at the Planning and Zoning Board meeting.

Commissioner Makin address the last two homes at the north end of the project as being single story only. Mr. Pash stated that is stated in the Ordinance as well.

Commissioner Makin asked if the golf cart path that connects to Donald Drive will be accessible by golf carts only or be wide enough to accommodate vehicles and/or emergency vehicles. Mr. Pash stated that it would be a golf cart path only.

Mayor Pro-Tem Buchanan opened the public hearing.

Chad Moorehead, 431 East Horatio Avenue, Maitland, Florida, the engineer of record stated that he wanted to put on the record that he misspoke at the Planning and Zoning Board meeting about the northern buffer; the reference he made was 50 feet but it is actually 30 feet. He noted that is how it is in the staff report and it was an honest mistake on his part.

Jim Weisbecker, 239 East Newell Street, Winter Garden, Florida, stated that he looked at the residential review of this project and compared it to what he experienced about a year ago. He shared he came to the City with a petition to rezone his property from a true R-2 but the review done at that time said he had to connect a second building to his initial building, which he would have preferred, to create a mother-in-law suite, but he was denied. This project is just up the street on a larger piece of property that will create townhomes and more of an urban feel to the area. He shared he feels a little slighted over the details of this item and the fact he was not able to build his project that is only three blocks away. He stated he has overall issues and asked the City to look at this entire area of Newell Street, Donald Drive, and Gary Drive so there could be some type of consensus across the board as to what individual residences could have as far as buildings on their property versus what is going on right up the street.

Commissioner Makin inquired about the source of the denial referenced by Mr. Weisbecker. Mr. Pash noted the difference was in the zonings. There was discussion on the structures in the area. Commissioner Makin suggested that Mr. Weisbecker come back and speak with

Mr. Pash to revisit his request. City Manager Bollhoefer stated that staff can take a look at the zoning.

Mayor Pro-Tem Buchanan closed the public hearing.

**Motion by Commissioner Olszewski to approve Ordinance 16-72 with the second reading and public hearing being scheduled for October 27, 2016. Seconded by Commissioner Makin and carried unanimously 4-0.**

4. **FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 16-60:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; AMENDING SECTION 54-188, BOARD OF TRUSTEES; AMENDING SECTION 54-190, CONTRIBUTIONS; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-192, PRE-RETIREMENT DEATH; AMENDING SECTION 54-193, DISABILITY; AMENDING SECTION 54-195, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-200, MAXIMUM PENSION; AMENDING SECTION 54-201, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 54-212, PRIOR POLICE AND FIRE SERVICE; AMENDING SECTION 54-213, REEMPLOYMENT AFTER RETIREMENT; ADDING SECTION 54-214, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 54-215, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-60 by title only. Assistant City Manager of Administrative Services Gilbert stated that this Ordinance modifies the Firefighter and Police Pension Fund under Code Chapter 54. He noted that the bulk of the changes have to do with the Internal Revenue Service (IRS) code as advised by the City's Pension Attorney that must be included. He noted that the other major change is due to union labor negotiations with the Firefighters for a Defined Retirement Option Plan (DROP) as the City Commission approved for the Firefighters after they enter a certain age. He noted that they can stay in DROP for three years and there is no financial impact due to the DROP or in any of the other changes in the ordinance.

Commissioner Sharman asked if it was similar to the school DROP plan that should the recipient decide to agree to sign up for the DROP, they are out in three years and cannot decide to come back to work. Mr. Gilbert responded that is correct.

Jason Schneider, President of Winter Garden Professional Firefighters, Local 4947, spoke in favor of Ordinance 16-60 noting that over a year ago this City Commission voted unanimously to approve a collective bargaining agreement between Local 4947 and the City. He was proud to say that their negotiation process was the definition of professionalism, mutual respect, and compromise. He thanked the City Commission, the City Manager, the Pension Board, and especially Assistant City Manager Frank Gilbert for finalizing this piece of their agreement. Union Local 4947 is proud of its relationship with the City and the Fire Department Administration and look forward to continuing these relationships with that same amount of professionalism, mutual respect, and hard work.

**Motion by Commissioner Sharman to approve Ordinance 16-60 with the second reading and public hearing being scheduled for October 27, 2016. Seconded by Commissioner Makin and carried unanimously 4-0.**

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

- A. **Ordinance 16-46**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE II, DIVISION 3 OF CHAPTER 18 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR PROHIBITION OF SECURITY BARS GRILLES AND GRATES ON DOORS, WINDOWS, BREEZEWAYS AND OPENINGS FACING AND VISIBLE FROM STREETS OR PUBLIC RIGHTS OF WAY ON COMMERCIAL AND INDUSTRIAL PROPERTIES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-46 by title only. Community Development Director Pash stated that this is the second reading for the ordinance that prohibits the use of security bars, grilles, and grates on doors, windows, and breezeways. There was an addition included by the Planning and Zoning Board whereby grates that are existing can remain until October 31, 2021 or until such time as other improvements or modifications are made that are ten percent or greater of the structure; then they would have to be removed. Staff recommends approval of Ordinance 16-46.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Makin to adopt Ordinance 16-46. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- B. **Ordinance 16-58**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.15 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH PARK AVENUE, AT 462 WEST PLANT STREET AND 19 SOUTH PARK AVENUE, FROM C-1 (CENTRAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PARK AND

PLANT PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-58 by title only.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Mayor Pro-Tem Buchanan disclosed that the major principal for this property is in partnership with him on another project. Therefore, he would be abstaining from voting on this matter.

**Motion by Commissioner Sharman to adopt Ordinance 16-58. Seconded by Commissioner Olszewski and carried 3-0-1; Mayor Pro-Tem Buchanan abstained.**

6. **REGULAR BUSINESS**

A. **Appointments to the Police Officers' and Firefighters' Pension Board for seats expiring November 30, 2016 held by Erik Halluska and Joe Morabito for two-year terms**

Mayor Pro-Tem stated that Erik Halluska would like to be reappointed to the board according to the agenda item.

**Motion by Commissioner Olszewski to reappoint Erik Halluska to the Police Officers' and Firefighters' Pension Board for a two-year term. Seconded by Commissioner Makin and carried unanimously 4-0**

Mayor Pro-Tem Buchanan stated that he never received a call back from Mr. Morabito. He shared that he did call Stephanie Berry, who is in his district, and she said she would like to serve on this board. He noted that he would motion to replace Joe Morabito with Stephanie Berry.

**Motion by Mayor Pro-Tem Buchanan to appoint Stephanie Berry to Police Officers' and Firefighters' Pension Board to fill Joe Morabito's seat for a two-year term. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

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

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

9. **MATTERS FROM CITY MANAGER**  
**Oakland Park Community Concerns**

City Manager Bollhoefer shared the Oakland Park community is considering developing the remaining part of their subdivision in the Town of Oakland. He addressed concerns on decisions being made on the part of the Town of Oakland that could affect the residents and

property values, and taxes in the City of Winter Garden. He noted that there was once an interlocal agreement he thinks is no longer in effect. He noted that the City has the right to connect the roads and Winter Garden has a lot of say in what can be done. He noted that all amenities are on the Winter Garden side.

Mr. Bollhoefer stated that because the Town of Oakland is requiring the developer to pay for at least half of Motamassek Road, it has driven their cost up so much that the developer wants to create a Community Development District (CDD). They can literally pass these development costs over to the rest of the residents over a period of time. Long-term this leads to higher tax rates, higher HOA fee, and a CDD fee. He noted that the higher tax rate could have a negative impact on property values, which could snowball and affect the Winter Garden side. He also stated that they may also try and adjust the HOA fees, which can end up with Winter Garden residents subsidizing to build Motamassek Road. Mr. Bollhoefer stated that he is not sure if all of these things can be fixed or negotiated but staff is scheduling a meeting with the Winter Garden Oakland Park residents here at City Hall because no one from the Town of Oakland have had a meeting to go over this subdivision.

There was discussion on the Town of Oakland wanting to create 295 lots. He feels a meeting with residents is important to get their opinion because if the City Commission allows these two communities to be joined, it does impact their lives. It was noted that there are approximately 580 homes on the Winter Garden side.

Mayor Pro-Tem Buchanan stated that his first thought is since the City's hands are tied in so many ways, that the City Commission cannot go to this meeting since they will be voting on this issue in the future. Commissioner Sharman stated they can attend but cannot participate in any discussion. City Attorney Ardaman agreed. Mayor Pro-Tem Buchanan said the minutes would give them the information. Mr. Bollhoefer advised that the meeting will be recorded and transcribed to share with the City Commission. He will notice it as public meeting.

It was the **consensus** of the City Commission to post the community meeting as a public meeting and attend.

- City Manager Bollhoefer thanked the Firefighters, Police force, Public Service workers and all staff that ran the Emergency Operation Center (EOC) who did a great job during the hurricane. He noted that everything was ready for the MusicFest by Saturday morning. We learned from a few minor hick-ups.
- City Manager Bollhoefer also asked that everyone keep the Mayor in their thoughts and prayers as he has had a tragedy in his family.

#### **10. MATTERS FROM MAYOR PRO-TEM AND COMMISSIONERS**

**Commissioner Sharman** echoed the City Manager's comments and thanked city staff for their efforts.

**Commissioner Olszewski** also thanked city staff for their efforts and the Winter Garden Heritage Foundation for the great job on the MusicFest.

**Commissioner Makin** echoed the comments and especially thanked Jason Schneider for all that he does.

**Mayor Pro-Tem Buchanan** showed expressed his condolences to Mayor Rees and his family during this tragic time.

**Mayor Pro-Tem Buchanan** echoed his thanks to staff for their efforts during the hurricane and spoke of the minimal damage and his ability to come downtown and prepare for the MusicFest.

The meeting adjourned at 7:26 p.m.

APPROVED:

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

ATTEST:

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