



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

January 12, 2017

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, and Colin Sharman

**Vacant:** Commissioner District 3

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, 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, Police Chief George Brennan and City Engineer Art Miller

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

**Motion by Commissioner Buchanan to approve the regular meeting minutes of December 6, 2016 as submitted. Seconded by Commissioner Sharman and carried unanimously 4-0.**

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

Police Chief Brennan introduced and administered the oath of office to new Police Officers Ellory Borza, Bryan Stubbs and Deputy Police Chief Stephen Graham. Mayor Rees and the City Commission welcomed the new officers.

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

A. **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 an amendment to the Comprehensive Plan amending policy 2-1.1.5 and adding 2-1.1.15. This addresses the Dillard Street Corridor and its importance to the City and helps the City obtain bonding. Staff recommends approval of Ordinance 16-59.

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

**Motion by Commissioner Makin to adopt Ordinance 16-59. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- B. **Ordinance 17-02**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.4 ± ACRES LOCATED AT 535 WEST PLANT STREET GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST PLANT STREET AND NORTH PARK AVENUE FROM CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-02 by title only. Community Development Director Pash stated this is a request to rezone property located at 535 W. Plant Street from R-NC to C-1. The request is consistent with existing future land use designation as well as property to the west. Staff recommends approval of Ordinance 17-02.

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

**Motion by Commissioner Buchanan to adopt Ordinance 17-02. Seconded by Commissioner Makin and carried unanimously 4-0.**

4. **REGULAR BUSINESS**

- A. **Resolution 17-01**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, RE-AFFIRMING THE CITY'S CONSENT, EFFECTED VIA CITY ORDINANCE 11-04, TO THE ORANGE COUNTY BLACK LAKE/LAKE TILDEN MUNICIPAL SERVICE BENEFIT UNIT AND THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN BENEFITTED PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 17-01 by title only. Community Development Director Pash stated that in 2010 Orange County enacted a resolution to establish the Black Lake/Lake Tilden Municipal Service Benefit Unit (MSBU), which authorizes special assessments on certain properties. Some of those properties were located within the City of Winter Garden. This pays for the costs associated with lake clean ups and maintenance. Mr. Pash shared that the City adopted Ordinance 11-04 consenting to the County enacting that resolution. On October 18, 2016, the County adopted a new resolution amending the MSBU and added one parcel of land. That parcel is located in the City of Winter Garden. Staff recommends approval of Resolution 17-01 which confirms the City's consent to that property be included in the MSBU under Ordinance 11-04.

There was discussion that this is not a change but a clarification that this is what the City did and intended. City Attorney Ardaman noted that the original graphic representation showed it but the document did not.

**Motion by Commissioner Sharman to approve Resolution 17-01. Seconded by Commissioner Makin and carried unanimously 4-0.**

**B. Recommendation to approve special event with street closure at the Plant Street Market March 17, 18 and 19, 2017 with outside consumption of alcohol subject to conditions recommended by staff**

Community Development Director Pash stated that this is a special event request from Crooked Can Brewery to hold their annual Celtic Festival. The event is proposed to be from Friday, March 17th from 4:00 p.m. until 11:00 p.m., Saturday, March 18th from 11:00 a.m. to 11:00 p.m. and Sunday, March 19th from Noon until 6:00 p.m. This event includes the closure of South Central Avenue from Plant Street to Smith Street. There will be live music as well as alcohol consumption on the street and on the adjacent vacant lot which they own. Staff recommends approval subject to conditions.

There was discussion on past minor problems which have been addressed and noted there have been changes made since the last time this event was held.

Commissioner Buchanan noted that his only concern was the difference in time requested for approval and the time noted on their application. He wanted to be sure the applicant was aware of the time changes and are being approved. Mr. Pash stated he thinks they are clear with the times as they have been discussed.

**Motion by Commissioner Makin to approve special event with street closure at the Plant Street Market March 17, 18 and 19, 2017 with outside consumption of alcohol subject to conditions recommended by staff. Seconded by Commissioner Sharman and carried unanimously 4-0.**

**C. Recommendation to approve Site Plan for Miller's Ale House located at 12175 W. Colonial Drive with conditions**

Community Development Director Pash stated this is the site plan review for Miller's Ale House restaurant. It is approximately 10,000 square feet and includes parking, lighting, and landscaping as well as the building elevations. The restaurant is proposed to be at 12175 W. Colonial Drive, which is the vacant lot just west of Baer's Furniture. Plans have been reviewed by the Development Review Committee (DRC) and staff recommends approval subject to conditions in the staff report.

Commissioner Makin inquired on the width of the ingress and egress off of State Road 50. Mr. Pash replied that he cannot confirm the width but noted that it is the existing access built with Baer's Furniture and is probably 24 feet.

**Motion by Commissioner Sharman to approve the site plan submitted for Miller's Ale House located at 12175 W. Colonial Drive with conditions. Seconded by Commissioner Makin and carried unanimously 4-0.**

**D. Recommendation to approve Site Plan for CHC office building located at 330 East Crown Point Road with conditions**

Community Development Director Pash stated this is a site plan for a 10,000 square foot office with various associated site improvements located at 330 East Crown Point Road. The proposed building is located behind another office building on Crown Point Road. It is consistent with the development in this area. They are working on a lot split which includes all of the cross access and utility easements. The plan has been reviewed and approved by the Development Review Committee and staff recommends approval.

**Motion by Commissioner Buchanan to approve site plan for CHC office building located at 330 East Crown Point Road with conditions. Seconded by Commissioner Makin and carried unanimously 4-0.**

**E. Request for reduction of Code Enforcement fine imposed against 14417 Hampshire Bay Circle Case #10-1607 to \$2,500.00 if paid by January 20, 2017**

Community Development Director Pash stated this is a request for reduction and removal of a Code Enforcement lien for 14417 Hampshire Bay Circle. The original property owners pulled a permit in 2007 to install a pool, enclosure, and safety fence. The owners ran into financial difficulties and were taken to the Code Enforcement Board in 2010. The Code Enforcement Board filed a lien against the property for violations at \$250 fine per day. As of today that total fine is \$546,000.

Staff has worked with numerous people over the years to try and get the pool and fence completed. This previously came before the City Commission for a reduction of fines to \$1,000 in 2012 and fell through because they never complied. The bank has finally taken possession, hired a contractor, pulled a permit, finished the pool, and installed the fence. Final inspection was done December 14th and a [purchase] contract is in place. They are requesting a reduction in fines and a release of the lien. Mr. Pash noted that due to staff's time involved in this case, the request for a reduction would be from the \$546,000 to \$2,500 if paid by next Friday, January 20th.

**Motion by Commissioner Sharman to approve the reduction of Code Enforcement fines imposed against 14417 Hampshire Bay Circle Case #10-1607 to \$2,500.00 if paid by January 20, 2017. Seconded by Commissioner Buchanan and carried 3-1; Commissioner Makin opposed.**

**F. Recommendation to approve and award the budgeted CR 535 Widening Project contract to Atlantic Civil Constructors Corporation for up to \$2,336,607.70 including a 15 percent contingency**

City Engineer Miller noted that he distributed a handout to the City Commission describing the location of the property. He shared that there were four very close bids with Atlantic Civil Constructors Corporation being the low bidder. The City has not done any work with them in the past but they come highly recommended. Staff recommends awarding the contract plus a 15 percent contingency. He noted that this would still be below the budgeted amount for the project.

Commissioner Sharman asked if there was a timeline for construction from start to finish on this project. Mr. Miller expressed that there is the need to start as soon as possible, and is hoping to start next month [*February*] and finish before Black Friday in November.

There was discussion on the dual right turn lanes going eastbound on Stoneybrook West Parkway and this being a joint project between the City and the Expressway Authority.

Mayor Rees inquired if staff has spoken to anyone else about the work Atlantic Civil Constructors Corporation has done. Mr. Miller responded yes and listed some of the agencies that have used them. He reiterated that they come highly recommended.

**Motion by Commissioner Sharman to approve and award the budgeted CR 535 Widening Project contract to Atlantic Civil Constructors Corporation for up to \$2,336,607.70 that includes a 15 percent contingency. Seconded by Commissioner Makin and carried unanimously 4-0.**

**G. Recommendation to approve entering into an Elections Service Contract with the Orange County Supervisor of Elections Office for the upcoming General Election in March and any run-off election in April 2017**

City Clerk Golden stated that for the City Commission's consideration is the Election Service Contract with the Orange County Supervisor of Elections Office. She shared that this compares to prior contracts with the exception of paying for prepaid postage or not for vote-by-mail ballots.

Commissioner Sharman asked Ms. Golden to share information about the news release regarding the postage being paid by the Orange County Supervisor of Elections office. Ms. Golden described the story and noted that the coverage increased the ballots being returned without any postage, which thereby increased the cost. Since these are City elections, the Orange County Supervisor of Elections wants the City to bear the cost. Mayor Rees shared his views on voting being a privilege and a right.

**Motion by Commissioner Sharman to approve entering into Elections Service Contract with the Orange County Supervisor of Elections Office for the upcoming General Election in March and any run-off election in April 2017 with the City to pay postage for vote-by-mail ballots returned without postage. Seconded by Commissioner Makin and carried 3-1; Mayor Rees opposed.**

**H. Recommendation to approve entering into a Transfer and Continuing Maintenance Agreement with the Central Florida Expressway Authority for widening CR 535 and Stoneybrook West Parkway**

City Manager Bollhoefer stated that to get this road project done along State Road 429 and CR 535, the City did not have a lot of choice in taking ownership of the right-of-way. He described this location as being at CR 535 south of State Road 429 on the east side of

the road the right-a-way and adjacent to the two right turn lanes. He noted that the City would do the mowing as it is not much work and it gets the road built.

**Motion by Commissioner Sharman to approve entering into a Transfer and Continuing Maintenance Agreement with the Central Florida Expressway Authority for widening CR 535 and Stoneybrook West Parkway.**

Commissioner Makin asked who maintains the retention pond. City Manager Bollhoefer confirmed that this would be CFX. Commissioner Makin asked about the maintenance of a certain area; which City Engineer Miller answered.

**Motion seconded by Commissioner Makin and carried unanimously 4-0.**

**5. MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, stated that he still has five outstanding issues from his communications with the City Manager. He requested the status of research regarding David Williamson's eligibility to be on the [*invocators*] list. City Manager Bollhoefer responded that he has brought a copy of the Ordinance and the resolution and noted that all decision are based on the language as stated in the resolution. Mr. Bollhoefer offered that Mr. Williamson is more than welcome to send him a letter of explanation if he has an issue and thinks he should be on the list.

Mr. Richardson read excerpts from the resolution of March 12, 2015 and addressed diversity as it relates to the City's invocation.

Theo Graham, 213 Tilden Avenue, Winter Garden, Florida, thanked the City Commission for paving Tilden Street in front of his home.

George Douglas Laman, 1150 E. Plant Street, Winter Garden, Florida, stated that he delivered a letter to all of the City Commission. He addressed the issue of requests to speak directly to the City Commission, specifically as they relate to issues staff may not agree with. He stated that requests to staff may be delayed until such time as the public hearing of an item is a moot point.

He also addressed recent events such as the onset of a moratorium on east Plant Street and its possible effect on approximately 45 property owners. The City did not notify property owners individually but elected to advertise the item in the West Orange Times. At that point in time, a public hearing would be held at a City Commission meeting on the issue but no one would show up because they did not know about it. He used the example that if he wanted to change the zoning on his property, he would have to notify all the surrounding property owners of a public hearing. He addressed issues of forced annexation, DRC review and recourse of action in issues where items are being rescheduled. He requested that some effort be made to allow a citizen, having an issue with staff, be able to contact the City Commission even over the objection of staff.

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman announced that he has Certificates of Completion with respect to the Ethics Training taken by Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, and Colin Sharman.

7. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer thanked staff for their efforts during the Christmas Season and acknowledged all their hard work.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** echoed comments about staff and stated that Light-Up Winter Garden was amazing. He said it is incredible to see how many visitors we get that comment about our city.

**Commissioner Sharman** recognized and congratulated the Boy Scout Troop in attendance tonight for their Citizenship Merit badge.

**Commissioner Buchanan** stated that he also had some great comments from citizens.

Commissioner Buchanan also noted that there were some concerns from citizens that the City went three weeks without recycling pickup. City Manager Bollhoefer noted that a special schedule has been established and this will never happen again. City Manager Bollhoefer also noted that there will be pickup on the Martin Luther King Holiday.

**Commissioner Makin** stated that he too echoes all the earlier comments; everything has been going great.

**Mayor Rees** thanked the Boy Scouts for coming out and congratulated them on getting their badges. He also echoed the comments of the City Commission and acknowledged Winter Garden and all of the City staff for all the hard work they did. He listed some of the City's that came out to see our City. He again thanked staff for all the hard work and noted that it is very much appreciated.

The meeting adjourned at 7:16 p.m.

APPROVED:

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

ATTEST:

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