



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

January 26, 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, Mark A. Maciel

Absent: Commissioner Colin Sharman

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

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of January 12, 2017 as submitted. Seconded by Commissioner Makin and carried unanimously 3-0.

2. **SPECIAL ELECTION DISTRICT 3 RESULTS**

A. **Resolution 17-02:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON JANUARY 24, 2017 FOR COMMISSIONER OF DISTRICT 3 AND AUTHORIZING THE ISSUANCE OF CERTIFICATE

City Attorney Ardaman read Resolution 17-02 by title only. City Clerk Golden stated that the official results have been declared by the Canvassing Board. She reported that there were 4,680 registered voters, 79 votes were cast for Patricia Ann Angry, 103 votes were cast for Harold L. Boulter, and 276 votes were cast for Mark Maciel garnering him the needed percentage to obtain the seat. Voter turnout for the Special Election was 9.17 percent.

Mayor Rees inquired about the one missing vote from the total. City Clerk Golden responded that it was a blank ballot that has to be counted as being casted even when it is left blank.

Mayor Rees congratulated all candidates on a good race and congratulated Commissioner Elect Mark Maciel on his victory and welcomed him to the City Commission.

Motion by Commissioner Makin to approve Resolution 17-02. Seconded by Commissioner Buchanan and carried unanimously 3-0.

3. OATH OF OFFICE

- A. Mark A. Maciel, elected on January 24, 2017 to serve as District 3 City Commissioner, took the oath of office administered by City Clerk Golden. Commissioner Maciel acknowledged Patricia Ann Angry and Harold L. Boulter for a race well run and stated that he looks forward to working with them in District 3.

4. FIRST READING OF PROPOSED ORDINANCE

- A. **Ordinance 17-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-26, DEFINITIONS; AMENDING SECTION 54-27, MEMBERSHIP; AMENDING SECTION 54-29, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 54-31, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-32, PRE-RETIREMENT DEATH BENEFITS; AMENDING SECTION 54-33, DISABILITY; AMENDING SECTION 54-35, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-39, MAXIMUM PENSION; ADDING SECTION 54-49, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 54-51, PRIOR GOVERNMENT SERVICE; AMENDING SECTION 54-52, RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-01 by title only. Assistant City Manager of Administrative Services Gilbert requested postponement of this item until the next meeting.

Motion by Commissioner Makin to POSTPONE Ordinance 17-01 until February 9, 2017 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 4-0.

5. REGULAR BUSINESS

- A. **Recommendation to approve Site Plan and Developer's Agreement for 1905 Avalon Road Belle Meade Commercial Outparcel 2 subject to conditions**

Community Development Director Pash stated that this is the site plan and developer's agreement for the 3.5 acre property located at the northeast corner of Avalon Road and Tilden Road. The site plan consists of three buildings, two single story and one two story at approximately 28,000 square feet of retail space. He noted that plans also include their landscaping buffers and other related site improvements. He noted that a part of this is the Belle Meade planned commercial development which has to meet all architectural guidelines. He noted that the developer's agreement contains the proportionate fair share

agreement for this property. Staff recommends approval of the site plan and developer's agreement.

There was discussion on the meetings held with the surrounding neighbors to work out any issues.

Motion by Commissioner Buchanan to approve site plan and developer's agreement for 1905 Avalon Road Belle Meade Commercial Outparcel 2 subject to conditions. Seconded by Commissioner Maciel and carried unanimously 4-0.

B. Recommendation to approve special event to hold the annual Blues & BBQ Festival Saturday, February 18, 2017 from 4:00 p.m. to 10:00 p.m. and allow beer sales in a designated area at the downtown pavilion benefitting the American Cancer Society

Community Development Director Pash stated that this is a special event application for the annual Blues & BBQ event. It is proposed to be held February 18, 2017, from 4:00 p.m. to 10:00 p.m. at the Pavilion and includes closure of Tremaine Street and Lakeview Avenue to Highland Avenue and to the parking a lot along Plant Street. He noted that the request includes live music and the sale of beer and wine. Staff recommends approval.

Commissioner Makin confirmed that this is the same area as last year. Mr. Pash responded yes.

Motion by Commissioner Makin to approve special event to hold the annual Blues & BBQ Festival Saturday, February 18, 2017 from 4:00 p.m. to 10:00 p.m. and allow beer and wine sales in a designated area at the downtown pavilion benefitting the American Cancer Society. Seconded by Commissioner Buchanan and carried unanimously 4-0.

C. Request by Rotary Club of Winter Garden to hold the "Evening at the Pops" concert event at Newton Park on Saturday, March 25, 2017 with a rain back-up date Sunday, March 26, 2017

Community Development Director Pash stated that this is a special event application for the annual Rotary Club "Evening at the Pops" to be held March 25, 2017 from 4:30 to 8:30 p.m. with a rain delay the following evening. This will be at Newton Park and does not include any street closure but does include the use of Tanner Hall. It also includes live music and the sale of beer and wine. Staff recommends approval.

Daryll Parker, President of the Rotary Club of Winter Garden, 2013 Clover View Way, Winter Garden, Florida, distributed an additional information sheet as to what their request includes. City Manager Bollhoefer confirmed that the \$5,000 has already been included in the budget.

Motion by Commissioner Buchanan to approve Rotary Club of Winter Garden holding the "Evening at the Pops" concert event at Newton Park on Saturday,

March 25, 2017 with a rain back-up date Sunday, March 26, 2017. Seconded by Commissioner Makin and carried unanimously 4-0.

D. Recommendation to approve purchasing a budgeted Mack chassis from Nextran Truck Center of Orlando for \$132,251.50 and a Vac-con sewer machine from Southern Sewer Equipment Sales in the amount of \$267,741.00 under the Florida Sheriffs Association's contracts

Fleet and Facilities Manager Caines stated that this request is for the purchase of a new sewer cleaning truck by the Public Services Division. He noted that this purchase will be a piggyback of the Florida Sheriff's Association contract. This purchase was anticipated and the funding was included in the current fiscal year's budget.

Motion by Commissioner Makin to approve purchasing a budgeted Mack chassis from Nextran Truck Center of Orlando for \$132,251.50 and a Vac-con sewer machine from Southern Sewer Equipment Sales in the amount of \$267,741.00 under the Florida Sheriffs Association's contracts. Seconded by Commissioner Maciel and carried unanimously 4-0.

E. Resolution 17-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE QUALIFYING RESULTS OF THE 2017 GENERAL ELECTION FOR DISTRICTS 1 AND 5; AND THE CANDIDATES ELIGIBLE TO RUN FOR DISTRICTS 1 AND 5 ON MARCH 14, 2017

City Clerk Golden stated that the qualifying period closed and there were four residents: Lisa Bennett, Lillie V. Brandon, Wendy Byrd Jung, and Kent Wesley Makin qualifying as candidates for District 1.

City Clerk Golden stated that there was only one candidate for the Mayor's seat; John Rees.

Motion by Commissioner Makin to approve Resolution 17-03. Seconded by Commissioner Buchanan and carried unanimously 4-0.

6. MATTERS FROM PUBLIC

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, congratulated Commissioner Maciel on his election.

Mr. Richardson requested that the minutes of the last meeting note that he was not actually reading an excerpt from the Resolution of March 12, 2015, but was quoting three of the Commissioners.

Mr. Richardson sought resolve from the City Manager on his questions about Mr. Williamson being added to the [*invocators*] list. Mr. Bollhoefer stated that he would schedule a meeting to sit down with Mr. Richardson to discuss it.

Mr. Richardson submitted a written request to have Mr. David Williamson added to the [*invocators*] list.

Harold Boulter, 363 Regal Downs Circle, Winter Garden, Florida, thanked the City Clerk for all her work on the Special Election and thanked his opponents, Patricia Ann Angry and Mark Maciel for their actions during the race. He hopes it is as pleasant in future elections.

7. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that the City Clerk has distributed the Right-of-Way Transfer and Continuing Maintenance Agreement between the Central Florida Expressway and the City of Winter Garden that was approved at the last meeting. He noted that subsequent to that approval the Expressway Authority attorneys and surveyors have asked the City to make some slight modifications to the agreement. He noted that the City Commission should have received a redline version showing the changes to the agreement.

Mr. Ardaman noted that the primary changes deal with the limited access right-of-way line so that the existing limited access line is being shifted from close to the existing roadways away from the roadway to accommodate the four stripes of property that the City is receiving from the Expressway Authority. Mr. Ardaman noted that he and the City's Engineer Art Miller met with the Expressway's Right-of-Way Committee who recommended approval of the agreement.

Mr. Ardaman was asked by the Commission to read the proposed changes and he complied.

Motion by Commissioner Buchanan to approve the Right-of-Way Transfer and Continuing Maintenance Agreement with the Central Florida Expressway Authority as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer announced that the West Orange Chamber of Commerce is having their annual Big Orange Awards on February 3, 2017 at the Disney Contemporary Resort from 7:00 p.m. to 11:00 p.m. He asked the City Commission if anyone would like to attend the event. He noted he would obtain a table for the event.

Road Construction Schedule

City Manager Bollhoefer stated that at the next meeting he will provide the Commission with an update on the road construction schedule.

Orlando Ordinance for Drones

Mr. Bollhoefer stated that the City of Orlando has recently passed an ordinance that relates to drones and a copy was distributed. He asked that the City Commission to review this ordinance for consideration by the City of Winter Garden.

City Attorney Ardaman noted that there are things that the City Commission may not want to regulate or there may be more things the City Commission may want to regulate. He noted

that it [drones] is controlled by the Federal Aviation Administration (FAA) and he believes the City of Orlando has sent their version to the FAA for their review. The FAA will not give a yes or no, but will offer comments. There was discussion that Winter Garden City Attorneys will have suggested changes and be providing some additional material for the City Commission's consideration. Should the City Commission want to move forward with this item, it will be sent to regional counsel for the FAA's review. If the City Commission agrees, it will be brought forward for consideration.

There was discussion on the issue of drones and certain regulations being allowed. Mayor Rees asked everyone to read it over and get your comments back to the City Manager.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin congratulated Commissioner Maciel on his election and he looks forward to working with him.

Commissioner Buchanan echoed Commissioner Makin's remarks.

Commissioner Maciel thanked everyone for their support.

The meeting adjourned at 7:09 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC