



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

March 9, 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, Director of Parks and Recreation Laura Coar and Deputy Police Chief Graham

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

**Motion by Commissioner Maciel to approve the regular meeting minutes of February 23, 2017 as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.**

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

A. **Ordinance 17-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 15-28 ESTABLISHING THE PCD ZONING ON CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.93 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF DANIELS ROAD AND ROPER ROAD (AS KNOWN AS THE DANIELS ROAD BUSINESS PARK), TO ALLOW AS A PERMITTED USE MRI OR IMAGING CENTERS WITHIN THE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-05 by title only. Community Development Director Pash described the location of the property and stated that the property was rezoned from R-1 to PCD in 2015 to allow for 17,750 square feet of medical office. He noted that the original ordinance prohibited MRI and imaging centers. He shared that a community meeting was held on February 15, 2017 and only one resident attended and had their questions answered. Staff has reviewed it and recommends approval of the amended ordinance.

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

**Motion by Commissioner Buchanan to approve Ordinance 17-05 with the second reading and public hearing being scheduled for March 23, 2017. Seconded by Commissioner Maciel and carried unanimously 4-0.**

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

- A. **Ordinance 17-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 2.29 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST DIVISION STREET, EAST OF NORTH DILLARD STREET, AND WEST OF SURPRISE DRIVE AT 555 NORTH DILLARD STREET BEING LOTS 135 THROUGH 146 OF THE WINTER GARDEN SHORES REPLAT ACCORDING TO PLAT THEREOF RECORDED AT PLAT BOOK M, PAGES 76-77, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE DILLARD POINTE PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Dillard Pointe)

City Attorney Ardaman read Ordinance 17-04 by title only. Community Development Director Pash stated that the applicant is still working on the final exhibit to show all the building elevations and requests postponement until March 23, 2017.

**Motion by Commissioner Buchanan to POSTPONE Ordinance 17-04 until March 23, 2017 at 6:30 p.m. Seconded by Commissioner Makin and carried unanimously 4-0.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve the Site Plan for 13549 W. Colonial Drive (Wendy's) subject to Development Review Committee recommended conditions**

Community Development Director Pash stated that this is the site plan for a new 2,600 square foot Wendy's located just west of the WaWa on Colonial Drive. He shared that staff has worked very hard with the developers to get the best elevations possible. He noted that it is consistent with the PCD and shared some of the planned improvements. The Development Review Committee and staff have reviewed the site plan and recommends approval.

There was discussion on the PCD allowing a second drive-thru, the location of some buildings on the site, and the potential of a future hotel at this site. Also discussed were the type of grass to be installed and the façade of the building to be installed.

**Motion by Commissioner Buchanan to approve the site plan for 13549 W. Colonial Drive (Wendy's) subject to conditions as recommended by the Development Review Committee. Seconded by Commissioner Maciel and carried unanimously 4-0.**

**B. Recommendation to approve a Binding Lot Agreement with Heichel Plumbing, Inc. for 611 and 629 Business Park Boulevard to construct a new industrial flex building**

Community Development Director Pash stated that the owner of this property is proposing to build a building that straddles both lots and wishes to enter into a binding lot agreement in order to move forward with their development. Staff recommends approval.

Mayor Rees addressed the entrance locations with interconnection in the back, and landscaping.

**Motion by Commissioner Maciel to approve Binding Lot Agreement with Heichel Plumbing, Inc. for 611 and 629 Business Park Boulevard to construct a new industrial flex building. Seconded by Commissioner Makin and carried unanimously 4-0.**

**C. Recommendation to approve the Site Plan for 611 and 629 Business Park Boulevard (Heichel Plumbing Industrial Flex Building) subject to Development Review Committee recommended conditions**

Community Development Director Pash stated that these are the same lots discussed in the prior item, with 18,000 square foot of a flex space building with site improvements. The Development Review Committee has reviewed it and staff recommends approval.

**Motion by Commissioner Makin to approve the site plan for 611 and 629 Business Park Boulevard (Heichel Plumbing Industrial Flex Building) subject to conditions as recommended by the Development Review Committee. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**D. Recommendation to approve special event request by the Winter Garden Lions Foundation, Inc. to use city facilities and Newton Park for the annual Easter Egg Hunt April 15, 2017**

Community Development Director Pash stated that this is a special event request for the Winter Garden Lions Club 66<sup>th</sup> Annual Easter Egg Hunt. This event will be the same as in previous years and they are working closely with staff to set up and tear down. Staff recommends approval.

**Motion by Commissioner Makin to approve special event request by the Winter Garden Lions Foundation, Inc. to use City facilities and Newton Park for the annual Easter Egg Hunt on April 15, 2017. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**E. Recommendation to approve replat of lots 221, 222 and 223 in Oakland Park Subdivision Phase 3 into two lots, subject to staff recommendations**

Community Development Director Pash stated that this is a request to replat three previously platted lots into two lots in Oakland Park Phase 3. The request is consistent

with the Planned Unit Development (PUD) and staff recommends approval. There was discussion that their reason for doing this as having the ability to offer bigger lots.

**Motion by Commissioner Buchanan to approve replat of lots 221, 222 and 223 in Oakland Park Subdivision Phase 3 into two lots, subject to staff recommendations. Seconded by Commissioner Makin and carried unanimously 4-0.**

**F. Recommendation to approve amendment to Water Meter Replacement Services agreement with Utility Solutions of America, Inc. not to exceed \$347,135.25 that includes a 5% contingency**

Assistant City Manager of Public Services Cochran stated that staff requests amending the prior agreement with Utility Solutions of America for the water meter replacement services project. Since the original contract, this company has done an outstanding job and are in fact ahead of schedule for the first phase. Staff wishes to amend the existing contract and move them into the second phase which includes the replacement of 6500 water meters. The contract amount is \$347,135.25 which includes a 5 percent contingency.

Mayor Rees inquired about the number in the first phase and the amount of time needed for the second phase. Mr. Cochran shared that there was 2900 in the first phase and 6500 in this phase and that the company would add additional crew to get the job done. It was discussed that there will be a future request for an additional phase. Also discussed was the ongoing maintenance, and these meters being the latest technology which can actually be read by radio wave from City Hall.

**Motion by Commissioner Maciel to approve amendment to Water Meter Replacement Services agreement with Utility Solutions of America, Inc. not to exceed \$347,135.25 that includes a 5 percent contingency. Seconded by Commissioner Makin and carried unanimously 4-0.**

**G. Recommendation to approve bids and award contract to L7 Construction, Inc. for filter improvements at the Crest Avenue Wastewater Treatment Plant for \$1,235,850 that includes a 5% contingency**

Assistant City Manager of Public Services Cochran stated that staff requests approval of the bids and award of contract for the Crest Avenue Wastewater Treatment Plant filter improvements to the lowest qualified bidder L7 Construction, Inc. for \$1,235,850 which includes a 5 percent contingency.

**Motion by Commissioner Makin to approve bids and award contract to L7 Construction, Inc. for filter improvements at the Crest Avenue Wastewater Treatment Plant for \$1,235,850 that includes a 5 percent contingency. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

H. **Recommendation to approve amendment increasing fees paid for Professional Services Agreement with A. Kurt Ardaman and Fishback, Dominick, Bennett, Ardaman, Ahlers, Langley and Geller LLP**

City Manager Bollhoefer stated that he distributed a rate chart for different cities with the agreement. He feels that what the Attorneys are asking for is a fair amount. They have earned it, have been with the City for quite a while, and do a great job. He shared that retainers for attorneys in this area were all over the place; making a comparison is hard and he listed some retainer amounts for some other cities.

Mayor Rees confirmed that it has been 11 years.

**Motion by Commissioner Buchanan to approve amendment increasing fees paid for Professional Services Agreement with A. Kurt Ardaman and Fishback, Dominick, Bennett, Ardaman, Ahlers, Langley and Geller LLP. Seconded by Commissioner Maciel and carried unanimously 4-0.**

I. **Recommendation to authorize up to \$15,000 to repair the interactive fountain step and ramp**

City Manager Bollhoefer stated that the stairs on the south end of the fountain have been a problem. Due to improper design, there has been water sitting on the sidewalk and stairs, causing deterioration. The City needs to fix and repair them in a fashion that will not allow this to happen again. The cost is between \$13,000 and \$15,000. It was noted that this will be done as soon as possible.

**Motion by Commissioner Makin to authorize up to \$15,000 to repair the interactive fountain step and ramp. Seconded by Commissioner Maciel and carried unanimously 4-0.**

J. **Recommendation to authorize up to \$6,000 to replace unreliable sound system at Tanner Hall**

City Manager Bollhoefer shared that the current sound system has been embarrassingly failing at meetings. He requested that this professional building have professional sound systems and noted it would cost \$6,000 for an entire system replacement.

Commissioner Maciel inquired as to whether the City considered new modular technology with easier installation. City Manager Bollhoefer replied yes.

**Motion by Commissioner Buchanan to authorize up to \$6,000 to replace unreliable sound system at Tanner Hall. Seconded by Commissioner Makin and carried unanimously 4-0.**

K. **Recommendation to authorize up to \$20,000 to make various interim repairs to Newton Park Dock**

City Manager Bollhoefer stated that the 4<sup>th</sup> of July is approaching and the City usually launches its fireworks from the dock; which at this time is not safe. He noted that the

City reviewed barge rentals, which have been used in the past, at a cost of \$10,000. Staff feels that at this time an investment of an additional \$10,000 should be made to fix the dock so that people can use it. We have been holding off because of the uncertainty about Lake Apopka clean up and we still expect \$5,000,000 in funding which could take up to 15 months. By spending this additional \$15,000 the City can open up the dock and pier for the residents.

Commissioner Makin noted that the City Commission previously talked about waiting because they did not know what was going to happen and he now feels that since then things are not happening so he does not mind approving \$20,000 for various repairs needed for the dock.

**Motion by Commissioner Makin to authorize up to \$20,000 to make various interim repairs to Newton Park Dock. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

Commissioner Makin asked the City Manager if the Army Corps of Engineers was still working on the project and Mr. Bollhoefer gave an update.

- L. **Recommendation to authorize up to \$13,000 to remove and replace fence slats at Sam Williams Little League Complex** *Note: This matter was combined with the following item.*

- M. **Recommendation to authorize up to \$7,169 to replace/repair fence at Walker Football Field**

City Manager Bollhoefer shared that a little over a year ago the Little League changed out the City's wind covers without permission from the City. The City has met with them and will again explain they need to seek permission before making modifications to the fields. Staff recommends approving the removal and replacement of the fence slats at Sam Williams Little League complex and repairs to the fence at Walker Football Field.

Commissioner Maciel asked if this includes maintenance costs because they do crack and break. Mr. Bollhoefer replied no, those are paid as we go, but noted that these are very durable.

Mayor Rees noticed a price difference in the costs per field. He also asked if this is something the City would have done regardless. Mr. Bollhoefer responded yes, because the material rips and looks tacky very quickly.

**Motion by Commissioner Maciel to authorize up to \$13,000 to remove and replace fence slats at Sam Williams Little League Complex and up to \$7,169 to replace/repair fence at Walker Football Field. Seconded by Commissioner Makin and carried unanimously 4-0.**

N. **Appointment of the 5<sup>th</sup> member trustee to the Police and Fire Pension Board**

City Clerk Golden stated that this is for the 5<sup>th</sup> member of the pension board. She referenced the letter from the Plan Administrator she distributed. The Board has indicated their desire to reappoint the current member, Phil Cross, for an additional term through December 31, 2018.

**Motion by Commissioner Buchanan to reappoint Phil Cross to the Police and Fire Pension Board. Seconded by Commissioner Makin and carried unanimously 4-0.**

5. **MATTERS FROM PUBLIC**

George Douglas Laman, 1150 E. Plant Street (Commercial), Winter Garden, Florida, addressed comments made by the City Manager at the last City Commission meeting. Additionally, he submitted a copy of his responses to the City Commission and many of the City staff to the City Clerk to become part of the City's public record. He proceeded to give his account of the history leading to today. Mayor Rees advised Mr. Laman of the three minute limit and asked him to wrap it up. Mr. Laman continued with his account.

Dr. Jeffrey Laman, 15119 Ovation Drive, Winter Garden, Florida, continued with what Doug Laman was speaking on. He expressed his father's concerns with regard to the property he owns. He also described what has transpired between staff and his father. He has sent the Mayor and Commissioners two emails requesting a meeting. Those who responded indicated it was premature and not necessary. By the City's actions, his property has become undevelopable, which violates his U.S. and Florida Constitutional property rights. His father believes the idea of extending downtown to the 429 is unrealistic and probably devastating. Hopefully, through his campaign designed to educate some reasonable adjustments and protections will be made to the proposed design standards.

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

7. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer shared ongoing issues occurring at the new parking garage and after consulting with the Police Chief suggested installing a camera surveillance system. He shared that it would require 56 cameras and equipment that allows recording for up to 48 hours. The cost to do this is \$70,000 for all the equipment; the greater part of the cost being the installation. In the long run, it makes the garage safer and aids in the prevention of vandalism. There was discussion on wireless surveillance, the importance of video quality, and the non-visibility of the conduit.

**Motion by Commissioner Buchanan to approve up to \$70,000 for the installation of a security camera surveillance system in the new downtown parking garage. Seconded by Commissioner Makin and carried unanimously 4-0.**

Commissioner Maciel addressed the ability of the system to have motion detection.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Maciel** thanked the Deputy Police Chief for recently attending a meeting with him and the residents in East Winter Garden.

**Commissioner Buchanan** announced that the Evening at the Pops concert tickets were on sale and encouraged everyone to come out to the concert.

The meeting adjourned at 7:17 p.m.

APPROVED:

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

ATTEST:

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