



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 23, 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 (outgoing), and (incoming) Commissioner Lisa Bennett

Absent: Commissioners Mark A. Maciel and 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 Makin to approve the regular meeting minutes of March 9, 2017 as submitted. Seconded by Commissioner Buchanan and carried unanimously 3-0.

2. **GENERAL ELECTION RESULTS**

A. **Resolution 17-05:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MARCH 14, 2017 FOR COMMISSIONER OF DISTRICT 1 AND MAYOR/COMMISSIONER DISTRICT 5 AND AUTHORIZING THE ISSUANCE OF CERTIFICATES

City Attorney Ardaman read Resolution 17-05 by title only. City Clerk Golden read the official results as certified by the Canvassing Board as follows: Lisa Bennett received 391 votes, Lillie V. Brandon received 23 votes, Wendy Byrd Jung received 67 votes, and Kent Wesley Makin received 139. The duly elected Commissioner of District 1 is Lisa Bennett. Voter turnout for the General Election was 10.63 percent. Ms. Golden stated Mayor John Rees was duly elected by virtue of there being no opposition.

Motion by Commissioner Buchanan to approve Resolution 17-05. Seconded by Commissioner Makin and carried unanimously 3-0.

3. **OATHS OF OFFICE**

- A. Mayor/Commissioner of District 5 and Commissioner of District 1 as elected on March 14, 2017 were administered the Oath of Office by City Clerk Golden.

Mayor Rees welcomed Commissioner Bennett as she took her seat at the dais and wished her a Happy Birthday.

Mayor Rees expressed that he has enjoyed working and serving with Commissioner Makin over the last six years. He feels Commissioner Makin has done a very good job for the City of Winter Garden and came to all meetings prepared, had good ideas, and was well versed on everything.

4. **PRESENTATION**

- A. **Proclamation 17-02** declaring April as Water Conservation Month was read by Mayor Rees.

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

- 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

City Attorney Ardaman read Ordinance 17-04 by title only. Community Development Director Pash stated that staff is continuing to work with the applicant to get the final elevations. They have provided some but not all and are requesting postponement until the April 13, 2017 City Commission meeting. City Manager Bollhoefer shared that they are getting the final drawings of the houses, which is the critical last component of the neighborhood.

Motion by Commissioner Buchanan to POSTPONE Ordinance 17-04 until April 13, 2017 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 3-0.

- B. **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 owners rezoned the property to PCD in 2015. The original ordinance prohibited MRI and imaging centers. He stated that they have since spoken to various businesses that would like to open here and are requesting an amendment to the PCD so it may be allowed. Staff recommends approval of Ordinance 17-05.

Mayor Rees shared information he found when researching the science involved in MRI technology and addressed the necessary wall construction for such a facility. City Manager Bollhoefer assured the Mayor it has been properly reviewed and our inspectors will make sure it is built to the required standards.

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

Motion by Commissioner Buchanan to adopt Ordinance 17-05. Seconded by Commissioner Bennett and carried unanimously 3-0.

6. **REGULAR BUSINESS**

A. **Recommendation to approve Memorandum of Agreement with the Fraternal Order of Police, Inc. (FOP) amending Article 21.1D of the City/FOP collective bargaining agreement**

Assistant City Manager of Administrative Services Gilbert stated that this is a Memorandum of Understanding that needs to be ratified by the City Commission in order for it to be effective. It has already been ratified by the FOP Union members. It clarifies language that is in the pension section of the original FOP contract with the City making sure that we collect the first \$231,000 of the excess funds. He noted that it was always understood that this would happen but the actual language was not there and the FOP agreed to bring this before their membership who approved it unanimously. Staff is requesting that the City Commission ratify this action. There was discussion on the excess being approximately \$46,000.

Motion by Commissioner Buchanan to approve the Memorandum of Agreement with the Fraternal Order of Police, Inc. (FOP) amending Article 21.1D of the City/FOP collective bargaining agreement. Seconded by Commissioner Bennett and carried unanimously 3-0.

B. Recommendation to approve and authorize the Mayor and Police Chief to execute the Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement for four years with the Orange County Sheriff's Office

Police Chief Brennan stated that for consideration is the renewal of the 2017 Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement. He explained that this is a mutual aid agreement between Orange County Sheriff's Office and the Winter Garden Police Department. Our current agreement is expiring next month in April. This will allow the City to have an agreement in effect for another four years.

Mayor Rees confirmed that this is the same agreement and that it has worked well. Police Chief Brennan responded yes and the City Attorney affirmed that it is essentially the same with some paragraphs moved around and a few revised provisions. He and the Chief are comfortable with the agreement as presented.

Motion by Commissioner Buchanan to approve and authorize the Mayor and Police Chief to execute the Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement for four years with the Orange County Sheriff's Office. Seconded by Commissioner Bennett and carried unanimously 3-0.

C. Resolution 17-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AUTHORIZING EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID DEVICES; PROVIDING FOR THE EXPENDITURE OF FUNDS; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT

City Attorney Ardaman read Resolution 17-06 by title only. City Manager Bollhoefer stated that this is the (railroad) crossing on West Crown Point Road that the Florida Department of Transportation (FDOT) has determined needs to be replaced. He noted that in Federal Laws all railroad rights generally exceed those of the municipalities so the City really does not have an option. The City is required to pay half (\$1,800) of the annual fee (\$3,600) but FDOT will be paying for the cost of the installation.

Motion by Commissioner Buchanan to approve Resolution 17-06. Seconded by Commissioner Bennett and carried unanimously 3-0.

D. Selection of a Mayor Pro-Tem

City Clerk Golden stated that per the City Charter this item is on the agenda to be addressed at the same time after an election.

Mayor Rees stated Commissioner Buchanan has done a good job as the Mayor Pro-Tem and recommended reappointment. By **consensus** of the three members present, Commissioner Buchanan was re-selected as the Mayor Pro-Tem.

7. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, voiced his concerns regarding invocations and the list of invocators.

George Douglas Laman, 1150 E. Plant Street (Commercial), Winter Garden, Florida, shared his research on commercial development along SR 50 (*copy provided to Commissioners*) and voiced his concerns regarding the lack of commercial development after the SR 50 Overlay regulations were adopted. He shared his belief that creating all the restrictions possible on E. Plant commercial buildings will stop anything from happening because it will not solve the average rooftop value.

8. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman thanked Commissioner Makin for his service and welcomed new Commissioner Bennett.

9. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer addressed the subject of drones as previously distributed for review by the City Commission. He noted that the City of Winter Park is reviewing the same draft ordinance and their City Attorney is forwarding it to the FAA to get their opinion. He suggested waiting for Winter Park to receive their response from the FAA and make any necessary changes to ours and he will redistribute it to the Commission at that time.

City Manager Bollhoefer thanked Kent Makin for the past six years and for doing a great job. He also welcomed Commissioner Bennett.

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan expressed his pleasure serving with Kent Makin. Commissioner Buchanan also congratulated Commissioner Bennett.

Commissioner Buchanan stated that he was excited to see more development in the downtown Winter Garden area.

Commissioner Bennett thanked the residents of District 1 and stated that she looks forward to serving the community.

City Manager Bollhoefer explained that the issue experienced with the iPads loading at the last meeting was not the internet but the settings on the devices; adjustments can be made to them.

Mayor Rees announced the Evening at the Pops this Saturday evening and encouraged everyone to attend.

Mayor Rees welcomed Commissioner Lisa Bennett and shared that he looks forward to working with her. Mayor Rees stated he enjoyed working with Kent Makin and wished him nothing but the best.

The meeting adjourned at 7:02 p.m.

ATTEST:

APPROVED:

_____/S/_____
City Clerk Kathy Golden, CMC

_____/S/_____
Mayor John Rees