



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

April 13, 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 Lisa Bennett, Mark A. Maciel, and Colin Sharman

Absent: Commissioner Bob Buchanan

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 and Police Chief George Brennan

1. **APPROVAL OF MINUTES**

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

2. **PRESENTATION**

A. **Proclamation 17-03** proclaiming Autism World Awareness Day and Autism Awareness Month was read and presented by Mayor Rees. It was accepted by Henry Wright and his family who thanked the City Commission for their support in this effort.

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

A. **Ordinance 17-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 16-58 ESTABLISHING THE PUD ZONING ON CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.15 ± ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH PARK AVENUE (KNOWN AS THE PARK & PLANT PUD), TO REZONE AN ADDITIONAL 0.36 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST SMITH STREET, EAST OF SOUTH PARK AVENUE, AND WEST OF SOUTH CENTRAL AVENUE, AT 277 WEST SMITH STREET, FROM R-NC (RESIDENTIAL-NEIGHBORHOOD COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT), ADDING THE ADDITIONAL 0.36 ACRES OF LAND TO THE PARK & PLANT PUD AND AMENDING CERTAIN DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-07 by title only. Community Development Director Pash described the location of the property and stated that it was rezoned to

PUD in October of 2016 to develop 24 townhouse units. He noted that the owner has since purchased an additional lot at 277 W. Smith Street and has requested an amendment to the existing PUD to include this piece, and increase the total units to 32 townhomes. These townhomes will be two stories rather than the three and two-story units previously proposed. The architecture will be the same as previously approved renderings by the Architectural Review and Historic Preservation Board, as well as the City Commission. The density is consistent with the downtown future land use designation, which allows up to 25 units per acre; this is at 21.2. Staff has reviewed this item and recommends approval of Ordinance 17-07.

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

Motion by Commissioner Sharman to approve Ordinance 17-07 with the second reading and public hearing being scheduled for April 27, 2017. Seconded by Commissioner Maciel and carried unanimously 4-0.

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

- 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 stated that this is the second reading of Ordinance 17-01. This ordinance implements certain IRS regulations as recommended by our Pension Attorneys. He noted that it also changes the retirement age from 65 to age 62 and establishes a Deferred Retirement Option Plan known as DROP. Staff recommends approval.

Mayor Rees asked whether the employee's questions on the plan had all been answered. Mr. Gilbert responded yes.

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

Motion by Commissioner Sharman to adopt Ordinance 17-01. Seconded by Commissioner Bennett and carried unanimously 4-0.

- B. **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 this is the second reading of this ordinance to rezone the property from R-1 to PUD. He shared that staff has worked closely with the developer to come up with designs for the homes. The actual elevations have not yet been completed, however a package of photos have been distributed for use as a new exhibit to the PUD. The owner and developer have agreed to use all the elements and design guidelines as part of the PUD. They will continue to work with staff as well as the neighborhood to provide homes consistent with all these guidelines. Staff recommends approval of Ordinance 17-04.

Mayor Rees wanted to be sure that this will be strictly monitored by the City to ensure quality of the construction and that the homes fit into the surrounding neighborhood. Mr. Pash responded yes, there will be meetings with the owner, builder, their architect, as well as with City staff. Another architectural staff person will be on call and available for assistance. Mayor Rees shared there have been concerns expressed by the neighbors. Mr. Pash advised that staff has spoken to the neighbors that have been quite involved in this process and they were both very pleased with the route this is taking.

Commissioner Bennett inquired if the handout was conceptual with some of the design elements being used. City Manager Bollhoefer stated that these are going to be incorporated as part of the document that has our official guidelines for these homes.

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

Motion by Commissioner Sharman to adopt Ordinance 17-04 including Exhibit B as specified by staff. Seconded by Commissioner Bennett and carried unanimously 4-0.

5. **REGULAR BUSINESS**

A. **Recommendation to approve Final Plat for Stanton Estates (601 W. Bay Street) and Right-of-Way Maintenance Agreement**

Community Development Director Pash stated that this is the final plat and Right-of-Way Maintenance Agreement for Stanton Estates. It is to plat 45 single family lots and allow the use of the right-of-way for landscaping improvements to be maintained by the HOA. The property is zoned R-1 and he described their ranges in size. Mr. Pash also stated that the plat has been reviewed and approved by the Development Review Committee and staff recommends approval of the final plat as well as the right-of-way maintenance agreement.

Motion by Commissioner Maciel to approve Final Plat for Stanton Estates (601 W. Bay Street) and Right-of-Way Maintenance Agreement with staff recommendations. Seconded by Commissioner Sharman and carried unanimously 4-0.

B. **Recommendation to approve entering into a Right-of-Way Maintenance Agreement with The Harbor Subdivision Homeowners Association**

Community Development Director Pash stated that this is the right-of-way maintenance agreement for The Harbor Subdivision. This neighborhood was developed in 1984 and they have been maintaining this area since 1985. The HOA submitted a building permit application to put up a fence and install landscaping when staff discovered that there was no agreement. Staff has worked with the HOA to provide an agreement and recommend approval.

Mayor Rees opened a public hearing.

James Snyder, President of the Harbor Homeowner's Association, stated that this has been a very simple process and expressed that he has received absolute cooperation from everyone. He explained that the subdivision wanted to extend the fence from the Inland Seas Apartments which partially separates the properties. There has been a lot of pedestrian traffic there and during this process it was discovered that there was no agreement. They are looking to continue the maintenance as they have in the past.

Motion by Commissioner Sharman to approve entering into a Right-of-Way Maintenance Agreement with The Harbor Subdivision Homeowners Association. Seconded by Commissioner Bennett and carried unanimously 4-0.

C. **Recommendation to authorize the Mayor and Police Chief to execute the four-year West Orange Narcotics Task Force Agreement**

Police Chief Brennan stated that the City's current West Orange Narcotics Task Force Agreement is expiring and this new agreement extends it another four years. The only significant change is that the City of Apopka is joining the Task Force.

Motion by Commissioner Sharman to authorize the Mayor and Police Chief to execute the four-year West Orange Narcotics Task Force Agreement. Seconded by Commissioner Maciel and carried unanimously 4-0.

D. Board appointments to the Planning and Zoning Board of three seats; Jowers, Gantt, and DeFuso

Community Development Director Pash stated that there are two vacancies on the Planning and Zoning Board to be filled with one member being eligible for re-appointment. He shared that H. Gerald Jowers is eligible for re-appointment and has expressed his interest. Mr. Pash stated that the code allows for one member from each district with no more than two members from any one district. If Mr. Jowers is re-appointed that would complete the two members in District 1 and the remaining appointments would have to come from Districts 2, 3, or 4.

Motion by Commissioner Sharman to re-appoint H. Gerald Jowers (District 1). Seconded by Commissioner Maciel and carried unanimously 4-0.

Motion by Commissioner Maciel to appoint Gabriel Kotch (District 3). Seconded by Commissioner Sharman and carried unanimously 4-0.

It was the **consensus** of the City Commission to POSTPONE one appointment to the Planning and Zoning Board until the next meeting.

6. MATTERS FROM PUBLIC

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, voiced his concerns regarding invocations and individuals listed.

George Douglas Laman, 1150 E. Plant Street (Commercial), Winter Garden, Florida, voiced concerns regarding new design standards as they relate to the moratorium on east Plant Street and notification of individuals as related to what he called forced annexations.

7. MATTERS FROM CITY ATTORNEY – There were no items.

8. MATTERS FROM CITY MANAGER

City Manager Bollhoefer thanked staff for all their efforts regarding the Bloom ‘N Grow event which he thinks is the largest attendance in its history.

9. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman shared a brief story which he felt demonstrated staff’s efficiency at the Bloom ‘N Grow event. He told of the wonderful experience plant purchasers had by being allowed to continue their shopping as their purchases were picked up and placed in a holding area for them.

Commissioner Maciel congratulated and thanked the City Manager on the job he is doing with east Winter Garden. He expressed that there is a real commitment there to improve the lives, homes, and neighborhoods.

Commissioner Bennett stated that Spring Fever was in her district and congratulated everyone that worked so hard on this wonderful Bloom 'N Grow Event.

Mayor Rees echoed previous comments and stated that he had two vendors express that they could not believe that someone could purchase plants and the City would come by and pick them up; this is the only community that does this. Mayor Rees also voiced his appreciation for all staff did in making this an outstanding event.

The meeting adjourned at 7:10 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC