



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

June 22, 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, Bob Buchanan, Mark A. Maciel, and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, Assistant City Clerk Angee Grimmage, Assistant City Manager of Administrative Services Frank Gilbert, Community Development Director Stephen Pash, Finance Director Laura Zielonka, Deputy Fire Chief Jose P. Gainza, Jr., 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 June 8, 2017 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 17-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2016-2017 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-08 by title and an excerpt from Section 1:
That the sum of \$11,347,205 to be appropriated as follows:

REVENUES

General Fund	\$1,700,000
Community Redevelopment Agency Fund	35,250
Law Enforcement Trust Fund	13,729
Local Option Gas Tax Fund	22,000
Transportation Impact Fee-General Fund	480,000
Utility Operating Fund	6,403,556
Utility Renewal and Replacement Fund	2,477,892
Stormwater Fund	36,750
Solid Waste Fund	178,028
Total	<u>\$11,347,205</u>

City Attorney Ardaman stated that the expenditures were identical to the revenues.

Finance Director Zielonka stated that this ordinance amends the current year budget to adjust for changes that have occurred throughout the fiscal year. She noted that Exhibit 1 lists the changes staff would like included in the mid-term budget.

Commissioner Sharman stated that he noticed the City rented a lot of garbage trucks for repairs and asked about for the highlights of large line items which initiated the budget changes. Ms. Zielonka responded that the City is purchasing new garbage trucks this year.

Mayor Rees stated he believes the City Manager has answered all his questions and he is expecting additional information from him regarding the [utility] meters. City Manager Bollhoefer replied that this information has been prepared and would be emailed to him tonight.

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

Motion by Commissioner Sharman to approve Ordinance 17-08 with the second reading and public hearing being scheduled for July 13, 2017. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- B. **Ordinance 17-20:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PLAT DEDICATED 30-FOOT DRAINAGE EASEMENT OVER PORTIONS OF TRACT O AND LOT 70 OF TWIN WATERS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 86, PAGES 27-34 OF THE PUBLIC RECORDS OF ORANGE COUNTY AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING (Twin Waters)

City Attorney Ardaman read Ordinance 17-20 by title only. Community Development Director Pash stated that this is an easement vacation in the Twin Waters Subdivision. When the plat was recorded and reviewed the easement was put in place on Lot 70, but it was later discovered that the storm line was actually installed to the north of it. The request is to vacate the current easement and a record a new easement for the correct easement location. Staff recommends approval of Ordinance 17-20.

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

Motion by Commissioner Sharman to approve Ordinance 17-20 with the second reading and public hearing being scheduled for July 13, 2017. Seconded by Commissioner Maciel and carried unanimously 5-0.

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

- A. **Ordinance 17-06**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING ARTICLE XIV OF CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES PROVIDING FOR THE EAST PLANT STREET CHARACTER AREA AND THE EAST PLANT OVERLAY DISTRICT, GATEWAY OVERLAY DISTRICT AND PACKING PLANT OVERLAY DISTRICT CONCERNING PROPERTIES GENERALLY LOCATED BETWEEN SOUTH DILLARD STREET AND S.R. 429 (WESTERN BELTWAY); ADOPTING DESIGN STANDARDS, REGULATIONS AND ZONING OVERLAY MAPS FOR SAID OVERLAY DISTRICTS; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-06 by title only. Community Development Director Pash noted that this is the second reading of this ordinance and minor changes have been made, as recommended at the last meeting, concerning the capability of standards on non-conforming uses and structures. It has also been decided that the Packing Plant Overlay District should be removed from this and come forward in its own ordinance at a later date once there has been a chance to meet with the property owners and go over it. Staff recommends approval of Ordinance 17-06.

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

Commissioner Sharman commended staff on a job well done.

Motion by Commissioner Buchanan to adopt Ordinance 17-06. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

PUBLIC HEARING MATTER

- A. **Resolution 17-08**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE FUNDING FOR THE INITIAL REPAIR AND RESTORATION OF THE STORMWATER AND DRAINAGE MANAGEMENT INFRASTRUCTURE AND SYSTEMS AND DRIVE AREAS LOCATED ON, ABOUT, OR WITHIN THE BRANDY CREEK SUBDIVISION; ESTABLISHING ANNUAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; APPROVING AN ASSESSMENT ROLL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ORANGE COUNTY TAX COLLECTOR; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO FLORIDA'S UNIFORM ASSESSMENT COLLECTION ACT; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 17-08 by title only. Finance Director Zielonka stated that the City Commission and the Homeowner's Association (HOA) have already agreed on this arrangement. The resolution tonight establishes a Non-Ad Valorem Special Assessment.

Commissioner Maciel inquired if there was a community meeting or just for the Homeowner's Association (HOA). It was expressed that there were many meetings, with pretty much unanimous support from the community and there were even thank you calls received by the City.

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

Motion by Commissioner Buchanan to adopt Resolution 17-08. Seconded by Commissioner Bennett and carried unanimously 5-0.

B. Recommendation to approve Final Plat for Baer's Furniture/Miller's Ale House located at 12105 and 12175 W. Colonial Drive subject to staff's recommendations

Community Development Director Pash stated that this is the Final Plat for Baer's Furniture and Miller's Ale House. The plat has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval.

Motion by Commissioner Sharman to approve the Final Plat for Baer's Furniture/Miller's Ale House located at 12105 and 12175 W. Colonial Drive, subject to staff's recommendations. Seconded by Commissioner Maciel and carried unanimously 5-0.

C. Recommendation to approve Final Plat for R. D. Keene property located at 13100 W. Colonial Drive subject to staff's recommendations

Community Development Director Pash stated that this is the Final Plat for the R. D. Keene property located on West Colonial Drive. He stated that it is a two lot subdivision with access easements. The plat has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval, subject to the conditions in the DRC report.

Motion by Commissioner Buchanan to approve Final Plat for R. D. Keene property located at 13100 W. Colonial Drive subject to staff's recommendations. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. Recommendation to approve Site Plan for Foundation Academy Track Addition

Community Development Director Pash stated that this is a Site Plan to build a football field and track at Foundation Academy. It will have 900 seats with bleachers and handicap parking nearby. The plan is consistent with the approved Planned Unit

Development (PUD) ordinance. There was community meetings held with the ordinance, not particularly with this site plan, because everything is consistent. He noted that all of the lighting will have to meet the City's dark skies requirement. The plan has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval.

Commissioner Sharman commented that this will be a nice addition that backs up to State Road 429, so no one should have a problem with it.

Motion by Commissioner Sharman to approve Site Plan for Foundation Academy Track Addition. Seconded by Commissioner Bennett and carried unanimously 5-0.

E. **Recommendation to approve Site Plan for Tremaine Boyd**

Community Development Director Pash stated that this Site Plan is for the Tremaine Boyd project which will have office, retail, and a restaurant on the first floor and 22 high-end apartments on the second and third floors. He noted that there will also be 22 parking spaces, landscaping, and other site improvements.

Mr. Pash noted that these plans are consistent with the Request for Proposal (RFP), and are consistent with the approval received from the Architectural Review and Historic Preservation Board. Staff recommends approval of the Site Plan.

Mayor Rees clarified his thoughts on defining the term high-end apartments to ensure that these would stay high-end with how much the City put in as part of the construction. He also noted that these apartments would have an unobstructed view of the water tower and it would be a good addition at this location.

Motion by Commissioner Buchanan to approve Site Plan for Tremaine Boyd Building. Seconded by Commissioner Sharman and carried unanimously 5-0.

F. **Appointments to the Code Enforcement Board for expiring seats of John Benoit III and Jack Litteral for a 3-year term**

Community Development Director Pash stated that there are currently two Code Enforcement Board members whose terms will be expiring. He noted that Jack Litteral is eligible for re-appointment and has expressed interest in serving another 3-year term. The other seat is held by John Benoit III, who has served the maximum two term limit. Mr. Pash recommended that in this case the City Commission appoint one new member from the applicant list provided.

Motion by Commissioner Buchanan to reappoint Jack Litteral to the Code Enforcement Board for a 3-year term. Seconded by Commissioner Sharman and carried unanimously 5-0.

There was discussion on appointing Matthew Matin to the Code Enforcement Board and Commissioner Buchanan expressed that he would rather have him on the Planning and Zoning Board, which is the next agenda item.

City Manager Bollhoefer suggested postponement of the one Code Enforcement Board appointment until the next meeting, noting that he did not believe that there would be a quorum issue.

It was the **consensus** of the City Commission to **postpone** the one appointment to the Code Enforcement Board until their next meeting.

G. **Appointment to the Planning and Zoning Board for expired seat of Heather Gantt**

Community Development Director Pash stated that there is one remaining seat open on the Planning and Zoning Board and recommended an appointment from District 2 or 4.

Commissioner Buchanan commended Heather Gantt for a job well done for her service on this board and stated that he hates to see her go. He reviewed the resume of Matt Matin and thinks he would be perfect for this board.

Motion by Commissioner Buchanan to appoint Matt Matin to the Planning and Zoning Board. Seconded by Commissioner Sharman and carried unanimously 5-0.

H. **Recommendation to approve and award contract to Middlesex Corporation for Stoneybrook West Parkway Resurfacing Project – Phase 1 for a total of \$288,807.75 that includes a 10% contingency**

City Engineer Jim Monahan introduced himself and stated that the City of Winter Garden received qualified bids from three contractors for the above mentioned project. Middlesex Corporation was the responsive, responsible, and qualified low bidder in the amount of \$262,552.50. Staff recommends a 10 percent contingency bringing the total to \$288,807.75. Staff recommends approval and award of the contract to Middlesex Corporation for the Stoneybrook West Parkway Resurfacing Project – Phase 1.

Mayor Rees confirmed that they are low bidders who have done work with the City before and staff is confident the crews will proceed in a good and timely manner. Mr. Monahan responded yes.

Commissioner Sharman asked if they were only repaving or also involved with the round-about paving. City Manager Bollhoefer responded that they are not involved with the round-about paving. There was discussion on the projects' location being from Windermere Road to Reaves Road. Mr. Bollhoefer noted the other phases for the entire road are being rolled in as one continuous project.

Commissioner Sharman inquired of an anticipated start date. Mr. Monahan responded that once it is awarded, staff will meet with the contractor, get the contract signed, and he anticipates they would start within 30 days.

Mayor Rees confirmed that once they get close to completion, the next phase will get started in order to keep it going; Mr. Monahan and Mr. Bollhoefer confirmed that this is correct. Mayor Rees also inquired of an anticipated timeframe from start to completion. Mr. Monahan noted that staff would have to review the length of the project which is anticipated to go from CR 535 to Avalon Road; which is a little longer than this phase. Mr. Monahan stated that an estimate will be brought back to the City Commission on how long it would take.

Mr. Bollhoefer noted the good news is that this is a re-pavement not requiring any pipework, so it will not be a long drawn out project. He anticipates no longer than three months for the entire road.

Motion by Commissioner Sharman to approve and award contract to Middlesex Corporation for Stoneybrook West Parkway Resurfacing Project – Phase 1 for a total of \$288,807.75 that includes a 10% contingency. Seconded by Commissioner Maciel and carried unanimously 5-0.

I. **Recommendation to approve and award contract to Control Specialists for Hennis Road/Plant Street traffic signal for a total of \$252,907.16 that includes a 10% contingency**

City Engineer Monahan stated that the City solicited a proposal from its traffic signal maintenance contractor, Control Specialists, for a mast arm turn signal at the intersection of Hennis Road and Plant Street. To expedite the process we piggybacked off of the County's Supply and Installation of Traffic Signal Equipment contract. The price came in at \$229,915.60 and staff recommends including a 10 percent contingency for a total of \$252,907.16. Staff recommends approval to award the contract to Control Specialists.

Commissioner Bennett inquired about overages of the contingency and there was discussion that the requirement that any overages be brought back to the City Commission for a decision.

Motion by Commissioner Buchanan to approve and award contract to Control Specialists for Hennis Road/Plant Street traffic signal for a total of \$252,907.16 that includes a 10% contingency. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC** – There were no items.

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

7. **MATTERS FROM CITY MANAGER** *(Agenda Items A, B and C were addressed in the following order.)*

C. **Update on roads**

Mr. Bollhoefer gave a PowerPoint presentation on three intersection improvements; Avalon Road and Plant Street; East Crown Point Road and Fullers Cross Road; and Stoneybrook West Parkway / Windermere Road / Roberson Road Roundabout. He noted that the City Commission could use this as a reference, should they receive questions.

A. **Discussion on draft ordinance on marijuana dispensaries**

City Manager Bollhoefer addressed the medical marijuana ordinance, stating that at the last Commission meeting another moratorium was passed as we wait for legislative decisions on the issue. The information was received and it was noted that there were restrictions or limitations on the City's abilities regarding zoning medical marijuana dispensaries. They did allow the cities to ban them completely from within the city. From staff's perspective this may be the best way to go. The City Commission can change this if so desired at a later date. He did note that anyone needing this for medical use could still receive it by delivery. He informed the City Commission that Knox Nursery does have their permit and are allowed to dispense through deliveries.

Mr. Bollhoefer indicated that this issue is not up for review at this meeting but will be covered at the next meeting and that the moratorium has this issue covered until then.

Commissioner Buchanan asked for a briefing on the issue from the City Attorney.

City Attorney Ardaman explained that this ordinance states that there are no retail operations. Should the City Commission choose to ban all operations open to the public, then the City can do that, versus having a limited amount of ability to regulate those dispensing facilities. Banning them altogether is essentially a moratorium until the legislature decides to do something different.

B. **Discussion on draft Ordinance 17-21 proposing multiple changes to City Zoning Code Chapter 118**

City Manager Bollhoefer noted that draft Ordinance 17-21 is for the City Commissions' review. He shared that Assistant City Attorney Langley did a lot of work on adjusting and fixing several needed correction in our code. The primary item in this ordinance is a urban farming criteria within our code within C-2 with a special exception. The City does not currently have it and local farming is becoming more popular. This ordinance will be brought back to the next meeting for first reading with a more in-depth presentation on the proposed changes at that time.

Mr. Bollhoefer shared that staff is looking at how it works with the Heritage Foundation and the annual MusicFest. It makes sense to change how it has been done in the past. The process may be changed from a single weekend in October to two single concerts; possibly one in November and one in February. They are also looking at a Farm-to-Table

dinner as a fundraiser. It would be easier on both. This will be brought back to the Commission at a later date.

8. MATTERS FROM MAYOR AND COMMISSIONERS – There were no items.

The meeting adjourned at 7:05 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC