



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 12, 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 and Commissioners Bob Buchanan – District 2 Mark A. Maciel – District 3 Colin Sharman – District 4

Absent: Commissioner Lisa Bennett – District 1

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 Eric Guth, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Deputy Fire Chief Jose Gainza Jr., Information Technology Director Chad Morrill and Police Chief George Brennan

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve budget hearings and regular meeting minutes of September 28, 2017. Seconded by Commissioner Maciel and carried unanimously 4-0.

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

A. Ordinance 16-34: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY .193 ± ACRES LOCATED AT 622 VINELAND ROAD ON THE NORTHWEST CORNER OF WEST LAFAYETTE STREET AND STATE ROAD 535 OR VINELAND ROAD FROM R-2 RESIDENTIAL DISTRICT TO RNC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-34 by title only. Community Development Director Pash described the location of the property and stated that the owners recently demolished a single family home. They plan to build a new home and later convert it into an office. It is consistent with the surrounding area. They are requesting that the zoning go from R-2 to RNC which would allow for them to request a special exception in order to convert it into an office. Staff recommends approval of Ordinance 16-34.

Mayor Rees asked if there was any timing on this project. Mr. Pash stated that they are working on their plans which are being submitted right now.

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

Motion by Commissioner Buchanan to approve Ordinance 16-34 with second reading and public hearing being scheduled for October 26, 2017. Seconded by Commissioner Sharman and carried unanimously 4-0.

- B. **Ordinance 17-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 78.87 ± ACRES LOCATED ON THE SOUTH SIDE OF STONEYBROOK WEST PARKWAY, NORTH OF MCKINNON ROAD AND WEST OF WINDERMERE ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-48 by title only. Community Development Director Pash requested that this item be postponed indefinitely as staff works with the applicant.

Motion by Commissioner Buchanan to POSTPONE Ordinance 17-48 to a date uncertain. Seconded by Commissioner Maciel and carried unanimously 4-0.

- C. **Ordinance 17-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.26 ± ACRES LOCATED AT 430 E. CYPRESS STREET ON THE SOUTH SIDE OF E. CYPRESS STREET, EAST OF SUMMER STREET, AND WEST OF 9TH STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 17-51:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.26 ± ACRES LOCATED AT 430 E. CYPRESS STREET ON THE SOUTH SIDE OF E. CYPRESS STREET, EAST OF SUMMER STREET, AND WEST OF 9TH STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 17-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.26 ± ACRES LOCATED AT 430 E. CYPRESS STREET ON THE SOUTH SIDE OF E. CYPRESS STREET, EAST OF SUMMER STREET, AND WEST OF 9TH STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 17-50, 17-51 and 17-52 by title only. Community Development Director Pash stated that this is a voluntary annexation requested by the owners to obtain City services. The owners are requesting R-2 zoning and low density residential land use; both consistent with the existing and surrounding areas. Staff recommends approval of Ordinances 17-50, 17-51 and 17-52.

Mayor Rees sought clarification on the R-1 and R-2 zoning designation. Mr. Pash shared that these have been done to be consistent with what the County has done and with what is in the surrounding area. Mayor Rees noted that he is mentioning this because no one thought about the Winter Garden Elementary School and the Hospital and what could have ended up in those locations. City Manager Bollhoefer stated that he has had discussions with Mr. Pash regarding this issue and noted that with this property and others; the owners do not want to annex if they have to step back a notch. Mr. Pash noted that a lot of the enclaves are R-2 zoned. Commissioner Maciel noted that in these cases where there is a larger lot is when the restrictions of R-1 could be implemented. Commissioner Buchanan noted that R-2 zoning allows for duplexes and not just single family homes which may be one of the reasons they like the R-2 zoning.

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

Motion by Commissioner Buchanan to approve Ordinances 17-50, 17-51 and 17-52 with second reading and public hearing being scheduled for October 26, 2017. Seconded by Commissioner Sharman and carried unanimously 4-0.

- F. **Ordinance 17-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.35 ± ACRES LOCATED AT 41 EAST MORGAN STREET ON THE NORTHWEST CORNER OF CROSS STREET AND EAST MORGAN STREET INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 17-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.35 ± ACRES LOCATED AT 41 EAST MORGAN STREET ON THE NORTHWEST CORNER OF CROSS STREET AND EAST MORGAN STREET FROM ORANGE COUNTY LOW-MEDIUM DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- H. **Ordinance 17-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.35 ± ACRES LOCATED AT 41 EAST MORGAN STREET ON THE NORTHWEST CORNER OF CROSS STREET AND EAST MORGAN STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 17-53, 17-54 and 17-55 by title only. Community Development Director Pash stated that this is a voluntary annexation. He described the location of the property and stated that the owners are requesting R-2 zoning and low density residential land use to obtain City services. The property is consistent with the existing Orange County designations and surrounding areas. Staff recommends approval of Ordinances 17-53, 17-54 and 17-55.

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

Motion by Commissioner Sharman to approve Ordinances 17-53, 17-54 and 17-55 with second reading and public hearing being scheduled for October 26, 2017. Seconded by Commissioner Maciel and carried unanimously 4-0.

- I. **Ordinance 17-56:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-1389 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES TO PROVIDE FOR CITY APPROVAL OF PAYMENT OF PARKING USER FEE FOR THE DOWNTOWN CORE IN LIEU OF PROVIDING PARKING SPACES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-56 by title only. Community Development Director Pash stated that this Ordinance amends Code Section 118-1389 to allow property owners to pay all or some of the fees for parking; to be determined by the City Manager or the City Commission. He stated that this is in the best interest and is the best opportunity for Economic Development that there is adequate parking available in the surrounding areas.

City Manager Bollhoefer noted that he had a discussion with the Mayor and with the City Attorney regarding a change. Based on his conversations, change it to approve by the City Manager with appeal to the City Commission. City Attorney Ardaman interjected that he thinks it would be a recommendation of the City Manager to the City Commission so that we don't have to create an appeal process. Mr. Bollhoefer agreed that this would work well. Mayor Rees asked if everyone agreed. Hearing no objections, the change is included in considering the ordinance. Mayor Rees asked the City Manager to provide him with the formula used.

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

Motion by Commissioner Sharman to approve Ordinance 17-56 with the City Attorney's recommended change that a recommendation would come from the City Manager for City Commission approval or denial, with the second reading and public hearing being scheduled for October 26, 2017. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- J. **Ordinance 17-57:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118, "ZONING" OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; AMENDING SECTION 118-577 AND 118-579 GOVERNING PERMITTED USES AND SPECIAL EXCEPTION USES WITHIN THE C-2 (ARTERIAL COMMERCIAL DISTRICT) ZONING DISTRICT; PROVIDING FOR GASOLINE STATIONS AND USES WITH DRIVE-INS OR DRIVE-THROUGHS AS SPECIAL EXCEPTION USES IN THE C-2 ZONING DISTRICT; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-57 by title only. Community Development Director Pash stated that this amends the C-2 zoning district to require gas stations and uses with a drive-in or drive-through facility must go through a special exception. Staff recommends approval of Ordinance 17-57. There was discussion on existing businesses such as Subway that was occupied by a prior business that had a drive-through; would this cover that situation? Mr. Pash indicated in that case a special exception would not be required as the use was already permitted.

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

Motion by Commissioner Sharman to approve Ordinance 17-57 with the second reading and public hearing being scheduled for October 26, 2017. Seconded by Commissioner Maciel and carried unanimously 4-0.

3. **REGULAR BUSINESS**

- A. **Recommendation to approve Site Plan for Daniels Commerce Center (Birket Property) located at 1600-1680 Daniels Road, subject to Development Review Committee conditions**

Community Development Director Pash stated that this is the site plan for the Birket Property and described the location. The site plan is to build the infrastructure and prepare the lots for future development. He shared that there are four lots proposed in the development with one of them already being developed. He noted that the proposed uses would be medical offices up to 65,000 square feet of office space. Staff recommends approval of the site plan.

Mayor Rees inquired about the small wetlands of 1.5 acres at the back of the property and if there would be sufficient amount of land to build the buildings proposed. Mr. Pash indicated they would have to come out of any flood plains in the area.

Motion by Commissioner Maciel to approve site plan for Daniels Commerce Center (Birket Property) located at 1600-1680 Daniels Road, subject to Development Review Committee conditions. Seconded by Commissioner Sharman and carried unanimously 4-0.

B. **Appointments to Planning and Zoning Board for seats scheduled to expire October 31, 2017 held by Will Hawthorne (District 1), Chris Lee (District 2), and David Kassander (District 4) for a three-year term**

City Clerk Golden stated the current three members are eligible for reappointed and appointment interest applications have been provided for appointment consideration.

Motion by Commissioner Buchanan to reappoint Christopher Lee (District 2) to the Planning and Zoning Board. Seconded by Commissioner Sharman and carried unanimously 4-0.

Commissioner Sharman asked if a decision was needed tonight. City Manager Bollhoefer replied no, there was one more Commission meeting before that decision was needed. Commissioner Sharman noted that he would like to wait and consider some District 4 applicants. *(No objections were noted; District 4 appointment was postponed.)*

Motion by Commissioner Buchanan to reappoint Will Hawthorne (District 1) to the Planning and Zoning Board. Seconded by Commissioner Maciel and carried unanimously 4-0.

4. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, addressed a recent court case decision against Brevard County in the 11th Circuit Court Middle District regarding their invocation policy. He read portions of the case and stated that he wanted to make the City Commission aware of this recent event.

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

6. **MATTERS FROM CITY MANAGER**
Hurricane Debris Removal

City Manager Bollhoefer stated that last week the City finished all of its first pickups for the hurricane debris. He noted that there will be debris out there as people will continue put items out probably for the next few months until the City is back on its regular pickups with

claw trucks. He commended the City's hired contractor Site Solutions for a great job. He noted that the City picked up debris from County areas as well for which we will be reimbursed 90 percent by FEMA.

Duke Energy Franchise Agreement

City Manager Bollhoefer noted that the City's Franchise [Agreement] with Duke Energy expires in 2022 and suggested the City take a preliminary look at taking over these services ourselves. There were no objections noted to the City Manager's recommendation to look into what can be done and bring back a feasibility study.

Spectrum (cable)

City Manager Bollhoefer noted that staff would like to look into the feasibility of actually being our own service provider at least for internet and possibility cable. He believes other cities are doing the same and he would like to approach other cities about joint venturing as we did with Lake Apopka Natural Gas. There were no objections noted to the City Manager performing a feasibility study.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan commended all staff at all levels for everything they did after these past storms. He heard nothing but good things from residents and appreciates everyone's help.

Commissioner Maciel thanked the City Manager for proving there are a few things government can do better than the private sector. He appreciates staff working with the County and helping those residents.

Commissioner Maciel shared that the Master Plan for East Winter Garden has been rescheduled from October 19th with the new date to be announced.

Commissioner Sharman addressed the challenges with traffic issues at the intersection of the 429 and 535 in the morning and evenings with people blocking traffic. The signals are timed right but there are some who are impatient and they drive into the intersection and block traffic. He asked for police presence during peak hours to get people to behave. City Manager Bollhoefer addressed a big problem with those going north on 535 trying to turn left into Country Estates that blocks all the traffic and creates all the issues. With an analysis of all the accidents, he may be bringing back a proposal to the City Commission to close the turn-in. The problem is during both peak times. Commissioner Sharman went back to the Stoneybrook Parkway turn lane and getting someone out there would help.

Mayor Rees noted that he was listening to the news reporting on all the different counties and cities in Central Florida and how much debris they have picked up. He wants our City Manager to call the station and let them know where Winter Garden is because there was no one close to what we have done.

The meeting adjourned at 7:05 p.m.

APPROVED:

/S/ _____
Mayor John Rees

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC