



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 26, 2017

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:32 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
Lisa Bennett – District 1 Bob Buchanan – District 2
Mark A. Maciel – District 3 Colin Sharman – District 4

Also Present: City Manager Mike Bollhoefer, Assistant City Attorney Dan Langley, 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, Fire Chief Matt McGrew, Information Technology Director Chad Morrill and Police Chief George Brennan

1. **APPROVAL OF MINUTES**

Motion by Commissioner Sharman to approve regular meeting minutes of October 12, 2017 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **PRESENTATION**

Proclamation 17-10 declaring November 4th through 11th, 2017 as Week of the Family was read and presented by Mayor Rees and the Commissioners. The proclamation was accepted by Elizabeth Rahter who thanked the City and shared information on upcoming events.

3. **SECOND 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

Assistant City Attorney Langley read Ordinance 16-34 by title only. Community Development Director Pash described the location of the property and stated that the owners have recently demolished the single family home. They are requesting to rezone the property from R-2 zoning to RNC in order to build a new home and convert it into an office. Mr. Pash stated that this request is consistent with the surrounding area. Staff recommends approval of Ordinance 16-34.

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

Motion by Commissioner Maciel to adopt Ordinance 16-34. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **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
- C. **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
- D. **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

Assistant City Attorney Langley read Ordinances 17-50, 17-51 and 17-52 by title only. Community Development Director Pash stated that this is a voluntary annexation and request to get City services. The owners are also requesting R-2 zoning and low density residential land use. He noted that both of these are consistent with Orange County land use designations as well as the surrounding areas. Staff recommends approval of Ordinances 17-50, 17-51 and 17-52.

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

Motion by Commissioner Sharman to adopt Ordinance 17-50, 17-51 and 17-52. Seconded by Commissioner Bennett and carried unanimously 5-0.

- E. **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 E MORGAN STREET ON THE NORTHWEST CORNER OF CROSS STREET AND E 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

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

Assistant City Attorney Langley read Ordinances 17-53, 17-54 and 17-55 by title only. Community Development Director Pash stated that this is a voluntary annexation and request for City services. The owners are also requesting R-2 zoning and low density residential land use. He noted that both of these are consistent with Orange County land use designations as well as the 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 Bennett to adopt Ordinance 17-53, 17-54 and 17-55. Seconded by Commissioner Sharman and carried unanimously 5-0.

- H. **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, SEVERBILITY AND AN EFFECTIVE DATE

Assistant City Attorney Langley read Ordinance 17-56 by title only. Community Development Director Pash stated that this Ordinance amends [City Code] Section 118-1389 and allows the property owners to pay all or some of the parking fees. These would be

as determined by the City Manager and recommended to the City Commission, being that is in the best interest and is the best opportunity for economic development of the downtown and that adequate parking already exists for the project. Staff recommends approval of Ordinance 17-56.

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

Motion by Commissioner Maciel to adopt Ordinance 17-56 with staff recommendations. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- I. **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

Assistant City Attorney Langley read Ordinance 17-57 by title only. Community Development Director Pash stated that this Ordinance amends the C-2 zoning district and requires that gas stations and uses with a drive-through or drive-in facility to be are considered as special exceptions. Staff recommends approval of Ordinance 17-57.

Commissioner Sharman commended staff on the Ordinance, noting that this stops someone from putting a drive-through in an area that does not have room for it.

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

Motion by Commissioner Buchanan to adopt Ordinance 17-57. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Recommendation to approve Site Plan for West Orange Business Center Lot 3; 1327 Winter Garden Vineland Road**

Community Development Director Pash stated that this is the site plan approval for Lot 3 at the West Orange Business Center. The owner is requesting approval to develop the site with approximately 6,000 square feet of commercial space. It is anticipated that this will be medical office space. Staff recommends approval of the site plan subject to conditions submitted in the DRC Report.

Motion by Commissioner Buchanan to approve site plan for West Orange Business Center Lot 3; 1327 Winter Garden Vineland Road with staff recommendations. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Recommendation to approve proposed Site Plan for 1321 Windermere Road (Mendro DDS) subject to the conditions of the DRC staff report dated October 17, 2017

Community Development Director Pash stated that this is a site plan for a medical office at 1321 Windermere Road. The owner intends to build a 7,600 square foot office with three tenant spaces and intends on opening their dental practice. He spoke of the landscaping, other site improvements and dedication of right-of-way needed for the round-about. Staff recommends approval of the site plan, subject to conditions as stated in the DRC report.

Mayor Rees sought confirmation that there was room enough for a round-about. Commissioner Maciel sought confirmation that there was a community meeting and that all went well. Mr. Pash responded yes to both inquires.

Motion by Commissioner Maciel to approve proposed Site Plan for 1321 Windermere Road (Mendro DDS) subject to the conditions of the DRC staff report dated October 17, 2017. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. Recommendation to reduce Code Enforcement Board fines on Case No. 07-1084 against 1516 East Spring Ridge Circle (Owner: Joseph Krolicki Estate)

Community Development Director Pash stated that this property incurred a Code Enforcement lien in 2007. It was for maintenance of the yard and a swimming pool issue. It had not been maintained for a long time and now the lien is \$558,600. He shared that unfortunately the owner has since passed away and the relatives are trying to sell the property. They have found someone who will purchase it, renovate it, and clean up everything. Staff recommends reduction of the lien to \$1,500 to cover costs incurred.

Mayor Rees asked if the relatives live here. Mr. Pash responded that he thinks that the sister does not live here but is here trying to fix it.

Commissioner Buchanan inquired as to a “subject to” everything actually happening by a certain date. Mr. Pash responded yes; the prospective buyer has indicated that he can have the exterior done and fines paid by November 30, 2017.

Motion by Commissioner Buchanan to reduce Code Enforcement Board fines on Case No. 07-1084 against 1516 East Spring Ridge Circle (Owner: Joseph Krolicki Estate) to \$1,500; subject to compliance and payment be completed by November 30, 2017. Seconded by Commissioner Maciel and carried unanimously 5-0.

D. **Appointment to Planning and Zoning Board for seat scheduled to expire October 31, 2017 held by David Kassander (District 4) for a three-year term**

Commissioner Sharman noted that he has had discussion with a potential candidate for the seat and wished to postpone this item until the December 14, 2017 meeting. There were no noted objections.

E. **Recommendation to approve special event for Winter Garden Music Fest on Saturday, November 11, 2017 from 12:00 p.m. until 11:00 p.m. with street closures and alcohol on public streets; Applicant Winter Garden Heritage Foundation**

City Manager Bollhoefer shared that the Winter Garden Heritage Foundation had always done the Music Fest in the past but due to the amount of work involved and very little money to be gained, they no longer want to do it. Some people were upset by this and did not want to see the event die, so the City budgeted for this event and will run it this year. He described some of the changes as being the number of days held, closing of the streets, and areas where drinking would be allowed. He explained that the proceeds from beer sales (donated by The Crooked Can) will go to the Winter Garden Heritage Foundation for sponsorship as this has been one of their primary sources of funding.

There was discussion on the event, its sponsorship, the amount of work involved and this upcoming event being a test for the City. They also discussed set up ideas for the event.

Motion by Commissioner Bennett to approve the special event for Winter Garden Music Fest on Saturday, November 11, 2017 from 12:00 p.m. until 11:00 p.m. with street closures and alcohol on public streets; Applicant Winter Garden Heritage Foundation. Seconded by Commissioner Maciel and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC**

Ricardo Rodriguez, Representative of Ygrene Energy Fund, 3390 Mary Street, Suite 124, Miami, Florida, shared information with the City Commission regarding services for home improvement financing for energy efficiency upgrades available to the citizens of Winter Garden at no cost to the citizens. He listed the municipalities that are currently reviewing and utilizing these services, and that the program is endorsed by the Florida League of Cities.

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, voiced his concerns regarding the City of Winter Garden's current invocation policy.

Barbara Anne Boudokhane, 42 S. Park Avenue, Winter Garden, Florida, stated that she is a former member of the Ocoee Human Relations Diversity Board and noted that the City of Ocoee adopted a moment of silence. "If you do upstand diversity, I think something needs to be done in a different direction."

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

7. **MATTERS FROM CITY MANAGER**

Holiday Meeting Cancellations

City Manager Bollhoefer noted that the City Commission has historically cancelled the second meetings in November and December. Staff recommends canceling the meetings of November 23, 2017 and December 28, 2017.

Motion by Commissioner Sharman to approve canceling the City Commission meetings on November 23, 2017 and December 28, 2017. Seconded by Commissioner Buchanan and carried unanimously 5-0.

Insurance Carrier Changes

City Manager Bollhoefer shared that the City is changing its insurance carrier this year from United Healthcare (UHC) to Cigna. He noted that this change is due to the rate increase of the UHC premium was estimated to rise up to 15 percent. He informed the Commission that Cigna gave us a good proposal with an increase of 5 percent and he thinks it will include the same coverage and almost 99.5 percent of the same doctors. He noted that in reviewing other cities they have found that Cigna has a better reputation than UHC.

There was discussion on coverages and past experiences with self-funding.

Power Company Review

City Manager Bollhoefer stated that he would be meeting with Spectrum next week and other groups that assisted Winter Park with their change over from Duke Energy who have already done the analysis on a possible change over. He stated that he would also be meeting with companies in regards to the internet cable services. Some situations you are able to bring in more competition that provide the same services for a lot less money. He expects to bring back a basic feasibility study to the City Commission before going on to any large scale study.

Commissioner Sharman addressed the requirement of the City to give right-of-way use to companies on our poles, it may be more economical for smaller companies to come in and provide the services.

City Manager Bollhoefer noted that the issue has been that people are upset with the lack of competition and the cost of cable and internet services.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman thanked the Police Chief and Assistant Police Chief regarding the difference it made with police presence in an area in his district.

Commissioner Maciel acknowledged the attendance tonight of some of his District 3 residents and stated that he would get some of their questions answered by e-mail soon. He encouraged them to call should they have any questions.

Commissioner Buchanan noted that most of his questions had been answered about the Facebook post about the Hampton Inn locating here is false and some of the other posts.

Commissioner Buchanan noted that Spectrum has raised its rates a little at a time since they took over for Bright House. There was discussion on there being a balance with them reducing services.

Commissioner Bennett shared that it is nice to have options and not deal with monopolies.

The meeting adjourned at 7:16 p.m.

APPROVED:

 /S/
Mayor John Rees

ATTEST:

 /S/
City Clerk Kathy Golden, CMC