



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

January 28, 2021

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

Lisa L. Bennett – District 1

Bob Buchanan – District 2

Mark A. Maciel – District 3

Colin Sharman – District 4

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Information Technology Director Chad Morrill, Deputy Fire Chief Jose P. Gainza, Jr., and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Maciel to approve regular meeting minutes of January 14, 2021 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

- A. **Ordinance 21-01:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED UTILITY EASEMENT OVER LOT 9 OF WESTLAKE MANOR 1ST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Z, PAGE 10 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 367 NORTH PARK AVENUE) OWNED BY JAMES AND JOY BAKER AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING DATE

City Attorney Ardaman read Ordinance 21-01 by title only. Community Development Director Pash stated that the owners of 367 North Park Avenue are requesting to vacate a six foot wide utility easement that goes through the middle of their yard. He noted that they provided letters from all utility companies. Staff recommends approval of Ordinance 21-01.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 21-01. Seconded by Commissioner Bennett and carried unanimously 5-0.

- B. **Ordinance 21-02:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, VACATING AND TERMINATING A PORTION OF THE EASEMENT FOR SIDEWALKS AND UTILITIES IN FAVOR OF THE CITY OF WINTER GARDEN RECORDED AT OFFICIAL RECORDS BOOK 5323, PAGES 386-389, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING DATE

City Attorney Ardaman read Ordinance 21-02 by title only. Community Development Director Pash stated that the owners of 14811 West Colonial Drive are requesting to vacate an existing utility easement that goes through the eastern side of their property. He noted the location on a display and stated that they are also establishing a new easement. He shared that the new easement would come before the City Commission for consideration later in the meeting with the final plat. Mr. Pash displayed the area to be vacated and described some of the proposed development. Staff recommends approval of Ordinance 21-02.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 21-02. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. **Ordinance 21-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 20-36, THE CITY OF WINTER GARDEN FISCAL YEAR 2020-2021 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-04 by title only. City Manager Bollhoefer noted that Finance Director Zielonka was available online should they have any questions. He reminded that any of the projects having large amount values higher than \$50,000 would still require City Commission approval. He noted some of the current projects as carryover items from the prior year.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 21-04. Seconded by Commissioner Maciel and carried unanimously 5-0.

- D. **Ordinance 21-05:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 98, ARTICLE VII OF THE CODE OF ORDINANCES

OF THE CITY OF WINTER GARDEN REGARDING SIGNAGE PERMITTED FOR COMMERCIAL PROPERTIES WITHIN THE CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT OVERLAY; CLARIFYING REQUIREMENTS PERTAINING TO NEW NEON SIGNS; AMENDING A REFERENCE TO THE CITY'S SIGN CODE; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-05 by title only. Community Development Director Pash stated that this Ordinance establishes a new allowance for neon signs in the downtown historic district. Staff recommends approval of Ordinance 21-05.

City Manager Bollhoefer noted that this is not just the allowance of neon signs but only for those that would fit into the historic 1920s and 1930s architecture.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Bennett to adopt Ordinance 21-05. Seconded by Commissioner Buchanan and carried unanimously 5-0.

3. **REGULAR BUSINESS**

- A. Recommendation to approve waiving formal procurement process and award a contract to Dyna-Fire Inc. for the installation of fire sprinkler system in the amount of \$91,775.27
Fleet and Facilities Division Manager Caines stated that this request is to award a contract to Dyna-Fire Inc. for the installation of a fire sprinkler system in the railroad historical building on South Boyd Street. He noted that the project cost is \$83,432.06 and staff recommends the addition of a 10 percent contingency bringing the total cost to \$91,775.27. He informed that funding was included in the current budget.

City Manager Bollhoefer shared history of this item dating back to early year 2000 and the decision made to install a dry sprinkler system. He explained the system and how its purpose was to prevent water damage to stored records within. There was discussion on cost differences, current system set up, future costs for system changes and built in safeguards.

Motion by Commissioner Buchanan to approve waiving formal procurement process and award a contract to Dyna-Fire Inc. for the installation of fire sprinkler system in the amount of \$91,775.27. Seconded by Commissioner Sharman and Commissioner Bennett simultaneously and carried unanimously 5-0.

- B. Recommendation to approve Cribb Philbeck Weaver Group, Inc. to provide survey and design services for the Winter Garden Cemetery Expansion in the amount of \$96,985
Assistant City Manager of Public Services Williams stated that this is a request to approve engineering services for the expansion of the cemetery. Mr. Williams described

the area for expansion and displayed an aerial view of the site. He further described some of the components of the agreement. Staff recommends approval.

Motion by Commissioner Maciel to approve Cribb Philbeck Weaver Group, Inc. to provide survey and design services for the Winter Garden Cemetery Expansion in the amount of \$96,985. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. Recommendation to approve Change Order at the original contracted price of \$5.50/sf with Division 2, Inc. for the additional fabricform erosion control system in the amount of \$89,419

Assistant City Manager of Public Services Williams stated that this is a request to approve a change order with Division 2, Inc. He noted that this is for additional fabricform erosion control system along the canal embankment behind the Regal Point Subdivision. He explained that the additional square footage is necessary to accommodate a significant change in the depth of the canal which was discovered after bypass pumping to bring the water level down. Staff recommends approval.

Motion by Commissioner Bennett to approve Change Order at the original contracted price of \$5.50/sf with Division 2, Inc. for the additional fabricform erosion control system in the amount of \$89,419. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. Recommendation to approve waiving formal procurement process and award a contract for traffic signal construction and maintenance services to Traffic Engineering and Management, LLC (d/b/a/ Control Specialist)

Assistant City Manager of Public Services Williams stated that this is a request to waive the formal procurement process and award a contract for traffic signal construction and maintenance services to Traffic Engineering and Management, LLC. He noted that they have provided these services since 2009 when the City took over traffic signal maintenance and responsibilities from Orange County.

Mr. Williams noted that given the contractor's history of outstanding services to the City, familiarity with the City's traffic signal equipment, a requirement for monthly signal inspections and their history of rapid response time during emergencies or outages, staff requests renewal of the agreement. He noted that staff would like to renew the agreement from an initial three year term with an option to extend to two additional one year terms. He noted that fees for providing the monthly inspections have not been adjusted since 2015. He further explained the contractor's request and adjustment of 7.5 percent each year during the initial three-year term with an optional increase not to exceed 5 percent, if the contract is extended for the two additional one year terms. He shared some factors contributing to the need for the increase such as the addition of intersections which would require inspection, addition of solar panel school zone flashers, battery backups and new technology. He noted that staff recommends waiving

the formal procurement process and awarding the contract for traffic signal construction and maintenance services to Traffic Engineering and Management, LLC (d/b/a/ Control Specialist).

There was discussion on the additional services and the addition of the 7.5 percent allowing for a net positive gain, mutuality in the agreement of the five percent increase option, and the annualized consumer price index (CPI) through 2025. Also noted were potential locations for future additions of traffic lights.

Motion by Commissioner Sharman to approve waiving formal procurement process and award a contract for traffic signal construction and maintenance services to Traffic Engineering and Management, LLC (d/b/a/ Control Specialist). Motion seconded by Commissioner Maciel and carried unanimously 5-0.

E. Recommendation to approve FINAL PLAT for 14230 thru 14150 W. Colonial Drive (West Market of Winter Garden)

Community Development Director Pash stated that this is the final plat for West Market of Winter Garden and is actually a re-plat of a portion of the existing plat. He referred to displays of the location and explained the changes, noting use of some of the lots. He stated that the plat is consistent with the Planned Commercial Development (PCD) ordinance. This has been reviewed by the Development Review Committee (DRC) and staff recommends approval.

Commissioner Maciel disclosed that he would recuse himself from voting on this item due to a conflict of interest.

Mayor Rees inquired about the utilities and stormwater infrastructure being the same, as he noted that it is the same amount of land. Mr. Pash affirmed.

Motion by Commissioner Buchanan to approve FINAL PLAT for 14230 thru 14150 W. Colonial Drive (West Market of Winter Garden). Seconded by Commissioner Sharman and carried unanimously 5-0.

F. Recommendation to approve FINAL PLAT for 14811 W. Colonial Drive (Royal Sky Plaza)

Community Development Director Pash stated that this is the final plat for the Royal Sky Plaza which was earlier mentioned for a vacate of property. This plat creates five new lots, a stormwater tract and new easement throughout the property. The plat has been reviewed and approved by the Development Review Committee (DRC). Staff recommends approval.

Motion by Commissioner Maciel to approve FINAL PLAT for 14811 W. Colonial Drive (Royal Sky Plaza). Seconded by Commissioner Sharman and carried unanimously 5-0.

G. **Resolution 21-01:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE QUALIFYING RESULTS OF THE 2021 GENERAL

ELECTION FOR DISTRICTS 2, 3 AND 4; AND THE CANDIDATES ELIGIBLE TO RUN FOR DISTRICTS 2, 3 AND 4 EACH FOR A THREE-YEAR TERM TO BE HELD ON MARCH 9, 2021

City Clerk Grimmage stated that Resolution 21-01 declares qualifying results for the qualifying period ending January 26, 2021. She stated that this resolution contains qualifying results for Commissioner Districts 2, 3 and 4.

For the record Ms. Grimmage read the following results: There were two qualified candidates for Commissioner District 2, Iliana Ramos Jones and Ron Mueller. Two candidates qualified for Commissioner District 3, Mark A. Maciel and Robert "Bobby O" Olszewski. Two candidates qualified for Commissioner District 4, Dawn Antonis and Colin Sharman.

She noted that the election for the Districts 2, 3 and 4 race are to serve a three-year term and is scheduled for March 9, 2021. Staff recommends approval of Resolution 21-01.

Mayor Rees inquired of the polling places for this election. Ms. Grimmage responded that District 2 would be held at the Winter Garden Primitive Baptist Church, 943 W. Story Road, District 3 would be held at the Winter Garden Fire and Rescue Headquarters at 1 E. Cypress Street and District 4 is the Stone Crest Clubhouse.

Mayor Rees inquired if these locations were chosen by Orange County. Ms. Grimmage replied no and explained that District 2 and 3 were previously used by the City and District 4 would be the only new location.

There was discussion on the District 2 location, its use in the past for City elections, its accessibility to Hyde Park residents, its prior Tanner Hall location and the Florida State Statute requirement that the precinct be located within the district.

Motion by Commissioner Bennett to approve Resolution 21-01. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **MATTERS FROM PUBLIC**

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting.

Eric Roukey, President of the Rotary Club of Winter Garden, noted a prior cancellation of the Evening at the Pops Event due to the pandemic. He stated that they would like to bring that event back on March 27, 2021 with updates and changes to protocol. He noted submittal of an application, certificate of insurance and updates.

City Manager Bollhoefer noted discussion with representatives from the Rotary Club regarding the precautions taken. He described some of the steps taken to ensure spacing

and safety. Mr. Bollhoefer noted that staff feels comfortable with moving forward with the protocols they have presented for this event.

Commissioner Sharman inquired about the precautions basic being spacing and sanitation. Mr. Roukey responded by describing the reduction in attendees, spacing and the event being held 100 percent outdoors. He also spoke of changes such as no VIP status, reduction to the number of performers on stage, hand wash stations, entrance and exit access. He noted that a mask is the ticket for entry and there was also discussion on virtual attendance.

Commissioner Maciel inquired about adherence to CDC guidelines for larger crowds. Mr. Roukey noted no familiarity with CDC requirements but revealed that discussions and consultations with Former Fire Chief Matt McGrew had been made up until his retirement. Commissioner Maciel noted his support of allowing the artist to safely perform their craft as they have been tremendously impacted by this pandemic.

There was discussion on precautions taken by staff, support of the virtual event, and avenues for funding.

Motion by Commissioner Buchanan to approve the Evening at the Pops Event on March 27, 2021. Seconded by Commissioner Sharman and carried unanimously 5-0.

Norine Dworkin, Editor of a new community news weekly VoxPopuli, addressed a need for a forum in which the media has an opportunity to ask the City Commission questions.

After waiting and receiving no public calls or comments, he closed the public hearing.

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

6. **MATTERS FROM CITY MANAGER**

Boy Scouts Recognition and Fundraising Dinner

City Manager Bollhoefer noted that the Boys Scouts request having their fundraising dinner outside this year at the Pavilion. He noted that although this is a staff level approval, he wanted to be sure that the City Commission felt comfortable with the approval of this event. He noted that they would follow all safety rules and this would be done in lieu of their normal indoor event. Commissioner Sharman noted that the outdoors is the safest.

There were no noted objections.

Marsh Road Speeding Update

City Manager Bollhoefer gave a brief update on Marsh Road Police activity for addressing speeding and dump truck traffic. He offered a potential legal solution such as banning trucks from the Lake County borderline up to a certain point. He expressed a requirement

