



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

February 11, 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, Information Technology Director Chad Morrill, and Police Chief Stephen Graham

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Buchanan to approve regular meeting minutes of January 28, 2021 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

A. **Ordinance 21-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.46 ± ACRES LOCATED AT 1060 TILDENVILLE SCHOOL ROAD, WEST OF TILDENVILLE SCHOOL ROAD, SOUTH OF CIVITAS WAY, NORTH OF E OAKLAND AVE, AND EAST OF LAKE BRIM DRIVE 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

B. **Ordinance 21-07:** 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 0.46 ± ACRES LOCATED AT 1060 TILDENVILLE SCHOOL ROAD, WEST OF TILDENVILLE SCHOOL ROAD, SOUTH OF CIVITAS WAY, NORTH OF E OAKLAND AVE, AND EAST OF LAKE BRIM DRIVE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 21-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.46 ± ACRES LOCATED AT 1060 TILDENVILLE SCHOOL ROAD, WEST OF TILDENVILLE SCHOOL ROAD, SOUTH OF CIVITAS WAY, NORTH OF E OAKLAND AVE, AND EAST OF LAKE BRIM DRIVE FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY

RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 21-06, 20-07, and 20-08 by title only. Community Development Director Pash stated that this is a voluntary annexation located at 1060 Tildenville School Road. The owners request an R-1 zoning and a future land use designation of low density residential, which are all consistent with the surrounding area. He noted that the current use is office and spoke of an upcoming annexation agreement to continue the use as an office. Staff recommends approval.

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 approve Ordinances 21-06, 21-07, and 21-08 with the second reading and public hearing February 25, 2021 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 21-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.25 ± ACRES LOCATED AT 503 S MAIN STREET, AT THE SOUTHEAST CORNER OF S MAIN STREET AND E VINING STREET, FROM R-2 RESIDENTIAL DISTRICT TO R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-09 by title only. Community Development Director Pash stated that this is a request to rezone property located at 503 S. Main Street from R-2 to residential neighborhood commercial (RNC). He noted that the proposed rezoning is consistent with the existing future land use and informed of the anticipated use of having a small business at this location, which would require a special exception. Any change in use for commercial purposes would require submitting a site plan. Staff recommends approval of Ordinance 21-09.

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 Maciel to approve Ordinance 21-09 with the second reading and public hearing February 25, 2021 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

3. **REGULAR BUSINESS**

- A. Recommendation to approve SITE PLAN for 450 Lakeview Road (Golden Pond Phase 2 ALF), subject to conditions  
AND
- B. Recommendation to approve Road Construction Agreement for development of Phase 2 for the Golden Pond Assisted Living Facility

Community Development Director Pash stated that postponement of Items 3.A and 3.B is requested until February 25, 2021 for the Golden Pond Phase 2 Assisted Living Facility.

**Motion by Commissioner Buchanan to POSTPONE site plan and road construction agreement for 450 Lakeview Road (Golden Pond Phase 2 ALF). Seconded by Commissioner Bennett and carried unanimously 5-0.**

- C. Recommendation to approve SITE PLAN for 199 S Main Street and 158 S. Woodland Street (Smith Street Luxury Studios), subject to conditions and Right-of-Way Maintenance Agreement, Binding Lot Combination Agreement, and a Recreation Fair Share Agreement

Community Development Director Pash stated that this is a site plan for 199 S. Main Street and 158 S. Woodland Street and is subject to conditions. It also includes a Right-of-way maintenance agreement, binding lot combination agreement and a recreation fair share agreement. He noted that the development includes a 38-unit apartment building, a small café on the corner, 50 parking spaces and general site improvements. He shared information on the saving of a tree as noted in the past discussions. He described the included agreements and their functions. The development is consistent with the Planned Commercial Development (PCD) ordinance, has been reviewed by the Development Review Committee (DRC) and staff recommends approval, subject to conditions. He informed that staff approval is also recommended for the right-of-way maintenance agreement, binding lot combination agreement, and recreation fair share agreement.

Mayor Rees allowed an attending resident to address the City Commission on this matter.

Richard Sederland, 155 S. Main Street, noted that this development would be next to him and addressed the need for fence separations, his preference for Podocarpus tree buffers to block the view and noted potential drainage issues, which should be addressed.

Community Development Director Pash noted that there is a landscape buffer along that side. He stated that staff would work with the developer regarding the specific plants.

**Motion by Commissioner Buchanan to approve SITE PLAN for 199 S Main Street and 158 S. Woodland Street (Smith Street Luxury Studios), subject to conditions, Right-of-Way Maintenance Agreement, Binding Lot Combination Agreement, and a Recreation Fair Share Agreement. Seconded by Commissioner Maciel.**

Commissioner Maciel sought clarification as to if the request for Podocarpus needed to be added into the motion. City Manager Bollhoefer expressed that it is noted for the record that staff is to request use of Podocarpus or similar for the plantings.

**Motion carried 4-1; Mayor Rees opposed.**

- D. Recommendation to approve FINAL PLAT for 12301 W Colonial Drive (Peoples Plaza), subject to conditions and Right-of-Way Maintenance Agreement

Community Development Director Pash stated that this is the final plat and right-of-way maintenance agreement for Peoples Plaza creating four commercial lots, with an easement as well as stormwater tract in the back. The right-of-way maintenance agreement would allow the developer to install landscaping irrigation as well as maintain it. Staff recommends approval of the final plat and right-of-way maintenance agreement.

**Motion by Commissioner Maciel to approve FINAL PLAT for 12301 W Colonial Drive (Peoples Plaza), subject to conditions and Right-of-Way Maintenance Agreement. Motion seconded by Commissioner Buchanan and carried unanimously 5-0.**

- E. Recommendation to approve SPECIAL EVENT – March Special Event by the Crooked Can Brewery (Plant Street Market) - March 12, 13, 14, 19, 20 and 21, 2021 – with street closure and subject to conditions

Community Development Director Pash stated that this is a special event request from Crooked Can Brewery who request closing off a portion of South Central Avenue on the weekend of March 12 – 14, and March 19 -21. He noted that the event would allow for tables, string lights and one tent for beer and wine. There would not be a stage and live entertainment as in previous larger events; allowing for safer distancing. He also addressed plans for routing people through their parking lot, the use of no parking signage along the curbs and the direction of traffic. He also noted that there are plans in the event of adverse weather. Staff recommends approval.

Mayor Rees made inquiries on control over the number of customers and crowding. Mr. Pash noted that an off-duty Police Officer was also part of the conditions.

There was discussion on the areas of street closure, approval from the other businesses, no limitations on party sizes sitting together, and table setup and seating.

City Manager Bollhoefer noted that the owner was in the audience and recognized him to come and address questions from the City Commission.

Jared Czachorowski, Owner of the Crooked Can Brewery, spoke of the reasons for the request. He noted that the patio extension is for the ability to spread out tables, which would be six feet apart. He shared that March is their busiest time.

**Motion by Commissioner Buchanan to approve the March Special Event by the Crooked Can Brewery (Plant Street Market) - March 12, 13, 14, 19, 20 and 21, 2021 –**

**with street closure and subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.**

#### 4. **MATTERS FROM PUBLIC**

Dennis Armstrong, President of the Stoneybrook West Homeowner Association inform the City Commission of an initiative being brought before their residents to pursue the acquisition of the Stoneybrook West Golf Course. He noted that the property had worked its way through the bankruptcy court. He shared information on an upcoming vote of the residents to change their governing documents to allow the purchase and maintaining of the golf course. He thanked the City Commission for the opportunity to work with City Manager Bollhoefer, Community Development Director Pash and City Attorney Ardaman in this effort.

City Manager Bollhoefer noted Commissioner Sharman's inquiry on this issue. He disclosed original planning for a community meeting on the item. In lieu of that community meeting, the HOA is actually having a vote in order to give the HOA authority to move forward. Mr. Armstrong responded in the affirmative noting that the HOA was not allowed to own the property and its residents could not purchase it without internal changes being made in order to move forward.

Mr. Bollhoefer informed that if all goes well with their HOA meeting, then the City Commission would meet in a closed session and determine any offer they would make. He also described the potential process afterwards.

Commissioner Maciel commented on this issue and the decisions to move forward, thinking that a golf course is a success for the City and in his opinion, the HOA owning it is the best option.

Mr. Armstrong spoke to property values and long-term effects, which would eventually lead to an increase. City Manager Bollhoefer spoke to the advantage of the Homeowners controlling their own fate.

Maritza Saint-Hilaire, 16719 Toccoa Row, Winter Garden, Florida thanked the City Commission, City Manager, and City Attorney for listening to the voice of the citizens of Winter Garden. She stated that this was in relation to help in alleviating the dump trucks situation in their area. She also noted assistance from neighbors of Waterside at Twin Waters and the Sanctuary at Twinwaters communities. She spoke of fantastic communications which she stated further proves that this is 100 percent the most amazing City in which to live.

Norine Dworkin, of Vox Populi, asked Mayor Rees a personal question.

## 5. **MATTERS FROM CITY ATTORNEY**

### Stoneybrook West

City Attorney Ardaman encourage the City Commission's communication with him should they have questions on the legal aspect of the Stoneybrook West matter. He described proceedings for a potential executive session. He noted that there would be discussions over the next couple of weeks between the City Attorney, the City Manager and the HOA, as there would be a significant effort by the City and the HOA in this matter.

## 6. **MATTERS FROM CITY MANAGER**

### A. Love Local Program (*This item addressed later in the meeting.*)

City Manager Bollhoefer gave a brief Power Point presentation regarding the Love Local Campaign. He spoke of the micro events success, positive feedback from the merchants and a noted best holiday season ever for some of the businesses. He addressed the continuance of the curbside programs, downtown ambassador program, outdoor patio seating, downtown branding and moving forward with the Love Local Campaign. He described some themes for each of the months to come. He spoke of the Arts in April event and noted that April 17, 2021 as the Arts in April celebration. Mr. Bollhoefer spoke of lessons learned and expressed that the City of Winter Garden has been one of the most successful cities during this pandemic.

- Marsh Road Update

City Manager Bollhoefer provided history on issues regarding Marsh Road. He noted an analysis on the speeding on this road and gave statistical data from the study. He stated that the analysis also revealed damage to the road and shared how the City would attempt to resolve these issues. Staff would recommend approval of the resolution.

City Attorney Ardaman also noted that the study revealed that Marsh Road has a disproportionate amount of dump trucks and heavy truck vehicles utilizing it as opposed to that of State Road 50. He explained that Marsh Road is a road not designed to accommodate those created ruts, which create safety concerns that interact with the traffic concerns. He noted observation by Police Chief Graham of trucks in amounts of 20 to 30 in lines and at excess speeds. Mr. Ardaman stated that there is plenty of data from the experts and in the resolution.

### B. **Resolution 21-03**: A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING VEHICLE CLASSIFICATION AND WEIGHT LIMITATIONS ON A CERTAIN PORTION OF MARSH ROAD IN ACCORDANCE WITH SECTION 316.555, FLORIDA STATUTES; PROHIBITING USE OF A CERTAIN PORTION OF MARSH ROAD BY CLASS 6, 7, 8, 9, 10, 11, 12, AND 13 VEHICLES IN ACCORDANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION VEHICLE CLASSIFICATIONS, AND ADOPTING CERTAIN VEHICLE WEIGHT LIMITATIONS; PROVIDING FOR FINDINGS SUPPORTING SUCH VEHICLE CLASSIFICATION AND WEIGHT LIMITATIONS; PROVIDING FOR STAFF AUTHORIZATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Ardaman read Resolution 21-03 by title only.

**Motion by Commissioner Sharman to approve Resolution 21-03. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

C. Discussion on Parks Field Use

City Manager Bollhoefer stated that there has been restricted use of the baseball fields. He stated that things are starting to get better and he noted some of the plans to begin opening up the fields for use again. He named some of the fields, described plans regarding their rental, that they should be used by residents only and future plans.

*City Manager Bollhoefer addressed Item 6.A at this point in the meeting.*

D. Contribution to the Winter Garden Heritage Foundation in the amount of \$6,000

City Manager Bollhoefer stated that the Winter Garden Heritage Foundation is in need of doing some significant repair work on the Caboose near the West Orange Trail on Plant Street. He spoke of the work needed to do the repairs and the options needed to keep the trail open and safe for passersby.

Commissioner Buchanan inquired as to if this includes painting the wall. Mr. Bollhoefer responded that staff could work with the art groups in this effort.

Commissioner Maciel inquired as to if the caboose would be kept open or closed. City Manager Bollhoefer recognized Frank Chase of the Winter Garden Heritage Foundation to address this issue and their plans.

Frank Chase, President of the Winter Garden Heritage Foundation noted that it would be a temporary setup and more of a curtain for safety rather than a wall. He described the height, temporary structure during work times, direction of traffic when necessary, signage and an adjustment as they go.

Commissioner Maciel inquired as to if this would be open for the kids. Mr. Chase responded that it would be open after they complete the work.

There was discussion on the cost of \$6,000. Commissioner Buchanan inquired as to an itemized bill for the work. Mr. Bollhoefer noted that this information was in the handouts distribution and read the itemization.

Commissioner Bennett inquired as to whether the curtain would be available for reuse. Mr. Chase noted reused by Florida Metal Craft.

