



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

March 11, 2021

**REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Buchanan 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, Mayor Pro Tem Bob Buchanan – District 2, and Commissioners Lisa L. Bennett – District 1                      Mark A. Maciel – District 3                      Colin Sharman – District 4

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, 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, Fire Chief Jose P. Gainza, Jr., Information Technology Director Chad Morrill, and Police Chief Stephen Graham

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

**Motion by Commissioner Maciel to approve regular meeting minutes of February 25, 2021 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- **PROCLAMATION 12-01:** Honoring Commissioner Bob Buchanan for his service to the City of Winter Garden was presented by Mayor Rees, the City Commissioners and City Manager Bollhoefer.

Mayor Pro Tem/Commissioner Buchanan shared some of his past experiences and service history with the City of Winter Garden. He thanked the City for the special honor and privilege to serve. He expressed that he hopes the City would continue in its current direction.

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

- A. **Ordinance 21-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.28 +/- ACRES OF LAND GENERALLY LOCATED AT 38 & 42 NORTH BOYD STREET, EAST OF NORTH LAKEVIEW AVENUE, SOUTH OF WEST NEWELL STREET, NORTH OF WEST PLANT STREET, AND WEST OF NORTH MAIN STREET; FROM C-1 (CENTRAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE ISLAND EASE PCD; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-03 by title only. Community Development Director Pash stated that this is a City initiated rezoning for 38 & 42 North Boyd Street as part of the City's purchase across the street to build a new parking lot. The request is to rezone this property from C-1 to Planned Commercial Development (PCD);

developing approximately 15,800 square feet of retail, commercial and office uses. He noted the PCD having guidelines for the architecture and specific uses. Staff recommends approval of Ordinance 21-03.

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

Sarah Wolfe, 221 N. Boyd Street, Winter Garden, Florida stated that she lives on the next block from this development and wanted additional information on the development, inquiring of the building's height, parking, and its residential and/or commercial use.

City Manager Bollhoefer responded that this is a two-story building and is not residential. He explained that this is part of the project with which the City is working with Mr. Valdez to purchase the warehouse across the street. The warehouse would be demolished, and the area making for much larger downtown parking. He noted the building as a commercial development, potentially having retail on the bottom and an office on the second floor.

Ms. Wolfe inquired of Lakeview Avenue or Boyd Street as the proposed exit points from the parking location. Mr. Bollhoefer responded that most uses would be Boyd Street, with an egress and ingress on both streets. Ms. Wolfe noted Boyd Street as a narrow street already having posted signage due to speeding. She requested that the City Commission consider the traffic.

After waiting and receiving no additional public calls or comments, Mayor Pro Tem Buchanan closed the public hearing.

**Motion by Mayor/Commissioner Rees to approve Ordinance 21-03 with the second reading and public hearing on March 25, 2021. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

- A. **Ordinance 21-11:** AN ORDINANCE 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, NON-CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-11 by title only. City Manager Bollhoefer gave an update on this item, noting statements at the last meeting that the City would immediately meet with the trucking and the sand mine companies. He indicated that since then, there have been two meetings. He listed some attendees as Titan, Sand Mine, trucking companies, other mining companies, Lake County, City of Clermont, Orange County and Florida Department of Transportation (FDOT). The meetings were for possible solutions and he noted also having met with residents along Marsh Road to discuss options.

Staff recommends postponing this item for two weeks to provide additional time to find a solution. He reasoned that closing Marsh Road could lead to an injunction being filed by the trucking company and the sand mine. He expressed that although it is believed that the law and facts are on the side of the City of Winter Garden; going before a judge produces an unknown outcome and taking matters out of the City's hands.

Mr. Bollhoefer noted that in the meantime, discussion with the residents, trucking companies, and sand mine would be held to find a solution; should no solution be found, staff would then recommend moving forward with the Ordinance at the next meeting. He shared that if there is a compromise, then there would be a need for systems, devices and methods to measure whether everyone is following the rules; if not, there is always an option to come back to the Ordinance. Commissioner Sharman summarized statements made by City Manager Bollhoefer. City Manager Bollhoefer also noted measurement systems already in place, decibel systems needed, and a show of good faith by truckers to cut back on the traffic and follow the laws in this area.

City Attorney Ardaman noted the City still has the original resolution in place giving staff authority to implement restrictions; the Ordinance recommended for continuation to the next meeting would be a permanent solution.

**Motion by Commissioner Sharman to POSTPONE Ordinance 21-11 to March 25, 2021 at 6:30 p.m. Seconded by Commissioner Maciel and carried unanimously 5-0.**

Commissioner Sharman noted that he felt the City Commission would support whatever the residents want; the City is trying to make this as amiable as we can to provide solutions.

Mayor Pro Tem Buchanan suggested one more community meeting, if possible. Mr. Bollhoefer offered that one was already scheduled a week from Monday. Commissioner Sharman encouraged residents contact him directly to be added to the invite list.

Mayor Pro Tem Buchanan acknowledged a member of the audience who wished to provide comments.

Tim Bates, City of Clermont Mayor Pro Tem congratulated the Commissioners on their recent re-election and thanked the City of Winter Garden for their work with the City of Clermont, as well as the other parties, on the Marsh Road issue. He indicated that the City of Winter Garden is certainly working well for its residents, but thanked them for an opportunity to work with the City of Clermont to come up with a solution.

Commissioner Sharman thanked Mr. Bates for coming and allowing everyone to hear from the other side. Mr. Bates responded that this has been very humbling and noted how different agencies are coming together to work on finding a solution.

Information Technology Director Morrill informed Mayor Pro Tem Buchanan that a caller had raised their hand for an opportunity to address the City Commission.

Mayor Pro Tem Buchanan allowed the caller an opportunity to provide public comment.

Carl Davis, a trucking company owner, noted attending previous meetings and also listening to comments made at this meeting. He addressed a previous comment made noting that the City would do whatever the residents wanted. He commented that residents should have done their homework before buying on a heavily travelled commercial road; also mentioning the developers who decided to build in that area. He spoke of considering calculations for traffic fluctuation, road-widening discussions, and gave a one-day ride along invitation to the City Commissioners in order to understand his daily experiences as a driver. He expressed that a ban on Marsh Road takes food off of his table and stops him from providing for his family. He asked that Marsh Road be monitored, and alleged that it is the residents who are speeding and feels that there is no safety issue on Marsh Road.

#### 4. **REGULAR BUSINESS**

- A. **Resolution 21-02**: A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 19-21 ESTABLISHING THE PCD ZONING ON CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.58 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 8 N. HIGHLAND AVENUE ON THE NORTHWEST CORNER OF N HIGHLAND AVENUE AND W PLANT STREET, (ALSO KNOWN AS THE WINTER GARDEN HOTEL PCD), APPROVING A MINOR AMENDMENT TO THE WINTER GARDEN HOTEL PCD TO CLARIFY THE BUILDING HEIGHT REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 21-02 by title only. Community Development Director Pash stated that this is Resolution is a minor amendment to Ordinance 19-21 to clarify building height for the Winter Garden Hotel located at 8 North Highland Avenue. He noted that the Ordinance specifies that the height of the parapet is 52 feet. This Resolution clarifies that the rooftop structures, including the wedding suite, elevator shaft, equipment,

stairwells and the like may be up to 58 feet 4 inches in height. He noted these items would not be visible from the street. Staff recommends approval of Resolution 21-02.

There was discussion on the visibility and it was noted that from almost anywhere in the City it would not be visible. Commissioner Bennett noted that in reviewing the conceptual, she noticed that the wedding suite is small in comparison to the overall building.

**Motion by Commissioner Bennett to approve Resolution 21-02. Seconded by Commissioner Sharman and carried unanimously 5-0.**

B. Recommendation to approve SITE PLAN for 8 North Highland Avenue (Winter Garden Hotel), subject to conditions

Community Development Director Pash stated that this is the site plan for 8 North Highland Avenue, known as the Winter Garden Hotel. The project includes a 45,000 square foot, 60-room hotel and associated site improvements. He noted some improvements to include an outdoor seating area for the restaurant, area for on-street parking and landscaping. The plan is consistent with all prior approvals and the PCD Ordinance; they have been reviewed and approved by the Development Review Committee. Staff recommends approval of the site plan, subject to conditions of the staff report.

**Motion by Commissioner Bennett to approve SITE PLAN for 8 North Highland Avenue (Winter Garden Hotel), subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.**

C. Recommendation to approve Road Extension Agreement – Garden Commerce Parkway (Winter Garden Commerce Center – Phase 2)

Community Development Director Pash stated that this is the Road Extension Agreement for Phase 2 of the Winter Garden Commerce Center. He noted that under this agreement the City would pay up to \$463,000 for construction regarding the Garden Commerce Parkway. The agreement provides for the future ability to add a north south connection from Story Road to West State Road 50, contributing to an overall improvement of the transportation grid in the City. Staff recommends approval.

**Motion by Mayor/Commissioner Rees to approve Road Extension Agreement – Garden Commerce Parkway (Winter Garden Commerce Center – Phase 2). Seconded by Commissioner Maciel and carried unanimously 5-0.**

D. Recommendation to approve and award the Orange County Piggyback Contract with Middlesex Corporation for 2021 Street Resurfacing Projects in the amount of \$2,052,702

Assistant City Manager of Public Services Williams stated that this is a request to approve a piggyback of the Orange County contract with Middlesex Corporation for the City's overall street resurfacing projects for this year. He noted previous use of Middlesex and found their components to be satisfactory. He noted the correction of the Corporation to be a

Limited Liability Corporation. He then referred to updated maps, which were displayed and defined.

**Motion by Commissioner Maciel to approve and award the Orange County Piggyback Contract with Middlesex Corporation for 2021 Street Resurfacing Projects in the amount of \$2,052,702. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- E. Recommendation to approve Purchase Order to ZControls for Programmable Logic Controller (PLC) Upgrade at Fullers and Palmetto Water Treatment Plants in the amount of \$51,050

Assistant City Manager of Public Services William explained that Programmable Logic Controllers are ruggedized computer used for industrial automation. The City uses these controllers in the operation of the water plants for starting/stopping pumps, establishing alarm set points and level controls. He noted that the existing controllers are 25 years old and in need of replacement. Staff recommends approval.

**Motion by Commissioner Maciel to approve Purchase Order to ZControls for Programmable Logic Controller (PLC) Upgrade at Fullers and Palmetto Water Treatment Plants in the amount of \$51,050. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- F. Recommendation to approve cancellation of original purchase order to American In-Line Inspections Services, Inc., waive formal procurement process and approve new Purchase Order to Dale Beasley Construction in the amount of \$124,852.75

Assistant City Manager of Public Services William stated that on January 14<sup>th</sup> authority was given to move forward with the rehabilitation of the stormwater pipe and inlet structures located behind 190 Temple Grove. In light of the approaching rainy season, staff requests cancellation of the purchase order with American In-Line Inspection Services and seeks authorization for Dale Beasley Construction to install approximately 485' of 36" cured-in-place epoxy lamination or liner system. Staff recommends approval.

**Motion by Commissioner Maciel to approve cancellation of the original purchase order to American In-Line Inspections Services, Inc., waive formal procurement process and approve new Purchase Order to Dale Beasley Construction in the amount of \$124,852.75. Seconded by Mayor/Commissioner Rees and carried unanimously 5-0.**

- G. Recommendation and discussion on Golf Cart Routes

Community Development Director Pash noted more homes and subdivisions being built downtown resulting in multiple requests to adjust the golf cart routes. He described a displayed map proposing areas for additional routes. He encouraged input from staff and the community for the additions.

City Manager Bollhoefer described speed restrictions for some roads, requirements for certain designations to regulate the speed for the proposed routes, and potentially requesting a recommendation for approval at the next meeting.

Commissioner Sharman noted citizens also questioning golf cart travel from District 4 to the downtown and inquired of allowed uses on the West Orange Trail. City Manager Bollhoefer responded that assistive vehicles are allowed on the trail but absolutely no golf carts as they are against State law.

Mayor Rees suggested everyone review these routes and noted specific sections in the Dillard Street to Ninth Street and Story Road areas. City Manager Bollhoefer noted areas linking to Dillard Street and lanes linking neighborhoods.

It was the **consensus** of the City Commission to postpone discussions on the golf cart routes until further review. There were no noted objections.

H. Recommendation to approve Arts in April Community Celebration in the Downtown on Saturday, April 17, 2021

Community Development Director Pash stated this event is for the downtown and is a request to hold the Arts in April event, which would help in fundraising for SoBo and help generate more customers for the local businesses. He noted that the event would be on Saturday, April 17, 2021 and described some of the planned event activities. He displayed a map of the proposed event locations. Staff recommends approval.

**Motion by Commissioner Bennett to approve Arts in April Community Celebration in the Downtown on Saturday, April 17, 2021. Seconded by Commissioner Maciel and carried unanimously 5-0.**

5. **MATTERS FROM PUBLIC**

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

Norine Dworkin, Editor of Vox Populi, a local Non-Profit news organization, inquired of the golf course up for auction at Stoneybrook. She asked if City funds would be used for the purchase, if there was a special interest rate for the special assessment, and whether the golf course would be open to the public.

City Manager Bollhoefer addressed Ms. Dworkin's questions as they were asked, affirming use of City funds for the purchase the golf course and reimbursement of the funds to be made by Stoneybrook residents through special assessments. A special interest rate would be used as a contribution to assist the community. He noted not immediately opening as a golf course to the public as the community would establish it as a green space and open space; determining its use over time. Mr. Bollhoefer noted the reasoning for making this type of interest free investment as a benefit to the City in the long term.

Ms. Dworkin inquired if this sets a precedence for other Homeowners Associations (HOA) needing assistance. Commissioner Sharman responded that this has been done many times in the past to address drainage issues for communities; thus the precedence having already been set. City Manager Bollhoefer also noted that many of those projects were related to stormwater, streets, and sewer. He expressed that anytime one of the City's communities has an issue the City would step up to help them.

Additionally, City Manager Bollhoefer informed that the City went to the auction with its offer, the judge stopped the auction, and it is currently on hold. He disclosed that the City would meet with the judge on Tuesday to see if the offer would be accepted.

Commissioner Maciel inquired as to how the community voted. Mr. Bollhoefer responded that the community voted overwhelmingly in favor.

Larry Bowcock, 1413 Hunterman Lane, Winter Garden, Florida, informed that licensed, registered golf carts are called low speed vehicles. He stated that he wished to address the area of Hennis Road to almost East Crown Point Road. He lives in the Chapin Station subdivision and informed that the Crown Point crossroad does not have any lines, is not a designated road and is small and allows people from Chapin Station to go downtown. He spoke of costs to register a golf cart and its taxes. He stated that he just wanted to inform the City Commission that is not a regular road and opens to a park entrance.

City Manager Bollhoefer informed of the intent to take the entire map and reduce those roads to 25 miles per hour.

Commissioner Sharman encouraged Mr. Bowcock and his neighbors to contact the City while this area is being reviewed.

Phillip Walters, 1638 Lindzlu Street, Winter Garden, Florida, spoke of the Crown Point Cross area, comments from Police to use the grass, the road is not striped, it is a 40 mile per hour zone, and he noted that his friends at the Fire department do not run their trucks on this road.

Mr. Walters requested a copy of the map in an effort to share it with his neighbors and inquired if this would be brought back to the next meeting. City Manager Bollhoefer responded that it would be brought back once all comments had been received from the residents it would then be made into an Ordinance and then brought back to the City Commission.

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

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

