



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 12, 2020

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 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, 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, Fire Chief Matt McGrew, and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Maciel to approve regular meeting minutes of February 27, 2020. Seconded by Commissioner Bennett and carried unanimously 5-0.

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

- A. **Ordinance 19-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.95 ± ACRES LOCATED AT 12920 REAVES ROAD, ON THE NORTHWEST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, 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 19-27:** 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 8.95 ± ACRES LOCATED AT 12920 REAVES ROAD, ON THE NORTHWEST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY RURAL TO CITY MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 19-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.80 ± ACRES LOCATED AT 12921 REAVES ROAD, ON THE NORTHEAST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, 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 19-29:** 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 1.80 ± ACRES LOCATED AT 12921 REAVES ROAD, ON THE NORTHEAST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY RURAL TO CITY MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 19-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 10.75 +/- ACRES OF LAND GENERALLY LOCATED AT 12920 & 12921 REAVES ROAD ON THE NORTHWEST AND NORTHEAST CORNERS OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY A-1 (AGRICULTURAL) AND R-CE-2 (RURAL RESIDENTIAL) TO CITY PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE STONEYBROOK SENIOR LIVING PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-26, 19-27, 19-28, 19-29, and 19-30 by title only. Community Development Director Pash stated that this is the Stoneybrook Senior Living facility originally on the October 10, 2019 agenda; postponed due to the request for meetings with the neighbors and the developer. He gave a PowerPoint presentation on the history of the property; sharing past proposals as well as the current proposal for the project.

Mr. Pash noted the efforts of staff meeting with the developer, community meetings, and status of the current plans. He described the moving of the pond to the other side of the road and saving the buffer as well as the wetlands along the western side. He noted that the applicant is requesting the annexation of two properties and described their size and location. They propose developing the property with a two and three story building; 166 assisted and independent living units. He described other proposed improvements and agreements.

Mr. Pash noted that there have been multiple community meetings with the developer and the neighbors. In those meetings there has been some opposition; he noted the possibility for more at this hearing.

Mr. Pash shared information on analysis done on other local assisted living facilities, such as Golden Pond and Sonata. He then noted information on this proposed project and stated that staff recommends approval of Ordinances 19-26, 19-27, 19-28, 19-29, and 19-30 with all the additional conditions that have been added.

Commissioner Sharman inquired of the 2018 community meeting notices and who would have received them. Mr. Pash responded that there was a very large area beyond the 300 required by code and sent by mail. He believes there were approximately 400. Building height was then discussed.

Mayor Rees inquired about information noted in the staff report regarding the residential density; Mr. Pash noted this as a typo.

Commissioner Maciel inquired as to whether a certificate of need would be necessary. Mr. Pash responded that they might be required for the State on the medical portions.

Mayor Rees noted an issue of concern being the larger the facility the potential for more issues and inquired as to what is an acceptable level or median. He voiced concerns of continued development of the two and three stories buildings, adding to our problems from a health perspective. Mr. Pash indicated that these vary in size and needs more research.

Mayor Rees opened the public hearing.

Rick McDowell, 12709 Dallington Terrace, Winter Garden, Florida identified his residence located behind the proposed development and expressed opposition to the proposed size of the development. He addressed issues relating to noise, traffic, balloon testing and visibility in relation to his home. He also addressed the flipping of the project by its current owner and a new buyer coming in without all of this information.

Nicole Jones, 12714 Dallington Terrace, Winter Garden, Florida noted the differences in the proposed project and the existing facilities. She expressed opposition to the proposed development. She feels it is too big, will be noisy, and will be visible to her home. She expressed that she is frustrated, noted an online petition in opposition, and questioned the notice mailing.

Maury Tillman, 1002 Home Grove Drive, Winter Garden, Florida, noted that he is the current HOA President of the Foxcrest community, but is attending on behalf of himself and only a few of his neighbors. He indicated that his home would be visible to the proposed project. He described Homeowner Association (HOA) meetings in relation to the tree buffers, insufficient notification by the City, and no information provided to the HOA. He spoke unfavorably of the scale of the project and suggested scaling it back so that it is not so intrusive to those residents nearby.

Annette Davila, 12708 Dallington Terrace, stated that she is not in opposition to the development of the property, but voiced concerns about the size of the project, noise issues, and loss of property value.

Keith Jones, 12714 Dallington Terrace, Winter Garden, Florida stated how the current buildings are visible from his home. He expressed that people are not necessarily in opposition to the development of the property, but opposed to the scope of the project. He inquired as to any concessions made regarding the footprint of the plan and its size.

There was discussion on reduction of the initial size of 220 rooms, reduced square footage and building height remaining the same. Mr. Jones spoke of the mail list, suggested scaling back the scope of the project and addressing visibility so it is not so visible.

City Manager Bollhoefer addressed comments regarding the mailing list and informed that the list is available. He stated that the City far exceeds law requirements for these mailings; in this case, there were over 400 homes. He noted he did advise residents during a community meeting to contact their City Commissioner on this issue, as it would now be in their hands.

Community Development Director Pash corrected an earlier statement made that the 190,981 gross square feet as the size of this project and stated that it was actually the number for the Target store. This proposed project totals a gross square footage of 181,356.

Allan Bradley and Stacy Huber, the applicants, indicated that they wanted to address concerns made during public comment regarding the project. He spoke of changes made during the course of planning for this project; he offered assurance of not flipping the property but community invested. He spoke to issues relating to size and density; noting being lower than some of their comparable projects. He described project size in relation to independent living and explained the transition to assisted living; noting that the average age is 86. He addressed issues of noise, light, and the misconceptions of this neighbor who are the elderly. He also addressed demand and huge growth in the market of need.

Mr. Bradley discussed architectural design, unit mix, a buffer of two acres, and increased size of the wetlands. He compared existing facilities and their effect on home values and consistent land use. He gave the history of the project stages of review by and noted 14 months of review in the Development Review Committee (DRC). Also addressed was the completed balloon testing.

Commissioner Buchanan commented that as stated by the neighbors of this project, something would eventually go in this location. He explained that with annexation of these properties, the City and staff have an advantage in assuring whatever is built at this location would be built to high standards. He spoke of the positioning of the buildings and steps taken to make the numbers work. His concern is that if something

like this project is not built; there is the risk of getting something really undesirable. He noted that at least this way there is control over the aesthetics.

Commissioner Sharman inquired as to the proximity of homes near other projects such as Sonata. Mr. Pash then displayed an aerial picture for review and discussion.

Commissioner Sharman noted his confidence in the notification mailing sent by staff; he related his experiences with this during the mall process. He noted other concerns, but feels that the height of this project is the biggest issue. He indicated having conversations with others concerning the project. He disclosed that he would vote in opposition due to the height.

Commissioner Maciel inquired as to whether another postponement of this item could bring resolve rather than risk denial.

Mayor Rees referred to the October meeting and requests made to have certain issues addressed; he questioned had they been done. He agreed with Commissioner Buchanan's comments regarding the site being developed, noting that the City makes attempts to control what we will get in this community; his preference is for low-density. He sought clarification on the size of Sonata and indicated his understanding the difference between independent and assisted living.

Commissioner Maciel sought clarification on the acreage of Sonata and the number of units; noted as 7.15 acres and 115 units. There was discussion on and comparisons to the Sonata facility.

Commissioner Buchanan suggested taking some action on this item to move it forward; noting all the effort already expended.

City Manager Bollhoefer noted the need to consult the developer in addressing this issue, indicating past discussions where they were not open to lowering due to economic reasons. He noted that if the developer were not willing to go this route, it would not make sense to move forward and urged making a decision, unless the developer was willing to review it.

Allan Bradley, speaking to only changing this to a two-story project, stated that it is something they have reviewed in the past. He indicated that they can go back; but noted that it is a vast redesign. He explained some of the components involved and noted that it is a complete rework of the project if he loses the third-story and need to create an economic balance of the unit mix within the site.

City Manager Bollhoefer suggested that if he were to consider this option, he would not have to go back and fully engineer it. He stated that if designed with conceptual plans,

the City Commission could make a decision for the annexation and zoning. The engineering portion would come in at the site plan review.

Mayor Rees sought clarification on whether this would be a reduction of the units and alteration of the buffer. Mr. Bradley responded yes. There was discussion that this would be a trade off with the loss of some of the buffer.

Motion by Commissioner Sharman to POSTPONE Ordinances 19-26, 19-27, 19-28, 19-29, and 19-30 to March 26, 2020 at 6:30 p.m. Seconded by Commissioner Maciel.

Mayor Rees sought clarification on requests made at the October meeting; questioning the completion of the items. City Manager Bollhoefer explained the directive that staff was to go back and meet with the developer and neighbors to find resolutions that would work for everyone. He noted that no resolution agreeable to both the developer and the residents was found.

There was discussion on when this item could come back for consideration to the City Commission. There were questions to Mr. Bradley on time needed to come back with a conceptual. Commissioner Sharman indicated that should they come back with a two-story plan he might support it.

Motion carried 4-1; Commissioner Buchanan opposed.

- F. **Ordinance 20-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.82 ± ACRES LOCATED AT 356 E. LAFAYETTE STREET AND 497 W J PETERS LANE; NORTH OF E. CYPRESS STREET, WEST OF 9TH STREET, EAST OF SUMMER STREET, AND SOUTH OF E. LAFAYETTE STREET; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 20-17:** 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 0.82 ± ACRES OF LAND LOCATED AT 356 E. LAFAYETTE STREET AND 497 W J PETERS LANE; NORTH OF E. CYPRESS STREET, WEST OF 9TH STREET, EAST OF SUMMER STREET, AND SOUTH OF E. LAFAYETTE STREET FROM ORANGE COUNTY LOW-MEDIUM DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- H. **Ordinance 20-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.82 ± ACRES LOCATED AT 356 E. LAFAYETTE STREET AND 497 W J PETERS LANE; NORTH OF E. CYPRESS STREET, WEST OF 9TH STREET, EAST OF SUMMER STREET, AND SOUTH OF E. LAFAYETTE 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 20-16, 20-17, and 20-18 by title only. Community Development Director Pash stated that this is a voluntary annexation of the two properties and described the locations. He noted that the request is for low-density residential, future land use and R-2 zoning. The property owned by the School Board intended use is for ponds, drainage and open space. He noted that the zoning and land use are consistent with the surrounding area. Staff recommends approval of Ordinance 20-16, 20-17, and 20-18.

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

Motion by Commissioner Maciel to approve Ordinances 20-16, 20-17, and 20-18 with the second hearing and public hearing March 26, 2020. Seconded by Commissioner Bennett carried unanimously 5-0.

- I. **Ordinance 20-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 6.01 ± ACRES LOCATED AT 1577 & 894 BEARD ROAD, WEST OF BEULAH ROAD, EAST OF 9TH STREET, AND SOUTH OF BEARD ROAD FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE
- J. **Ordinance 20-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 6.01 ± ACRES LOCATED AT 1577 & 894 BEARD ROAD, WEST OF BEULAH ROAD, EAST OF 9TH STREET, AND SOUTH OF BEARD ROAD, FROM R-1 (RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WINTER GARDEN SELF STORAGE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-20 and 20-21 by title only. Community Development Director Pash requested postponement for this item until the March 26, 2020 meeting.

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

Motion by Commissioner Sharman to POSTPONE Ordinances 20-20 and 20-21 until March 26, 2020 to 6:30 p.m. Seconded by Commissioner Maciel carried unanimously 5-0.

3. **REGULAR BUSINESS**

- A. Recommendation to approve change order with Middlesex Corporation to add an additional 15,000 square yards of milling and paving to the 2020 city wide street resurfacing list for a total amount of \$191,975

Assistant City Manager of Public Services Williams stated that this is a request to approve a change order with the Middlesex Corporation to add an additional 15,000 square yards of milling and paving to this year's street resurfacing list. He described the areas that the additional square yardage would extend and the amount of \$191,975. Staff recommends approval.

There was discussion that work on the projects would be when the schools were out.

Motion by Commissioner Buchanan to approve change order with Middlesex Corporation to add an additional 15,000 square yards of milling and paving to the 2020 city wide street resurfacing list for a total amount of \$191,975. Seconded by Commissioner Maciel and carried 5-0.

- B. Recommendation to approve distribution of \$11,705 awarded Edward Byrne Memorial Justice Assistance Grant (JAG) Local Solicitation funds to purchase active shooter response training aids and equipment for the Police Department, with public comment

Police Chief Graham stated that this request is for the fiscal year of 2018 local solicitation Edward Byrne Memorial Justice Assistance Grant (JAG). He noted that earmarked is \$11,705 for the Winter Garden Police Department and the request is to utilize these funds to purchase items that can be used for training for active shooter response. He noted that the Federal government froze the grants for a period of time, thus the 2018 date.

There was discussion that a shooting range would not be needed for these type of guns, which Chief Graham described as similar to Hi-tech paintball guns.

Motion by Commissioner Sharman to approve distribution of \$11,705 awarded Edward Byrne Memorial Justice Assistance Grant (JAG) Local Solicitation funds to purchase active shooter response training aids and equipment for the Police Department, with public comment. Seconded by Commissioner Bennett and carried 5-0.

- C. BOARD APPOINTMENT: Winter Garden Police & Firefighter Pension Board

City Clerk Grimmage stated that the Plan Administrator for this board informed the City of the resignation of Stephanie Berry, one of the Pension Board trustees. She informed that Ms. Berry's seat is set to expire in November of this year, noting the board's quarterly meetings and that the City Commission may see this appointment again later this year. She stated that only two applications were available on file for this board and

staff recommends appointing one of those applicants to fill this seat. She stated for the record the names of the applicants as Doug Bartow and Bruce D. Schobel.

Mayor Rees noted that he had received interest from Thomas Moses, who was an applicant for board appointment. Commissioner Sharman also noted that Mr. Moses had shown interest in the Architectural Review and Historic Preservation Board (ARHPB). Commissioner Buchanan noted that Mr. Moses also contacted him. City Clerk Grimmage confirmed that he did not submit interest for this particular board.

Commissioner Buchanan inquired as to whether quarterly meetings were enough for this board. City Manager Bollhoefer replied absolutely, noting the technical nature of the board.

Commissioner Buchanan noted Mr. Schobel was in the audience and showed interest in the appointment. He also indicated that the other candidate had already been appointed to a board and feels everyone should have an opportunity to serve on a board.

Motion by Commissioner Buchanan to appoint Bruce D. Schobel to the Winter Garden Police & Firefighter Pension Board. Seconded by Commissioner Maciel and carried unanimously 5-0.

The City Commissioners acknowledged Mr. Schobel, who was in the audience and thanked him for volunteering.

4. **MATTERS FROM PUBLIC**

Charlie Mae Wilder, 813 E. Bay Street, Winter Garden, Florida referred the City Commission to information distributed for review regarding a headstone for former Commissioner Mildred Dixon as addressed at the last meeting. There was discussion on the options for assisting in the purchase of a monument for the late Commissioner Dixon.

The Commissioners noted that they would make their own personal contributions in this effort, but also suggested a \$250 contribution would come from the City of Winter Garden.

Motion by Commissioner Maciel to approve a \$250 donation for a monument for former Commissioner Mildred Dixon. Seconded by Commissioner Bennett and carried unanimously 5-0.

5. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman and City Manager Bollhoefer collaborated to bring the next item before the City Commission.

City Manager Bollhoefer spoke of the COVID-19 (Coronavirus) as transpiring very fast and noted slow response from the State of Florida in the area of direction. He informed of later informational meetings with Orange County for direction. He noted the immediate need is to address the schedule of upcoming events; the list distributed for review. **Mr. Bollhoefer** listed some of those events and informed that in the event of cancellations the organizers would like to know sooner rather than later. He noted that staff received calls from the organizers who noted that some vendors for the events are cancelling. **Mr. Bollhoefer** noted difficulty in making decisions on these issues and informed of an emergency ordinance drafted by the City Attorney's Office.

City Attorney Ardaman advised that there is the State Statute, two executive orders from the Governor, and the City Charter. He informed that this ordinance, crafted in such a way as to be effective for 60 days under the Florida State Statute and the Governor's two executive orders and could be terminated at the City Commission's direction at any time.

City Manager Bollhoefer stated that in the meantime staff would meet with the Bloom 'N Grow organizers and address decisions needed for other events. There would be no cancellations without first addressing them with the City Commission. He informed of other events and possibilities of cancellation; noting day-by-day, item by item review. He anticipated more information to come from the State in the future.

City Attorney Ardaman noted an ordinance crafted by their office, giving the City Manager authority under the City code and Florida State Statutes to make decisions on items such as special events, contracts, and city property, as they relate to the Coronavirus. Mr. Ardaman explained that the City Manager might need to make decisions on things as they are presented that cannot actively be anticipated. He noted providing current information on the Coronavirus for reference in this consideration.

City Manager Bollhoefer noted that his immediate concern was for the special events.

City Attorney Ardaman referred the City Commission to suggested changes on page 6 of 6, and read the current language and suggested correction to read, *"This Ordinance shall become effective immediately and expire coterminous with Executive Order No. 20-52, issued by Governor of the State of Florida, including any extensions thereof, unless earlier terminated by the City Commission."* **City Attorney Ardaman** read the Emergency Ordinance by title only. He noted the option to limit it or leave it comprehensive.

Discussion ensued on the protocol for addressing the events and the calling of an emergency meeting if deemed necessary. Commissioner Maciel spoke in favor of this item giving the City Manager the decision making power along with input from Mayor Rees. There was discussion that the Ordinance includes events and City Programs.

