



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

July 9, 2020

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:31 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 L. Bennett – District 1

Mayor Pro-Tem 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 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, Information Technology Director Chad Morrill, Fire Chief Matt McGrew and Police Chief Stephen Graham

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

**Motion by Commissioner Buchanan to approve regular meeting minutes of June 25, 2020 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

A. **Ordinance 20-27:** 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 0.26 ± ACRES OF LAND LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-27 by title only. Community Development Director Pash stated that this is an application rezoning the property and changing future land use designation. He noted that the owners intend to convert a small portion of the existing garage into a hair salon. Staff recommends approval of Ordinances 20-27 and 20-28.

There was discussion regarding the community meetings regarding this change and there were no noted objections from the community.

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 20-27 and 20-28 with the second reading and public hearing scheduled for July 23, 2020 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- B. **Ordinance 20-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.26 ± ACRES LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET; FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman noted that he had not read Ordinance 20-28 before the previous motion and suggested that he should read it and have it opened for public hearing. It was noted that Community Development Director Pash had addressed both items 2.A and 2.B together on which the City Commission voted.

City Attorney Ardaman read Ordinance 20-28 by title only.

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 approve Ordinance 20-28 with the second reading and public hearing scheduled for July 23, 2020 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

### 3. **REGULAR BUSINESS**

- A. Recommendation to approve and authorize Mayor and Police Chief to execute a Memorandum of Understanding with Orange County Sheriff's Office

Police Chief Graham stated that this is a Memorandum of Understanding with Orange County Sheriff's Office. He explained officers participating in the West Orange Narcotics Task Force would be cross-sworn as deputy sheriffs having credentials in the unincorporated areas.

City Attorney Ardaman stated that this is a new agreement for the City of Winter Garden and noted an oversight of the protections and reservations of sovereign immunity. He suggested allowing Police Chief Graham request Orange County Sheriff's Office allow for inclusion of the additional language, preferably at the end of paragraph number eight. He noted that this is a standard provision and does not feel that the omission was intentional. City Manager Bollhoefer noted that this adds emphasis to that which is already implied and already a part of the law.

**Motion by Commissioner Buchanan to approve and authorize the Mayor and Police Chief to execute a Memorandum of Understanding with Orange County Sheriff's Office with the added language as stated by City Attorney Ardaman. Seconded by Commissioner Bennett and carried unanimously 5-0.**

**B. Recommendation to approve the reduction and removal of a Code Enforcement liens for 13728 Fox Glove Street – Case No. 10-1549 and 17-155 (Landt)**

Community Development Director Pash gave the location of the property and noted that it has had code violations dating back to 2010. He noted that the homeowner vacated the property and the neglect resulted in code violations, fines, and City interventions. The owner now has a potential buyer who would like to purchase and rebuild it and request lien reduction. Mr. Pash noted that the original reduction request of \$20,000 in the agenda documents, but after having further reviewed this item, staff feels that \$6,000 covers everything including staff's hours and cost of the installed covers by City. Staff recommends the reduction to \$6,000, if paid by July 31, 2020.

Commissioner Bennett inquired as to the property location. Community Development Director Pash responded that it is located in Stoneybrook.

**Motion by Commissioner Sharman to approve the reduction and removal of Code Enforcement liens for 13728 Fox Glove Street – Case No. 10-1549 and 17-155 (Landt) to \$6,000, if paid by July 31, 2020. Seconded by Commissioner Bennett 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.

Heather Gantt, 10120 Fox Meadow Trail, Winter Garden, Florida, noted that she attended the last few meetings regarding the work with the community and the Police Department. She spoke of sharing a summary of the information on social media and inquired as to whether this information would be publicly shared in a way other than the meeting minutes. City Manager Bollhoefer responded yes and indicated that the City would find a way to place the information on its webpage.

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

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

**6. MATTERS FROM CITY MANAGER**

Fireworks

City Manager Bollhoefer relayed a resident's concern regarding the launching of fireworks. He informed of a new State law legalizing Fourth of July, New Year's Eve, and New Year's

Day fireworks. He noted that every other day of the year, the fireworks are illegal. He shared that the resident also inquired as to whether the local government has authority to change that law and be stricter than that of the state government. Mr. Bollhoefer noted that he did not believe so, but suggested that the City have the City Attorney research this issue and bring back a brief presentation on what the City can and cannot do in regards to the fireworks issue. He indicated that he would contact this resident when the presentation is available.

Mayor Rees noted that this issue is hard to enforce. Mr. Bollhoefer responded that it is hard to enforce but at least the City would know where it stood.

Commissioner Bennett inquired if the research would specify timeframes. Mr. Bollhoefer explained that research would first reveal the City's ability or inability to be stricter than the State, indicating that the City may not have authority on the issue from the start. Investigated would then be timeframes to determine the actual law on the issue.

Commissioner Buchanan inquired as to would there be any fines, if so. Mr. Bollhoefer noted this would also need investigating, however, if there is a violation of law, then something could be done and those penalties are already established by the Florida State Statutes.

Mayor Rees noted that when he was younger, the fireworks were merely confiscated. Commissioner Buchanan noted that the fireworks were being launched many days, before and after. City Manager Bollhoefer believes it was worse this year than most, as the cities were not doing fireworks themselves. He noted that the City would place an ad in the newspapers again for News Years, as it worked well and this is a nuisance to many people.

#### Stoneybrook West Golf Course

City Manager Bollhoefer updated the City Commission on the Stoneybrook West Golf course. He mentioned a meeting held with staff, the City Attorney, the developer, the residents and their Homeowner's Association (HOA) board. He described a potential purchase of a current note on the golf course, the proposed plans given to the residents for the golf course, and proposed modifications of the clubhouse. He expressed getting closer to resolutions for this golf course issue.

Commissioner Buchanan inquired as to who mows and maintains the property. Mr. Bollhoefer indicated that it might be a resident. Mr. Bollhoefer stated that the investor has shared that they would immediately begin getting this property into shape noting any prolonged time could potentially allow it to get worse. He noted that this developer indicated possibly getting it up and running by April of next year.

Commissioner Sharman thanked City Manager Bollhoefer for the great update.

