



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

August 13, 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 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 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, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill and Police Chief Stephen Graham

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

**Motion by Commissioner Buchanan to approve regular meeting minutes of July 23, 2020 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### 2. **PRESENTATION**

A. **Proclamation 20-02:** Proclaiming West Orange Healthy Selfie Day was read by Mayor Rees.

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

A. **Ordinance 20-26:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 7.99 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF WINTER GARDEN VINELAND ROAD (SR 535), SOUTH OF WEST COLONIAL DRIVE (SR 50), WEST OF DANIELS ROAD, AND NORTH OF FLORIDA'S TURNPIKE, AT 1441 WINTER GARDEN VINELAND ROAD, FROM R-2 (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE UCP WINTER GARDEN PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-26 by title only. Community Development Director Pash stated that this is a request to rezone the property located at 1441 Winter Garden Vineland Road, from R-2 (Residential) to Planned Unit Development (PUD). He noted that the proposed development will allow for developing a new single story school building of approximately 37,000 square feet and will be the new campus for a local charter school United Cerebral Palsy (UCP) Winter Garden. The new school building will accommodate 325 students. He also noted that the development would consist of a parking lot, play areas, landscaping, and expansion to an existing pond.

Mayor Rees inquired of the number of students they currently have as he noted he was curious about how close they already were to that student number. Mr. Pash responded that the number of students was unknown at this time.

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 Ordinance 20-26 with the second reading and public hearing August 27, 2020 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- B. **Ordinance 20-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING AND REPLACING ORDINANCE 20-23 GENERALLY KNOWN AS THE WEST MARKET PCD PERTAINING TO THE 18.25 +/- ACRE PROPERTY GENERALLY LOCATED SOUTH OF WEST COLONIAL DRIVE, WEST OF SOUTH PARK AVENUE, AND NORTH OF SAND LIME ROAD; AMENDING THE WEST MARKET PCD TO ALLOW AN AUTOMOTIVE SERVICE CENTER AS A PERMITTED USE, AMENDING THE DEVELOPMENT PLAN AND OTHER DEVELOPMENT RESTRICTIONS; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-30 by title only. Community Development Director Pash noted that this is a request to amend the West Market PCD ordinance to add one automotive service center. He noted that this was previously addressed in June and there was one citizen in opposition at that time. He informed that staff and the developer were able to meet with this citizen and answer his questions and he is no longer in opposition. He noted that this one automotive service center is Firestone Tire Center, Ordinance 20-30. Staff recommends approval.

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

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 20-30 with the second reading and public hearing August 27, 2020 at 6:30 p.m. Seconded by Commissioner Buchanan and carried 4-0-1; Commissioner Maciel abstained.**

- C. **Ordinance 20-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY

DESCRIBED AS APPROXIMATELY 0.51 ± ACRES LOCATED AT 524 MAGNOLIA STREET, EAST OF 5TH STREET, WEST OF 9TH STREET, NORTH OF PALM STREET, AND OF SOUTH MAGNOLIA STREET 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 20-32:** 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 0.51 ± ACRES LOCATED AT 524 MAGNOLIA STREET, EAST OF 5TH STREET, WEST OF 9TH STREET, NORTH OF PALM STREET, AND OF SOUTH MAGNOLIA STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-31 and 20-32 by title only. Community Development Director Pash noted that this is a voluntary annexation at 524 Magnolia Street. He noted that the property is owned by the Winter Garden Animal Hospital and has always been used as parking. He noted that the property is proposed for annexation with low density residential and no zoning at this time. The property would be allowed to continue as parking for a permitted use. Staff recommends approval of Ordinances 20-31 and 20-32.

Commissioner Bennett inquired about the business itself being in the City's jurisdiction, parking lot not included. Mr. Pash responded and discussion ensued on the current location of the employee parking.

Mayor Rees inquired of the other areas nearby coming forward for annexation. Mr. Pash responded that there are a couple forthcoming.

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 Ordinances 20-31 and 20-32 with the second reading and public hearing August 27, 2020 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

#### 4. **SECOND 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. City Attorney Ardaman noted a correction of medium density for Ordinances 19-27 and 19-30 as listed on the agenda. He noted that the advertisements, notices and actual ordinances in the agenda packet were correct.

Community Development Director Pash noted that these ordinances have been on several City Commission meeting agendas and postponed due to requests to the applicant to modify the building size. He gave a brief PowerPoint presentation of the history of the project. This presentation included the history of plan submittals, plans that did not move forward and opposition to some of the components. He noted that

some of the issues addressed were the density, buffering, and concerns from citizens at community meetings. Mr. Pash described the steps taken by the applicant of purchasing land near the project in an effort to save the buffer. Mr. Pash displayed the current proposed plans and stated that the applicant is requesting annexation of two properties. He described the locations and noted that the proposal is to develop a two-story project or a two and three-story project. A total of 166 assisted living and independent living units. He also described additional proposed improvements, including proposed buffers. Mr. Pash stated that staff approves any of the proposed plans and recommend approval of Ordinances 19-26, 19-27, 19-28, 19-29 and 19-30.

Mayor Rees personally thinks that seeing a part of a third-story building versus losing a buffer and seeing the entire building project, over time, would not be favored. He expressed that personally he would prefer the two and three-story building project, as maintaining the buffer is more important.

Commissioner Bennett inquired about the amount of reduction to the buffer. City Manager Bollhoefer responded that the two-story project would lose the entire natural buffer and a landscaped buffer would be installed. There was discussion on the buffer and changes to the project.

Commissioner Bennett inquired as to the residents preference, whether they favored one plan over the other. She described how the previous plan looked less intrusive. City Manager Bollhoefer noted that there was no definitive answer and described the components of the project that the residents favored.

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

I.T. Director Morrill read a message from the Question and Answer feature of the GoTo Webinar regarding this item:

Nicole Jones inquired of the building height and square footage for both proposals. Community Development Director Pash responded that the building height of the three-story building is 60 feet and informed that the height of the two-story was not available as it had not been fully designed. He noted that the square footage is 170,000 to 180,000 square feet overall.

Public Comments via telephone were heard at this point in the meeting:

Rick McDowell, viewing the two-story proposal on the screen inquired as to if this is maintaining the same buffer on the north side. City Manager Bollhoefer responded no, it eliminates the majority of the buffer on the north side. There was discussion on the location of the garage. Mr. McDowell spoke of his previous efforts to attend meetings

related to this property over the years. He commented on the number of these type facilities in the area and spoke unfavorably of this commercial project in his backyard, which is an all residential area.

Jeff Roberts, noted that he and his wife Julie were pleased by some willingness on behalf of the developer to make a concession and compromise. He noted that they feel that it has not been enough of a compromise as they have not dealt with the issues of density, overall square footage and the loss of the buffer. He noted that they are opposed to this development.

Nicole Jones, addressed issues of the project's size, its square footage, and capacity of similar facilities in the area. She voiced her preference of the two-story building of the two choices. She stated that there are other options in the area and expressed that she does not think this is the best use of our small town and small feel community.

Allan Bradley, noted that the two-story option would cut into the buffer which they would prefer to save. He noted its comparability to the Sonata West complex and described the similarities. He mentioned time and effort spent learning the market for a project that would fit and operate well for function. He expressed that the location is good for the three levels of care in one facility which is the backbone of what they wish to provide. He described the intent of the facility and the proposed levels of care transitions to be provided without having to leave the facility. He feels it is right for the City of Winter Garden and all of its residents.

Ron Mueller, noted he would reiterate a few points already made and voiced agreement with prior comments regarding the facility not being the best use for our community area right now. He spoke of choosing the two-story option and scaling the project back by a reduction in the number of units. He also noted safety concerns such as evacuations and risk factors relating to larger facilities. He also questioned the capacity of other such facilities in the area and the current percentage of their residents.

City Manager Bollhoefer addressed some of the issues, noting three-story facilities as commonplace around the country. He stated that there are taller buildings with elevators and feels safety issues are not a concern. He noted that on this issue of capacity, although the current surrounding facilities are not at capacity, those conducting the market study research are confident that the surrounding facilities will eventually meet capacity. He stated that being a capitalist society, it is the businesses that determine demand.

Mayor Rees spoke of the Golden Pond facility's success and need for additions. Mr. Bollhoefer agreed and stated that they have been successful and other facilities have been looking into expanding in this area as we are a quickly aging society in this area.

City Manager Bollhoefer spoke of the opposition of a few residents on this project and noted the vast support of this project versus the hundreds of residents who came out to community meetings to address the recent storage facility project. He indicated that there were also meetings with the Homeowners Association (HOA).

Mayor Rees inquired as to the traffic impact of this facility as compared to the storage facility. Mr. Bollhoefer stated that there is no facility that has less traffic than a storage facility. However, these homes have very little traffic also, as there are a lot of residents that do not drive. Discussion ensued on areas with less traffic.

City Manager Bollhoefer noted requesting of the developer, a reduction in the square footage at the onset when the City was first approached. They informed that this is the minimum square footage in order for the project to be profitable.

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

Commissioner Sharman indicated that he expected a drop in the density of the project when moving down to a two-story building. He was not expecting that the number of units would stay the same. In light of this, he informed that he would vote no on both options.

Commissioner Buchanan shared some history of him being on the City Commission, seeing projects come with favor and some with opposition. He expressed that everyone consider that something will go there and it could be something that wipes out that entire buffer. He shared about citizen concerns during the development of the mall and the varying and changing opinions after its completion. He noted that he does take into consideration the comments of the constituent but thinks that this is a good project and is in favor of it.

City Manager Bollhoefer noted that if motioning in favor of the project, a distinction would be required for two-stories or three-stories.

Commissioner Buchanan noted that if he were to choose, he would opt for the three-story building, moved to the front of the property, and retain the large buffer. He does not feel that there is much of an issue with the trees losing their leaves in Florida. City Manager Bollhoefer sought clarification on the proposal he is supporting; it was determined it was the one with the buffer on the western side.

Commissioner Bennett noted the busy traffic activity on Stoneybrook Road and spoke of limited options for what could be placed at this location. She shared that she preferred keeping the large buffer, which would come with the option on the three-story building.

She feels that the residents would be happier with the trees in the way and Mayor Rees agreed.

It was noted in discussion that these ordinances are actually a first reading as the prior hearing was postponed.

**Motion by Commissioner Buchanan to approve Ordinances 19-26, 19-27, 19-28, 19-29 and 19-30 with a second reading and public hearing August 27, 2020 with the option of the three-story building retaining the buffer. Seconded by Commissioner Bennett and carried 4-1; Commissioner Sharman opposed.**

- F. **Ordinance 20-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2019-2020 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-29 by title only. City Manager Bollhoefer noted that there are very few items. He stated that an unrelated question to this item was asked at the last meeting regarding the estimate from the State on our sales tax. He explained that the City is remaining at \$3 million in next year's budget to stay conservative, overestimating the shortfall rather than underestimating. 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 Bennett to adopt Ordinance 20-29. Seconded by Commissioner Buchanan and carried unanimously 5-0**

## 5. **REGULAR BUSINESS**

- A. **Resolution 20-04:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, APPROVING A MINOR AMENDMENT TO THE TILDEN ROAD PUD, WHICH WAS ADOPTED BY ORDINANCE 19-38 TO AMEND THE TYPICAL LOT LAYOUT; PROVIDING AN EFFECTIVE DATE.

City Attorney Ardaman read Resolution 20-04 by title only. Community Development Director Pash stated that this resolution is a minor amendment to Ordinance 19-38, taking the number of units from 56 to 55. He noted the change in the lot sizes and stated that there are no more narrow lots than as previously approved. Staff recommends approval.

**Motion by Commissioner Buchanan to approve Resolution 20-04. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. Recommendation to approve SPECIAL EVENT - American Legion Post 63 "Ruck Walk" – at Veterans Park on November 14, 2020 - 7:30 a.m. to 5:00 p.m. subject to conditions  
Community Development Director Pash stated that this is the American Legion Ruck Walk event and today a route change was requested. He described the new route and noted some of the activities, which he stated are the same as past events.

City Manager Bollhoefer noted that this is subject to change as things change with the COVID-19 and if necessary can be cancelled. Mr. Pash noted that they are aware of this and wanted to tentatively schedule the dates.

**Motion by Commissioner Bennett to approve the SPECIAL EVENT for the American Legion Post 63 "Ruck Walk" at Veterans Park on November 14, 2020 from 7:30 a.m. to 5:00 p.m., subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. Recommendation to approve a one-year moratorium on the sale of non-residential burial sites at the Winter Garden Cemetery

Assistant City Manager of Public Services Williams stated that in September of 2018, a code amendment was approved to allow ground space expansion in the cemetery; adding an additional 437 burial sites. At the present time, there are 20 sites remaining and staff would like to reserve them and any repurchased sites for the City of Winter Garden Residents. This would be until such time that the fees can be evaluated and the cemetery can be expanded. He informed that planning had begun for ground space expansion in the wooded area south of Lake Butler and east of Braddock Park. Staff would be including a capital expenditure request in next year's operating budget for engineering design and construction. Staff recommends approval of a one-year moratorium.

City Manager Bollhoefer noted that a resolution which would be needed for approving this moratorium was distributed.

**Resolution 20-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, IMPOSING A ONE-YEAR MORATORIUM ON THE SALE TO NON-RESIDENTS OF CEMETERY GRAVE SPACES IN THE WINTER GARDEN CEMETERY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

City Attorney Ardaman read Resolution 20-05 by title only.

Mayor Rees addressed the issue of the Cemetery running out of spaces. He stated that his two comments regarding this item are number one be a Winter Garden resident and number two review the City's rates. He shared that he has heard that, in relation to others, the City of Winter Garden's rates are very low. City Manager Bollhoefer

responded that this item would be brought back to the City Commission as the rates are far too low and would not sustain the Cemetery long term.

**Motion by Commissioner Sharman to approve Resolution 20-05. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- D. Recommendation to approve the purchase of a new Tradewinds Mobile Generator utilizing the Florida Sheriff's Association Cooperative Purchasing Program for a total price of \$74,657

Assistant City Manager of Public Services Williams stated that this is a request to use the Florida Sheriff's Association Cooperative Purchasing Program to purchase a new mobile generator for powering the City's lift stations in the event of power outages. He noted that funding for this item was anticipated and included in the current operating budget. Staff recommends approval of the purchase for a total of \$74,657.

There was discussion on this item paying for itself, its size, power and use.

**Motion by Commissioner Buchanan to approve the purchase of a new Tradewinds Mobile Generator utilizing the Florida Sheriff's Association Cooperative Purchasing Program for a total amount of \$74,657. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- E. Recommendation to approve purchase of the property located on Edgeway Drive South of the Magic Gym for \$180,000 to be used for a residential project in East Winter Garden

City Manager Bollhoefer stated that land has become available for purchase. He referred to a map in the agenda package showing the location. He indicated that the City, by purchasing this property, would be given the opportunity to sell it or partner in the building of eight units for use in affordable housing in the redevelopment efforts in East Winter Garden. Mr. Bollhoefer spoke of next year's budgeted projects and plans for redevelopment, redesign, and rebuild efforts in the area. Mr. Bollhoefer gave an update on some of the plans, noting that the City is ahead of schedule on the efforts. He spoke of the property, its purchase and its use. He noted that not purchasing this property may allow for a use by someone else and loss of control over that use.

Commissioner Maciel jokingly noted his bias and concern for the redevelopment of East Winter Garden. He noted reviewing the numbers and supports the City Manager's comments as far as the numbers and the return the City would get on this property.

**Motion by Commissioner Maciel to approve purchase of the property located on Edgeway Drive South of the Magic Gym for \$180,000 to be used for a residential project in East Winter Garden. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**6. MATTERS FROM PUBLIC**

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

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, inquired of the status of his records request from City Manager Bollhoefer, noting that he also commented about landscaping on Plant Street and Main Street. City Manager Bollhoefer apologized about the delay in providing the records and stated that he would send them the next day. Additionally, Mr. Bollhoefer noted that staff did review, but disagrees with, the landscaping issue being a safety concern and offered to speak further with Mr. Richardson on the issue.

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

**7. MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman gave a follow up on the issue of fireworks denoting a review of the Florida State Statutes which were modified giving decriminalization of the fireworks on the three days of New Year's Eve, New Year's Day, and July Fourth. He spoke of the City's ability to continue prohibiting use of fireworks on those days due to City code predating some of the earlier dates of the statutes. However, this not being clear could lead to potentials for challenge. If the City enforced its code, arguing that not having been preempted by the State, we may get the action of modification of another bill at the legislative level.

Commissioner Sharman inquired of the hour of midnight issue. City Manager Bollhoefer replied that fireworks are to stop at midnight on July Fourth. However, this is not relevant for New Year's Eve and New Year's Day. Commissioner Buchanan noted that the wording allows for these fireworks to start at 12:01 a.m. on New Year's Eve and continue on through New Year's Day. Discussion ensued regarding people having an option for all day use of fireworks and the costs involved. Commissioner Buchanan voiced concerns of potential damage fireworks could cause to someone's property and the City then being questioned about allowing them. He wondered how safe are we making it for the City by allowing it. He noted that he is not sure if it is worth the challenge or not. City Manager Bollhoefer noted that this was just informational and if it were something that the City Commission wanted to do, there would be a need to review all of its related ordinances. Discussion ensued further on fireworks, fireworks safety and past practices.

**8. MATTERS FROM CITY MANAGER** – There were no items.

**9. MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan recognized the loss of an icon in Theodore "Ted" Van Deventer, noting his service to the Winter Garden Rotary Club and many years of service as a judge.

