



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

February 27, 2014

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. The invocation and Pledge of Allegiance were given.

**Present:** Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to City Manager - Public Services Don Cochran, Assistant to City Manager – Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, West Orange Times Reporter Peter M. Gordon and Orlando Sentinel Reporter Steve Hudak

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

**Motion by Commissioner Buchanan to approve regular meeting minutes of February 13, 2014 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

A. **Ordinance 14-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 13-64, THE CITY OF WINTER GARDEN FISCAL YEAR 2013-2014 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-10 by title and the following excerpt from Section 1, appropriated as follows:

#### REVENUES

General Fund	\$ 1,551,348
CRA	7,174,710
Law Enforcement Grants	3,363
Local Option Gas Tax Fund	938,710
Transportation Impact Fee Fund	6,207,186
Utilities Operating Fund	2,454,920
Utilities Impact Fee Fund	6,280,294
Utilities Renewal & Replacement	1,949,455
Stormwater Fund	-
Total Revenues	<u>\$26,559,986</u>

Mr. Ardaman noted that the expenditures for each of the same items were the same amounts for a total expenditure of \$26,559,986.

Finance Director Zielonka stated that these are projects that were budgeted for last year which were not completed. City Manager Bollhoefer noted one change from the last meeting was that a fire engine was added because it was purchased in this year and not last year. Ms. Zielonka interjected that it was purchased last year but delivered this year.

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

**Motion by Commissioner Buchanan to adopt Ordinance 14-10. Seconded by Commissioner Makin and carried unanimously 5-0.**

### 3. **REGULAR BUSINESS**

#### A. **Recommendation to approve the architectural design for Phase 1 of Florida Hospital as presented**

Community Development Director Williams shared the excitement experienced when Florida Hospital first approached the City about locating here and bringing with it a number of professional and technical jobs. In review of other hospitals, research found hospitals to be typically pretty ugly. They are institutional, requiring large amounts of windows. It is difficult to make them look anything other than institutional or attractive. Due to time constraints, Florida Hospital was not able to commit to a particular type or style of architecture. He mentioned that approvals were given to the City Commission for final approval of the architectural style to actually be built. He stated that Florida Hospital has hired a team that has created the plans which will be shared tonight. He noted that there are other issues tied to those plans that will also be discussed. It will not be necessary to vote on those issues or give approval, but merely make the City Commission aware of the items.

Mr. Williams presented the original site plan and then went over the changes. He noted that a roundabout has been incorporated and greenway boulevard. The final acreage will not be known until a permit is approved by the water management district. He also described how the new entrance coming from the roundabout to the main facilities is carried south of the buildings and then ties back around to the nature park in conjunction with the retention pond. This will be a much more environmentally sensitive design than what was on the original site plan. Mr. Williams further explained the proposed phases and their minimal impact to the surrounding homes.

Mr. Williams explained there was a wall approximately 170 foot long, 10 to 12 foot high that stepped down to 8 foot then 6 foot; across on the north side from of the entrance to block noise and vehicle headlights from the residential areas. With the roundabout, the wall has to be built 350 feet long to accomplish the same thing. He displayed the proposed design that is higher in the middle and steps down to 8 feet to 6 feet with

landscaping. It should be both attractive and effective. There will also be an extended wall around the subdivision with landscaping and a berm, which will be reimbursed with some impact fees. Staff will make sure there is no impact on the neighboring homes.

Mr. Bollhoefer explained that the roundabout is to be designed for restaurant delivery trucks, but the hospital trucks are still required to go to the service entrance located in the back.

Mr. Bollhoefer also noted that with regard to the reimbursement using impact fees, it would be allowed because the roundabout increases the traffic that is tied to increasing the capacity of the road. The sound wall is being built because of that increase and thus you can use transportation impact fees.

Mr. Bollhoefer spoke of the State Road 429 overpass probably being the biggest issue with traffic in the long term with both Phase 1 and 2 of the hospital. Florida Hospital has agreed that they will pay to move the ramp back. Staff would also like to review this intersection and possibly blow it out every way possible to improve the traffic flow there; such as the addition of turn lanes in certain directions. He spoke of possibly getting funding from the state and OOCEA, whom staff will be meeting with on Monday.

Mr. Bollhoefer noted that the City met with several neighborhood groups and he recognized that a few were in attendance. They were shown the design and the majority liked it.

Mayor Rees inquired about the slide showing the wall labeled as "screen". He wanted to know what percentage of the noise would be cut. Mr. Bollhoefer responded that it is really hard to say what percentage, but noted that the first wall will block some of the sound. The acoustical wall will be built on top of the berm and designed to absorb some of the sound. Mayor Rees expressed that if we are going through the expense of putting up a wall he wants to be sure that it will be effective. Secondly, the wall has to be attractive with proper landscaping.

Commissioner Olszewski expressed that he would have liked to have seen this information before the meeting tonight. He asked if the City Commission was being asked to approve what is being presented. Mr. Bollhoefer explained that this item is for the City Commission to approve the architecture. Staff will be responsible for ensuring the drawings agree with the approved architecture. If the plans do not follow the architecture, staff will not be allowing it to go forward.

Commissioner Olszewski asked if someone could share some of the objections heard at the community meeting. Commissioner Sharman responded that a neighbor of his told him it looked like Health Central, so he visited Health Central. He expressed that Florida Hospital is completely different from Health Central and believes that, once this is built, they will be very happy with it also. Mayor Rees noted that the City wants to be sure it is architecturally pleasing to the community.

Commissioner Sharman mentioned his was pleased with the design being lowered. Commissioner Olszewski interposed that this is only Phase 1 but could go up to seven stories, as previously approved by the City Commission, in later phases.

Mayor Rees mentioned the use of impact fees to mitigate traffic in the area.

**Motion by Commissioner Sharman to approve the architectural design for Phase 1 of Florida Hospital as presented with staff recommendations (*see attached Exhibit A*). Seconded by Commissioner Olszewski and carried unanimously 5-0.**

**B. Recommendation to approve funding stormwater repairs and dedicate the funds that were used for St. Augustine maintenance to improve and maintain the medians along Stoneybrook Parkway**

City Manager Bollhoefer stated that one road located on the most eastern end of the Stoneybrook subdivision was designed and approved by an engineer so each back yard had its own mini pond to handle drainage. Mr. Bollhoefer distributed pictures showing these ponds and how they connect after a hard rain. Staff has possibly found a resolution. He spoke of an agreement with Stoneybrook whereby the City would maintain the St. Augustine grass for the Stoneybrook subdivision at approximately \$30,000 per year. Staff has met with the HOA board, who has agreed to use those funds to pay for the repair of this drainage problem. Then Stoneybrook HOA will take over the cost of maintaining the St. Augustine grass. In the long term, once those funds have been used to pay for the stormwater, the City would like to dedicate the approximate \$33,000, to improve and maintain the Stoneybrook Parkway medians. This option would benefit everyone using the road as well as the residents of that subdivision. The cost to repair [*the mini ponds*] is approximately \$50,000. Staff recommends approving the utilization of those funds to repair the drainage and dedicate future funds to improving and maintaining the medians.

**Motion by Commissioner Buchanan to approve funding stormwater repairs and dedicate the funds that were used for St. Augustine maintenance to improve and maintain the medians along Stoneybrook Parkway. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**Recommendation to approve extending the operating agreement for the Garden Theatre for an additional 10 years**

City Manager Bollhoefer stated that three of the current Commissioners were part of the process when the operating agreement [*for the Garden Theatre*] was negotiated. Initially this agreement was designed for a 5-year term to see how well a theater would work; then they would be given the option to renew in 10-year increments. Copies of the agreement were sent out today and he apologized for not sending them out with the agenda packets. He covered the main points of the agreement stating that part of the agreement requires the theater meet certain performance standards. They are required to provide 25 hours a month of events or 12 shows per year. The theater would have to be made available to

the City for use during City events whenever it is not in use by the theater. They are required to have one fee-based educational program per year. Mr. Bollhoefer noted that they have exceeded these performance standards. He shared that another part of the agreement is that the City is responsible for building maintenance; the theater is responsible for maintaining all the equipment, including the sound system. They are also responsible for seats, carpeting, and the marquee; with the City being responsible for replacement as needed.

Mr. Bollhoefer expressed the ability of changes to be made when and if necessary. He spoke to them regarding the replacement of their own equipment when needed. The City handles payments for the building, thus freeing up enough funds for them to ensure that they can pay for future equipment and maintenance of that equipment. Mr. Bollhoefer emphasized that he has shared with the theater that going forward they need to make sure they set aside enough capital funds to renew and replace equipment when they need it.

Mr. Bollhoefer stated that the theater has exceeded everyone's expectations, improving the downtown and making it better, in turn benefiting everyone. It has increased property values and made the City a better place, and offered to answer any questions.

Commissioner Makin noted that the current agreement is good through November 30, 2015 and wondered why it is being brought to the City Commission eight months early. Mr. Bollhoefer responded that they [*the theater*] have an opportunity for a \$90,000 grant, \$45,000 of which is coming from the County and \$45,000 of which they will put in to purchase new equipment.

Commissioner Olszewski emphasized his support of the theater and indicated his contributions even before becoming a Commissioner. He distressingly stated that he was not given the lease agreement until 10:30 a.m. this morning. He stressed that he would like to do his due diligence and review it, thereby requesting a postponement until the next meeting.

There was discussion that the theater would lose the grant if an extension was delayed.

Mayor Rees noted he had seen the agreement years ago and because it was not included in the packet, he had also called staff to ask about the agreement. He explained the City can get out of the agreement. Commissioner Olszewski again expressed his frustration. Mr. Bollhoefer again apologized.

Commissioner Sharman shared that the building is the asset. Right now it is being run well, but at the time of the original agreement the City Commission was not sure and opted to have them come back for renewal after having had a chance to review. The intent is that 10 years from now, whatever management is in place, if they are not doing the job that is being done today, the City can take it back. City Manager Bollhoefer noted that they have to continually meet the required performance standards.

Commissioner Buchanan asserted that if they fail to produce what they have been producing, the City Commission could revisit the agreement.

Commissioner Olszewski asked if someone from the theater could explain the grant. Mayor Rees recognized Becky Roper to address the Commissioner's request.

Ms. Roper, founding president of the theater, stated that the grant was brought to her attention, and at the time they were considering whether or not to apply for the grant. About a month ago they received a call that the grant would be an underfunded pool, which meant funds would be available. The board looked at it and they did have the matching funds to apply for the grant. She noted it would be worth their energy to invest the time to put the grant forward. Ms. Roper explained that \$90,000 worth of lighting equipment will benefit the attendees. She spoke of LED lighting and replacement of instruments many of which were donated and in some are 40 years or older. Mayor Rees asked if one of the qualifications is that you have a lease for an extended period. She noted they write contracts well in advance and left a large window for renewing. They did not want to wait until the end of the five years. They had requested a renewal, by letter, back in August of last year. She stated they need to have it done in order for the grant to be finished. The equipment has a certain depreciable life and will have to stay on the books for a certain amount of time, so the grant issuer (Orange County Arts and Cultural Affairs) is just looking for a long term relationship. Commissioner Sharman asked about the lease term the grant requires. Ms. Roper responded it is either five or seven years.

Commissioner Olszewski complimented the Garden Theatre and with the concerns addressed and the City Attorney's opinion, he has no problem voting on this matter.

**Motion by Commissioner Olszewski to approve extending the operating agreement for the Garden Theatre for an additional 10 years. Seconded by Commissioner Makin and carried unanimously 5-0.**

4. **MATTERS FROM PUBLIC** – There were no items.
5. **MATTERS FROM CITY ATTORNEY** – There were no items.
6. **MATTERS FROM CITY MANAGER**

**Excursion Train**

City Manager Bollhoefer announced that the excursion train will soon be running in Winter Garden. One of our first trains in many years will be running for the Bloom 'N Grow event. He noted that as part of the grant to fix the tracks, the City's share was \$12,000; and for that amount the entire track in Winter Garden was repaired. The cost alone to repair the part by Dillard Street where the train fell off was to be over \$50,000. He shared that there is talk of future trains coming in from various other cities. Mayor Rees mentioned that the train would be a wood burning steam engine.

### **City's Bond Rating Upgraded**

City Manager Bollhoefer stated that because of the growth in Winter Garden there has been a significant increase in property tax values; more than any other City in Orange County last year. He noted that because of all the successes in Winter Garden, the City's bond rating has gone from an A+ to AA. He, the Mayor, and Commissioners thanked staff for doing such a good job to get the higher rating.

### **Windermere Road and Roberson Road Roundabout**

City Manager Bollhoefer noted that staff has been working on the roundabout for Windermere Road and Roberson Road and there have been some funding issues; the initial estimates are approximately \$1 million or more. He has been working with County Commissioner Scott Boyd, and in working with the hospital a different roundabout expert has been hired. The new expert has found a way to redesign the roundabout, and Mr. Bollhoefer is confident it can be built for approximately \$500,000 to \$700,000. He just received word from County Commissioner Boyd this morning that the County has \$500,000 to contribute to the cost of this roundabout with the City committing to \$250,000. He believes with the \$500,000 plus the \$250,000, the City should be able to move forward with this project. He requested that the City Commission give him permission to spend approximately \$4,000 to pay this expert to get the actual design of the roundabout in order to move forward and get this project done.

**Motion by Commissioner Olszewski to approve spending \$4,000 to pay the referenced expert to design the Windermere Road and Roberson Road roundabout. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### **Retirement of Fire Chief John Williamson**

City Manager Bollhoefer shared that our Fire Chief, John Williamson, has submitted his retirement intentions in approximately two weeks. Mr. Williamson has accepted a position with the Orlando International Airport. In the interim, our Deputy Chief Matt McGrew will fill the position.

The Mayor and Commissioners thanked Fire Chief Williamson for his service.

## **7. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** stated that he is looking forward to the road improvements on State Road 429. He also shared that the Blues and BBQ was an excellent event.

**Commissioner Olszewski** thanked Police Chief Brennan and everyone in the Winter Garden Police Department as well as the Fire Department that attended the Police Memorial dedication that was a moving event.

Commissioner Olszewski thanked staff and Parks and Recreation Director Jay Conn for all their efforts in the Blues and BBQ event.

Commissioner Olszewski reminded everyone that the Florida Collegiate Summer League is announcing the Winter Garden team name at the Winter Garden Little League this Saturday at 10:00 a.m.

Commissioner Olszewski congratulated Kristen Iannuzzi, an English teacher of West Orange High School, on being named Orange County Public Schools 2015 Teacher of the Year. He also noted that not only does she teach English, she is also the only female wrestling coach in the State of Florida, and they have already won a district championship for the Warriors.

**Commissioner Buchanan** stated that Blues and BBQ was a wonderful event. He noted that he did not know anyone which he feels is the sign of a great event. He noted that all of the restaurants were full and doing well.

**Commissioner Makin** noted that he too saw the same thing with all the new people attending the Blues and BBQ. He thanked staff for their great job in this effort. He did not hear of any problems and thought it was so amazing to see so many families turn out for this event.

Commissioner Makin thanked Police Chief Brennan for the memorial service and Fire Chief John Williamson for his service to the City.

**Mayor Rees** thanked Police Chief Brennan for the memorial event.

Mayor Rees thanked Fire Chief Williamson for his service and stated that we would miss him and wished him the best.

Mayor Rees agreed with the amount of families that attended the Blues and BBQ and stated that it was an impressive event.

The meeting adjourned at 7:23 p.m.

APPROVED:

\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_/S/\_\_\_\_\_  
City Clerk Kathy Golden, CMC

Exhibit A

