



# CITY OF WINTER GARDEN

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## CITY COMMISSION AND COMMUNITY REDEVELOPMENT AGENCY REGULAR MEETING MINUTES

April 10, 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 City Manager - Public Services Don Cochran, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Fire Chief Matt McGrew, Police Chief George Brennan, Building Official Mark Jones, Economic Development Director Tanja Gerhartz, and West Orange Times Reporter Peter M. Gordon

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

**Motion by Commissioner Buchanan to approve regular meeting minutes of March 27, 2014 as submitted. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

#### • **New Fire Chief**

City Manager Bollhoefer, Mayor Rees, and the City Commissioners installed the new Fire Chief Matt McGrew by presenting him with his safety helmet, chief's badge, and heartfelt congratulations.

### 2. **PRESENTATION**

Mayor Rees read **Proclamation 14-05** declaring the Month of April as Water Conservation Month in the City of Winter Garden.

### 3. **REGULAR BUSINESS**

#### A. **Recommendation to approve Change Order #4 increasing the contract amount for E. Plant St. Segment 2 by \$600,722.77 to cover cost of improvements to Segment 4**

Assistant City Manager - Public Services Cochran stated that change order #4 is for East Plant Street Segment 2. He noted that there is currently construction in progress on Segment 2 and they are ahead of schedule. Staff thought that since they have done such a good job on Segment 2, that it would be a good idea for them to continue the project and finish it. Change order #4 is being presented for approval and will include the installation of Segment 4 of Plant Street into the Segment 2 contract/project. He noted that there are two parts to the change order. The first is the addition of Segment 4 improvements, which costs \$901,339.67 and the second part is a deduction of \$316,000.90 for a total change order of \$600,722.77. He noted that the deduction was due to more money being included to remove contaminated soil. There was not as much contaminated soil as

originally anticipated. So there was approximately \$600,000.00 still left in the contract on contaminated soil. Staff recommends approval of the change order.

**Motion by Commissioner Makin to approve change order #4 increasing the contract amount for E. Plant St. Segment 2 by \$600,722.77 to cover cost of improvements to Segment 4. Seconded by Commissioner Buchanan. Motion carried unanimously 5-0.**

**B. Recommendation to approve the Final Plat for Bradford Creek Phase I**

Community Development Director Williams stated that staff has reviewed the plat for compliance with all of the City codes as well as the conditions that were placed on the project. Staff finds that it meets all of those requirements and recommends approval.

**Motion by Commissioner Buchanan to approve the final plat for Bradford Creek Phase I. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**C. Recommendation to approve Developer's Agreement with AutoZone Stores, Inc. for property located at 13822 W. Colonial Drive**

Community Development Director Williams stated that this developer's agreement is to incorporate all of the conditions, restrictions, and requirements that the City has placed on the property during their variance and site plan review. He noted that it provides for some monitoring conditions were any damages made to the median could be tracked. They are taking the approach of trying to direct all of their drivers to come from the east as to avoid the median. Staff recommends approval.

**Motion by Commissioner Olszewski to approve the developer's agreement, as submitted, with AutoZone Stores, Inc. for property located at 13822 W. Colonial Drive. Seconded by Commissioner Makin and carried unanimously 5-0.**

*Dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:45 p.m.*

**Members Present:** Chairman John Rees, Members Robert Olszewski, Bob Buchanan, Kent Makin, Colin Sharman and CRAAB Chairman, Larry Cappleman

**D. Recommendation to approve revised language in the Facade Matching Grant Program**

Economic Development Director Gerhartz stated that the CRA Facade Grant Program has been very successful in helping to improve and revitalize our historic downtown. It has improved the appearance and aesthetics of store fronts and buildings throughout the downtown area. Staff is recommending a revision to the program that will allow a Facade Grant be provided to new construction under special circumstances. New construction would only qualify for the grant if it is involved in the demolition of an existing blighted building. The dollar amount of the grant would be determined on a case-by-case basis. The factors to be used will include the economic impact of the

project, the magnitude of the blight, and the dollar amount of the private investment. Staff is recommending approval of the revised language for the Facade Grant Program.

Member Cappleman stated that the CRA Advisory Board discussed these changes to the eligibility of the Facade grant and think they are well advised and unanimously recommended approval.

Member Olszewski asked what is the maximum amount a facade grant can be awarded. Ms. Gerhartz responded that it is up to \$20,000 based on the amount spent, which is a minimum of \$1 million. Member Olszewski asked the City Manager how many buildings does Plant Street Market LLC own at this location. Mr. Bollhoefer replied there are three existing buildings. Member Olszewski asked for clarification on whether this is being changed to an unlimited amount being awarded. Mr. Bollhoefer replied that this is unlimited but would first go through the CRA Advisory board and then the City Commission would have to approve any grant. Member Cappleman indicated that the CRA Advisory Board would still be operating under its current guidelines for maximum limits unless there is an extenuating circumstance. The CRA Advisory Board did not understand there would be a significant change in the dollar amount. Member Olszewski explained that they were not if it is \$20,000.00 per building, but it sounds like we are trying to have an unlimited amount. City Manager Bollhoefer responded yes and no; that is the way it is written, but that was not the intent. It can easily be changed if this CRA so desires. There was discussion to add the additional language for clarification.

City Attorney Ardaman suggested that the language addition read “under these circumstances, the dollar amount of the grant shall be decided on a case-by-case basis, up to \$20,000.00 per existing building.”

**Motion by Member Cappleman to approve the revised language in the Facade Matching Grant Program with the suggested change as discussed. Seconded by Member Sharman and carried unanimously 6-0.**

**E. Recommendation to approve Facade Matching Grant application for 426 W. Plant Street as requested by Plant Street Market LLC in the amount of \$60,000.00, with conditions**

Economic Development Director Gerhartz stated that this item is for 426 W. Plant Street and at the last meeting the City Commission approved an investment package for the revitalization of this site. She stated that tonight the facade grant proposal is before the City Commission [CRA]. The applicant is Plant Street Market, LLC and proposes to demolish the existing buildings. They will build a new commercial building, which will house an artisan market and micro-brewery. The building would actually be moved closer to Plant Street with open seating area; hopefully creating pedestrian activity. This will greatly enhance this particular block of Plant Street and remove a blighted property. The CRA Advisory Board recommends approval of a grant up to \$60,000.00. She noted that the item does add some conditions based upon the presentation made to the CRA Advisory Board. The front of the building would be used for retail such as a market and

a brewery in the back. There would be a brick facade on the front elevation facing Plant Street and also on the east elevation along Central. A third condition requires closing on the property by the end of May for this facade grant to proceed.

Member Cappleman noted that the advisory board supports these conditions as well as well as the modifications.

**Motion by Member Sharman to approve Facade Matching Grant application for 426 W. Plant Street as requested by Plant Street Market LLC in the amount of \$60,000.00 with conditions as stated. Seconded by Member Makin. Motion carried unanimously 6-0.**

*The Community Redevelopment Agency adjourned and reconvened as the City Commission at 6:56 p.m.*

4. **MATTERS FROM PUBLIC**

Eva Coleman, 1060 Lincoln Terrace, Winter Garden, Florida, requested that speed bumps be installed on Lincoln Terrace. Mayor Rees and City Manager Bollhoefer noted that they would have the Police Chief look into this and someone would follow up with her.

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, requested a sidewalk be installed from Palmetto to State Road 50 and Vineland Road. He expressed that a lot of people are walking on that road at night. City Manager Bollhoefer noted that the bidding process for that project has already started.

5. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman noted he has distributed a packet titled "Subsection added to I.C of the Land Swap Agreement" that the City Commission approved at the last meeting between 252 W. Plant Street LLC and West Street Partners and the City, which was not a final agreement. The 252 W. Plant Street LLC and West Street Partners has asked that the City include a restriction on the property that the City will end up owning between the splash pad and the property that 252 W. Plant Street LLC and West Plant Street Partners own. They are asking that there not be vertical construction that would interfere with what they intend to do with their property.

Mr. Ardaman noted that he has proposed a paragraph subsection 6 that says the City and the property owners will enter into this provision that will allow negotiation of restrictions on that property. He has also added a proposed Notice of Restriction that will encumber the City's property and limit the buildings that can be placed on that property for a 30 year period. He read the language that could be included in the agreement. If not included, they could have difficulty with their project.

City Manager Bollhoefer shared the reason they are proposing this agreement is because of the design of their building. This is the side of the building where they would like to have open area seating to face the park land. He noted that before they invest in doing that type of

seating, they would like to have some type of guarantee that there will not be a building built next to it that would block their open-air seating.

There was discussion on the restriction, use, and limitation of the property. Mr. Ardaman stated this may not be the final language but it is the essence of what they would do if approved. There would not be a prohibition from putting other items on the lot, but would prohibit a building for 30 years. Mr. Ardaman suggested approving the added subsection and allowing staff to fine-tune the Notice of Restriction document.

Mr. Ardaman also mentioned that their request includes waiving permitting fees for the project due to their prior payment of permitting fees for their first project. In addition, they are requesting the City obtain a geo-technical report on the City's property. These items will keep them in the same position as they are now. City Manager Bollhoefer noted that staff has indicated the boring report will not exceed \$5,000. Mr. Ardaman advised that the Notice of Restriction form will come back to the City Commission.

**Motion by Commissioner Buchanan to approve the addition of subsection I.C.6 to the land swap agreement, waiver of the review and permitting fees for future development, and obtain a geo-technical report on the City's property. Seconded by Commissioner Sharman and carried unanimously 5-0.**

6. **MATTERS FROM CITY MANAGER**

**Introduction of Building Official**

City Manager Bollhoefer introduced the new Building Official Mark Jones.

**Financial Statement**

City Manager Bollhoefer noted that the City's financial statement has been distributed to the City Commission via their mailboxes, in both the short and longer version, for their review.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Makin** stated the City had a great event this weekend, great weather, and great staff that did a good job.

Commissioner Makin asked for a status update on the Florida Department of Transportation's (FDOT) plan for the obstructive curb in the turn lane on State Road 50 near the Subway business. Mr. Bollhoefer replied that it was his understanding that this issue was addressed. Staff will get back with FDOT to get the safety devices installed.

**Commissioner Buchanan** stated that he thinks the event this weekend was the best event we have had in a long time. He noted that there were happy merchants. He stated that the Rotary Club set up tents as they have in the past. He gave a special thanks to Parks and Recreation Director Conn who he thinks provided food for his staff.

Commissioner Buchanan alerted everyone to a parcel pick up notice he received in the mail that was previously noted on Channel 9 News that if you call the number on the notice, your phone is automatically charged \$20.00 to \$40.00. If you stay on the phone, expensive additional fees are charged to you by the minute.

**Commissioner Olszewski** reiterated congratulations to the City staff and the Bloom 'N Grow Society for an outstanding Spring Fever in the Garden event. He also congratulated the Rotary and City staff for the Evening at the Pops.

Commissioner Olszewski also congratulated former City Commissioner Charlie Mae Wilder for receiving a proclamation from the Orange County Commission meeting for National Volunteer Week.

Commissioner Olszewski asked the City Manager for an update regarding the Community Development Block Grant in East Winter Garden on the beautification and clean-up. Mr. Bollhoefer stated that all the people have submitted their applications for the block grants and they have them all to organize and are not getting ready to go through the selection process for awarding. He noted that there was \$20,000.00 set aside in the budget to demolish dilapidated homes. He noted that the attorneys are going through the legal process. Commissioner Olszewski asked if he had a guess of when that would get started. Mr. Bollhoefer deferred to the attorneys. Mr. Ardaman responded that they have already started but the actual demolition is going to take a little more time and he does not know if he can give an estimate of time it will take.

**Commissioner Sharman** stated that he thinks we will need that parking garage pretty soon.

**Mayor Rees** thanked all the City staff for all the hard work that they do at events. He noted hats off to Parks and Recreation Director Jay Conn for all he does and his efforts.

The meeting adjourned at 7:19 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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City Clerk Kathy Golden, CMC