



# CITY OF WINTER GARDEN

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## CITY COMMISSION BUDGET HEARINGS AND COMMUNITY REDEVELOPMENT AGENCY REGULAR MEETING MINUTES

September 25, 2014

The **BUDGET HEARINGS** and **REGULAR MEETING** of the Winter Garden City Commission were called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. A moment of silence 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, Assistant City Clerk Angee Grimmage, Assistant City Manager - Public Services Don Cochran, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Peter M. Gordon

### 1. **PRESENTATION**

Pastor Scott Billue specially thanked the City of Winter Garden for their cooperation and shared a video presentation describing the completion of six Matthew's Hope homes on W. Morgan Street.

## **BUDGET HEARINGS**

### 2. **SECOND READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2014/2015**

A. **Ordinance 14-34:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015

City Attorney Ardaman read Ordinance 14-34 by title only.

Mayor Rees thanked Finance Director Zielonka for providing answers to all his questions.

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

**Motion by Commissioner Buchanan to adopt Ordinance 14-34. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 14-35:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015

City Attorney Ardaman read Ordinance 14-35 by title and read the following excerpt from Ordinance 14-35:

Collection of Ad Valorem	\$ 8,985,856
Revenue other than Ad Valorem	<u>19,116,460</u>
<b>TOTAL REVENUES</b>	<b>\$28,102,316</b>
Appropriations from Fund Balance	<u>11,102</u>
<b>TOTAL AVAILABLE FOR EXPENDITURES</b>	<b>\$28,113,418</b>

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

**Motion by Commissioner Sharman to adopt Ordinance 14-35. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

- C. **Ordinance 14-36:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015

City Attorney Ardaman read Ordinance 14-36 by title and read the following excerpt from Ordinance 14-36:

Collection of Ad Valorem	\$ 310,992
Revenue other than Ad Valorem	<u>324,512</u>
<b>TOTAL REVENUES</b>	<b>\$ 635,504</b>
<b>TOTAL AVAILABLE FOR EXPENDITURES</b>	<b>\$ 635,504</b>

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

**Motion by Commissioner Olszewski to adopt Ordinance 14-36. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- D. **Ordinance 14-37**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2014-15 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

City Attorney Ardaman read Ordinance 14-37 by title only.

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

**Motion by Commissioner Olszewski to adopt Ordinance 14-37. Seconded by Commissioner Sharman and carried unanimously 5-0.**

### **REGULAR CITY COMMISSION MEETING**

3. **APPROVAL OF MINUTES**

Commissioner Buchanan noted a change to the September 5, 2014 minutes, page 4; correction of the seconder of the motion from Commissioner Sharman to Commissioner Makin.

**Motion by Commissioner Olszewski to approve Special Meeting of September 5, 2014, Budget Hearings and Regular Meeting of September 11, 2014 with corrections as noted and stated. Seconded by Commissioner Sharman and carried unanimously 5-0.**

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 14-26**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 33.79 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 562 BEARD ROAD LOCATED SOUTH OF THE FLORIDA TURNPIKE AND EAST OF DANIELS ROAD AT THE SOUTHWEST CORNER OF BEARD ROAD AND 9TH STREET FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR NON-SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-26 by title only. Community Development Director Williams noted that this is the second reading on a proposed rezoning for a planned unit development. As discussed at the last meeting, this property under the conventional existing zoning can get approximately 88 units; under this plan they will get 77 units. There is additional recreation, open space, and provided protection of the wetland areas. The biggest issue was the inability to fix all Beard Road's deficiencies of the road. The applicant is widening a portion of the road and providing sidewalks. However, at Beard Road's intersection at Daniels Road, the problem is the curve heading

in an easterly direction. Staff believes the conditions as proposed are absolutely the best that can be provided under the circumstances. The City does not have the ability to build other roads to the south or to the north due to the presence of structures. Therefore, the Planning and Zoning Board and staff recommend approval subject to conditions.

Mayor Rees shared that this past weekend a tow truck was pulling a car out of the ditch at the S-turn on this road. He expressed that this is a problem for which the City has no answer.

Commissioner Sharman asked if there had been any more discussion from the adjoining neighborhood. City Manager Bollhoefer responded, and City Planner Pash affirmed, that the City is in the process of coordinating meeting.

Mr. Williams stated that the fact that conditions are set does not mean that the City will not continue to explore other options. He reiterated that at this time this is the best option, but the City will continue to keep working on the problem.

Mr. Bollhoefer noted that the City will make this top priority. Impact fees paid there can be set aside and the City can possibly work with the County as it definitely needs to be fixed.

Mayor Rees addressed the adjoining neighborhood and the City taking over their roads if they should agree to allow this option. He questioned the likelihood of the HOA voting to do this. Mr. Williams noted that there are advantages to both properties; the question is whether there are enough advantages for the two. This would be a very good situation from a traffic standpoint; it takes the traffic off of Beard Road and creates the possibility of installation of a future traffic signal at the subdivision on Daniels Road. This would help both projects to get in and out safely.

City Manager Bollhoefer stated that what the City would do in this eventuality is negotiate with that neighborhood. The lifespan of a road is generally 15 to 20 years depending on the drainage; this community is almost 15 years old. The City would propose setting aside a fair share amount that would have been contributed to this road had it been a public road all this time. Then the neighborhood would be able to put in their funds to cover costs when the road needs repaving.

Commissioner Olszewski stated that he wanted to reiterate his stance from the last meeting. He feels that this is a public safety issue and adding the additional traffic is a real concern.

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

**Motion by Commissioner Sharman to adopt Ordinance 14-26. Seconded by Commissioner Makin and carried 3-2; opposed by Mayor Rees and Commissioner Olszewski.**

5. **PUBLIC HEARING MATTERS**

- A. Consider condemning property located at 159 9<sup>th</sup> Street, Winter Garden, Florida;  
**Owners:** George M. Morgan and Carrie M. Clark

**Code Enforcement Manager Pash** stated that this property is located at 159 9th Street and is a single family home. The City has had Code Enforcement actions on this house since 2006 to the present. In 2010, the house was boarded up, abandoned, and has remained in this condition since. He referred to photos provided to the City Commission for review, stating that the home is in extremely poor condition. Code Enforcement as well as the Building Official have examined the home and found it to be dilapidated and in a state of decay. He noted that it is felt that it presents harm to the surrounding properties. Staff recommends condemnation of the property and the authorization to move forward with demolition.

**Commissioner Olszewski** noted that this is the heart of District 3 in East Winter Garden. He wanted to let the Mayor and Commissioners know that one of the top constituent concerns routinely heard is the beautification and dealing with the abandoned homes in East Winter Garden. He noted that the fact that this is before the City Commission for consideration is making a lot of the people in East Winter Garden very happy. He thanked Code Enforcement Manager Stephen Pash, City Manager Michael Bollhoefer, City Attorneys Kurt Ardaman and Dan Langley for all of their efforts. He noted that he knows that this has been well over a year to get to where we are today.

Commissioner Olszewski asked for clarification stating that the condemnation of a property does not mean the City is taking someone's property; the owner still owns the property rights. The City is only knocking down a blight or eyesore so as to better the community. The City then liens the property so that when the owner of the property eventually sells, the lien on the property will allow the citizens of Winter Garden to recoup their investment in beautifying this property. **City Attorney Ardaman** agreed, stating that these are two different things. Eminent domain is an action where the City agrees to take some property interest. He noted that this is as Commissioner Olszewski described in that it is a separate process. Even though it is called condemnation, it is attempting to eliminate a nuisance. It corrects a nuisance and problems that have been cited by the City. He affirmed that the process Commissioner Olszewski described is accurate.

**Code Enforcement Manager Pash** confirmed that the process is a long one. The City advertised in the newspaper for four weeks and followed all notification requirements for this process as required in Chapter 18 of the City Code.

Mayor Rees opened the public hearing.

T.J. Travis, 423 Sand Lime Road, Winter Garden, Florida, asked if he could see some of the photos mentioned for this property. A copy was provided.

Cynthia Oakley, Angela Gadson, and Lorenzo Morgan identified themselves as the children of the owner Georgia Morgan.

**Ms. Oakley** stated that there are several people that own the property as listed on the deed; this has been causing the problem. She has been in contact with the nursing home and this property is wanted by Medicare for her mother's care.

**Commissioner Olszewski** assured that this is still her property and the City is not touching the ownership of her property at all. **Mayor Rees** also reassured that the property will still be hers.

**Ms. Gadson** shared that the intent was to rehab this property but the numerous owners made this difficult. She described her efforts in trying to contact the owners. She explained that the nursing home needed to know the value of the land as it would be used for her mother's care. She expressed that they are not concerned with the property; only as it pertains to their mother's care.

**Commissioner Olszewski** thanked them for their comments and attendance. He stated that he could not express enough that the City is not taking the property and explained that they may do with it as they will but the building is not inhabitable. No matter what they do with this property, the building structure will have to come down. He stated that this is all the City is doing at this point. He reassured that they did not need to worry about losing that right. He told them that their mothers care has nothing to do with the City and this would be between them and Medicare. **Ms. Gadson** stated that she understands what he is saying and this would be left up to them; but regarding the property lien, she spoke with someone in the City who said that once the demolition of the building has taken place, the lien would be placed on the property. She stated that bids on the costs for demolition would be sought and the lien would be on the property for the amount it cost the City to demolish the building. She noted that the value of the land is only about \$7,000. She suggested that it would be better that the City just take the property. **City Manager Bollhoefer** noted that the City would always seek the lowest bid and offered that should there be a buyer for this property one could come back to the City Commission to negotiate a settlement amount. He stressed that there is no jeopardy of losing the house or of the City trying to foreclose.

**Mayor Rees** suggested that they stay in contact with City staff to be informed the demolition cost. He also reassured her that when the property is ready to be sold, if the lien is still on it, they can come back to the City Commission.

**Ms. Gadson** asked for the City to provide any paperwork on this issue so that they may present it to the nursing home. **City Manager Bollhoefer** advised that Code Enforcement Manager Pash would get with them.

**Ms. Oakley** asked about accrued interest and penalties on this lien. **Mayor Rees** assured her that in the event interest were to compound and a willing buyer was found who would come and clean up the property, she would be pleasantly surprised at how favorable the City Commission would be regarding this issue.

Mayor Rees closed the public hearing.

**Commissioner Sharman** expressed that the City Commission's goal is the beautification of the neighborhood. When it eventually comes time to sell, the City has negotiated down on these costs. He expressed that we want you, the property owner, to be able to sell and have someone build a nice home on this property and bring the community back.

**Motion by Commissioner Olszewski to find property located at 159 9<sup>th</sup> Street, Winter Garden, Florida in violation of Chapter 18, Division 5 and to condemn the structures on the property and grant the City staff the authority to demolish and remove all structures and charge the cost and expense thereof as a lien against the property. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. Consider condemning property located at 227 10<sup>th</sup> Street, Winter Garden, Florida; **Owner:** FP Consultants LLC as Trustee for Land Trust 227-10

**Code Enforcement Manager Pash** stated that the next property is located at 227 10<sup>th</sup> Street and consists of an abandoned commercial building known as the Macedonia Lodge. Code Enforcement has had violations on this property since 2009. There is currently a \$90,800 lien against the property on those violations. He referred the City Commission to photos provided and stated that the building is falling apart and is in a bad condition. He stated that due to the condition of the building the City's Code Enforcement and Building Official have determined it to be in a state of disrepair and is dilapidated and decaying and creates a danger to the surrounding area.

Mr. Pash stated that this property has followed all the advertisement requirements, as well as the requirements of City Code Chapter 18. Staff recommends condemnation on this property and the authorization of its demolition.

**Commissioner Olszewski** noted that the owner was found through a Land Trust. He asked that being that this is a commercial property what makes this different from the previous hearing. **Mr. Pash** answered that a commercial building is what it was originally and noted that the owners were present. **Commissioner Olszewski** remembered that a year ago there were fines. **Mr. Pash** noted that the City could not fine

forever and the current owner bought the tax deed approximately three days before the City ran the advertisements.

Mayor Rees opened the public hearing.

Robert Crager and Michael LaFay approached the podium and identified themselves as it related to speaking for this property.

Robert Crager, 2004 E. Harding Street, Orlando, Florida, stated that they bought the property at a tax deed sale. He shared that it is their intent to fix this property up. He requested a postponement on any decisions tonight so they have time to speak with Code Enforcement Manager Pash to review all options. He noted that condemnation does nothing to help their situation and they are hoping to avoid it right now.

There was discussion on whether this item should be tabled and it was noted that this was the old Masonic Lodge.

**Commissioner Buchanan** noted that this building has been cited as far back as 2005 when he was Code Enforcement Manager and the building official at that time inspected the building and said it was not one that could be rehabilitated. He questioned whether this has changed since then and wondered if a building official has since reviewed this property and made a recommendation about this building. **City Manager Bollhoefer** stated that we have actually had two building officials since then and they both said it has to be condemned. **Commissioner Buchanan** stated that he did not know what they wanted to rehab when it has been condemned.

**Mr. Pash** noted conversations just before this meeting with Mr. Crager indicated there may be interest in tearing down the building to build another home there.

Mr. Pash shared that he had talked with City Attorney Langley and this can be tabled to a date certain and bring it back to another meeting without having to run through another series of ads. This would give staff a chance to sit down with them to see what their proposal would be.

**Commissioner Buchanan** stated that if the City Commission went ahead with condemnation proceedings tonight, they could then come back to the City Commission before the actual structure was demolished. **City Attorney Ardaman** stated that the proposed motion just gives staff the power but does not require that it be torn down. **Mr. Pash** stated that staff would wait 30 days before they would take any action anyways.

**Mayor Rees** noted that if we have someone here willing to do what we intended anyways, 30 days will not make a difference to him. He noted that either way with the motion, as long as the City gets the project started.

**Commissioner Olszewski** agreed with Commissioner Buchanan and stated that these are the constituents in his district. He shared that he is looking forward to working with them. He shared that this is an important piece of property that has historic value in that community. He confirmed the RNC zoning with Mr. Pash and stated that there is a lot of opportunity for it. He does not think the building is salvageable and wanted to know how tearing down the building would affect them in an adverse situation. **Mayor Rees** and **Commissioner Sharman** noted that the owners would want to control that cost. **Mr. Crager** confirmed that this is the business he is in and any cost the City could get, he is pretty sure he can beat. Tearing it down does not increase the value of the property at this point and it is still a block building that was built by the mason's and feels that it is a well-built building. He noted that he has not seen any reports that say this is not structurally sound. He noted that obviously the roof is dilapidated but they have only had the property a little over 30 days and they have not had the time to get to make any of those decisions.

**Mr. LaFay** stated that they were pulling a roofing permit within the 30 days of them owning it. If they can't fix it up then they want to take it down. He expressed that they are just asking for a couple of weeks.

**Commissioner Olszewski** asked the City Attorney Ardaman if the City Commission votes to condemn this building tonight it does not mean that the building is coming down; it just gives staff the authority to work with them. They could bring back a plan and the City could decide not to tear it down. **Mr. Ardaman** responded that if the motion used in the prior hearing is used in this case, it clearly states that the City moves to find it in violation, which it is, and give staff the authority. It does not say you must do that. **Commissioner Olszewski** stressed that he wanted this clarification because for him as representative of this district and his constituents, he feels that he has to condemn this building. He noted that the City does want to work with the owners to find a solution to where this could possibly not come down. He noted that as it sits before him today, he thinks he would be making a motion to condemn the building.

**Mr. Crager** asked how long the building had been sitting in this state and guessed about 10 to 12 years. He stated that the City has not condemned it to this point, and asked what's the problem with giving them 30 days to have their conversations. He pleaded why tonight, when he has only had it for 35 or 40 days and the City has had the property sitting in the community for 15 years and have done nothing about it up to this point. **City Manager Bollhoefer** stated that the City has been trying to do a lot about it but there have been several issues. He noted complaints and criticisms from the neighbors because the City has not been able to do anything about it. **Mr. Crager** responded that they have met all the neighbors who are excited that they want to do something with it.

**City Attorney Ardaman** stated that if the City Commission approves the motion to find it in violation and authorize the staff to demolish it and remove it, staff can still work with them. He advised that if they have the funding and they have desire, they can

actually engage with staff to let them know what they are doing. If they can satisfy the staff with what they are going to do, it does not require the City move forward with its authority and tear it down. He asked what would be the difference to them.

**Mr. LaFay** explained that they are not sure, but condemnation does not help them. **City Attorney Ardaman** expressed that it certainly gives everyone an incentive to work quickly and fast. **Mr. Crager** noted that they were willing to move quickly and fast when they pulled the permit on the property. He voiced that they are not trying to delay; they are here with the same goals.

**Commissioner Buchanan** noted that the City does not want to wait 30 days and find out that we have to do the entire process all over. **Commissioner Sharman** noted that the City does not have to tear it down in 30 days. **Commissioner Buchanan** expressed that the City does not have to do anything as long as staff feels that the owners are working on it. He noted that at least if the City Commission puts it in motion that if nothing is done the demolition can move forward, then we have done our part. Then it would be required of them to come back in 30 to 60 days with some kind of plan of what they wish to do. At least the City Commission now has the opportunity to go ahead with this if they do not.

**Mr. LaFay** expressed that he is looking at this much like a car which would now be reading as a salvage which he thinks would show as a blemish on the chain of title. **Mr. Bollhoefer** noted that these tax deed type purchases are done in an “as is” and assume that risk.

**Mayor Rees** stated that he believes that if any of us were in their shoes we would be asking the same thing. He noted that the City could review the cost on the condemnation whichever way the vote goes on this issue. **Mr. Crager** pleaded that he does not see how 30 days hurts the City since it has been 15 years sitting in this state and asked to be given a chance.

**City Attorney Ardaman** indicated that they would be given a chance either way. They would just need to be diligent with the staff to make sure you are working, should the City Commission vote this way.

Donald James “Jimmy” Carter Jr., 1601 Fullers Cross Road, Winter Garden, Florida, shared that he had his house condemned after Hurricane Andrew and recounted the rebuilding process and costs. He pleaded for the City Commission to give these guys four to six months to come up with something and then condemn the property; it is just paperwork.

T. J. Travis, 423 Sand Lime Road, Winter Garden, Florida, stated that he does not see why the City can’t even give them to the next meeting to go over this as they have only

owned this for 30 days and are trying to work with you. He stated that they are trying to beautify your City on their own dime; just give them a little time.

**Commissioner Olszewski** stated that he wanted to share for the record, that no one on the dais is not giving them as much time as they need. All that the City is doing is something that the constituents have consistently asked for. He stated that he is confused as to why they are coming in and trying to dictate how this legal process has worked for well over a year. He stated that he has asked what their plans are for the property and how they will rehab the building and nothing was said. He stated that the City is giving you time, we can condemn this building and then you can have plenty of time if you work with the Planning department. He stated that it does not hurt them in any way to do that but we are answering our citizens who live here, who vote for all of us, and have asked repeatedly that this building be taken care of when he came into office. He stated that he feels he has an obligation to do that and asked again what would they like to do to the building that the City can't work with them after possibly condemning the building.

**Mr. Crager** responded that with all due respect, they are not trying to dictate but are honestly here with their hats in their hands. He stated that they need an opportunity. They saw that this building had a bad roof and thought to control the damage by repairing the roof. They feel that it is structurally sound because of the brick and stone and the walls were in good condition so they were going to just repair the roof. He noted now that they have not really had a chance to assess.

**Commissioner Olszewski** again asked their plan for the building. **Mr. Crager** responded that they would rehab; then rent or resell.

**Commissioner Makin** asked if the RNC zoning would allow for two dwellings on one property. **City Manager Bollhoefer** answered that he did not believe so. Mr. Pash informed that this lot is quite small. **Commissioner Makin** shared that he has walked this property and looked at it himself. He shared that he is in the construction real estate industry and does this all day long. He understands their concerns from their standpoint in just buying the property and attending this meeting. He noted that pulling a permit for a roof tells him that they intend to rehab the building, otherwise why put the money into a roof. He asked them if the permit was to replace the roof or fix the roof. He noted that it would need trusses and everything. **Mr. Crager** expressed that the permit was for a replacement of the roof. **Commissioner Makin** shared that his thinking for their rehabilitation of this building is that it may be a duplex or some type of rental. **Mr. Crager** shared that he knows it is a small lot and if torn down he would need variances in order to build anything there. He stated there is a building there that they could renovate into something; they are open to anything whether a renovation for the purpose of a business or it could be renovated for the purpose of a house. It is a solid block building that already exists. **Commissioner Makin** agreed that the masons do a great job at building structures. He made references that under today's code a lot of money is

required to rehab the existing structure. He shared that it might be more cost effective to tear it down and start over.

**Commissioner Makin** asked when they bought the tax deed. **Mr. Crager** answered 8/18/2014 at 10:41 a.m. He stated that the City started the proceedings on 8/27.

**Commissioner Makin** expressed that he understands their need to feel a sense of security when leaving this meeting that they have time to properly evaluate this building and figure out their costs and that they could possibly control costs of demolition and things like that. He asked that they see from the City Commission side of things and explained that even before he was a City Commissioner he had heard the complaints about this building. **Mr. Crager** expressed that he does not like the building either and is requesting to fix it.

**City Manager Bollhoefer** stated that from staff's perspective there is no objection. He suggested waiting the two weeks and then bring it back before the City Commission.

**Motion by Commissioner Olszewski to POSTPONE the consideration for condemnation of property located at 227 10<sup>th</sup> Street until October 9, 2014 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

6. **REGULAR BUSINESS**

A. Recommendation to approve blocking Plant St. and Park Ave. to accommodate the West Orange High School Homecoming Parade on October 9, 2014

Recreation Director Conn stated that this is a request from West Orange High School to hold their annual Homecoming Parade. It is again blocking Plant Street and Park Avenue on October 9, 2014 at 6:00 p.m. He noted that the Merchant's Association of downtown Winter Garden has approved the event. Staff recommends approval.

Mayor Rees asked clarification on the blocked streets from Plant Street and Park Avenue. Mr. Conn replied that it is all the way down to Veterans Park.

**Motion by Commissioner Buchanan to approve blocking Plant Street and Park Avenue to accommodate the West Orange High School Homecoming Parade on October 9, 2014. Seconded by Commissioner Makin and carried unanimously 5-0.**

B. Appointment to the General Employees' Pension Board for the seat previously held by Ms. Kennington and declined appointment by Matthew Moore due to employment conflict; term expires September 30, 2015

Commissioner Makin nominated Dan Keel.

**Motion by Commissioner Makin to appoint Dan Keel to the General Employees' Pension Board for the seat previously held by Ms. Kennington and declined appointment by Matthew Moore; term expiring September 30, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

C. City Manager Contract

City Manager Bollhoefer stated that he has submitted the contract which is the same used the last two times, no differences.

Mayor Rees stated that he thinks Mike has done a great job for the City and appreciates all he has done and has enjoyed working with him over the years.

**Motion by Commissioner Buchanan to renew the City Manager contract. Seconded by Commissioner Sharman and carried unanimously 5-0.**

*Dispensed as the City Commission and convened as the Community Redevelopment Agency (CRA) at 7:32 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 Façade Matching Grant Application for 18 and 20 E. Plant Street

Economic Director Gerhartz stated that this Façade grant application has been approved by City staff, the Architectural Review and Historic Preservation Board, and Community Redevelopment Advisory Board (CRAAB). The property is located at 18 and 20 E. Plant Street. She stated that the applicant and property owner is Betty Bryant. The tenants for this space are Wolf Gang Bakery and West End Safe and Lock. The CRAAB recommended approval of a matching grant of up to \$3,500 for improvements which Ms. Gerhartz listed.

CRA Member Cappleman stated that the advisory board did review this and there was some uncertainty about the cost and this is the reason they are going up to \$3,500.

**Motion by CRA Member Cappleman to approve Façade Matching Grant Application for 18 and 20 E. Plant Street. Seconded by CRA Member Buchanan and carried unanimously 6-0.**

*Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 7:34 p.m.*

7. **MATTERS FROM PUBLIC** - There were no items.

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

9. **MATTERS FROM CITY MANAGER**

**Christmas Parade**

City Manager Bollhoefer noted that the City is planning for set up of this year's Christmas parade. He addressed the issue of the Christmas Parade being too long and taking too long. He offered two options for the City Commission's consideration. First option is cutting the number of participants. This option requires determining what criteria to use in cutting down the number of participants. Staff needed to be sure that the City Commission was willing to go with this position as it may upset some people. Mayor Rees suggested offering themes for the parade. Mr. Bollhoefer stated that the City could do this and say that it must be themed Christmas, but questioned where the line would be drawn. Commissioner Olszewski stated that he has not heard a complaint. Mayor Rees stated that the biggest complaint was the large gaps. Mr. Bollhoefer responded item number two which is the easiest one to fix eliminates that part, as it is the performance in front of the stage that draws this out. He suggested giving participants a limit of 10 to 15 seconds for their performance. Commissioner Makin asked that the City Manager make some recommendations for the City Commission to review. Mr. Bollhoefer recommended minimizing the amount of time to 15 seconds for performance in front of the stage. He asked if the City Commission wanted to look at the type of groups to eliminate. Commissioner Makin answered no. Mr. Bollhoefer stated that he would bring back a different package for the next meeting.

**Stone Crest Fence**

City Manager Bollhoefer stated that staff has been working on the Stone Crest fence issue. The last time it was discussed at the City Commission, a sound study was to be performed determining if a fence would have any effect on the sound from the adjacent road. The cost for the sound study would have been \$7,000, which he felt could be used for the cost of the fence. He asked staff to review finding a sound fence that is less expensive than the one placed around the homes on the east end. He stated that if this same fence was placed around the other homes it would have been approximately \$220,000 to \$230,000, which would have come out of impact fees. They have found a comparable fence, sound wise, and it costs \$70,000, which is one-third of the cost of the other fence and a little more than twice the cost of a regular PVC fence. Staff recommends going with this in-between fence for a cost of approximately \$70,000. This fence would go along that 1,400 linear foot section.

Commissioner Makin asked about the composition of the fence. Mr. Bollhoefer described that it is actually made out of a double wall PVC with foam in the post and a recycled top material in between. This panel is one piece, so there are no cracks. He stated that everybody loves this fence; it is great quality and will last for 30 years. He also noted some other uses for this type fence.

Commissioner Sharman noted the color of the fence as the only discrepancy for the neighborhoods. Mr. Bollhoefer shared that he has spoken with those needing to agree on the color and it has been a challenge but thinks it is an issue he can get settled.

Commissioner Makin asked who would maintain this fence. Mr. Bollhoefer replied that the fence is being maintained by the hospital as part of the PUD.

Commissioner Olszewski asked Commissioner Sharman that since this is his district, if the residents are happy with the structured quality and the sound proof quality of the wall. Commissioner Sharman responded yes, and noted that from the emails he has seen everyone is in favor of going with this option.

**Motion by Commissioner Sharman to approve the recommendation of the City Manager purchasing the alternative fence for a cost of approximately \$70,000. Seconded by Commissioner Makin and carried unanimously 5-0.**

#### **ICMA Award**

City Manager Bollhoefer announced that the City of Winter Garden is number one in improvement of mobility out of 500 communities surveyed. He stated that this is quite an achievement and thanked Public Services and staff for working on our roads.

#### **Courtlea Park Homeowner's Association (HOA)**

City Manager Bollhoefer addressed District 1 - Courtlea Park HOA. He stated that one of the rules in the City of Winter Garden is that in communities the developer pays for the street lights when up to approximately 75 percent of the Certificates of Occupancy (CO) are pulled. After that point, it is switched over to the residents and the City covers the normal cost of lights. If there are upgraded lights, then the HOA is responsible for the difference. The City ordinance requires that at the point of the 75 percent CO's, the HOA is to notify the City in order that they may receive reimbursement. Not all property managers send the letter and the residents end up paying the impact for light fees that they should not have paid. In Courtlea Park that letter was not sent for almost three years. He stated that legally the City is not obligated to do so, as the code is very specific. However, he feels that he would hate to penalize the residents and requests that the City pay approximately \$13,000 for the years 2008, 2009, 2010 and 2011.

Commissioner Makin asked if they have a property management company. Mr. Bollhoefer noted that they do have a property management company now. They had one before, but the problem is that the prior management company did not do the correct thing in sending the letter. He added that the HOA companies rely on their property management companies.

**Commissioner Makin approved reimbursement of approximately \$13,000 to the Courtlea Park Homeowners Association for reimbursement costs missed in 2008, 2009, 2010, and 2011. Seconded by Commissioner Sharman and carried unanimously 5-0.**

City Manager Bollhoefer thanked the City Commission for his contract renewal.

**10. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Olszewski** personally thanked the Winter Garden Police Department for a recent effort and specifically named Officers Cameron and Hudson.

**Commissioner Sharman** stated that he attended the recent car show. He announced that Andy Bruns would be collecting for the Toys for Tots at the next two car shows. He noted that the distribution time for the toys would be too late for the December car show. He encouraged bringing an unwrapped, used toy.

**Mayor Rees** shared that he may not be in attendance at the next scheduled meeting.

The meeting adjourned at 7:45 p.m.

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor Pro-Tem Bob Buchanan

ATTEST:

\_\_\_\_\_/S/\_\_\_\_\_  
Assistant City Clerk Angee Grimmage, CMC