



CITY OF WINTER GARDEN

CITY COMMISSION AND COMMUNITY REDEVELOPMENT AGENCY REGULAR MEETING MINUTES

January 22, 2015

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:32 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, 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, Economic Development Director Tanja Gerhartz and Finance Director Laura Zielonka

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of January 8, 2015 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

2. **PRESENTATIONS**

A. **Local government revenue sources**

City Manager Bollhoefer gave a PowerPoint presentation to provide clarification on revenues for local governments. He stated that this had been requested by some of the City Commissioners. (*See Attached Exhibit A*)

B. **Emergency Medical Services**

City Manager Bollhoefer stated that he has been meeting individually with the City Commissioners on this item and they had some very good questions and comments. He requested postponement of this item for 30 days so staff can address the issues and comments. He shared that he has spoken with Rural Metro, who has given the City a three month extension.

Mayor Rees stated that he thinks it is a good idea for the questions raised to be incorporated into the presentation. *There were no objections noted to postponement of this item.*

3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 15-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 14-37, THE CITY OF WINTER GARDEN

FISCAL YEAR 2014-2015 BUDGET TO CARRY FORWARD PRIOR YEAR
APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE
DATE

City Attorney Ardaman read Ordinance 15-16 by title and an excerpt from Section 1 as follows:

REVENUES	
General Fund	\$ 540,913
CRA	6,475,000
Local Option Gas Tax Fund	480,777
General Impact Fee Fund	15,159
Transportation Impact Fee Fund	5,236,028
Utilities Operating Fund	2,737,779
Utilities Impact Fee Fund	7,394,694
Utilities Renewal & Replacement	2,168,216
Stormwater Fund	425,591
Trailer City Fund	4,000
	<u>\$25,478,157</u>

Mr. Ardaman noted that the expenditures are itemized identically with that of the revenues.

Finance Director Zielonka stated that this ordinance amends the current year budget to carry forward the projects of last year's budget that were not completed. Staff would like to carry forward these appropriations into this year's budget. She stated staff has included a list of the projects in Exhibit 1 that include two items staff would like to remove before the second reading of the ordinance. The first item for removal is the CRA funding of \$400,000 for Dillard Street, which was from prior years planning that is no longer being planned. The second item is on the second page under the utilities operating fund; \$300,000 was for painting the water tank. She noted that the City is working with a company to remove the equipment off of the tank and they will hopefully demolish the tank so that the City will not have to paint it. City Manager Bollhoefer noted that the issue of the tank will be brought back before the City Commission.

Mayor Rees asked for clarification on an identical charge of \$700,000, which is listed twice. He asked if one was for water lines and the other for sewer lines. He noted that both lines are listed for Dillard Street improvements from State Road 50 to Plant Street. Ms. Zielonka confirmed that the funding sources are for sewer and for water.

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

Motion by Commissioner Buchanan to approve Ordinance 15-16 as recommended by staff with the second reading and public hearing scheduled for February 12, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

- A. **Ordinance 15-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 23.64 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH, SOUTH, EAST, AND WEST CORNERS OF THE INTERSECTION OF MARSH ROAD AND WILLIAMS ROAD AT 17416, 17451, 17500, AND 17501 MARSH ROAD AND 2002 WILLIAMS ROAD, FROM CITY NO ZONING (NZ) TO CITY URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); DESCRIBING THE DEVELOPMENT AS THE FOUR CORNERS UVPUD; PROVIDING FOR CERTAIN UVPUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-04 by title only. Community Development Director Williams stated that this project is located at all four corners of Williams and Marsh Roads. It is to be the commercial center for that urban village designated on the comprehensive plan for that area. The property has a mixture of office, commercial, and possibly some residential uses. The conditions of approval address a great number of issues. The applicant is donating right-of-way for improvements to the intersection and paying their share of the portion of costs for signalization. In addition, they have worked with Standard Pacific to provide the tank site for our stormwater systems needed in that area. They have provided several other benefits that are above and beyond the demands they created themselves. The project has been reviewed by the Planning and Zoning Board and staff for compliance with regulations. Approval is recommended subject to the conditions as stated in the report. (*See attached Exhibit B*)

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

City Attorney Ardaman stated that the City Commission has been presented with three additional matters that have been finalized today. There is an additional agreement that the property owner has executed that governs the vacation and abandonment of Orange County utilities, temporary tree removal license which the property owner has authorized the City to cut down some trees near the intersection of Williams and Marsh Roads for utility purposes, and a utility and drainage easement agreement, which allows the City to go in and construct or authorize others to construct utilities all for the benefit of the development of the area for the City. He suggested to the City Commission that if they find it appropriate to approve this ordinance, they should also authorize the Mayor or the City Manager to execute those documents along with the other closing documents.

Motion by Commissioner Buchanan to adopt Ordinance 15-04 and authorize the Mayor or City Manager to execute the documents referred to by the City Attorney

and any other closing documents. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 15-11**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISIONS 3, 4 AND 5 OF ARTICLE II, CHAPTER 42 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR INCREASED IMPACT FEES FOR POLICE PROTECTION, FIRE AND RESCUE AND RECREATION IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-11 by title only. Finance Director Zielonka stated that this ordinance amends the current Fire, Police, and Recreation impact fees. She noted that the City Manager previously explained the importance of new development paying for itself and not putting the burden on the current taxpayers. She noted that a study was performed by a municipal studies group who recommends that the City of Winter Garden increases their Police, Fire and Recreation fees in order to pay for needed infrastructure. She noted that the study was included in the agenda packet for the City Commission's review and approval is recommended.

City Manager Bollhoefer displayed information on the proposed municipal impact fee to clear up any misunderstanding about the impact fee increase amount. The total the fees would be increased is 9.84 percent. He noted that with the reduction of the super impact fee on CR 545, these impact fees are actually lower than they would have been five years ago. The total increase is 9.84 percent and a majority of this increase will not hit the commercial market as most of it is based on recreation, which is only residential.

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

Motion by Commissioner Sharman to adopt Ordinance 15-11. Seconded by Commissioner Makin and carried unanimously 4-1; Commissioner Olszewski opposed.

Commissioner Buchanan asked if Commissioner Olszewski is opposing putting the burden on the City taxpayer rather than the developers. Commissioner Olszewski stated that what he is saying is that he voted no, exercising his vote as a Commissioner to vote the way he thinks is best to serve the City. He expressed that he did not think questioning his vote was appropriate. He stated that since it was brought up, he does not believe that having the impact fee by voting no correlates directly with the raising of taxes on our citizens. He does not believe that and the numbers support that. He stated that you can cut expenses and make other things work without reducing services and without increasing taxes on our residents.

- C. **Ordinance 15-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE 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
- Ordinance 15-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY MULTI OFFICE INDUSTRIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- Ordinance 15-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.907 ± ACRES LOCATED AT 933 CARTER ROAD ON THE EAST SIDE OF CARTER ROAD, SOUTH OF EAST STORY ROAD AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY I-2 GENERAL INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-13, 15-14, and 15-15 by title only. Community Development Director Williams stated that this a voluntary request for annexation, comprehensive plan designation, and rezoning. This is for a house and a small piece of property on Carter Road that is surrounded primarily by the Auto Auction. They are requesting industrial zoning which is consistent with the nature of that area. It has been reviewed by the Planning and Zoning Board and staff who recommend approval.

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

Motion by Commissioner Makin to adopt Ordinances 15-13, 15-14, and 15-15. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- D. **Ordinance 15-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.16 ± ACRES LOCATED AT 120 EAST MAPLE STREET AT THE SOUTHWEST CORNER OF EAST MAPLE STREET AND CHARLES STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY C-3 PROFESSIONAL OFFICE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-17 by title only. Community Development Director Williams stated that as noted in our last hearing of this item, this is an error that the City is trying to correct. The comprehensive plan had designated this property for commercial but the zoning was still residential. The property has already been developed and they were trying to do some additional improvements and thought it appropriate to correct the error at this time. Staff and the Planning and Zoning Board have reviewed this and recommend approval.

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

Motion by Commissioner Sharman to adopt Ordinance 15-17. Seconded by Commissioner Makin and carried unanimously 5-0.

- E. **Ordinance 15-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.49 ± ACRES LOCATED AT 360 WEST PLANT STREET AT THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH CENTRAL AVENUE FROM CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-18 by title only. Community Development Director Williams stated that this is known as the blue house next door to City Hall. It is being proposed for development in conjunction with a similar ownership group from the market. They are proposing a three-story building with retail on the first floor and offices on the second and third floors. The architecture is very similar to the building that they are constructing right now next door. He stated that staff is very happy to bring this item to the City Commission with a recommendation to approve.

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

Motion by Commissioner Makin to adopt Ordinance 15-18. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Recommendation to provide \$100,000 to purchase projectors and equipment for use by the Garden Theatre and the community under a Special Use Agreement**

Economic Development Director Gerhartz stated that the Winter Garden Visual Partnership has asked to make a brief presentation. She referred the City Commission to a revised budget which had been distributed at this meeting. She noted an increase to the numbers and highlighted the changes. Staff is revising the recommended \$100,000 to purchase projectors with the understanding that three of the projectors will be owned by the City and can be used for community projects and events. The City and the Garden

Theatre would enter into a use agreement for the projectors at a later date. Ms. Gerhartz noted that this has had a great deal of support within the digital arts community. Ms. Gerhartz recognized Becky Roper of 1355 Kelso Boulevard and Amber Larkin of 446 W. Plant Street and special guest (Tinker Bell) to give a brief presentation.

City Manager Bollhoefer clarified that no one has changed the request. Their budget has changed, but the request from the City Commission remains at \$100,000.

Ms. Roper, representative of the Garden Theatre, and Ms. Larkin, representative of Nth Degree, gave a brief presentation explaining how the digital technology will bring their theater to life. Ms. Larkin explained her company's part is the process of creating digital mapping. (See Attached **Exhibit C**)

Commissioner Olszewski shared that he and his wife are donors to the Garden Theatre and do not receive any monetary income from those donations. He asked if he would be able to vote on this item. City Attorney Ardaman responded that donors are fine. Commissioner Olszewski went on to share his excitement to bring such a project to the City of Winter Garden.

Commissioner Olszewski asked the City Manager about donating to this project and how it will delineate donating to other such nonprofit projects. Mr. Bollhoefer responded that it does get challenging when many approach staff and they have to reply no because there is not a lot of return on the investment. He noted that a return on an investment is not necessarily money and can be measured in many ways. He addressed the quality of life being a key factor in the decision making process and used the example of the Solar Bears coming to Winter Garden for improving our quality of life.

Commissioner Sharman noted that the City would actually own the projectors, which means that we are buying something that the City can use. Mr. Bollhoefer added that the resell value of each projector is \$40,000 to 60,000.

Commissioner Olszewski asked that since this is a public asset owned by the people of Winter Garden, is there a mechanism for other non-profit groups to be able to approach the Garden Theatre to use the equipment since they will be the guardians. Ms. Roper replied that they would work out joint use agreements and totally sees this as part of the plan.

Motion by Commissioner Buchanan to approve spending \$100,000 to purchase projectors and equipment as requested for use by the Garden Theatre and the community under a Special Use Agreement. Seconded by Commissioner Olszewski and carried unanimously 4-1; Commissioner Makin opposed.

B. Consider condemning and demolishing building located at 230 11th Street, Winter Garden, Florida; Owner of record is Donald Rodgers

Code Enforcement Manager Pash stated that this property is located at 230 11th Street and there are six buildings that were once apartments. He noted that there was a seventh building that was destroyed in 2008 and only the concrete shell remains. He shared that staff has been moving through the area doing a lot of work and six of the buildings in the area have already been condemned and knocked down. He noted that all of the requirements in Chapter 18 of the City Code have been followed for condemnation. Mr. Pash noted that after presenting the notice to the owner the owner presented to staff that he plans to rebuild. The owner was present and wished to address the City Commission to seek additional time to rebuild his structure. Mr. Pash stated that staff is still asking the City Commission to move forward with their recommendation to condemn the building within a certain timeframe.

Donald Rodgers, 559 Hernando Place, Clermont, Florida, noted that he has seven duplexes at 230 11th Street he purchased in 1990. He described his remodeling of the units and the damaging events that happened to one of them. He described his lack of funds to complete the projects but stated that he expects to have the funds to finish the building and asked for additional time through September.

Commissioner Sharman asked when he would start in order to see some type of action being taken on this property. Mr. Rodgers responded approximately July. He explained that he had at onetime secured the building but someone removed the boarding. He has since secured it with anchors, pressure washed, and painted.

Commissioner Makin asked if part of the building caught on fire. Mr. Rodgers responded yes. Commissioner Makin asked if he was working with his insurance adjuster. Mr. Rodgers responded that it has been awhile since the fire and explained that with the down turn of the economy, it affected his ability to finish it. He explained that he removed the framing which could not be used. Commissioner Makin and Mr. Rodgers discussed the building's age, building department requirements to bring it up to today's code, and the estimated cost to do repairs.

There was discussion on how long it took for the City to actually bring the proceedings to this point. Commissioner Buchanan stated that if the City Commission allows this delay then we would have to go through the process all over again. City Manager Bollhoefer interjected that staff would like to actually set start and finish dates and if these deadlines are not met, then the City would have the right to demolish it at that point.

Mayor Rees asked Code Enforcement Manager Pash the time limit he was seeking, noting that once Mr. Rodgers starts spending money, he will need to be sure he can finish. Mr. Pash shared that if Mr. Rodgers was given three months to submit the plans for a permit, he may not be ready to start but it will be in the permitting process. Building permits are given up to a year to be completed.

City Manager Bollhoefer suggested requiring that the plans be submitted by the end of April, with construction to start by July 15, and construction completed by November 15. Commissioner Makin asked about the turnaround on plans right now. Mr. Pash responded three to four days. There was discussion on various timeframes for the project. Mr. Pash noted that the shell is already there and it needs a roof and interior build up.

Motion by Commissioner Sharman to allowing the current owner until the end of the year to complete the building and if not completed, the City will move forward with the condemnation of 230 11th Street. Seconded by Commissioner Makin and carried unanimously 5-0.

C. **Recommendation to authorize purchasing a 2015 Ford F550 Service Truck for the Water and Reuse Distribution Division for \$54,347, as budgeted**

Assistant City Manager of Public Services Cochran stated that staff is requesting permission to purchase a Ford F550 Service Truck. He noted that staff wants to purchase the truck on a bid from Pasco County. He noted that this will be a new purchase of a service truck that is needed to pull heavy equipment. This purchase was included in the 2014/2015 budget; total price is \$54,347.

Motion by Commissioner Sharman to approve authorizing the purchase of a 2015 Ford F550 Service Truck for the Water and Reuse Distribution Division for \$54,347, as budgeted. Seconded by Commissioner Olszewski and carried unanimously 5-0.

D. **Recommendation to approve bids and award contract for the Southwest Reuse Phase 2, CR545 Reuse Water Main Expansion Project to T. D. Thomson for \$425,436 that includes a 10 percent contingency**

Assistant City Manager of Public Services Cochran stated that on December 9, 2014, the City received bids for the Southwest Reuse Phase 2, CR545 Reuse Main extension. This reuse main will connect the existing reuse main just south of State Road 50 to the other existing reuse main south of the turnpike. This will be done with directional drilling so as to have little impact on the residents; as all pipes will be drilled underground with very little excavation. He shared that there will be easements required from all but two of the property owners. He noted that the apartment complex and an owner that lives by the turnpike were not able to give the City an easement. In these cases, the City will have to go out into the County Road right-of-way to extend into the existing reuse lines.

Mr. Cochran stated that the City had four contractors bid on this project. T.D. Thomson Construction was the low bid at \$386,760. The engineer of record has checked T. D. Thomson's references, as well as his subcontractor references, and recommends that T. D. Thomson is the lowest responsive and qualified bidder. Staff recommends a ten percent contingency making the overall project amount \$425,436.

Motion by Commissioner Buchanan to approve the bids and award contract for the Southwest Reuse Phase 2, CR545 Reuse Water Main Expansion Project to T. D. Thomson for \$425,436 that includes a 10 percent contingency. Seconded by Commissioner Sharman and carried unanimously 5-0.

E. **Recommendation to authorize the City Manager to sign a Letter of Intent to transfer \$250,000 impact fee credits to develop the northwest corner of Dillard Street and State Road 50**

City Manager Bollhoefer stated staff has been looking to redevelop the corner of Dillard Street and State Road 50 where the Sunoco Station and the motel currently sit. This motel has been a source for significant issues for the City over time. He thinks we have a great opportunity to get rid of this motel and bring in new businesses that will clean up the entire corner. Staff has been working on this deal for several months with several people who are property owners here, and we are now in a position to make this deal work. There is a \$250,000 shortfall to make the numbers work for the deal take place. He distributed a revised letter and shared that staff would like to work out a letter of intent with one of the property owners. They would like to take some of the impact fees that are tied to this property and transfer those fees to other properties that they own within the City.

Currently we do not have an ordinance which allows us to do this but it is done in other communities. We could subsequently pass an ordinance to make this happen. Staff believes this is a onetime opportunity to clean up this entire corner and recommend agreeing to this letter that allows the current property owner to transfer impact fees to other properties that he owns within the City.

Commissioner Olszewski asked how amending the impact fee ordinance would affect or impact other businesses wanting to take advantage of this change in our ordinance. Mr. Bollhoefer responded that the ordinance would be drafted in such a format that the City would have the capability of doing this with other property owners if they can demonstrate a bona fide economic redevelopment opportunity i.e. elimination of blighted properties.

There was discussion about the City Commission having the opportunity to review the proposed ordinance before it is enacted.

Commissioner Olszewski asked if we had a Hampton Inn type business ready to act on this should this happen. Mr. Bollhoefer answered no. Staff has talked to some and believes there are two that are almost certain would go there and one they are 99 percent sure would go in. These transfers of credits will not happen unless this deal comes through. The key component to the deal is for the City to purchase and raze the motel, which is an important part of cleaning up that corner.

City Attorney Ardaman suggested that the letter be changed to provide that the properties receiving the impact fee credits be held to an effective date the same as the agreement. He noted that he would guess this would also be provided for in the ordinance to keep the agreement consistent with the ordinance.

Motion by Commissioner Olszewski to approve authorizing the City Manager to sign and send a Letter of Intent to transfer \$250,000 impact fee credits to develop the northwest corner of Dillard Street and State Road 50, subject to the conditions advised by the City Attorney. Seconded by Commissioner Sharman and carried unanimously 5-0.

Dispensed as the City Commission and convened as the Community Redevelopment Agency (CRA) at 7:45 p.m.

Members Present: Chairman John Rees, Members Robert Olszewski, Bob Buchanan, Kent Makin, Colin Sharman, and CRA Advisory Board Chairman Larry Cappleman

At this point in the meeting, Item 5.G was heard before Item 5.F.

G. **Recommendation to appoint George Spigener to fill seat vacated by Ron Sikes on the Community Redevelopment Agency Advisory Board (CRAAB) with his term scheduled to expire June 30, 2017**

CRAAB Chairman Cappleman stated that the Community Redevelopment Advisory Board has met and discussed the appointment of a new member to fill a vacancy. The advisory board is recommending Mr. George Spigener replace seat vacated by Ron Sikes.

Motion by CRA Member Cappleman to appoint George Spigener to fill seat vacated by Ron Sikes on the Community Redevelopment Agency Advisory Board (CRAAB) with his term scheduled to expire June 30, 2017. Seconded by CRA Member Makin and carried unanimously 6-0.

F. **Recommendation to reduce downtown parking garage levels and use the savings to obtain the warehouse behind Edgewater Hotel to expand and enhance the parking at that location**

CRA Member Cappleman stated that the City Manager presented a [parking] proposal to the CRAAB that was approved unanimously.

City Manager Bollhoefer stated that approval was previously given to move forward with a parking garage and to hire a consultant to draft our RFQ package that is scheduled to go out within the next couple of weeks. Since that time, staffs- has found a plan that actually accomplishes the parking goal better than the original plan. The proposal is to build a parking garage that is two stories with three levels. He noted the difference in the number of spaces. In addition, the City would also obtain the property known as Bert's warehouse behind the Edgewater Hotel and expand that surface. By doing this, more

parking is added on the north side and it takes a little of the traffic coming from the parking garage area from Smith Street and puts it on the streets over by Newell Street. One of the arguments when this matter was discussed was about the streets on the north side not being able to handle it. Staff feels comfortable that the extra 68 spaces will not put that much pressure on the streets. Furthermore, staff would like to review creating more on-street parking throughout the City. In the long term, staff would like to look at negotiating with Dr. Khouzam to purchase his rear parking lot property. The City would sell the property and keep the parking, and work with the parking lot adjoining that to create another pocket parking lot. He also noted that in the long term the City may also look at the property up near Dillard Street, which may provide a smaller project with some parking in the back.

Mr. Bollhoefer stated that staff believes this plan is better for the City; it further disburses parking throughout the City. If this can be accomplished with all the parking spaces as stated, there would be up to 442 spaces disbursed throughout the City.

Mr. Bollhoefer stated that staff would like to recommend moving forward with changing the garage from the three story four level to the two story three level and proceed with obtaining the property owned by Bert Valdes behind the hotel.

CRA Member Cappleman stated that the CRAAB has heard this proposal and unanimously recommends that the CRA approve this item.

Motion by CRA Member Cappleman to approve reducing the downtown parking garage levels and use the savings to obtain the warehouse behind the Edgewater Hotel to expand and enhance the parking at that location. Seconded by CRA Member Buchanan.

CRA Chairman Rees stated that he has been the most vocal opponent on this issue and still believes that this is not the best place to put the parking garage. He does agree that we need parking here in Winter Garden. He expressed his appreciation to the City staff and the CRA for all their efforts in coming up with this proposal. He noted that in speaking with the City Manager, he thinks this is a good compromise. He expressed that in his heart and mind he thinks that from a financial standpoint, this will benefit the City the most and that it was better than the first alternative.

CRA Member Makin asked if the net 278 spaces would be in addition to the 192. **Mr. Bollhoefer** replied correct.

CRA Member Makin stated that in the beginning when this all started, he was all for this and had a lot of people that really wanted it on the north side. He voiced that his thoughts were that because of the costs in construction, the City should build it big at one time; to get the best bang for our buck. Now as this is being revisited to use some of the allocated funds to go back and look at the north side to create more surface space, it

makes him question is it really feasible and asked about putting this on hold for a little while and put in the flat parking. **Mr. Bollhoefer** replied that it actually would not do any good to put it on hold as the issue right now because of the significant parking issue on the south side, and this is not an issue on the north side. He stated that part of the issue for the north side is the process can take up to two years. In addition, there is currently a lease holder, so we would not be sure at what time you could build.

CRA Member Makin stated that he was under the assumption that staff had negotiated a price on this building. **Mr. Bollhoefer** stated that there has been talk but staff is not sure that we have a willing owner at this time. Even so, there is a lease out on the property until December 2016.

CRA Member Olszewski asked if we are proposing something we do not even know we can do. **Mr. Bollhoefer** replied no, we are proposing to move forward with changing the plans to go with a two story garage and move forward with trying to obtain the property behind the hotel. This may mean that at some point in time, if the property owner is not willing to sell, the City Commission may have to decide if they are willing to move forward with condemnation. He noted that staff does not know if this will ever occur but is a possibility we may have to face. The other side is if the City Commission does not want to move that way, the City will still be faced with the dire situation for parking, with which most of the issue being on the south side.

CRA Member Olszewski asked with reference to the lease on the warehouse property, whether the business owner holding the lease would be impacted by any action this City Commission would take. **Mr. Bollhoefer** answered that we do not know and explained that what we do know is that there is a lessor there until 2016. He explained that anything that happened with any lessor or leasee would have to come before the City Commission.

CRA Member Olszewski addressed potential environmental concerns on building the garage on the north side and asked if putting in a flat surface parking lot negates the environmental concerns or if those concerns would still be there. **Mr. Bollhoefer** responded that a flat surface minimizes the risk of contamination.

CRA Member Olszewski addressed delaying the garage and stated that it does not make sense at this point if the City will be solving the parking problems with a north lot. **Mr. Bollhoefer** responded that the lot north does not solve your short term parking problems at all. The parking problems are now all on the south. He stated that delaying it is not solving any of the problems, and each year delaying it the construction prices are going up.

CRA Member Sharman noted negotiating for a lease that goes through 2016 could also add more cost. **Mr. Bollhoefer** stated that it could add more cost but the main thing is that there is no great demand for parking on the north; this is more for long term. It is

essential to secure the property and at least know it is there; the most you would wait to buy the lease would be two years.

CRA Member Sharman stated that he would still like to see the three story parking garage and shared his experience searching for parking at an event.

CRA Chairman Rees stated that the motion made by CRA Member Cappleman includes two matters; reducing the parking garage and acquiring the property on the north side. **CRA Member Cappleman** stated that was correct. He added that the advisory board discussed the urgency of designing the garage to begin construction in June of this year. He noted that if modifications are going to be made, now is a good time to make that decision.

CRA Member Olszewski asked Chairman Rees if the public could be heard. **CRA Chairman Rees** stated that anything that has not yet been heard could be shared at this time.

Richard Cox, Hyde Park resident, asked for clarification on the location of the parking garage and the number of current spaces. Chairman Rees shared the details. Mr. Cox asked which the most cost effective plan was. Chairman Rees explained that cost is only a part of the issue. Mr. Bollhoefer noted that cost is only one of many factors; if cost were the only issue then the three story garage would be the answer. He shared an example of that same per space cost garage being built in a wrong location.

Samir Burshan, 552 N Woodland Street, Winter Garden, Florida, stated that he is the CEO of Prism One that leases that [north] property. He shared that they have absolutely no frustration at all on the City's opportunity to purchase that property. Their concern is that they have a thriving business there and would not want an impact to them to kill their business within that timeframe. He noted that they fully support what the City is doing to make the City better. He voiced his understanding of all the concepts and concerns that had already been noted. Chairman Rees stated that there is no doubt that they look forward to his business there. If they could relocate or do something to where his business was not harmed, all would be in favor of that in the two years if that is how it works out.

City Manager Bollhoefer noted that even with the current motion, there is no action that will take place that will affect his business without first coming before the City Commission again. Mr. Burshan stated he understands.

Loretta Burshan, 552 N. Woodland Street, Winter Garden, Florida, stated that they are north side residents and have lived there for three years. Her concern is that parking will always be a consideration with the way that the City is growing and the new businesses that are coming in. She shared that she thinks it would be short sighted to make the parking garage smaller when there could be the need for 200 or 400 more parking spaces.

Chairman Rees expressed that the City cannot build a parking garage for events only. Ms. Burshan stated that with other events and more businesses, there will be more parking issues.

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, inquired about how the City would get people downtown on a Saturday during construction. Mr. Bollhoefer stated that the City has a temporary parking plan already in place. An expert has been hired and during the construction we will use temporary sites. He noted that the City will actually have more sites during the construction than it will actually have beforehand. Mr. Bollhoefer shared estimated timeframe of construction as four to six months for the three story garage with four levels; and the timeframe is reduced by 25 percent for the two story garage with three levels. The best case scenario would be three months.

Chairman Rees shared that he feels that this is a better alternative than the one shared at the last meeting.

Motion carried unanimously 6-0.

Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 8:11 p.m.

6. **MATTERS FROM PUBLIC**

Dan Kuhl, 438 N. Woodland Street, Winter Garden, Florida, stated that he brings greetings on behalf of the Winter Garden Masonic Lodge No. 165 newly elected officers and members. He stated that they are looking forward to continue in their 108 year tradition of working with this City Commission and the citizens of Winter Garden to improve our fair City.

7. **MATTERS FROM CITY ATTORNEY**

A. **Discussion on opening ceremonies**

City Attorney Ardaman requested delaying this item in order to bring back some additional alternatives.

• **Alcoholic Package Stores – Sale/Vendor Separation**

City Attorney Ardaman stated that Orange County has a 5,000 foot separation requirement between package stores. He stated that he distributed a draft ordinance that would provide for a 5,000 foot separation for package stores. It does not apply to consumption on premises. The draft ordinance matches, almost identically, Orange County's requirements. He noted that the only difference is that this would not only apply to package stores within the City, but also in unincorporated Orange County.

• **Drones**

City Attorney Ardaman stated that with respect to drones, as mentioned by Commissioner Buchanan in a prior meeting, there is a statute the legislature passed

about a year ago. It prohibits law enforcement agencies in the State of Florida from using drones to gather evidence or information, except in very limited circumstances. The exception where law enforcement agencies can use drones is to counter a high risk in a terrorist attack. If the law enforcement agency obtains a search warrant, there is some need to prevent an imminent danger of life or serious damage to property; then we can use it. He noted that there may also be another bill, with respect to drones, that deals with private use.

8. **MATTERS FROM CITY MANAGER**

- A. **Proposed ordinance distancing packaged liquor stores**
(City Attorney Ardaman addressed this item under Item 7).

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

- A. **Discussion on the number of members on the Planning and Zoning Board and staggered terms** (postponed 11/13/2014, 12/11/2014, and 1/8/2015) This item was not discussed.

Commissioner Makin stated that he has had some complaints about the corner of Ninth Street and Plant Street where Dewitt Excavating had just completed the drainage in concrete. There are a lot of skateboarders out there, with parents filming them. They are using all of the sewage pipes that were leftover to skate on. He asked that the City Manager have someone take a look. Mr. Bollhoefer agreed to do so.

Commissioner Buchanan stated that he had a tour of the new brewery and thinks that it is absolutely fantastic. He stated that they are going to get involved in the City and will be a tremendous asset to the City. He encouraged everyone to drive by and see it. They are hoping to have a St. Patrick's Day opening.

Commissioner Buchanan shared that the City Commission is governed by the Sunshine Law and are not able to just sit down with each other and discuss things. He stated that a large majority of the people in District 2 hired him to do a job, which means he is getting paid. He expressed that if anyone wants to question him or his vote; they have a right to do that and can contact him. He can only talk to individual Commissioners here at these meetings.

Commissioner Olszewski thanked City staff, especially Jay Con and Sebrenia Brown for their outstanding job for the Martin Luther King march in Winter Garden. He noted that it was an honor to represent the City in the Martin Luther King Day Parade in Ocoee on Monday.

Commissioner Sharman stated that the City Attorney was going to bring some options for the City Commission regarding opening ceremonies. He asked the City Attorney to share what he was going to go back and look into as far as the legalities. **City Attorney Ardaman** responded that primarily logistical items with respect to the database and

mechanisms on how the City would implement it. Basically, he will present the variations available. **Commissioner Sharman** asked if he was free to speak to residents if they have questions, and speak to them about his general thoughts on this issue; or does he need to wait until we have another public meeting. **City Attorney Ardaman** responded this is not a quasi-judicial matter. It is completely at the discretion of the City Commission and is within the confines of the Constitution; so you are free to speak and do not have to disclose who you have spoken to.

Mayor Rees shared there was a nice invocation given by Commissioner Olszewski at the Martin Luther King Celebration. He expressed that he represented his District and the City of Winter Garden very well.

The meeting adjourned at 8:18 p.m.

APPROVED:

_____/S/_____
Mayor and CRA Chairman John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC