



CITY OF WINTER GARDEN

CITY COMMISSION AND COMMUNITY REDEVELOPMENT AGENCY REGULAR MEETING MINUTES

July 23, 2015

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

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

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, and Recreation Director Jay Conn

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of July 9, 2015 as submitted. Seconded by Commissioner Olszewski and carried unanimously 5-0.

2. **PUBLIC HEARING MATTER**

A. **Consider condemning property located at 160 East Plant Street, Winter Garden, Florida; Owner: Winter Garden Gateway Corporation**

Code Enforcement Manager Pash noted that this item has been on the agenda several times. The applicant and owner have submitted building plans to the Architectural Review and Historic Preservation Board (ARHPB). Staff did not feel the plans were sufficient and recommended denial. This item was tabled by the ARHPB because the applicants indicated they would do more. Staff asks that this be tabled until the August 27th Commission meeting.

Mayor Rees asked if we are near the end of getting something that is workable or moving forward. Mr. Pash replied that he believes that after the upcoming meeting the applicant will have provided a lot more. City Manager Bollhoefer stated that he has spoken to the City Attorney and at this point after their July 28th meeting it will go to the ARHPB. He expects that at that meeting a decision will be made either to deny or approve the design.

City Attorney Ardaman added that if it is denied and the applicant continues to attempt to make good faith efforts to meet the requirements, at that point staff would come back to the Commission and make a recommendation to continue. On the other hand, if it is denied and it does not look like we are making very substantial progress, staff would come

back to the City Commission and recommend no further continuations and proceed to a hearing.

Commissioner Buchanan questioned that for as long as this has been going on, the applicant was not told exactly what the City was looking for. City Manager Bollhoefer explained that he thinks the plans submitted substantially met all engineering requirements. The issue was their submission to the ARHPB did not meet the City's architectural standards and the board tabled the matter.

Commissioner Buchanan urged placing a drop-dead deadline on the requirement of certain items. Mr. Bollhoefer indicated that a deadline could be given but it is almost impossible because the due process has to be followed. City Attorney Ardaman advised that a drop-dead deadline not be put in place as it has been a difficult process for both parties over the last several months to get where we are. He thinks we will see a good indication from the owner and representative, and the ARHPB, whether this is something that can be resolved or if it will be a problem. Mr. Ardaman suggested a 30-day continuation would reveal the solution.

City Manager Bollhoefer and City Attorney Ardaman noted that the ARHPB would need an additional review of this case before the City Commission takes a hard position. Mr. Ardaman suggested continuing this item for at least an additional 30 days.

Motion by Commissioner Olszewski to POSTPONE this item until August 27, 2015 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 4-1; Makin opposed.

3. **REGULAR BUSINESS**

A. **Recommendation to approve Final Plat for Twin Waters Subdivision**

Community Development Director Williams stated that this is the Final Plat for 140 single family lots located on both sides of Marsh Road west of Avalon Road and CR 545. It has been reviewed by the City's consulting surveyor, the attorneys, and by staff. It has been found that it complies with all of the requirements and conditions placed on the original project. Approval is recommended with authorization being given for the Mayor to sign the final plat.

Motion by Commissioner Olszewski to approve the final plat for Twin Waters Subdivision as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. **Recommendation to reduce Code Enforcement Case #15-002 fines for 159 Roper Drive to \$500, conditioned upon permits being applied for within 30 days to begin renovations; if not, the fines will revert back to Code Board's findings**

Code Enforcement Manager Pash stated that the home on this property has fallen into a state of disrepair. The City has received complaints from multiple surrounding

neighbors. Staff has tried speaking with the homeowners and on February 3rd, the Code Enforcement Board issued a \$250 per day fine for violations; currently the fines total \$40,500. The owners have the home on the market and have a perspective buyer who has purchased another home here in town and has done a very good job in its renovation. The purchaser's intention is to also renovate this home. Staff recommends approval of a reduction in fines to \$500, with a 30-day limitation pending permit submittal. If the permits are not pulled within the 30 days, the fines will come back and will include the 30 days as well.

Motion by Commissioner Buchanan to approve a reduction of Code Enforcement Case #15-002 fines for 159 Roper Drive to \$500, conditioned upon permits being applied for within 30 days to begin renovations; if not, fines will revert back to Code board's findings. Seconded by Commissioner Makin and carried unanimously 5-0.

C. **Request for special event by Winter Garden Heritage Foundation to conduct the Winter Garden MusicFest October 9, 10 and 11, 2015 with staff recommendations**

Economic Director Gerhartz stated that the City has received a special event application for MusicFest which is organized and produced by the Winter Garden Heritage Foundation. The event will celebrate its 10th Anniversary this year on October 9th, 10th, and 11th. The event will be similar to previous years with stages set up on Lake View Avenue and Main Street with a potential stage at the Plant Street Market and Brewery. She noted that because of this, they are requesting that the event boundary be extended. City staff recommends approval of the application with conditions as outlined in the report.

There was discussion on the placement of the actual boundary and road access. It was determined that the actual detour would have to start at Park Avenue.

Motion by Commissioner Makin to approve the special event request by Winter Garden Heritage Foundation to conduct the Winter Garden MusicFest October 9, 10, and 11, 2015, with staff recommendations and blocking off the road at North Park. Seconded by Commissioner Olszewski and carried unanimously 5-0.

D. **Resolution 15-09:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING AND IMPLEMENTING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS COMPREHENSIVE PLAN AND ZONING AND LAND DEVELOPMENT REGULATIONS GOVERNING ALL PROPERTIES ADJACENT TO EAST PLANT STREET BETWEEN DILLARD STREET AND STATE ROAD 429 (WESTERN BELTWAY); DECLARING AND IMPLEMENTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS AND BUILDING PERMITS FOR SUCH PROPERTIES UNTIL JANUARY 14, 2016, OR UNTIL SUCH TIME AS THE TEMPORARY MORATORIUM CREATED BY THIS RESOLUTION IS

TERMINATED; PROVIDING FOR PUBLIC NOTICE OF ADOPTION; PROVIDING FOR NON-CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 15-09 by title only. City Manager Bollhoefer stated that staff wishes to table this item and may come back with an ordinance instead.

Motion by Commissioner Makin to POSTPONE Resolution 15-09 to a date uncertain. Seconded by Commissioner Buchanan and carried unanimously 5-0.

E. **Recommendation to award Downtown Parking Garage contract to Finrock for \$8,105,953**

City Manager Bollhoefer stated, as directed, staff has worked on finalizing the contract and the total cost is \$8,105,953. He noted there are several items included that are not part of the contract but are really allowances so that we can determine at a later date whether or not we will have it in the contract or do it through the City. The number one item is relocating the utilities which would be done by the utility companies at \$740,000. He highlighted other items such as landscaping, hardscaping, way finding signage, site lighting and power and the addition of enhancements. The number one thing on everyone's list was that this garage fit in with the downtown. Staff thinks these type elements are what separate this garage from the plain garages.

Commissioner Makin asked about the design and its ability to coincide with that outside of City Hall. Mr. Bollhoefer noted that he is not sure if the determination of the cast stone color has been established but it can be.

City Manager Bollhoefer noted the low light pole portion of the design on the roof. Commissioner Makin asked if there had been any discussion on the lighting for the back alley. Mr. Bollhoefer replied no, but there will be discussion assuring that it is sufficiently lit.

Mayor Rees commented that the design looks very nice. Mr. Bollhoefer shared that he was impressed that the architect came out and spent a lot of time trying to capture the look, which the City of Winter Garden is all about and that shows in their design.

Commissioner Olszewski asked about the artwork shown and whether or not it could be changed. Mr. Bollhoefer noted that no final decisions have been made and this is just an open place that can be used. He indicated that it would probably be used as a City message board for banners for events that would be controlled by the City.

Motion by Commissioner Buchanan to approve awarding downtown parking garage contract to Finrock for \$8,105,953. Seconded by Commissioner Makin and carried 5-0.

City Manager Bollhoefer noted that the on-site construction would begin the day after Bloom 'N Grow on April 12th. It should take approximately four months and one week; weather permitting. He displayed a temporary parking plan and noted that staff would like to immediately start on two parts of this plan. No objections were noted.

Mayor Rees asked if the City has spoken with the two main churches that would be affected by these plans. Mr. Bollhoefer responded yes, staff will be meeting with them and have already met with many business owners. Staff is working on a major plan so we do not inconvenience any businesses.

F. **Recommendation to approve setting the proposed millage rate at 4.2500 mills for Fiscal Year 2015/2016 and schedule public hearing dates for September 10th and 24th, 2015 at 6:30 p.m.**

City Manager Bollhoefer recommended keeping the millage rate the same as previous years.

Commissioner Olszewski stated that he wanted to be sure that by holding this millage rate, the City is not creating a tax increase on any residents of the City Winter Garden. Mr. Bollhoefer affirmed that by doing this, the City of Winter Garden is not creating a tax increase.

Motion by Commissioner Sharman to approve setting the proposed millage rate at 4.2500 mills for fiscal year 2015/2016 and schedule public hearing dates for September 10th and 24th, 2015 at 6:30 p.m. Seconded by Commissioner Makin and carried unanimously 5-0.

Dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:54 p.m.

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

G. **Appointments to the Community Redevelopment Advisory Board for expiring and vacant seats; Larry Cappleman, John Kirby, Sandy Schupp, Ron Sikes, and Kelly Randall**

CRA Advisory Board Member Cappleman stated that there are four appointments necessary for the CRA Advisory Board that will be effective on July 1st. The four open seats are for John Kirby, himself (Larry Cappleman), an empty seat from Kelly Randall, and also a seat for Sandy Schupp. Sandy Schupp has expressed an interest in continuing to serve and the CRA Advisory Board recommends reappointing her for another term.

Mr. Cappleman stated that the CRA Advisory Board also recommends Nick Asma be appointed to replace John Kirby, Derek Blakeslee to fill the vacant seat previously held

by Kelly Randall, and Tim Keating to take his (Larry Cappleman) seat on the board as he has termed out.

Motion by CRA Member Cappleman to appoint Sandy Schupp, Nick Asma, Derek Blakeslee and Tim Keating. Seconded by CRA Member Makin.

CRA Member Olszewski stated that he would like to have the appointments addressed separately.

CRA Member Cappleman and CRA Member Makin withdrew their motions.

Motion by CRA Member Cappleman to appoint Sandy Schupp. Seconded by CRA Member Makin and carried unanimously 5-0.

Motion by CRA Member Cappleman to appoint Nick Asma. Seconded by CRA Member Olszewski and carried unanimously 5-0.

Motion by CRA Member Cappleman to appoint Derek Blakeslee. Seconded by CRA Member Buchanan and carried unanimously 5-0.

Motion by CRA Member Cappleman to appoint Tim Keating. Seconded by CRA Member Buchanan.

CRA Member Olszewski asked if it is typical that the recommendations come from the advisory board as there are other interested applicants. CRA Chairman Rees responded yes, typically the CRA Advisory Board comes back with their recommendations. CRA Member Cappleman stated that they examined all of the applicants and they were looking for people that have shown a long interest in the downtown and CRA area. They felt that they have selected some of the more viable candidates that could sustain the activity of the CRA. That was the reason they were chosen and it was a unanimous vote on the part of the Advisory Board.

Motion carried 5-1; CRA Member Olszewski opposed.

CRA Chairman Rees thanked CRA member Cappleman for his many years of service as a member of the CRA Advisory Board.

Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 6:59 p.m.

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

6. **MATTERS FROM CITY MANAGER**

• **Appreciation of departing Recreation Director Jay Conn**

City Manager Bollhoefer expressed his thanks to Recreation Director Conn for his 17 years of service.

A. **Request budget workshop be held on August 27, 2015**

City Manager Bollhoefer stated that he has requested a budget workshop for August 27, 2015. Mayor Rees asked the City Commission to review their calendars to see if this date will work.

There was discussion that it would be held at the same time as the regular meeting. There were no noted objections to this date.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin expressed his thanks and appreciation to Recreation Director Jay Conn for all of his service.

Commissioner Buchanan shared a story about a realtor pointing out to a client that Winter Garden is the place to be. He thought that was pretty neat to hear.

Commissioner Olszewski expressed his thanks to Recreation Director Jay Conn and wished him the best of luck.

Commissioner Olszewski presented Mayor Rees with a banner for which he explained was given to the City by the Korean National Baseball Team who was here practicing this week and touring the City of Winter Garden. He also thanked Community Development Ed Williams and the Board Chair of the Winter Garden Squeeze.

Commissioner Sharman thanked City Engineer Art Miller and City Manager Bollhoefer for all of the activity on Tilden. He noted that we are relocating Bright House underground utilities, which will then be followed by Duke Energy. He indicated that there is signage in the area notifying every one of the work going on.

Commissioner Sharman shared a story of meeting Jay Conn while signing his son up for summer camp. He told Recreation Director Conn that he would be missed and wished him the best of luck.

Mayor Rees stated that he echoes the comments by the City Commission and he too thinks that Recreation Director Jay Conn has been a huge asset to our City and has done a great job throughout the years.

Mayor Rees requested having an ordinance drafted that prohibits bars on windows in our community.

Mayor Rees expressed that he would like the rents being charged stay reasonable in the downtown so that we can keep our shops, expand, and give people a reason to come down and enjoy our community with their families.

The meeting adjourned at 7:07 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC