



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 11, 2016

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 Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, IT Director Chad Morrill, Police Chief George Brennan, and Community Development Manager Stephen Pash

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve the regular meeting minutes of January 28, 2016 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 16-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING AND IMPLEMENTING A TEMPORARY MORATORIUM UNTIL AUGUST 31, 2016 ON THE ACCEPTANCE PROCESSING AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS AND BUILDING PERMITS FOR PROPERTIES ADJACENT TO EAST PLANT STREET BETWEEN DILLARD STREET AND STATE ROAD 429 (WESTERN BELTWAY); PROVIDING FOR POSSIBLE EXTENSION OR EARLY TERMINATION OF THE TEMPORARY MORATORIUM BY ORDINANCE OR RESOLUTION; PROVIDING FOR NON-CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-21 by title only. Community Development Manager Pash stated that the City has been working with the City of Ocoee to create a master plan for current and future development near the State Road 429 exchanges; as well as Plant Street and Franklin Street. He expressed a need to establish design guidelines for the protection of this corridor, for public health, safety and welfare. In anticipation of the adoption of the State Road 429 Master Plan, staff requests approval of a temporary moratorium through August 31, 2016. This is in relation to the accepting, processing, and consideration of building permits and development applications.

Mr. Pash specified properties on the map that would be affected by this moratorium. The guidelines should be completed within six months, if not, a temporary extension would be requested. Staff believes this is in the best interest of the City and recommend approval of the Ordinance. Mr. Pash acknowledged Economic Development Director Tanja Gerhartz to address the economic impacts.

Commissioner Makin confirmed with Mr. Pash that the Master Plan and the moratorium were adopted on Monday night by the City of Ocoee.

Economic Development Director Gerhartz explained that economic development is about selling a vision, seizing opportunities, leveraging resources, and building partnerships. The City can seize an opportunity by putting in place design guidelines that will benefit everyone for decades. She explained the purpose of having guidelines for the East Plant Corridor and noted that this is the best opportunity to create wealth and jobs for our community, as well as recruit businesses. She shared that an economic development consultant from Austin, Texas stated that we have the opportunity to create a high end, high tech business park along the State Road 429. Also expressed was that this was the best interchange in which to do it. For the last few years, the City has been putting in motion all of those steps and laying the foundation. Approximately six months is needed to put the design guidelines in place in order to move forward in creating jobs and bringing these businesses to our community.

Commissioner Sharman shared his thoughts of this being a good idea and expressed that he thought the mall took longer than six months.

Mayor Rees wondered if six months would be enough time. City Manager Bollhoefer shared that staff could always come back to the City Commission for an extension, but believes six months is sufficient.

Commissioner Makin asked about the length of the City of Ocoee's moratorium. Mr. Bollhoefer replied that he thinks it is six months.

Mayor Rees offered the public a chance to speak on this item. Hearing and seeing none, he closed the public comments.

Motion by Commissioner Makin to approve Ordinance 16-21 with the second reading and public hearing being scheduled for February 25, 2016, with the moratorium in place for six months. Seconded by Commissioner Buchanan and carried unanimously 5-0.

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

- A. **Ordinance 16-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 15-69, THE CITY OF WINTER GARDEN FISCAL YEAR 2015-2016 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-17 by title only. Finance Director Zielonka stated that this is a carry forward budget for projects not completed in 2015. This ordinance provides for the appropriations this year. Ms. Zielonka also noted that the advertisement date for the second reading was incorrect and will need to be held in March.

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

Motion by Commissioner Sharman to approve Ordinance 16-17 with the second reading and public hearing scheduled for March 10, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Resolution 16-01**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA REGARDING REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW DOWNTOWN PARKING GARAGE; AND PROVIDING AN EFFECTIVE DATE

Finance Director Zielonka stated that this Resolution is the official intent to reimburse the general fund. Right now the general fund is providing for the cost of the parking garage. The City will seek funding and once the funds are in, they will reimburse the general fund.

Mayor Rees asked if there were any concerns with the CRA generating enough revenue to reimburse the general fund. Ms. Zielonka responded no. Mr. Bollhoefer also noted that for our new loan, staff is looking at refinancing some of the City's old debts. Ms. Zielonka noted that the City is able to refinance some of the 2006 revenue bonds, which will generate approximately \$400,000.

Motion by Commissioner Sharman to adopt Resolution 16-01. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- B. **Recommendation to approve Final Plat for Hickory Hammock Phase 2C**

Community Development Manager Pash stated that this is the final plat for the Hickory Hammock Phase 2C subdivision to re-plat 28 single family lots. This plat is consistent with the approved Planned Unit Development and has been reviewed by the Development Review Committee (DRC) and approval is recommended.

Motion by Commissioner Olszewski to approve Final Plat for Hickory Hammock Phase 2C. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. **Recommendation to approve Site Plan for 13100 West Colonial Drive; O'Reilly Auto Parts**

Community Development Manager Pash stated that this is O'Reilly Auto Parts store located at 13100 W. Colonial Drive. They are proposing to build a 17,600 square foot auto parts store, 37 parking spaces, and inside amenities. Staff recommends approval subject to conditions of the DRC report.

Commissioner Olszewski stated that we are all defenders of property rights and asked what the City can do to encourage a diversity of businesses that would come to a major intersection like this one. Mr. Bollhoefer replied that staff has worked very hard to bring diversity and stated that the best we can do is be very proactive; which the City has been. He stated that when certain companies see these corner opportunities they jump in as fast as possible. It would be very difficult, if not impossible, to really stop someone if they meet the zoning requirements.

There was discussion on the number of the same types of businesses in this area.

Motion by Commissioner Olszewski to approve site plan for 13100 West Colonial Drive: O'Reilly Auto Parts, subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. **Recommendation to approve Development Agreement for 13100 West Colonial Drive; O'Reilly Auto Parts**

Community Development Manager Pash stated that this is the Development Agreement for the O'Reilly Auto Parts which prohibits the delivery trucks from using Magnolia Street. It also limits the size of trucks coming in. It is designed to limit the impact to the residential neighborhood behind it as well as make sure there is no damage to our landscaping. He noted that this agreement is similar to another one that the City has done which contains a provision for a \$500 fine and a \$25,000 bond.

Motion by Commissioner Olszewski to approve development agreement for 13100 West Colonial Drive as submitted; O'Reilly Auto Parts. Seconded by Commissioner Sharman and carried unanimously 5-0.

E. **Recommendation to approve awarding three Community Development Block Grants (CDBG) for Housing Rehabilitation to BSE Construction Group for 526 South Boyd Street (Gentry), 500 Seminole Street (Vernosky), and Pat Lynch Construction for 638 Bethune Avenue (Oliver), contingent upon receiving Site Specific Releases from the State Department of Economic Opportunity**

David Fox of Fred Fox Enterprises stated that they are recommending the award of 526 South Boyd Street, the sole bidder being BSE Construction Group in the amount of \$43,576. Also, the award of 500 Seminole Street rehabilitation of the CDB grant to BSE Construction Group who was sole bidder for \$58,588.

Mayor Rees addressed the information provided and noted that the money ran short before getting to Mary Taylor. Mr. Fox stated that there will be about \$40,000 short to address her home.

Motion by Commissioner Olszewski to approve awarding three Community Development Block Grants (CDBG) for Housing Rehabilitation to BSE Construction Group for 526 South Boyd Street (*Gentry*), 500 Seminole Street (*Vernosky*), and Pat Lynch Construction for 638 Bethune Avenue (*Oliver*), contingent upon receiving Site Specific Releases from the State Department of Economic Opportunity. Seconded by Commissioner Sharman and carried unanimously 5-0.

F. Recommendation to approve three change orders for CDBG Housing Rehabilitations; 754 Klondike Street (*Noble*) for \$750, 770 Klondike Street (*Mullins*) for \$750, and 1100 East Bay Street (*Williams*) for \$4,500

Mr. David Fox stated that there are three change orders; one for 754 Klondike Street. During the environmental release process the State requested that a sound barrier fence be placed between the property line and the railroad tracks. The cost from the contractor is \$750; for Annie Mullins, \$750 for the Central Florida Renovation. The third is for 1100 East Bay Street, Construction 360. The interior walls were constructed with sheet rock in the framing; the proposed cost is \$4,500.

Motion by Commissioner Olszewski to approve three change orders for CDGB Housing Rehabilitations for 754 Klondike Street for \$750, 770 Klondike Street for \$750 and 1100 East Bay Street for \$4,500. Seconded by Commissioner Makin and carried unanimously 5-0.

Mr. Fox shared that with the award of these last three homes, the City has met its twelve home rehabilitation agreement. Commissioner Olszewski asked if the City is able to reapply or do we have to wait. Mr. Fox responded that these home rehabilitations have to be completed before applying again.

G. Recommendation to formally adopt the State Road 429 Master Plan Report dated September 15, 2015

Economic Development Director Gerhartz referred to the review of this document in a joint workshop held with the cities a few months back. Formal approval of this document is being requested so implementation can begin. This document lays the groundwork for the design guidelines and standards that they will start work on immediately. City Manager Bollhoefer shared that staff has worked with a lot of the property owners and there was a lot of support as evidenced by the lack of objections over the moratorium ordinance.

Motion by Commissioner Buchanan to approve the State Road 429 Master Plan Report dated September 15, 2015 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

H. **Recommendation to approve awarding contract to Shelley’s Septic Tank, Inc. for a ten year period for wastewater treatment plant biosolids management services with pricing to range from \$45.00 to \$57.27 per wet ton**

City Manager Bollhoefer postponed this item until the next meeting.

5. **MATTERS FROM PUBLIC**

Tiffany Kelly, 1620 E. Bay Street, Winter Garden, Florida, Executive Director of the Morning After Center for Hope and Healing, a non-profit organization based in Winter Garden. Ms. Kelly shared that their primary focus is child-to-parent violence. They are having a youth event at Zanders Park called “Just be a Kid” in an effort to foster healthy relationships between the youth in the area as well as law enforcement. She thanked Commissioner Olszewski and City Manager Bollhoefer on behalf of the West Orange Junior Warriors. She stated she called the City because of her concern regarding their agreement to rent Walker Field, at a discount, for their games. However they did not meet the necessary quota for the discount. They have been assured they will discuss a possible solution in the future and she wanted to personally express her thanks.

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

7. **MATTERS FROM CITY MANAGER**

A. **Golf cart discussion**

City Attorney Ardaman shared that there are some questions under Florida Law about golf cart legislation. He intends to ask the State Attorney General for an opinion on whether child restraints and seat belts are applicable, along with some other issues. He suggested deferring any decision until after a response is received from the Attorney General. *It was the consensus of the Commission to postpone this matter as requested.*

B. **Discussion on Architectural Review and Historical Preservation Board (ARHPB) membership**

City Manager Bollhoefer stated he has distributed the interest applications for appointment to this board. He will e-mail the appointment guidelines by Monday. He would like to address this matter at the next meeting. *It was the consensus of the Commission to postpone this matter until the next meeting.*

- He is still working on the events policy. Changes will be brought to the City Commission.
- A draft ordinance for bars on windows was previously distributed and he has not received any comments so he will probably draft an ordinance for the City Commission’s review.
- During his lunch the other day, a group was discussing chickens in backyards and he anticipates it will come up in Winter Garden. Therefore, he would like to have the City Attorney obtain a copy of the City of Orlando or the City of Maitland’s ordinance, which he believes is the same, to distribute for review at the next meeting. There was minor discussion on this issue.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Olszewski shared that Florida Hospital Winter Garden officially opens this Monday.

Commissioner Buchanan shared that he attended the Farmer's Market, while selling tickets for the Evening at the Pops on March 19, 2016, and it is apparent the market continues to grow.

Mayor Rees invited everyone to the Blues & BBQ event this Saturday downtown.

The meeting adjourned at 7:02 p.m.

APPROVED:

 /S/
Mayor John Rees

ATTEST:

 /S/
City Clerk Kathy Golden, CMC