



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

August 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 A. 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 Steve Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, Planning Consultant Ed Williams, and Acting Police Chief Scott Allen

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

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

### 2. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 16-54:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 98-189 OF CHAPTER 98 OF THE CITY CODE TO AMEND THE TERMS OF CERTAIN ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD MEMBERS, PROVIDING FOR CODIFICATION, APPLICABILITY, CONTROL, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-54 by title only. Community Development Manager Pash stated this ordinance re-staggeres the terms. The seats designated as three-year terms are the architect, licensed general contractor and the Winter Garden Heritage Foundation Board member. The remaining members would be for two years. They would each have a two term limit.

**Motion by Commissioner Sharman to approve Ordinance 16-54 with the second reading and public hearing being scheduled for August 25, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.**

### 3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 16-47:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS

GENERALLY DESCRIBED AS APPROXIMATELY 0.15 ± ACRES LOCATED AT 310 EAST STORY ROAD ON THE SOUTH SIDE OF EAST STORY ROAD, EAST OF SUMMER STREET AND WEST OF 9th STREET 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

- B. **Ordinance 16-48**: 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 APPROXIMATELY 0.15 ± ACRES LOCATED AT 310 EAST STORY ROAD ON THE SOUTH SIDE OF EAST STORY ROAD, EAST OF SUMMER STREET AND WEST OF 9th STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 16-49**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.15 ± ACRES LOCATED AT 310 EAST STORY ROAD ON THE SOUTH SIDE OF EAST STORY ROAD, EAST OF SUMMER STREET AND WEST OF 9th STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-47, 16-48, and 16-49 by title only. Community Development Director Pash stated this is a voluntary annexation. The request for R-2 zoning is consistent with the surrounding area. Staff recommends approval.

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

**Motion by Commissioner Sharman to approve Ordinances 16-47, 16-48, and 16-49 with the second reading and public hearing being scheduled for August 25, 2016. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

- D. **Ordinance 16-50**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.7 ± ACRES LOCATED AT 917 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
- E. **Ordinance 16-51**: 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 1.7 ± ACRES LOCATED AT 917 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

- F. **Ordinance 16-52**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.7 ± ACRES LOCATED AT 917 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 16-50, 16-51, and 16-52 by title only. Community Development Director Pash stated that the zoning request is consistent with the surrounding area and staff recommends approval.

Commissioner Sharman asked about the notice of rezoning to the surrounding homeowners whether it generated any comments or not. Mr. Pash advised that the annexation is not noticed. Commissioner Sharman asked about the rezoning notice. Mr. Pash shared that initial zoning classifications do not require noticing. This area has a lot of industrial lots. City Manager Bollhoefer stated that the difference is this establishes a zoning not a rezoning. Mayor Rees agreed with notifying those in this area because there are a couple of homes.

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

**Motion by Commissioner Sharman to approve Ordinances 16-50, 16-51, and 16-52 with the stipulation that notices will be sent out prior to the second reading and public hearing being held on August 25, 2016. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

- G. **Ordinance 16-53**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA SUPPLEMENTING ORDINANCE NO. 06-27, WHICH ORDINANCE NO. 06-27 AUTHORIZED THE ISSUANCE OF SALES TAX REVENUE BONDS FROM TIME TO TIME; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$10,200,000 AGGREGATE PRINCIPAL AMOUNT OF A CITY OF WINTER GARDEN, FLORIDA SALES TAX REVENUE BOND, SERIES 2016A AND NOT EXCEEDING \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF A CITY OF WINTER GARDEN, FLORIDA SALES TAX REFUNDING REVENUE BOND, SERIES 2016B, IN ORDER TO, RESPECTIVELY, FINANCE A PORTION OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING THE NEW DOWNTOWN PARKING GARAGE AND REFUND ALL OF THE CITY'S

OUTSTANDING SALES TAX REVENUE BONDS, SERIES 2006, IN ORDER TO ACHIEVE DEBT SERVICE SAVINGS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH SERIES 2016 BONDS AND DETERMINING CERTAIN TERMS THEREOF; AUTHORIZING A NEGOTIATED SALE OF SAID SERIES 2016 BONDS AND THE AWARD THEREOF PURSUANT TO THE PROPOSAL OF PINNACLE PUBLIC FINANCE, INC.; DELEGATING CERTAIN AUTHORITY TO THE MAYOR/COMMISSIONER AND CITY MANAGER FOR THE APPROVAL OF THE TERMS AND DETAILS OF SAID SERIES 2016 BONDS; DESIGNATING THE CITY AS THE PAYING AGENT AND REGISTRAR FOR SAID SERIES 2016 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING THE ESCROW AGENT THERETO; AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-53 by title only. Finance Director Zielonka stated staff is recommending that two bonds be issued. The first bond is Bond 2016A to be used to fund the parking garage and other capital projects downtown. The second Bond 2016B is to be used to refinance our 2006 bond, which would save the City approximately \$1.7 million. After discussing the request for proposals submitted with PFM, the City's financial advisor, and our bond counsel, it was decided that Pinnacle Public Finance, Inc. offered the best combination of interest rates and term for the City. The interest rate would be locked in at 2.48% over 20 years. They also offered an early payout for 2016A without penalty after 2013.

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

**Motion by Commissioner Buchanan to approve Ordinance 16-53 with the second reading and public hearing being scheduled for August 25, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.**

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

A. **Ordinance 16-45:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO MEDICAL CANNABIS ACTIVITIES; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A TEMPORARY MORATORIUM ON THE GROWING, CULTIVATION, PROCESSING, MANUFACTURE, DISPENSING, DISTRIBUTION, AND SALE OF MEDICAL CANNABIS, LOW-THC CANNABIS, DERIVATIVE PRODUCTS, AND RELATED ACTIVITIES; DIRECTING CITY STAFF TO DEVELOP PROPOSED LAND DEVELOPMENT REGULATIONS AND OTHER RECOMMENDATIONS REGARDING SUCH CANNABIS-RELATED ACTIVITIES; PROVIDING FOR PENALTIES, SEVERABILITY, CONFLICT WITH OTHER ORDINANCES, NONCODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-45 by title only. Mr. Ardaman noted that the version he distributed is the revised version along with a red-lined version showing what the differences between what is in the agenda packet from the first reading and what is being considered at the second reading. This ordinance provides for the moratorium to be in effect on everything that has not been pre-empted to the State of Florida by the statutory pre-emption. The State has pre-empted the cultivating and processing of cannabis. Therefore the City does not have the ability to regulate that. The City can regulate the dispensing facility, which is the retailing of cannabis. So for 270 days, assuming the City Commission passes this ordinance, nothing will be processed relating to dispensing. During this period, staff believes they will have the opportunity to develop appropriate regulations that deal with dispensing facilities and bring it back before the 270 day expiration. Commissioner Buchanan requested a workshop be held to discuss this issue and go over everything. Mr. Ardaman responded that a workshop early on would be appropriate. The input from the Commission would be helpful. Mayor Rees stated the City Manager and City Attorney will schedule the workshop.

Mayor Rees opened the public hearing.

Tara Tedrow with Lowndes, Drosdick, PA, 215 N. Eola Drive, Orlando, Florida, on behalf of Knox Nursery who is one of the States' six approved dispensing organizations under Florida Statutes that allows them to grow, cultivate, as well as dispense medical marijuana and low THC marijuana across the State. Ms. Tedrow stated she was here on behalf of Knox Nursery to make sure to clarify the affect of the moratorium. Knox Nursery is located at 940 Avalon Road and is currently growing low THC cannabis and medical cannabis for distribution across the State as permitted since 2015. She described the current regulations and clarified that the moratorium does not stop the existing operations and she understands that under statutory law it does allow cities and counties to regulate the location and number of dispensing facilities under their jurisdiction. She acknowledged the moratorium does not allow Knox to open a dispensing facility, that they do not necessarily agree with and they would object to that aspect of it because the state did give them permission to grow, cultivate, process, and dispense from the 940 Avalon Road site. They do understand that the moratorium would not stop the first two components but would stop the dispensing.

Commissioner Olszewski asked the City Attorney what is the City's authority. Mr. Ardaman responded that we have the authority to pass ordinances relating to the number, location and regulations relating to dispensing facilities.

James L. Hall, 375 Grove Court, Winter Garden, Florida, questioned the conflicts still existing between the federal government and state and local government in regards to medical and recreational marijuana. Does this create any issues for the City? Mr. Ardaman responded that there is clearly still an issue. He is not aware of the conflict being resolved and it will be tracked until it has been resolved.

**Motion by Commissioner Olszewski to adopt the revised Ordinance 16-45 as submitted by the City Attorney. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 16-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE II, DIVISION 3 OF CHAPTER 18 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR PROHIBITION OF SECURITY BARS GRILLES AND GRATES ON DOORS, WINDOWS, BREEZEWAYS AND OPENINGS FACING OR VISIBLE FROM STREETS OR PUBLIC RIGHTS OF WAY; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-46 by title only. Community Development Director Pash stated that the Planning and Zoning Board reviewed this item at their last meeting and they are seeking additional clarification in the ordinance. Therefore, staff is recommending this ordinance be postponed to a date uncertain.

**Motion by Commissioner Sharman to POSTPONE Ordinance 16-46 to a date uncertain. Seconded by Commissioner Makin and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

- A. **Recommendation to approve the Site Plan for Britt Plaza office/warehouse industrial building located at 530 Susan B Britt Court, subject to conditions**

Community Development Director Pash stated that this is a site plan for a 6,000 square foot office and warehouse facility at 530 Susan B Britt Court. He stated that the plans have been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval subject to conditions as stated in the agenda packet.

**Motion by Commissioner Makin to approve site plan for Britt Plaza office/warehouse industrial building located at 530 Susan B Britt Court, subject to conditions. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Recommendation to approve Roper Reserve Final Plat (562 Beard Road) subject to staff recommended conditions**

Community Development Director Pash stated that this is a final plat for Roper Reserve which is a 77 unit single family subdivision that is zoned PUD. The proposed plat is consistent with that PUD, it has been reviewed by the Development Review Committee and staff recommends approval.

Commissioner Olszewski noted that when this item originally came up he was not in support of this project due to the difficulty in maneuvering on Beard Road which is a

County road. He noted that in looking at the final plat he feels that the City staff has done their due diligence and he can now support this project.

**Motion by Commissioner Buchanan to approve Roper Reserve Final Plat (562 Beard Road) subject to staff recommended conditions. Seconded by Commissioner Makin and carried unanimously 5-0.**

**C. Recommendation to approve the sale of 109 S. Boyd Street to Tremaine Boyd, LLC for \$152,000 with waiving the transportation impact fees of \$174,177 and other fees approximately \$235,484 (RFP 15-103)**

City Manager Bollhoefer presented a couple of slides to summarize this item which has already been discussed in previous meetings. Staff favors this project and feels it is an essential next step to keep the downtown redevelopment moving forward. Long term viability of our downtown will require living quarters, which is considered an essential component of a downtown. One thing that is going to be necessary to make this happen without tall buildings and lots of units is to provide subsidies. He expressed that this effort will eventually help the City whether any downturn in the economy. He shared that he has discussed this matter with the Commissioners and has made some revisions to this item including the addition of \$25,000 to the sales price. He spoke of building a very high end building at an approximate cost of \$4.6 million and up to \$5 million. There were concerns regarding the City giving the incentives and then the building is sold in a year so they would make a profit on the incentives. The number of years was debated and an agreement was reached whereby if they sell the building in year five, they will have paid back the entire amount of the fees minus the street impact fees that is based on the architecture that is done for all the buildings. This would be reduced by 20 percent each year over a five year period which should alleviate these concerns. Mr. Bollhoefer pointed out the tax advantages of this building and the fact that it will remain appealing to families as opposed to other types of businesses.

Commissioner Olszewski noted that at the onset he was not in support of this project but has since worked with the City Manager and realizes everything was done correctly by the City. He addressed an email he received from a constituent and shared that the City Commission has to be the watchdog on behalf of the public, which has been achieved. He added that the question about what is the City's return on the investment is that there is no question that the City is going to get a return on its investment. He thinks that the applicant was poorly advised on the initial presentation and has since remedied that. The City of Winter Garden did everything correctly by advertising, going out for bid, and working with the one bidder that came to the City on this public process. He indicated that there is a tradeoff of either getting this project, which is a much better deal for the residents and taxpayers of Winter Garden, or going to a six story building and thus starting a snowball effect of having to allow other tall buildings in the future. He expressed that the City and staff are maintaining the unique charm and feel of our neighborhood and community and that is why he has been able to change his position from the first meeting until now to support this project.

**Motion by Commissioner Buchanan to approve the sale of 109 S. Boyd Street to Tremaine Boyd, LLC as presented with the new recommendations by the City Manager revising the purchase price to \$177,000 and the fee payback schedule for 5 years (RFP 15-103). Seconded by Commissioner Sharman.**

Commissioner Makin inquired about the land size. The City Manager noted it is approximately one half acre. Planning Consultant Ed Williams clarified that a survey will need to be done before this sale is complete to reflect all of the adjustments. Commissioner Makin wanted to be sure that everyone was aware that they are agreeing to the sale of a property with no defined dimensions.

Mayor Rees expressed that he felt overall it is a great project for the City and his concerns have been addressed.

Commissioner Sharman asked if the agreement includes a stipulation between the sale of the property and the sale of the entity; this distinction should be included in the agreement. There was discussion on this addition and Commissioner Sharman asked for documentation to review. The City Attorney indicated he would be happy to provide it.

Mayor Rees asked if anyone would like to speak on this item. Hearing none, he called for the vote.

**Motion carried unanimously 5-0.**

**D. Recommendation to approve entering into a parking agreement for 161 South Boyd Street**

Planning Consultant Williams stated that this property is also located on Boyd Street south of the old Fire Station which has been converted to an art building. The applicant has a duplex on the property which they would like to demolish and then build a 4,500 square foot office building. In doing an analysis of the property, issues of parking and transportation impact fees came up. They have a building design that was approved by the Architectural Review and Historic Preservation Board (ARHPB). The site is required to have 13 parking spaces; they get credit for four spaces from the existing duplex building which is subtracted from the required 13. In addition, the City has asked them to donate to the City a 102 foot long by 10 foot strip of right-of-way along the front of the property; and he is suggesting they be given credit for eight spaces for the donation of right-of-way. After that they would owe one additional space and with the garage across the street they could pay \$5,000 for a space in the parking garage and transportation impact fees. Staff recommends approval to enter into a parking agreement which balances out all of these changes in the amount they would owe of \$20,926 and authorize the City Manager to sign the agreement.



**Motion by Commissioner Buchanan to approve entering into a parking agreement for 161 South Boyd Street as recommended. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

E. **Recommendation to approve bids and award contract for Reclaimed Water Booster Pump Station on Avalon Road south of the Turnpike to CenState Contractors not to exceed \$405,460 that includes a ten percent contingency**

Assistant City Manager of Public Services Cochran stated staff requests the approval of the bids and award the contract for the Reclaimed Water Booster Pump station. On June 30, 2016, the City received bids from four contractors with CenState Contractors, Inc. being the lowest qualified and responsive bidder with a bid of \$368,600. The engineer Parsons Brinckerhoff, Inc. has evaluated the references and has recommended CenState as the lowest qualified responsive and responsible bidder. Staff is also recommending that we include a ten percent contingency to bring the project amount to \$405,460.

**Motion by Commissioner Makin to approve bids and award contract for Reclaimed Water Booster Pump Station on Avalon Road south of the Turnpike to CenState Contractors not to exceed \$405,460 that includes a ten percent contingency. Seconded by Commissioner Sharman and carried unanimously 5-0.**

F. **Recommendation to award Radio-Read Meter Replacement project to Utility Solutions of America, Inc., with a contract cost of \$94,001.60 that includes a ten percent contingency**

Assistant City Manager of Public Services Cochran stated that staff is asking the City Commission to award a contract to the Radio-Read Meter Replacement project to Utility Solutions of America, Inc. through a piggyback contract with the City of Calloway, Florida. He noted that the project Calloway is doing is the exact same type of project the City of Winter Garden is doing. The project consists of replacing approximately 2,800 inaccurately registering water meters. He noted that approximately 12 years ago the City changed all of their water meters to a radio meter reading system which usually only lasts about ten years. The City is starting to see a lot of failures in these old meters. He explained that staff may be back next year to request another project similar to this one.

Mr. Cochran explained that the City is aware of approximately 800 to 900 meters having issues. He assumes that any meter that has been in the ground for about ten years is now only reading at about 70 to 80 percent. Discussion ensued on meter calibrations and an on-going replacement program that will prevent this from happening in the future.

Mr. Cochran noted that the City is supplying the meters and the contractors will put them in for \$85,456 plus a ten percent contingency to equal a cost of \$94,001.60. He noted the reason for the contingency is to address other problems that may be found when replacing the meters.

**Motion by Commissioner Sharman to approve awarding Radio-Read Meter Replacement project to Utility Solutions of America, Inc., with a contract cost of \$94,001.60 that includes a ten percent contingency. Seconded by Commissioner Makin and carried unanimously 5-0.**

**G. Recommendation to approve ground lease agreement with Shepherd's Hope, Inc.**

City Manager Bollhoefer stated this item was discussed at a prior meeting and agreed to in principal by the Commission. We obtained this property from Louis-Dreyfus with the primary goal being to annex them into the City and to purchase all of their pipes out by CR545. Shepherd's Hope would like to build their headquarters and clinic which is approximately a 10,000 foot building. Staff, separate from what is being asked tonight, would like to request this site be expanded where the community farm is located and actually build a neighborhood farm and create a location for a satellite farmers market on the east and west of Ninth Street. This will be a later project to bring back to the City Commission. Staff thinks this will be a good thing for the local community and for redevelopment. Staff recommends approving the lease.

City Manager Bollhoefer asked that the City Attorney answer questions regarding the five-year terms. City Attorney Ardaman stated that the initial term is 20 years with two five-year renewal options, providing the lessee is not in default at the end of the lease and that they give six months advance notice.

Mayor Rees asked if the City has no options if they are not in default. City Attorney Ardaman stated that is correct. Mayor Rees asked if there could be a mutual agreement for less time. City Manager Bollhoefer noted that the issue for them was they were seeking funding from the West Orange Health Alliance to pay for it. They were worried that only 20 years may not be worth investing their funds. Even though it is for 30 years, the City has control if the Commission decides to change the use type; it has to be the same type of use or similar use type if the City Commission agrees. City Attorney Ardaman added; unless the City Commission approves otherwise.

Mayor Rees wanted to be sure that when using an agreement he likes to see that both sides have options.

Commissioner Olszewski spoke of Shepherd's Hope and their roots and vouched for them being an outstanding group. He feels that this will be a great partnership moving forward.

**Motion by Commissioner Olszewski to approve the ground lease agreement with Shepherd's Hope, Inc. Seconded by Commissioner Sharman and carried unanimously 5-0.**

H. **Appointments to the Architectural Review and Historic Preservation Board**

Community Development Director Pash stated that there are currently six vacancies on the Architectural Review and Historic Preservation Board (ARHPB). Four of the vacancies were temporarily filled at the March 10, 2016 City Commission meeting. He noted that the City Code has specific requirements for the board members. He described that one must be an architect, one must be a licensed general contractor, one must own commercial property in the historic district, one has to own property in the district and live in the City, one must be a member of the Heritage Foundation Board and the other two have no specific requirements and can be citizens. He stated that staff has spoken to the Heritage Foundation and are awaiting their recommendation to fill the vacancy.

At this point, if the City Commission were to reappoint the four members appointed last March, that would fill all of the specific seats and meet all of the criteria other than the Heritage Foundation member. Mr. Pash stated that the current Heritage Foundation member John Murphy has stated that he is happy to keep serving in this position until they recommend someone else. This would leave one additional seat from the three applications provided in the agenda packet. Staff recommends following the new Ordinance 16-54 and appoint to the 3-year terms; Tory Parish to the Architect seat, Eric Rainville to the General Contractor seat, and all other members appointed to a 2-year term.

**Motion by Commissioner Olszewski to reappoint Tory Parish (*Architect*) to a 3-year term, Eric Rainville (*General Contractor*) to a 3-year term, Ryan Hinricher (*Property owner within the district*) 2-year term, Jessica Stone (*Resident*) 2-year term. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**Motion by Commissioner Makin to appoint Lisa Bennett (*Resident*). Seconded by Commissioner Buchanan and carried unanimously 5-0.**

I. **Recommendation to approve rankings and award contract for RFQ 16-002 to Quentin L. Hampton and Associates, Inc., for Engineering Design Services for Stormwater Capture, Reuse Water and Aquifer Recharge Project with a not-to-exceed amount of \$313,635**

Assistant City Manager of Public Services Cochran stated that staff recommends approval of the rankings for the RFQ on the Stormwater Capture, Reuse Water and Aquifer Recharge Project. He stated that through the RFQs and submittal process, staff has selected Quentin L. Hampton and Associates to be the firm with the most qualified experience in this technology. Staff recommends approval of the rankings and awarding of the contract with Quentin L. Hampton and Associates for a not to exceed amount of \$313,635.

City Manager Bollhoefer noted that in the past two City Commissioner's constituents questioned what the City would do initially at the park at Bradford. Staff has since made

minimal changes with the exception of adding more landscaping and the addition of a golf cart bridge crossing. He believes the residents are happy with this plan.

Commissioner Makin asked about the berm and Mr. Cochran responded with details of how the stormwater should be diverted.

Commissioner Olszewski stated that he received a call from a constituent this week regarding bathrooms and water fountains at Bradford Park. Mr. Bollhoefer stated that the bathrooms were in terrible shape and were eliminated. He stated that with very few people using them, it was hard to justify. Approximately five years from now staff will be looking at a master plan of the entire park area and this will be addressed at that time.

**Motion by Commissioner Makin to approve rankings and award contract for RFQ 16-002 to Quentin L. Hampton Associates, Inc., for Engineering Design Services for Stormwater Capture, Reuse Water and Aquifer Recharge Project with a not-to-exceed amount of \$313,635. Seconded by Commissioner Sharman and carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC** – There were no items.
7. **MATTERS FROM CITY ATTORNEY** – There were no items.
8. **MATTERS FROM CITY MANAGER**
  - A. The golf cart presentation was postponed until the next meeting.

**B. Dock presentation**

City Manager Bollhoefer stated that after reviewing portable docks, staff has not actually found any that meet the aesthetics that look as good as the wood docks. He noted that they are nice for boats but not leisure sitting. From staff's perspective, it would not be beneficial to patch it because it is in such bad shape; it is best to fix it right. Commissioner Makin agreed but still likes the idea of shortening the dock. Mr. Bollhoefer stated that this is another option and he can bring this item back to the next meeting to show how much can be saved and where the water line is located.

• **Code and Compliance Settlement Agreement (Code Enforcement Board Case 15-053)**

Mr. Bollhoefer stated there was a wedding business operating out at Marsh Road that did not meet our zoning requirements and there have been neighbor complaints. There was a Code Enforcement hearing that the board found against the homeowner. They (homeowner) have asked that the City sign an agreement that allows them to have their last five events, up until November, and then they will cease and desist with the weddings. The neighbors have also agreed. He recommended that staff be given approval to sign this agreement.

**Motion by Commissioner Olszewski to approve signing the settlement agreement. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- **Resolution to request an upland easement from the State of Florida on Tildenville School Road**

City Manager Bollhoefer stated that he has handed out a proposed resolution to support an easement. He explained that there is an issue near the old packing house on Tildenville School Road where the sidewalk dead ends and the children cannot get to the school. He proposes that the City extend the sidewalk and continue along the west side of the road until it reaches a crossing point to where the sidewalk is. In order to accomplish this plan, staff needs a resolution to send to the State to get permission to cross their bike path.

**Motion by Commissioner Olszewski to adopt Resolution using the next available number 16-08. Seconded by Commissioner Makin and carried unanimously 5-0.**

- **Sunshine Law Ethics Training**

City Attorney Ardaman asked the City Commission who would like to participate in a Sunshine Law, Public Records, Ethics class and when. He informed them that it needs to be completed by the end of the year. Commissioner Makin asked that it be split into two sessions as it was last year. Mr. Ardaman will suggest the dates. Commissioner Olszewski noted he has already complied.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** complimented the City Commission on their efforts to pass Ordinances, compromise, and make things better for the citizens.

**Commissioner Olszewski** asked for an update on the Windtree Professional Suites solution to the flooding of this area. **City Manager Bollhoefer** stated that an engineer has been hired to do a preliminary assessment. The preliminary assessment advises doing a thorough assessment of the entire project, which would cost approximately \$30,000. He noted that the preliminary assessment provided us with a better way to do it. The storage business, Windtree Condominiums, and the commercial Windtree Condominiums would be required to clean up and maintain all of their system. Then the City will have the engineer just look at the pond next to the storage facility, which may be the one place where there is a problem with the system. There was discussion on some of the possible issues causing the problem.

Commissioner Olszewski advised that there is a black bear in East Winter Garden and asked the City Manager Bollhoefer to share what the City's responsibility is when dealing with a nuisance bear. Mr. Bollhoefer responded that when there is a nuisance bear it is usually not that the bear has been causing any problems and is not threatening anyone. He noted that the last he heard it was up a tree with its cub. The City has no jurisdiction. The State handles these issues and they let it take its natural course and the bear and its cub should go

elsewhere. If it gets to be a problem then the State will come in. Commissioner Olszewski stated that there was a bear in Westfield and it has since relocated.

Mayor Rees adjourned to the next regular meeting of August 25, 2016 and budget workshop.

The meeting adjourned at 7:48 p.m.

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_\_/S/\_\_\_\_\_  
City Clerk Kathy Golden, CMC