



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 27, 2014

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. The 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 Director of Public Services Operations Mike Kelley, Assistant to City Manager – Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Interim Fire Chief Matt McGrew, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Peter M. Gordon

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve regular meeting minutes of March 13, 2014 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.

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

A. **Ordinance 14-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2013-2014 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Manager Bollhoefer stated that staff would like to postpone this item and noted that it will be re-advertised.

Motion by Commissioner Buchanan to POSTPONE Ordinance 14-12 to a date uncertain. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

A. **Ordinance 14-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 450 WEST STORY ROAD AT THE SOUTHWEST CORNER OF WEST STORY ROAD AND FOSTER AVENUE 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 14-14:** 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 0.22 ± ACRES OF LAND LOCATED AT 450 WEST STORY ROAD AT THE SOUTHWEST CORNER OF WEST STORY ROAD AND FOSTER AVEUNE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 14-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 450 WEST STORY ROAD AT THE SOUTHWEST CORNER OF WEST STORY ROAD AND FOSTER AVENUE 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 Ordinance 14-13, 14-14, and 14-15 by title only. Community Development Director Williams stated that this is a voluntary annexation and establishment of future land use designation and zoning. The applicant would like access to City services. This has been reviewed by the Planning and Zoning Board and staff; both recommend approval.

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

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

- D. **Ordinance 14-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.75 ± ACRES LOCATED AT 13100 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF 5TH 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
- E. **Ordinance 14-17:** 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 1.75 ± ACRES LOCATED AT 13100 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF 5TH STREET AND WEST OF 9TH STREET FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- F. **Ordinance 14-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.75 ± ACRES LOCATED AT 13100 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF 5TH STREET AND WEST OF 9TH STREET FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 14-16, 14-17, and 14-18 by title only. Community Development Director Williams stated that this is a voluntary annexation and request for comprehensive plan land use designation and zoning. The property is located near Lake Butler Groves, Inc. also known as the R. D. King property. This has been reviewed by staff and the Planning and Zoning Board; both recommend approval.

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

Motion by Commissioner Olszewski to adopt Ordinances 14-16, 14-17, and 14-18. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **REGULAR BUSINESS**

- A. **Recommendation to approve bids and award contract for South Woodland Street and East Tremaine Street Project to T. D. Thomson Construction Company in the amount of \$438,298.30, which includes a 10 percent contingency**

Assistant Director of Public Services Operations Kelley stated that the City received bids on January 22, 2014 for the South Woodland and Tremaine Street project. This project covers, as noted on the exhibit; the number three railroad track and number 4 South Woodland Street. This project provides much needed drainage and utility improvements. Four bids were received with the lowest three bids being tabulated and distributed in the agenda packet. After reviewing the bids, checking references, and confirming they have worked on local and similar projects, the engineers determined that T. D. Thomson Construction is the most responsive and lowest bidder. He noted that T. D. Thomson Construction's low bid is \$398,453.00. The engineer's letter recommends that a 10 percent contingency be approved in addition to the contractor's unit price bid, bringing the total price to \$438,298.30.

Mr. Kelley stated that staff recommends awarding the contract for the South Woodland Street and Tremaine Street project to T. D. Thomson Construction in the amount of \$398,453.00, with a 10 percent contingency, for a total contract price of \$438,298.30.

Mr. Kelley stated that staff anticipates this project to start after the railroad work is finished in the area; which should be mid to late May, with 115 days until final completion.

Mayor Rees asked if Tremaine Street and South Woodland down to Smith Street would be bricked. Mr. Kelley responded yes.

Motion by Commissioner Sharman to approve bids and award contract for South Woodland Street and East Tremaine Street Project to T. D. Thomson Construction Company in the amount of \$398,453.00, with a 10 percent contingency, for a total contract price of \$438,298.30. Seconded by Commissioner Makin and carried unanimously 5-0.

B. Recommendation to approve investment package for renovating blighted property at 426 W. Plant Street and authorize the City Manager to execute any necessary agreements with the property owner

Economic Development Director Gerhartz stated that property located at 426 West Plant Street has had minimal maintenance or investment for many years. She noted that one of the deterring factors for redevelopment for this portion along West Plant Street is due to the perception of crime associated with the property and its appearance. She noted that the item before the City Commission is a proposal to convert the apartments to commercial use and expand the downtown district along that portion of West Plant Street; hopefully encouraging redevelopment all the way to Park Avenue.

Ms. Gerhartz shared that Plant Street Market LLC has this property under contract with a closing date of no later than May 31, 2014. In order to close on the property, the owners need City Commission approval of the request submitted in the agenda packet.

Ms. Gerhartz stated that the purchasers are proposing to convert the 20 apartments to an artisan market, to be called Plant Street Market, and a micro-brewery. She recently learned that the purchasers are now considering demolishing the building, instead of a conversion, to save money. The exact mix of stores is still being decided. The downtown area is fully occupied and this will provide much needed retail space on a block that needs to be activated. This will serve as an anchor and a retail destination for our downtown.

Ms. Gerhartz noted some of the types of stores that could go into the market. She noted that depending upon the final design; this will represent approximately a \$2 million dollar investment and with the land it would be over \$3 million. The City [staff] recommends providing an assistance package which would expand the City Hall parking lot for 55 spaces to the west that is already budgeted, provide impact fee assistance estimated at \$90,000.00 and expedited building permits with fee assistance estimated at \$30,000.00. She noted that the City will also aid in finding tenants. City Staff is requesting approval of the impact fee and building fee waivers.

Ms. Gerhartz noted that staff will be coming back with a façade grant in April to ask the Community Redevelopment Agency for approval after it has gone before the CRA advisory board (CRAAB).

City Manager Bollhoefer shared the history on the purchase of this property and the current purchaser's intent is to convert it to commercial. Previously, the City Commission agreed to provide an incentive package of approximately \$300,000.00 which included the additional public parking at City Hall at a cost of \$180,000.00. The purchaser decided she did not want to come up with the funding to move forward with the commercial property. She was going to let it remain as residential but was persuaded to sell it and this is how staff has reached this point.

Mr. Bollhoefer noted the CRA façade grant would be approximately \$60,000. Staff has met with the CRA [Advisory Board] who agreed philosophically. The architectural concepts would still have to go before the CRAAB and be brought back to the City Commission [CRA].

Commissioner Makin asked if they demolished the building and built a new one would the CRA still come into play. Mr. Bollhoefer replied yes, the City could make this work through the grant process because there would still be a façade on the building.

Mr. Bollhoefer shared the past history of the police calls made about the activities at the apartments.

Commissioner Olszewski asked if there would be individual vendors in the Plant Street Market. Ms. Gerhartz responded yes and shared that it's similar to a market in Orlando that has individual vendors coming together underneath one roof to create one market. There was discussion that this will be a very open market with partial or barrier walls to separate the individual vendors.

Ms. Gerhartz noted that there will be a lot of areas both around the building and in front that will have outdoor café seating.

Commissioner Olszewski asked about the prior \$300,000.00 being grandfathered in. Mr. Bollhoefer responded that the City actually agreed to that amount and budgeted for the parking lot which is in the budget at \$183,000.00. What would need to be approved tonight are approximately \$90,000.00 impact fee and the \$30,000.00 permitting fee waiver. The CRA portion would have to come back to the City Commission.

Motion by Commissioner Buchanan to approve the investment package, as submitted, for renovating blighted property at 426 W. Plant Street and authorize the City Manager to execute any necessary agreements with the property owner. Seconded by Commissioner Makin and carried unanimously 5-0.

C. Recommendation to approve authorizing the City Manager to execute a contract with HVS Consulting and Valuation to conduct a market feasibility study on two potential sites at a cost not to exceed \$25,000

Economic Development Director Gerhartz shared that since she has been with the City, the most often she has heard from businesses and residents about the need for another

hotel. Staff has spoken with some experts who have recommended that the City hire a consultant for a market feasibility study so that the City can recruit a hotel developer.

Ms. Gerhartz stated that staff would like to hire one of the most respected hotel consulting firms in the country to help us with this project; HVS Consulting and Valuation. They would research two sites: the East Plant Street corridor and the State Road 50 corridor. Ms. Gerhartz stated that staff is requesting approval authorizing the City Manager sign a contract for up to \$25,000.00 to complete that study.

Commissioner Sharman asked how the market feasibility study is a benefit to the City. Gerhartz responded that the study will prove there is the demand to support a hotel. There is a lot of risk involved, especially with a hotel; so the City would be doing its due diligence up front in hopes that we can bring in one hotel developer.

Mr. Bollhoefer noted that staff met with a hotel builder who is well known in the business and is very interested in establishing a hotel on a State Road 50 site. Before the developer would consider it, the City would need to provide a market study showing this is not just speculation. This feasibility study could be used for any hotel company. Mayor Rees inquired as to whether there are different types of studies based on the height.

Ms. Gerhartz stated that the consultant informed her that a review of the corridor along the 429 and areas along State Road 50 are very different; essentially there are two studies. There could very well be different recommendations for different products based on traffic flow and activity.

Commissioner Olszewski shared that this is one of his projects and has met with many people because we are missing this feature. Are we positive that with this study we will be attractive to hotel owners? Mayor Rees shared that with our proximity to the surrounding area attractions and our downtown, we would be an attractive location for hotels. City Manager Bollhoefer shared that he believes it will bring results.

Motion by Commissioner Makin to approve authorizing the City Manager to execute a contract with HVS Consulting and Valuation to conduct a market feasibility study on two potential sites at a cost not to exceed \$25,000. Seconded by Commissioner Buchanan and carried unanimously 5-0.

D. Recommendation to approve swapping City owned land at 270 W. Plant Street with 252 W. Plant Street Partnership for their land at 252 W. Plant Street and paying for the additional incurred costs

City Manager Bollhoefer stated that this matter has been discussed in the past. Staff recommends swapping the land adjacent to the old Planning and Zoning Department building on the corner next to City Hall, with land owned by 252 W. Plant Partnership, located next to the Splash Fountain. The land the City obtains through this swap would be used as a gateway park into the Pavilion area. For the long term, it will create a much

better park area for the Pavilion and all of the secondary streets in the downtown area. Part of the deal to swap the two pieces of land would be for the City to pay \$118,000.00 in cash and \$17,000.00 in parking fee impact credits. They already have an architectural design, which they would no longer be able to use because of the difference in the lot size. This is why the City would pay them the cash. This amount is the approximate cost for architectural fees and legal fees to do re-design. Staff recommends approval and he thinks, long term, this would be best for the City.

Commissioner Olszewski asked if paying the fees of the other party was typical in a land swap. Mr. Bollhoefer noted that he is not sure because this is not typical and explained that generally this does not happen. However, because it is important to the City to use as a gateway entrance, by doing this we make their parcel whole, providing them with a piece of land and the money to design their building for the new parcel. The fairness in this swap is making it whole. If no land swap occurred, they would not have an architecturally designed building. Mayor Rees noted that since staff went to them and asked, it pushes it back to us. City Attorney Ardaman stated that it puts them back in the same position they were.

Motion by Commissioner Olszewski to approve swapping City owned land at 270 W. Plant Street with 252 W. Plant Street Partnership for their land at 252 W. Plant Street and paying for the additional costs incurred. Seconded by Commissioner Makin and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC** – There were no items.

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

7. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer distributed a diagram of the Plant Street Segment 4 improvements; originally set to be on the agenda for this meeting. He asked the City Commission to review this item and noted that it would be on the agenda for the next meeting.

Commissioner Olszewski asked if staff met with residents and businesses that would be affected. Mr. Bollhoefer responded no, not until this plan is approved. Mayor Rees asked about the anticipated start date. Mr. Bollhoefer noted that they are ahead of schedule so approximately May or June.

Commissioner Makin spoke of curb cuts on Ninth Street [and Plant Street] for access to the property. Mr. Bollhoefer furnished that if anyone was to acquire this property they would be expected to put an exit on to Ninth Street.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman shared his excitement about the new market.

Commissioner Olszewski thanked City staff with special thanks to our first responders. He later announced and invited everyone to the Roper YMCA Family Center kick-off next Thursday at 6:30 p.m. at the Garden Building.

Commissioner Buchanan reminded everyone about the Evening at the Pops event this weekend at Tanner Hall. Tickets are available at City Hall reception desk.

Mayor Rees remarked that he wishes everyone enjoys their time at the Pops event and wished his wife a happy birthday.

The meeting adjourned at 7:08 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC