



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

July 23, 2020

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 given.

**Present:** Mayor John Rees and Commissioners  
Lisa L. Bennett – District 1                      Bob Buchanan – District 2  
Mark A. Maciel – District 3                      Colin Sharman – District 4

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill and Police Chief Stephen Graham

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

**Motion by Commissioner Buchanan to approve regular meeting minutes of July 9, 2020 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

A. **Ordinance 20-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2019-2020 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-29 by title only. City Manager Bollhoefer noted that there are not a lot of significant changes and he would address the questioned items. He explained the amount for the East Crown Point intersection being the total cost of the intersection; funds moved from next year's budget into this year's budget to complete the intersection. He indicated later addressing questions regarding the millage rate, but warned of a possible reduction by \$3-3.5 million.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Bennett to approve Ordinance 20-29 with the second reading and public hearing August 13, 2020 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

- A. **Ordinance 20-27:** 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 0.26 ± ACRES OF LAND LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- B. **Ordinance 20-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.26 ± ACRES LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET; FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-27 and 20-28 by title only. Community Development Director Pash stated that this is a request for changing the future land use designation from low density residential to residential-neighborhood commercial. They also request a rezone of the property from R-2 to R-NC. Staff recommends approval of Ordinances 20-27 and 20-28.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Bennett to adopt Ordinances 20-27 and 20-28. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

- A. **Recommendation to approve setting the proposed MILLAGE RATE for fiscal year 2020/2021 at the current rate of 4.5000 mills and schedule budget public hearings for September 3, 2020 and September 17, 2020 at 6:30 p.m.**

City Manager Bollhoefer addressed his earlier statement that the City is facing a reduction of \$3-3.5 million sales tax drop and revenue sharing funds from the State, all due to COVID-19. He noted that staff is still recommending the 4.5000 millage rate as it is felt that COVID-19 is a one year issue which will resolve itself next year. He spoke of ten percent budget cuts requested of each department head and noted the City's past efforts in maintaining a strong fund balance at 30 percent of annual revenues. He indicated that it is not necessary, and staff is not recommending, increasing the millage rate. He informed that by law, if there was a desire to raise the millage rate, that motion would be required at this meeting. He expressed that staff does not think this would be necessary. However, he did note that if this [COVID-19] issue drags on another

year, then there might be the consideration for a millage increase. For now, the City is good at the 4.5000 millage rate.

City Attorney Ardaman advised that in a worst-case scenario, facing a drastic change, a special meeting to change the millage rate could be held before August. Mayor Rees noted that this was good to know and expressed concern over a significant shortfall in revenues. City Manager Bollhoefer emphasized the importance of sound fiscal fitness and a good fund balance for these kinds of emergencies.

City Manager Bollhoefer also noted the request to change the budget hearing dates to September 3, 2020 and September 17, 2020, which he stated are the first and third Thursdays.

Commissioner Bennett expressed that it is good the City does not have to increase its millage rate; Mayor Rees commented that staff did a great job.

**Motion by Commissioner Buchanan to approve setting the proposed MILLAGE RATE for fiscal year 2020/2021 at the current rate of 4.5000 mills and scheduling the budget public hearings for September 3, 2020 and September 17, 2020 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

B. Recommendation to approve the reduction and removal of a Code Enforcement lien for 509 S. Lakeview Avenue – Cases No. 18-209 and 19-022 (Fragale)

Community Development Director Pash stated that the property located at 509 S. Lakeview Avenue suffered damaged during Hurricane Irma when a tree fell on it. He explained that the home was uninhabitable and never repaired. He further noted that the owner passed away and the home was condemned and demolished at a cost to the City, which also included the removal of a tree. He informed that there was a purchase from the bank through an auction. The current owner has a contract to sell the property and requests that the City settle for the costs the City has put into the property. Mr. Pash noted those costs as \$5,500 plus an unpaid utility balance of \$1,225.70 for a total cost of \$6,725.70, if paid by August 14, 2020. He noted that this is a \$512 reduction of the lien against the property.

**Motion by Commissioner Bennett to approve the reduction and removal of a Code Enforcement lien for 509 S. Lakeview Avenue, Cases No. 18-209 and 19-022 (Fragale) to \$6,725.70, if paid by August 14, 2020. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

5. **MATTERS FROM PUBLIC**

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting.

Terry Dorner, 114 Stanton Estates Circle, Winter Garden, Florida, complimented the City; noting its efforts on making the quality of life great.

Mr. Dorner expressed that he was going to help the City strengthen its already great right-of-way facilities ordinance. He noted that there are 16 points of recommendations learned from other successful organizations, but he would highlight seven of them. He informed that the City of Winter Garden has the right and authority to regain more control than it currently has in the protection of its citizens. He indicated that there was an emailed distribution of these items through the City Manager. Mr. Dorner noted that many of the suggested changes occurred after the adoption of the City's ordinance. He proposed modifying the purpose of the City's current ordinance to go beyond protection, health, safety and welfare by the addition of terms like life, privacy, peace, as well as others.

Mayor Rees thanked Mr. Dorner for his comments. After waiting and receiving no additional public calls or comments, Mayor Rees closed the public hearing.

#### **6. MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman noted reporting on the fireworks issue and new legislation at the next meeting.

Commissioner Buchanan inquired as to what sparked this issue. City Attorney Ardaman noted that the legislation decriminalized the use of fireworks on New Year's Eve, New Year's Day and July Fourth. This legislation affects our City on what it can and cannot do regarding the issue.

#### **7. MATTERS FROM CITY MANAGER**

City Manager Bollhoefer informed the City Commission that in light of the COVID-19 issues, a backpack giveaway would be done by driving through at the Mildred Dixon Center on August 5, 2020, starting at 8:00 a.m. He noted doing it this way in an effort to keep people safe.

#### **8. MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman thanked the City's Finance Department for keeping the fund balance so that when tough times occur, we are able to get through them without cutting back services or employees. He commended City Manager Bollhoefer and staff on being fiscally responsible with the citizen's money.

Commissioner Bennett echoed Commissioner Sharman's comments noting that we have a good staff and great leadership, which is beneficial to all of us.

Commissioner Buchanan noted that he too would piggyback comments made by Commissioners Sharman and Bennett regarding the fund balance. He stated that he would also add that the entire City has benefited. He stated that we still have a very clean City and

