



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES

September 12, 2019

BUDGET HEARINGS and **REGULAR MEETING** of the City of Winter Garden City Commission were called to order by Mayor Rees at 6:32 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 and Commissioners

Lisa 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 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

Mayor Rees spoke of the 2001 attacks on 9/11 and recent memorial broadcasts. He noted that it reminded him that we should never take for granted the daily sacrifices of our first responders; he encouraged everyone to thank them and express our appreciation.

BUDGET HEARINGS

1. **FIRST READING AND PUBLIC HEARINGS TO ADOPT PROPOSED BUDGETS AND MILLAGE RATE FOR FISCAL YEAR 2019/2020**

- A. **Ordinance 19-49:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020

City Attorney Ardaman read Ordinance 19-49 by title and stated that the City Commission of the City of Winter Garden hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the Fiscal Year beginning October 1, 2019, and ending on September 30, 2020, at the rate of 4.5000 mills (\$4.5000 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Winter Garden, Florida. This millage rate is greater than the rolled back rate of 4.2580 mills by 5.68 percent.

Finance Director Zielonka stated that this ordinance sets the millage rate for the fiscal year 2020. She stated that staff does recommend keeping the millage rate flat at 4.5000.

Commissioner Sharman addressed the reasoning behind the previous increase to the millage rate and noted that it was said that if the State did not pass its amendment, the City would review reverting back. He expressed interest in seeing what impacts a roll back would have on the City's budget; inquiring as to how much would be pulled from different funds. **City Manager Bollhoefer** referred to significant increases to spending for Police, Fire and Safety; which he stated took up over two-thirds of those funds. **Mayor Rees** noted that one of his questions to staff was the difference between a 4.25 and a 4.50 millage rate; **City Manager Bollhoefer** noted that it was approximately \$900,000. **Commissioner Sharman** shared that he would not want to take the millage back to the 4.25; the funds should be spent on salaries for the City's Officers and Firefighters. However, he would like to review rolling back a few tenths of a point because it was stated that the City would roll back what it could. **City Manager Bollhoefer** indicated that, in this case, a thorough budget review for removal of certain projects would then be needed. **Commissioner Sharman** indicated that he would consider voting with the consensus of the Commission.

Mayor Rees opened the public hearing.

Troy Knight, 1527 Hawkesbury Court, Winter Garden, Florida addressed the millage rate and asked that the City consider rolling back a portion of the millage; possibly moving some of the projects to another year. She states that she agrees with Commissioner Sharman of District 4 and noted that any portion that can be rolled back would be appreciated by the community.

Mayor Rees closed the public hearing.

Motion by Commissioner Buchanan to approve Ordinance 19-49 with a second reading and public hearing scheduled for September 26, 2019. Seconded by Commissioner Maciel.

Commissioner Bennett inquired as to when a potential change to the millage rate would be discussed. **City Manager Bollhoefer** noted that any change can be made up until it is voted on at the next meeting; with **Mayor Rees** noting that it would be any change downward. **Commissioner Sharman** inquired as to what the equivalent of a tenth of a mill would be; after some discussion he indicated that this would be his suggested roll back. **Commissioner Buchanan** spoke of the prior rate of 4.25 mills and inquired as to what percentage goes to Fire and Police, which he states actually created the need to move to 4.5 millage. He asked what would be sacrificed for that one-tenth of a percent. **City Manager Bollhoefer** addressed this issue noting that it

was a little over two-thirds at \$650,000 for the Fire and Police increase and the City received approximately \$900,000. **Mr. Bollhoefer** indicated that he feels confident a vast majority of citizens would support this based on the benefits they would receive. He informed of a City survey which revealed three main categories needing improvement: transportation, parking, and parks and recreation. He informed that it is not just the Fire and Police, but the extra funds are needed to provide for those benefits. **Mr. Bollhoefer** stated that although this rate would still put the City at the lowest end of millage rates; even with the 4.5 millage rate, some cutbacks may still be required. He expressed that decisions would have to be made as to what items would not be provided to the residents.

Commissioner Buchanan noted that he wants to take absolutely nothing away from Fire and Police; and also questioned what the rest of the employees would receive. **City Manager Bollhoefer** responded by noting the union discussions and funding needed for them as well as similar benefits to be provided for other employees. **Mayor Rees** noted a review of each department's health benefits, as a percentage of the salaries and wages, and the pension contributions being comparable.

Motion carried unanimously 5-0.

- B. **Ordinance 19-50**: AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020

City Attorney Ardaman read Ordinance 19-50 by title and the following excerpt: It is anticipated that there will be available for use and disbursement from the general funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$16,172,254
Revenue other than Ad Valorem	<u>43,498,343</u>
TOTAL REVENUES AVAILABLE FOR EXPENDITURES	\$59,670,597

Finance Director Zielonka stated that this Ordinance allows the allocation of budgeted revenues to be used for the planned appropriations; noting that the information is being detailed in the budget book.

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

Motion by Commissioner Bennett to approve Ordinance 19-50 with the second reading and public hearing scheduled for September 26, 2019. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- C. **Ordinance 19-51:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020

City Attorney Ardaman read Ordinance 19-51 by title and an excerpt stating whereas it is anticipated that it will be available for use and disbursement from the CRA funds of the City, revenue in the following amounts:

Collection of Ad Valorem	\$ 610,962
Revenue other than Ad Valorem	<u>617,345</u>
TOTAL REVENUES AVAILABLE FOR EXPENDITURES	\$1,228,307

Finance Director Zielonka stated that this budget was presented to the CRA Advisory Board and was unanimously approved; staff also recommends approval.

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

Motion by Commissioner Maciel to approve Ordinance 19-51 with a second reading and public hearing scheduled for September 26, 2019. Seconded by Commissioner Bennett and carried unanimously 5-0.

- D. **Ordinance 19-52:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2019-20 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA, AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

City Attorney Ardaman read Ordinance 19-52 by title only. Finance Director Zielonka stated that this Ordinance is for the appropriations as outlined in the budget book. She noted that staff will review City Commission questions as soon as they are submitted.

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

Motion by Commissioner Buchanan to approve Ordinance 19-52 with a second reading and public hearing scheduled for September 26, 2019. Seconded by Commissioner Maciel and carried unanimously 5-0.

REGULAR MEETING

2. APPROVAL OF MINUTES

Motion by Commissioner Buchanan to approve regular meeting minutes of August 22, 2019 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.

3. PRESENTATION

A. **Proclamation 19-11**: Proclaiming Diaper Need Awareness Week for September 23-29, 2019 was presented by Mayor Rees and the City Commission and accepted by Sharon Lyles of the Central Florida Diaper Bank. Ms. Lyles thanked the City for its support.

4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 19-38**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 28.32 ± ACRES LOCATED AT 14908 AND 14950 TILDEN ROAD, EAST OF STATE ROAD 429, WEST OF WINTER GARDEN VINELAND ROAD, AND SOUTH OF TILDEN ROAD, FROM ORANGE COUNTY CITRUS RURAL DISTRICT (A-1) TO CITY PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE TILDEN ROAD PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-38 by title only. Community Development Director Pash stated that this a request for a planned unit development zoning and described the locations. The applicant is requesting to develop the approximately 28-acre site as a gated single family neighborhood with 56 lots, park, and walking trails. He noted that the proposed development is consistent with the comprehensive plan and the ordinance's design requirements for the homes in the neighborhood. Staff recommends approval of Ordinance 19-38.

Mayor Rees noted his concerns on the density of the new developments; Commissioner Sharman echoed the sentiments.

City Manager Bollhoefer gave some history, and there was discussion on, this location, community meetings, and current sentiments regarding the development. Commissioner Bennett noted that there is a good buffer in the area; Mr. Pash informed that half of those lots are remaining in Orange County. City Manager Bollhoefer noted that they are non-buildable.

Mayor Rees opened the public hearing.

Barbara Muzeni, 1842 Morning Sky Drive, Winter Garden, Florida voiced her concerns about the new development on Tilden Road. She noted that by Orange County standards, it is considered a failed road based on its current traffic patterns. She

indicated that the area where this new community will be built is an area where the road cannot be expanded into two-lanes in either direction. All traffic will end up travelling through that community as well as on Tiny Road. City Manager Bollhoefer noted that this is a gated community; indicating that a past-through would not be possible. Ms. Muzeni further described the traffic issues in that area and wanted this to also be considered by the City Commission.

City Manager Bollhoefer addressed the development, issues in this area, the County's master plan to find a solution, and developer's rights which limit the City's ability to refuse certain development. He noted that this is why the City did its best to minimize the impact. He further explained that State law takes away the City's right to refuse this kind of development.

City Attorney Ardaman noted that the developer could develop more than what has been proposed. He noted that from a legal standpoint, this is probably the best solution, although not the best solution for traffic. He indicated that it is a County road; which Ms. Muzeni interjected is partially owned by the City. There was discussion on the application process, home rule rights, and the Emerald Ridge subdivision's limited access, and east-west roads, and a one cent sales tax to help address transportation.

Mayor Rees closed the public hearing.

Motion by Commissioner Sharman to approve Ordinance 19-38 with a second reading and public hearing scheduled for September 26, 2019. Seconded by Commission Maciel and carried unanimously 5-0.

- B. **Ordinance 19-41**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.45 ± ACRES LOCATED AT 902 AVALON ROAD ON THE WEST SIDE OF AVALON ROAD, NORTH OF TOUR POINTE BLVD AND SOUTH OF EGRET HAMMOCK 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
- C. **Ordinance 19-42**: 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 0.45 ± ACRES LOCATED AT 902 AVALON ROAD ON THE WEST SIDE OF AVALON ROAD, NORTH OF TOUR POINTE BLVD AND SOUTH OF EGRET HAMMOCK DRIVE FROM ORANGE COUNTY RURAL TO CITY INSTITUTIONAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-41 and 19-42 by title only. Community Development Director Pash stated that this is a 0.45 ± acre lot located at 902 Avalon

Road, recently purchased by the City and requesting annexation and the designation of the future land use as institutional. Staff recommends approval of Ordinance 19-41 and 19-42, with the second reading and public hearing on October 10, 2019.

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

Motion by Commissioner Bennett to approve Ordinance 19-41 and 19-42 with a second reading and public hearing scheduled for October 10, 2019. Seconded by Commission Sharman and carried unanimously 5-0.

- D. **Ordinance 19-44**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.21 ± ACRES LOCATED AT 945 & 951 CARTER ROAD, EAST OF CARTER ROAD, WEST OF STATE ROAD 429, NORTH OF STATE ROAD 50, AND SOUTH OF EAST STORY ROAD 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 19-45**: 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 1.21 ± ACRES LOCATED AT 945 & 951 CARTER ROAD, EAST OF CARTER ROAD, WEST OF STATE ROAD 429, NORTH OF STATE ROAD 50, AND SOUTH OF EAST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY MULTI-OFFICE INDUSTRIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 19-46**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.21 ± ACRES LOCATED AT 945 & 951 CARTER ROAD, EAST OF CARTER ROAD, WEST OF STATE ROAD 429, NORTH OF STATE ROAD 50, AND SOUTH OF EAST STORY ROAD FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY I-2 GENERAL INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 19-44, 19-45, and 19-46 by title only. Community Development Director Pash stated that this is a voluntary annexation of these two properties. The applicant is requesting annexation and future land use of multi-office industrial and I-2 zoning. All are consistent with the surrounding area. Staff recommends approval of Ordinances 19-44, 19-45, and 19-46, with conditions that the properties located to the east must always have access or it needs to be provided elsewhere. It cannot land lock these parcels. Commissioner Bennett sought clarification on the location; which was described and discussed.

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

Motion by Commissioner Buchanan to approve Ordinances 19-44, 19-45 and 19-46 with conditions as noted and a second reading and public hearing scheduled for September 26, 2019. Seconded by Commission Bennett and carried unanimously 5-0.

5. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 19-43:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA MODIFYING THE CITY'S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2020; PROVIDING FOR A 7-DAY QUALIFYING PERIOD AND SCHEDULE FOR RUN-OFF ELECTION TO BE APPLIED IN CONJUNCTION WITH SAID ELECTION; AND PROVIDING FOR CONFLICTS, SEVERABILITY, NON-CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 19-43 by title only. City Clerk Grimmage stated that this is the second reading and public hearing for Ordinance 19-43 which changes the City's regular general election date to coincide with Orange County's Presidential Preference Primary Election. She noted that this is a piggyback of that election. This ordinance also changes the qualifying dates in order to meet ballot submission deadlines. Ms. Grimmage noted that the qualifying period begins November 5, 2019 at 12:00 Noon and will end at 12:00 Noon on November 12, 2019. She also stated that the ordinance sets the run-off election date, if necessary, to April 14, 2020. Staff recommends approval of Ordinance 19-43.

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

Motion by Commissioner Sharman to adopt Ordinance 19-43. Seconded by Commission Bennett and carried unanimously 5-0.

6. **REGULAR BUSINESS**

- A. Recommendation to approve Interlocal Agreement for Fire Dispatch Services between Orange County, Florida and City of Winter Garden

Fire Chief McGrew voiced his appreciation of the Mayor's opening comments regarding the first responders. He noted that this is one of the closest working relationships between a Fire Department and a Police Department he has seen in his career.

Fire Chief McGrew stated that he is requesting approval to renew the Fire Emergency Medical Services (EMS) Dispatch agreement with Orange County. He noted that this an ongoing and budgeted item supplying Winter Garden with all of its Fire and EMS dispatch services. In this agreement, the annual cost is split with eight dispatcher positions and one GIS position with two other agencies; Ocoee and Maitland. He noted

that the agreement is for five years. He shared that he meets with the Police Chief to discuss this agreement and they both agree that they cannot do this in-house for this amount. He noted that staff believes that this agreement is cost effective and beneficial for the City of Winter Garden. Staff recommends approval.

Motion by Commissioner Sharman to approve the Interlocal Agreement for Fire Dispatching Services between Orange County, Florida and City of Winter Garden. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. Recommendation to approve purchase of one new Pierce Enforcer Ascendant Aerial Fire Engine from Ten-8 for a total of \$1,076,125 not to exceed \$1,275,000, utilizing Florida Sherriff's Association & Florida Association of Counties Contract, Specification #09, 75' Rear Mounted Aerial Apparatus

Fire Chief McGrew stated that permission is sought to spend budgeted funds to purchase one new Pierce 110-foot aerial truck for a cost of \$1,076,125 not to exceed \$1,275,000. This purchase utilizes the current Florida Sheriff's Association & Florida Association of Counties contract bidding process for fire apparatus. This aerial truck will be a replacement for the current 12-year-old one; noting mileage, engine run time and maintenance issues. He indicated that the new truck would take 11 months for delivery, once the purchase order is placed. He informed that it is believed this purchase is necessary and appropriate for the City, based on the increase of three-story buildings and the continuation of mall coverage, and also the new seven-story tower coming soon to the hospital. Staff recommends approval.

There was discussion on some of the components of the new engine, and repair costs of the old engine. Fire Chief McGrew indicated that this is the only tower truck in West Orange County. Commissioner Sharman noted that the biggest impact of the old truck is the downtime. Chief McGrew spoke of some of the differences in the vehicles, and the benefits and cost savings offered by the new engine. There was discussion on the vehicle's maintenance and the advantage of having local service.

Motion by Commissioner Sharman to approve purchase of one new Pierce Aerial Fire Engine from Ten-8 for a total of \$1,076,125.00 with a not to exceed amount of \$1,275,000.00, utilizing the Florida Sherriff's Association & Florida Association of Counties Contract, Specification #09, 75' Rear Mounted Aerial Apparatus. Seconded by Commissioner Bennett and carried unanimously 5-0.

- C. Recommendation to approve Interlocal Agreement for Police Dispatching Services for City of Ocoee

Police Chief Graham stated that staff requests postponement of this item to the next meeting.

Motion by Commissioner Sharman to POSTPONE the Interlocal Agreement for Police Dispatching Services for the City of Ocoee to next meeting on September 26, 2019 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.

D. Recommendation to approve Agreement between School Board of Orange County, Florida and City of Winter Garden for School Resource Officer Program

Police Chief Graham stated that the Orange County Public School Board is requesting an agreement with the City of Winter Garden for the School Resource Officers staffing for the schools within the City's jurisdiction. He noted that this is a two-year agreement from 2019 through the school year of 2021. He noted that itemized is the officers reimbursement at \$49,000 per officer for the first year and \$50,000 for the next year. Also reimbursement for supervisors is itemized. Staff recommends approval.

There was discussion on the status of current Police staff.

Commissioner Bennett sought clarification from City Attorney Ardaman as to whether recusing herself from this vote would be necessary as a member of the Board of Directors for one of the local schools; he advised that there would be no conflict.

Motion by Commissioner Bennett to approve an agreement between The School Board of Orange County, Florida and the City of Winter Garden for The School Resource Officer Program. Seconded by Commissioner Sharman and carried unanimously 5-0.

E. Recommendation to approve SPECIAL EVENT – West Orange High School Homecoming Parade on September 26, 2019

Community Development Director Pash stated that this is the West Orange High School Homecoming special event. They are requesting temporary closures on Plant Street, Thursday, September 26th between 5:00 and 7:00 p.m. same as years past. Staff recommends approval. Mr. Pash noted that the street would not be closed the entire time.

Motion by Commissioner Buchanan to approve West Orange High School Homecoming Parade on September 26, 2019 as noted, with street closure. Seconded by Commissioner Maciel and carried unanimously 5-0.

F. Recommendation to approve and authorize settlement offer for 1200 Daniels Road – Daniels Road Business Park

Community Development Director Pash stated that the owner of this property applied for site plan review and was denied by the City Commission on February 28, 2019. The items were discussed and heard at the February 14, 2019 meeting and postponed to the February 28th when the motion was actually made. He noted that the owner then filed

a notice pursuant to Section 70.45 and 70.001 of the Florida Statutes. He noted that a settlement offer has been drafted. Staff recommends approval of the settlement.

City Attorney Ardaman noted they may recall that this was Dan Roberts and his attorneys; experts gave a presentation and there was an extended hearing. He noted that they are pursuing, through their attorneys, a statutory mechanism that states that the City has imposed an unlawful condition on their development. Secondly, this letter deals with an inordinate burden. Mr. Ardaman stated that the City has responded to the first claim of unlawful condition. He suggested that if they agree, give the City Manager the authority to sign this [settlement offer letter] subject to any further discussion that we may have that might be appropriate from a legal standpoint to protect the City. He noted the actual offer being made and read an excerpt from it. He stated that staff and legal recommend authorizing the City Manager to send the settlement letter.

Commissioner Sharman sought confirmation of the reason that this item came before the City Commission. Mr. Ardaman explained that their request was to come before the City Commission without meeting staff's requirements; in order to do that Development Review Committee (DRC) recommended denial. This denial came before the City Commission and the denial was unanimously upheld.

Motion by Commissioner Sharman to authorize the City Manager to send the settlement letter and any needed changes which may be further needed to protect the City consistent with the law for 1200 Daniels Road (*Daniels Road Business Park*). Seconded by Commissioner Maciel and carried unanimously 5-0.

7. MATTERS FROM PUBLIC

Ron Mueller, 709 Lake Cove Pointe Circle, Winter Garden, Florida commented on the millage rate, much needed improvement items for the City, and locking the millage rate at the 4.5. and there was discussion of past millage rates.

8. MATTERS FROM CITY ATTORNEY – There were no items.

9. MATTERS FROM CITY MANAGER

Road Closures Updates

City Manager Bollhoefer updated the City Commission on road closures, some repair difficulties, and the timing to not interfere with school hours.

Hurricane Preparedness

City Manager Bollhoefer thanked staff for their efforts in the preparations for Hurricane Dorian noting the great service provided in sandbagging efforts and the equally great attitudes while serving the citizens.

FEMA Reimbursement

City Manager Bollhoefer noted that the City has received 95 percent reimbursement from the previous storm from the Federal Emergency Management Agency (FEMA). He recognized staff members such as Finance Director Laura Zielonka, Senior Business Analyst Marc Hutchinson and all of the staff that assisted with the paperwork needed to qualify for this reimbursement. Mr. Bollhoefer noted how the process has become even more burdensome. He shared that the City's philosophy, and will continue to be, first and foremost is service the residents and do what is needed and secondly look at the recordkeeping.

Commissioner Sharman sought clarification for the audience that those funds cannot be used for general fund items; City Manager Bollhoefer confirmed that it all goes into solid waste, as those funds came from garbage fees and service. He noted that they are not general fund dollars.

10. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman addressed his neighbor from Emerald Ridge who spoke earlier in the meeting, regarding the development in her area. He mentioned the developer that was also referenced in this meeting that forced the City into litigation in order to get their way. He addressed the issue that Tiny Road is horrible and another development going in will not help. He believes that the City's hands are tied; noting that this is the lesser of two evils. He expressed how staff takes great pride in doing their best for its citizens. He apologized, and noted that it is something we cannot change, but wanted her to know that the City does at least make an effort.

Commissioner Sharman also addressed recent mass shootings and the change in society where people are starting to actually report issues on social media.

Commissioner Bennett thanked staff for their hard work during the storm and especially to the first responders.

Mayor Rees echoed prior comments on thanking staff and reminded everyone that Hurricane Dorian was during a three-day weekend; noting that they did do it with a good attitude out on a Saturday and that it was noticed and appreciated.

The meeting adjourned at 7:41 p.m.

ATTEST:

/S/
City Clerk Angee Grimmage, CMC

APPROVED:

/S/
Mayor John Rees