



# CITY OF WINTER GARDEN

## CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES

September 27, 2018

**BUDGET HEARINGS** and **REGULAR MEETING** of the City of Winter Garden City Commission were 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 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 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, Information Technology Director Chad Morrill, Fire Chief Matt McGrew and Police Chief Stephen Graham

### BUDGET HEARINGS

#### 1. **SECOND READING AND PUBLIC HEARINGS TO ADOPT PROPOSED BUDGETS AND MILLAGE RATE FOR FISCAL YEAR 2018/2019**

- A. **Ordinance 18-29:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2018, AND ENDING ON SEPTEMBER 30, 2019

City Attorney Ardaman read Ordinance 18-29 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, 2018, and ending on September 30, 2019, 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 4.0163 mills by 12.04 percent.

Finance Director Zielonka stated that this ordinance sets the millage rate at 4.5 mills which is a .25 increase over the current rate.

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

**Motion by Commissioner Buchanan to ADOPT Ordinance 18-29. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- B. **Ordinance 18-30:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2018, AND ENDING ON SEPTEMBER 30, 2019

City Attorney Ardaman read Ordinance 18-30 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	\$14,531,796
Revenue other than Ad Valorem	<u>24,431,511</u>
TOTAL REVENUES AVAILABLE FOR EXPENDITURES	\$38,963,307

Finance Director Zielonka noted that this information has been 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 ADOPT Ordinance 18-30. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- C. **Ordinance 18-31:** 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, 2018, AND ENDING ON SEPTEMBER 30, 2019

City Attorney Ardaman read Ordinance 18-31 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	\$ 497,593
Revenue other than Ad Valorem	<u>530,257</u>
TOTAL REVENUES AVAILABLE FOR EXPENDITURES	\$1,027,850

Finance Director Zielonka noted that the CRA revenues have been placed into a capital projects fund for the CRA Advisory Board to bring back to the City Commission throughout this fiscal year to be reviewed and disbursed as needed.

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

**Motion by Commissioner Maciel to ADOPT Ordinance 18-31. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- D. **Ordinance 18-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2018-2019 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 18-32 by title only. Finance Director Zielonka stated that this ordinance authorizes the appropriations for fiscal year 2019 and are detailed in the budget book.

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

**Motion by Commissioner Buchanan to ADOPT Ordinance 18-32. Seconded by Commissioner Bennett and carried unanimously 5-0.**

## **REGULAR MEETING**

### **2. APPROVAL OF MINUTES**

**Motion by Commissioner Buchanan to approve regular meeting minutes of September 13, 2018 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.**

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

- A. **Ordinance 18-37:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 18, ARTICLE II, DIVISION II OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING THE BUILDING CODE TO CREATE A NEW SECTION 18-62 RELATING TO PRIVATE PROVIDER ALTERNATIVE PLANS REVIEW AND INSPECTION; PROVIDING FOR PRIVATE PROVIDER REGISTRATION AND A SYSTEM TO VERIFY COMPLIANCE WITH LICENSURE AND INSURANCE REQUIREMENTS; PROVIDING EXPRESS RESERVATIONS OF CITY AUTHORITY, INCLUDING THE AUTHORITY TO ISSUE STOP-WORK ORDERS UPON OFFICIAL DETERMINATION THAT A CONDITION ON BUILDING SITES CONSTITUTES AN IMMEDIATE THREAT TO THE PUBLIC SAFETY AND WELFARE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-37 by title only. Community Development Director Pash stated that the Florida Statutes provide builders with the option to hire a private provider for inspection services, as well as plan review. He noted that in the City there are currently no builders that have chosen this option, but the City wanted to create

a new section 18-62 to fall in line with the Florida State Statute. He highlighted some items covered by this ordinance including registration for the private providers, hold harmless and indemnity for the City, and the offering in discounts of 15 percent from building permit fees. He explained there is not an affect to any other fees, such as other impact fees. He also noted that there is an additional 15 percent discount for inspections and plan review as well. This ordinance outlines the City's authority in its ability to perform audits, issuing stop work orders and code compliance. Staff recommends approval of Ordinance 18-37.

City Manager Bollhoefer described how some builders were not favorable to such restrictive measures imposed upon by cities and the State gave them an out. This allows builders to hire their own inspectors to inspect their work. He feels that the City does not believe this a good idea and as a service to the residents the City would forewarn them of these builders. This effort would warn and inform the public that these homes are not inspected by the City.

Mayor Rees questioned the necessity of the discounts. Staff noted that this has to be done and is a statutory requirement.

Commissioner Buchanan sought clarification on what the builder could do and voiced his concerns about plans possibly being changed if the City did not have the oversight. Mr. Pash informed that the builders cannot change the plans. There was discussion that the City has the ability to do an audit. Commissioner Sharman sought clarification as to whether the builder would be liable should the City audit and find something was missed. City Attorney Ardaman responded yes, they have their independent private liability.

There was discussion on costs savings versus receiving easier inspections. Commissioner Bennett inquired as to whether this was residential or commercial and it was confirmed by staff that it is both. City Manager Bollhoefer noted that the City does not have an option and it is what the State law allows. City Attorney Ardaman suggested contacting the legislators. Commissioner Sharman voiced concerns of builders who would do anything just to get by, thus putting people at risk.

There was discussion on possibly challenging this law and City Attorney Ardaman advised that this is better approached from the legislature standpoint. It was noted that this law is approximately two to three years old. Commissioner Sharman encouraged the use of a municipality reviewing the plans. Mayor Rees noted that all agree that it is not a favored item, but the choices are limited.

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

**Motion by Commissioner Sharman to approve Ordinance 18-37 with a second reading and public hearing scheduled for October 11, 2018. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

#### 4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 18-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA VACATING THE DEDICATION AND RESERVATION OF ROADS AND PARKS FOR A PORTION OF THE WINTER GARDEN CEMETERY PLATS RECORDED IN PLAT BOOK S, PAGES 2 THROUGH 4 AND PLAT BOOK U, PAGE 19 THROUGH 20 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND APPROVING SUCH AREAS FOR USE AS CEMETERY LOTS AND OTHER CEMETERY PURPOSES; AMENDING SECTION 26-33 OF ARTICLE II OF CHAPTER 26 OF THE WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDING; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-35 by title only. Assistant City Manager - Public Services Williams stated that this ordinance proposes to unencumber lots and vacate a portion of the previous dedication and reservation of parks and roads; providing an additional 437 ground spaces at the cemetery. Staff recommends approval.

City Manager Bollhoefer addressed the City assessing the number of gravesites at buildout in order to know how many spaces are available after the use of these spaces. He noted a rate study is needed in order to address a trust fund for the cemetery's perpetual care after the spaces are sold and maintenance of the cemetery is still needed.

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

**Motion by Commissioner Bennett to adopt Ordinance 18-35. Seconded by Commissioner Sharman and carried unanimously 5-0.**

#### 5. **REGULAR BUSINESS**

- A. Recommendation to approve rankings and award contract for Consulting Engineering Services for Dillard Street Reconstruction Project to Cribb Phillbeck Weaver Group (CPWG), for an amount not to exceed \$1,489,601.33 (with presentation on concept by Toole Design Group)

Assistant City Manager - Public Services Williams stated that the City solicited and received six proposals from qualified engineering firms to develop and complete a buildable set of plans and specifications for the Dillard Street Reconstruction project. He noted that the proposals were evaluated and the top four respondents were invited to make formal presentations; based upon which the, Cribb Phillbeck Weaver Group (CPWG) was found to be the most qualified. Staff has negotiated a contract for consideration in a not to exceed amount of \$1,489,601.33.

Mr. Williams acknowledge Ian Lockwood from the Toole Design Group who gave a presentation on the concept for the Dillard Street project. (See attached – **Exhibit A**)

City Manager Bollhoefer explained that the presentation is meant to show how the road will work and should answer most of the City Commission’s questions.

Mr. Lockwood’s presentation covered issues concerning the reconstruction project and how it would address safe design, meet traffic needs, provide comfort, and connectivity for a low stress bicycling network. Roundabouts and the conflicts and advantages associated with them were addressed. Some of the advantages of roundabouts were covered such as being pedestrian safe, require slower speeds, shorter stopping distances, also better fields of view for pedestrians and bicyclists. There was discussion on the change impact for development in the project area, concern for kids, mention of turn lanes, and transitioning to State Road 50 with the number of lanes being kept the same so as not to need negotiations with Florida Department of Transportation (FDOT).

**Motion by Commissioner Buchanan to approve rankings and award contract for Consulting Engineering Services for Dillard Street Reconstruction Project to Cribb Phillbeck Weaver Group (CPWG), for an amount not to exceed \$1,489,601.33. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. Recommendation to approve a purchase order for Extending Sanitary Sewer Service to TD Thomson in the amount of \$94,192.80

Assistant City Manager - Public Services Williams stated that the extension of the sewer service was originally a portion of the 9<sup>th</sup> Street Gravity sewer force main and water main improvement project. He noted that the bid for this project has been rejected and has not been re-bid at this point. He indicated that the Shepherd’s Hope project is continuing along with the construction and has come to a point where this portion would need to be pulled out of the project itself and extend sewer to the project. Staff recommends approval of the purchase order to TD Thomson in the amount of \$94,192.80.

**Motion by Commissioner Sharman to approve a purchase order for extending sanitary sewer service to TD Thomson in the amount of \$94,192.80. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- C. Recommendation to approve bid and award contract for the Western Storage, Pumping and Transmission Facilities Project to TLC Diversified Inc., including a 5% contingency for a total project amount of \$7,522,924.50

City Manager Bollhoefer stated that staff requests postponement of this item to a date uncertain.

**Motion by Commissioner Sharman to POSTPONE approval for bid and award contract for the Western Storage, Pumping and Transmission Facilities Project to TLC Diversified Inc., including a 5% contingency for a total project amount of \$7,522,924.50 to a date uncertain. Seconded by Commissioner Bennett and carried unanimously 5-0.**

D. Recommendation to approve Special Event for Winter Garden Art Association – Annual Fund Raising Gala - February 15, 2019

Community Development Director Pash stated that the Winter Garden Art Association has held their annual gala at the Pavilion for the last couple of years and are requesting permission again for 2019. He noted that it is scheduled for Friday, February 15, 2019 from 6:00 p.m. to 10:00 p.m. Permission is requested to start set up on Thursday at 5:00 p.m. This event includes beer and wine consumption as well as several auctions and dinner. Staff recommends approval.

**Motion by Commissioner Sharman to approve Special Event for Winter Garden Art Association – Annual Fund Raising Gala - February 15, 2019. Seconded by Commissioner Maciel and carried unanimously 5-0.**

E. Recommendation to approve Community Event for Winter Garden Health & Harvest Festival - October 27, 2018

Community Development Director Pash stated that this special event is for the Health and Harvest Festival which is championed by the West Orange Healthcare District and Orlando Health and is sponsored by the City of Winter Garden. This event is proposed for Saturday, October 27, 2018 from 9:00 a.m. to 2:00 p.m. and operates as an extension of the Farmer's Market in the vacant lots along Plant Street. He described items offered at the event and stated that it has gone well in the past. Staff recommends approval.

**Motion by Commissioner Sharman to approve Community Event for Winter Garden Health & Harvest Festival – October 27, 2018. Seconded by Maciel and carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC**

Evangelist Charlie Mae Wilder, 813 E. Bay Street, Winter Garden, Florida thanked the City Commission for their support in the past and requested continued support for this year's support of the Veterans and Families of Veterans' Appreciation on November 3, 2018.

**Motion by Commissioner Maciel to approve donation of \$300 to support the Annual Veterans and Family of Veterans' Appreciation event. Seconded by Commissioner Sharman and carried unanimously 5-0.**

Edward Bowman, 6862 Round Lake Road, Mt. Dora, Florida stated that he is a former resident of Winter Garden and informed the City Commission that he was raising awareness of Clara's Law. He informed the City Commission of the current efforts to get this law passed that deals with increasing penalties for health care providers who violate patients in their care. He shared that he would walk from Central Florida to Tallahassee in an effort to raise awareness.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer thanked the Recreation and Parks Department, Human Resources, and all staff who contributed to a recent event at Tucker Ranch held for the City's employees. He expressed that he felt it was top-notch and that they did a great job.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Bennett** also noted that the event for the Employees at Tucker Ranch was a great event and that it was nice to thank the employees for all their hard work during the storms last year. She also noted that Tucker Ranch was beautiful.

**Commissioner Buchanan** echoed Commissioner Bennett's sentiments on the event for the employees and announced that the opening of Tucker Ranch for the public would be on October 6, 2018. He shared some of the history of that location and mentioned some of the future plans for the ranch.

**Mayor Rees** expressed that staff did a great job at the Tucker Ranch event and noted that it was good to see staff and their families. He stated that it was a great time.

The meeting adjourned at 7:40 p.m.

APPROVED:

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

ATTEST:

\_\_\_\_/S/\_\_\_\_\_  
City Clerk Angee Grimmage, CMC