



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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WINTER GARDEN, FL 34787

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BUDGET HEARINGS AND CITY COMMISSION REGULAR MEETING MINUTES

September 10, 2008

A **BUDGET HEARING AND REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:00 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 Harold L. Boulter, Bob Buchanan, and Colin Sharman

Absent: Commissioner H. Gerald Jowers

Also Present: City Manager Mike Bollhoefer, Assistant City Attorney Dan Langley, City Clerk Kathy Golden, Public Services Director Don Cochran, Director of Information Technology Bob Reilly, Planning Director Ed Williams, City Planner Tim Wilson, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Assistant City Engineer Mike Kelley, Police Chief George Brennan, Finance Director Robin Hayes, Controller Brian Strobeck, Building Official Skip Lukert, Recreation Director Jay Conn, Economic Development Director Dolores Key, and Community Relations Manager Andrea Vaughn

1. **FIRST READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2008-2009**

A. **Ordinance 08-47:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009

Assistant City Attorney Langley read Ordinance 08-47 by title and the following excerpt from Section 1: 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, 2008 and ending on September 30, 2009, at the millage rate of 3.3866 mills (\$3.3866 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of the Winter Garden, Florida. This millage rate is less than the roll back rate of 3.6544 [3.6554] mills by 7.35 percent.

City Manager Bollhoefer stated that when we approached this budget year, we knew that it was a tough time economically for everyone as well as for the City. Our approach this year was to find every efficient and cost cutting measure we could to make us a much more efficient organization going forward. The budget presented to the City Commission is the same millage rate as last year so there is no increase. He complimented staff and the department heads on their fantastic job of finding ways to become more efficient and

to cut costs. He stated that as we go forward our primary focus will be to operate more like business and see how we can do more for less.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Buchanan to approve Ordinance 08-47 with the second reading and public hearing on September 25, 2008. Seconded by Commissioner Boulter and carried unanimously 4-0.**

B. Ordinance 08-48: AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009

Assistant City Attorney Langley read Ordinance 08-48 by title and the following excerpt from Ordinance 08-48: Whereas, 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	\$ 8,653,952
Revenue other than Ad Valorem	<u>16,787,208</u>
TOTAL REVENUES	\$25,441,160

City Manager Bollhoefer stated that revisions for the budget books have been distributed to the City Commission. The changes resulted from the Budget Workshop on Monday night.

Mayor Rees opened the public hearing, hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 08-48 with a second reading and public hearing on September 25, 2008. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

Ordinance 08-49: 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, 2008 AND ENDING ON SEPTEMBER 30, 2009

Assistant City Attorney Langley read Ordinance 08-49 by title and the following excerpt from Ordinance 08-49: Whereas, it is anticipated that there will be available for use and disbursement from the CRA funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$362,900
Revenue other than Ad Valorem	<u>501,649</u>
TOTAL REVENUES	\$864,549

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Boulter to approve Ordinance 08-49 with a second reading and public hearing on September 25, 2008. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- C. **Ordinance 08-50:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2008-09 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

Assistant City Attorney Langley read Ordinance 08-50 by title only. Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing. **Motion by Commissioner Buchanan to approve Ordinance 08-50 with the second reading and public hearing on September 25, 2008. Seconded by Commissioner Boulter and carried unanimously 4-0.**

Mayor Rees adjourned the budget hearings and opened the regular City Commission meeting at 6:09 p.m.

REGULAR CITY COMMISSION MEETING

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

The approval of regular meeting and Budget Workshop minutes of August 28, 2008 were **postponed** until the next City Commission meeting.

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

- A. **Ordinance 08-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-26, DEFINITIONS; AMENDING SECTION 54-35, OPTIONAL FORMS OF BENEFITS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

Assistant City Attorney Langley read Ordinance 08-41 by title only. City Manager Bollhoefer stated that the primary purpose of this ordinance is to change the Fire and Police pension plan. They will be allowed to take a portion of their retirement (up to 25 percent) in a lump sum payment up front and take the remainder as an annuity. Right now they take it all as an annuity. This is an extra benefit for firefighters and police officers. It is a zero cost to the taxpayers and the pension plan. He stated that staff recommends approval.

Mayor Rees opened the public hearing; hearing and seeing none he closed the public hearing. City Manager Bollhoefer added that there was a statement of financial impact attached to the agenda item cover memo which states there is zero cost and there was not attorney letter attached as indicated. **Motion by Commissioner Sharman to adopt Ordinance 08-41. Seconded by Commissioner Boulter and carried unanimously 4-0.**

3. **PUBLIC HEARING**

A. **Resolution 08-14:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF WINTER GARDEN, FLORIDA; IMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; APPROVING RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE

Assistant City Attorney Langley read Resolution 08-14 by title only. City Manager Bollhoefer stated that staff recommends the fee be set at zero dollars so that there will be no cost to any taxpayers or businesses in Winter Garden. He stated that as we began this process it was a tough tax year with revenue down by \$5 million dollars. He stated that staff has gone back and reviewed ways of cutting costs and establishing efficient operations. With the budget that has been submitted, we are confident that we can provide the same level of services. He does not feel that we can add any new services without increasing taxes. He complimented staff on their efforts to reduce costs and becoming more efficient.

Mayor Rees opened the public hearing.

Victor Rivera, 398 Douglas Way, Winter Garden, Florida, stated that he agrees with what the City Manager Bollhoefer has stated; this is not the time to be thinking on more taxes. We are in an economical situation where by people really have no money. He stated that we should wait to see if the economic times get better because if we have the money there is no problem. He stated that he felt Resolution 08-14 should be postponed until better economic times.

Bob Bakker, 710 Hyde Park Circle West, Winter Garden, Florida, stated that that he is the president of the homeowners association for Hyde Park which represents 396 households. Residents of Hyde Park are senior citizens, many of whom are retired and with limited income. Many of these residents have to sometimes choose between spending their income for food, necessary doctor visits or prescribed medications. Their appeal to the City Commission is to find another source. He has heard it is to be set at zero and thinks that is wonderful but wanted to appeal to the commission to find another source for the necessary funds to finance our fire rescue needs that would not so directly affect these retirees. He suggested cutting cost by not sending out the huge fire truck with a lot of manpower if the emergency is medical related.

Richard Napotnik, 1633 Fullers Cross Road, Winter Garden, Florida, stated that he is glad to hear that the fee is to be set at zero.

He mentioned an incident in Minneola regarding the dismissal of firefighters and the city's intent to enact a fire fee, but instead they were going to apply it to the property taxes. He asked if there is absolutely a need for the fire fee or would it be possible to do the same as Minneola and have it added to the property taxes. City Manager replied that

he is pretty sure the report was incorrect because it can only be done by either increasing the millage rate or by special assessments.

Mr. Napotnik suggested some ways to cut costs and spoke of the hardship for those on a fixed income.

Melissa Adams, 20 Hyde Park Circle West, Winter Garden, Florida, thanked the City for its reconsideration on charging the fire assessment fee. She shared some hardship cases and encouraged the City to find another way to fund this instead of making the homeowners pay for it.

Tom Rutherford, 116 W. Division Street, Winter Garden, Florida, stated that he has four questions about the fire fee. He asked if it is going to be zero, why would the City even pass it.

City Manager Bollhoefer replied that when the City initially passed the fee the City was trying to keep all of its options open because we did not know what we would be able to do with the budget. This will keep the option open next year. This Commission and staff will do everything it can to not have a fee but this option is still open. We do not know what the legislature will do next year and if they do anything further to reduce our revenues; we will not know what shape we will be in. Our intention is not to raise fees or taxes whenever possible.

Mr. Rutherford asked if it is zero now, when it can be changed. Mr. Bollhoefer replied that it can only be done on a yearly basis. Technically, you can deny passing it this year and start the whole process next year but it would cost more money if it is not established this year.

Mr. Rutherford asked why the fee difference between the different kinds of non-residential property. Mr. Bollhoefer stated that this was done through an analysis by an independent expert hired by the City. Different types of property have different types of calls; the number of calls is based on an allocation.

Mr. Rutherford asked if there would be any type of discounts for buildings with sprinkler systems. Mr. Bollhoefer replied that at zero this would be zero.

Mr. Rutherford asked if there would be a similar public hearing if there is going to be a fee imposed in the future. Mr. Bollhoefer responded absolutely.

Mr. Langley asked about adopting the Resolution subject to amendments changing subsection 3(c) to zero for the assessment. Mr. Bollhoefer deferred to the specialist attorney whom he stated could better answer that question. Mayor Rees stated there is one more citizen to speak before this reply.

Sandra Stanton, 621 S. Boyd Street, Winter Garden, Florida, asked why citizens were not called to a public meeting before this was passed. Mr. Bollhoefer stated that the

ordinance process did have public meetings. Ms. Stanton stated that an announcement was not sent out until it was already temporarily passed. Mr. Bollhoefer responded that this is how the law is set up to do this. We strictly follow the Florida State statutes on how this is done.

Ms. Stanton suggested ways to cut costs. She also noted that certain businesses tend to be more hazardous and require more calls. Mr. Bollhoefer referred to his earlier discussion on the different types of allocations

Dean Hubbard, 165 Lakeview Reserve Boulevard, Winter Garden, Florida, congratulated the City on keeping property taxes down. He stated that he was very happy and pleased when he received his statement and it looks like he will be paying a little less than he paid last year. He is grateful for what the City is doing.

Mr. Hubbard stated that regarding the Fire Assessment Fee, as a homeowner there are other dues they have to pay every year. He is very happy that right now this fee will not take place. He is doing what he can to keep his costs down and thanked the City for everything they are doing.

Mr. Bollhoefer encouraged everyone in attendance to regularly attend City Commission meetings throughout the year as these items are discussed throughout the year and are very important. He stressed that their attendance is very important so that they can be a part of the process.

Charles Graham, 1624 Spring Ridge Circle, Winter Garden, Florida, spoke in opposition of the proposed assessment. He thanked the Commission for making it zero and asked where it came from.

Mr. Bollhoefer responded that when we started losing tax dollars based on legislative action two years ago and Amendment 1 passing last year, staff started looking at alternative revenue sources.

Mayor Rees closed the public hearing.

Heather Encinosa, with the law firm Nabors, Giblin & Nickerson, P.A. stated that if the intent is to adopt the resolution with a zero rate, an appropriate action would be to amend the resolution to make Section 3(c) assessed cost be zero. She advised to keep in mind that if you do, you will be certifying a roll to the tax collector with zero on it. She does not know how the tax collector will handle this or if it will show on the tax bill.

Mr. Langley asked if she was advising to eliminate the provision to send the certified roll to the tax collector or should we keep it. Ms. Encinosa stated that she understands that part of the intent of adopting a zero is to have this in place should some legislative action take this revenue source out of play for all local government. This action may leave the option open so that if you are further impacted with legislative cutbacks, you may still have this revenue source preserved and examine it again in the future. She advised that

to put the City at the best advantage, it would still be best even at a zero rate to go through all of the other procedural steps as if you had an assessment in place. She recommended that the City still certify the roll at zero. She does not know if this will get the City any sort of additional protection or grandfathering.

Commissioner Boulter stated that he thinks that his constituents in District 3 already know how he feels about this assessment and he has had many people advise him on how he should vote on this issue. He thanked the City staff for their efforts in finding a way to give the citizens the services they need without the assessment fee. He shared that he went to the Florida League of Cities conference where a lot of the commissioners voiced their concerns about how they were going to cover the expenses in their cities. He came back to the City of Winter Garden to find that staff had it under control and has done an excellent job.

Commissioner Sharman also expressed that he has had phone calls from many citizens within his district and outside of his district stating that the fee should be set a zero because they could not afford it.

Motion by Commissioner Buchanan to adopt Resolution 08-14 subject to the amendment of section 3(c) to change the assessed cost to zero and change the per unit assessment rates to zero. Seconded by Commissioner Boulter and carried unanimously 4-0.

4. **REGULAR BUSINESS**

A. **Agreement between the School Board of Orange County and the City of Winter Garden for The School Resource Officer Program**

Police Chief Brennan stated that this agreement is to provide School Resource Officers to the public schools. We have a full time officer at Lakeview Middle School and one day a week at Dillard Street and Whispering Oaks. This agreement is identical to the one of last year with no increase in reimbursement rates. **Motion by Commissioner Sharman to approved the agreement between the School Board of Orange County and the City of Winter Garden for the School Resource Officer Program. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

B. **Recommendation to approve the bids and award the Annual Construction Services Contract to T.D. Thomson Construction and to Emerald Utilities**

Public Services Director Cochran stated that staff is requesting City Commission approval for the bids and to award the Annual Construction Services Contract to T.D. Thomson Construction and to Emerald Utilities. He stated that we believe it is to the City's advantage to have two contractors on board for these types of emergencies. He stated that both contractors have agreed to honor the lowest bid for all unit prices. They will work at the same rate and will be done on an as needed basis.

Commissioner Buchanan asked how much it cost them to repair Ninth Street. Mr. Cochran responded that the estimate right now is \$259,000. **Motion by Commissioner Boulter to approve the bids and award the Annual Construction Services Contract to T.D.**

Thomson Construction and to Emerald Utilities. Seconded by Commissioner Sharman and carried unanimously 4-0.

C. Request by the Rotary Club of Winter Garden to host a music festival on Plant Street on October 18, 2008

Lisa Bennett, with the Rotary Club of Winter Garden stated that her business partner's daughter Sheri Loiacono was in a horrible accident on August 11, 2008. She spent a couple of weeks in Orlando Regional Medical Center (ORMC) in the Trauma Unit within the Intensive Care Unit (ICU) and then was airlifted to Shepherd's Center in Atlanta, Georgia. She explained that her insurance did not cover all of the costs of the additional medical care and the renovation of their home to make it accessible for her. She stated that she and Sheri belong to the Winter Garden Rotary Club and they are asking permission to have a fundraiser downtown on Plant Street on Saturday, October 18, 2008. She stated that they have spoken to the Merchant's Association and received their blessing and will be participating. They have also checked with the City to see that the day is available. They are requesting permission for music, food, a silent auction, and a one day permit to sell beer.

Motion by Commissioner Boulter to approved the request by the Rotary Club of Winter Garden to host a music festival on Plant Street on October 18, 2008 with alcohol sales. Seconded by Commissioner Buchanan and carried unanimously 4-0.

D. Recommendation to approve Quit-Claim Deed for Lot 9, Pavex Park with conditions

Planning Director Williams stated that the parcel under consideration was a 3,000 square foot remnant piece of land that was a part of right-of-way for Beulah Road. This item has been before the City Commission several times this year. It was owned by the Department of Transportation (DOT) and the Turnpike Authority. It interferes with the development piece of property. The owner approached those agencies and they agreed to give him the property, but they prefer to do it by going through the local government. They passed the property onto the City and we would quit-claim it to him. In previous meetings, the City Commission has agreed and staff recommends approval to sign the quit-claim deed.

Commissioner Buchanan asked if there is any monetary expense required. Mr. Williams responded that typically when a right-of-way is vacated, it is returned to the former property owners. We would have not have charged them, nor would DOT.

Mr. Langley added that the City previously vacated the right-of-way with the intent of giving the right-of-way to the developer. There was a little piece that the Expressway Authority owned that we were trying to vacate, so that is why this is coming back to us. The Expressway Authority dedicated a small piece that we did not own and now we would be conveying that piece to the property owner.

Motion by Commissioner Buchanan to approve executing the quit-claim deed for Lot 9, Pavex Park with conditions. Seconded by Commissioner Boulter and carried unanimously 4-0.

5. **MATTERS FROM CITIZENS**

Charles Graham, 1624 Spring Ridge Circle, Winter Garden, Florida, addressed proposed cuts to Lynx bus routes 27, 53 and 54 and the upcoming public hearings scheduled for September 16th and October 12th. He uses these bus routes and eliminating them will cause him to have no transportation and it will hurt many others. He asked that the City get out to the public hearings and be heard. He also referenced the railroad tracks not being used and how they could be used for light rail. He asked the City to give this option some thought and look for possible grant funding.

Mayor Rees stated that regarding the Lynx public hearings he asked the City Manager if we would have someone from the City go and represent us. He stated that he has seen on television that they are starting to drop routes. Mr. Bollhoefer responded that he will have someone attend.

Richard Napotnik, 1633 Fullers Cross Road, Winter Garden, Florida, asked the City Manager if we had to tap into the emergency reserves to help with the fire budget. Mr. Bollhoefer responded no. In this year's budget we are using of our available fund balance of approximately \$1.4 million to primarily help fund the recreation center which is a \$2.5 million cost.

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

7. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer stated that he was handed a letter from the Good Love Foundation. This is an organization that Stoneybrook resident Vincent Goodwin and his wife started to help kids stay away from drugs, stop teen pregnancy, and stay away from gangs. The City has some used furniture to dispose of which requires City Commission permission. If the City were not to donate this used furniture to the Good Love Foundation, it would probably be disposed of by auction or given away. He stated that the furniture is not in very good shape at all. Commissioner Sharman suggested donating it to someone who asks for it since and we were going to donate them anyway. Mayor Rees agreed. **Motion by Commissioner Sharman to donate the furniture to the charity organization of Goodlove Foundation. Seconded by Commissioner Boulter and carried unanimously 4-0.**

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan stated that if you look at the news and the cities around us, they have been raising some form of tax or fees. He would love for the people to understand that it is our job to protect the citizens from other forms of government that try to come in and take away fire and police protection among other things. We have been in a lot of meetings covering this issue and at one point it looked like we would have to do something to be able to continue giving our citizens the services they are use to. He commended the City Manager and staff for what they have done in order that the people of Winter Garden are not going to be charged any extra fees. He commended the Hyde Park residents for coming out and getting involved and asked that they participate a lot more.

Commissioner Boulter stated that he agreed with Commissioner Buchanan's statements. He stated that when he was in Tampa with the other city representatives throughout the state of Florida they were all concerned with how they were going to handle what Tallahassee has handed down to them. He again applauded the City staff for making sure the Commission had everything they needed to make the proper decision. He assured the residents that the Commission is going to do the job they paid them for and that is to protect them.

Commissioner Sharman stated that he looks at the City of Winter Garden has done to bring in new economic growth with high quality businesses because of our low millage rate. He stated that we are going to be one of the lowest taxed cities in Orange County. He also thanked the City Manager and staff for what they have done. He stated that this has actually been a long term plan that we have done things that have made us financially stable. He stated that the City Manager has often talked of what it means to have a reserve for tough times and we have hit those tough times and we are able to weather them because of that policy.

Mayor Rees stated that the budget is a huge and complicated book. Governmental accounting is different from private accounting and he thinks that they have done an excellent job in putting a balanced budget together. We do need a reserve fund but the funds that we take in also need to be spent on the services to a level we have grown to expect. He stated that staff does a great job and we are proud of them. He expressed that the City Commissioners are also residents affected by everything everyday and they are proud of our City.

The meeting adjourned at 7:01 p.m.

APPROVED:

/S/ _____
MAYOR JOHN REES

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC