



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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WINTER GARDEN, FL 34787

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CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES

September 8, 2010

The **BUDGET HEARING AND 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 Harold L. Boulter, Bob Buchanan, and H. Gerald Jowers

Absent: Commissioner Colin Sharman

Also Present: City Manager Mike Bollhoefer, Assistant City Attorney J. Giffin Chumley, City Clerk Kathy Golden, Public Services Director Don Cochran, Assistant Public Services Director Mike Kelly, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Planning Consultant Ed Williams, Community Development Director Tim Wilson, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Michael Laval

1. **FIRST READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2010/2011**

City Manager Bollhoefer gave a PowerPoint Presentation (*see attached Exhibit A*). He stated that a significant amount of items were cut from this year's budget which amounts to approximately \$5 million.

A. **Ordinance 10-28:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2010 AND ENDING ON SEPTEMBER 30, 2011

Assistant City Attorney Chumley read Ordinance 10-28 by title and the following excerpt: 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, 2010 and ending on September 30, 2011, at the rate of 4.2500 mills (\$4.2500 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 less than the rolled back rate of 4.5140 mills.

Mayor Rees opened the public hearing.

John Murphy, 10239 Trout Road, Winter Garden, Florida, stated that he is a taxpayer that supports the proposed millage rate. He has observed both the past and present strong fiscal management that has taken place within the City during good times and bad. He has seen that the City has set aside money during times of good fortune that was saved for times when the City needed it. Mr. Murphy thanked the City for their outstanding investments and he hopes it continues.

Ron Sikes, 291 Gary Drive, Winter Garden, Florida, stated that he too is here to support the proposed ordinance. When he thinks of a tax increase it is usually something that takes more money out of his pocket. From what he understands, this Ordinance does not do that. This ordinance will maintain the current cost to the citizens in order to reside here. Because of this, it is not a cost increase but a matter of maintenance. The trade off in adopting this ordinance or staying with the old millage rate is one of maintaining the level of services the citizens have come to enjoy. He named other places he has lived and indicated that the level of services here are unlike any other. He does not want to see the level of services diminish. It is a quality of life issue that he wants the City to maintain and therefore, he supports this ordinance.

Bert Valdes, 255 Temple Grove, Winter Garden, Florida, stated that he is a lifetime resident of this City and is also supportive of the proposed millage increase. He noted that his downtown business deals with the public and the people of Winter Garden love this City. He stated that it is because of the city's management. He stated that he wants to encourage the City, which has done a great job and asked that we keep on the same path.

Randy June, 132 W. Plant Street, Winter Garden, Florida, stated that coming from the perspective of an engineer and a developer, the level of services are often discussed by lot buyers and he would hate to see that diminish. He agrees with the previous comments made by citizens.

Mayor Rees closed the public hearing.

Motion by Commissioner Jowers to approve Ordinance 10-28 with the second reading and public hearing on September 22, 2010. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- B. **Ordinance 10-29**: AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2010 AND ENDING ON SEPTEMBER 30, 2011

Assistant City Attorney Chumley read Ordinance 10-29 by title and the following excerpt from Ordinance 10-29: Whereas, it is anticipated that there will be available for use and disbursement from the general funds of Winter Garden revenue in the following amounts:

Collection of Ad Valorem	\$ 8,371,057
Revenue other than Ad Valorem	<u>15,855,291</u>
TOTAL REVENUES	\$24,226,348

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

Mayor Rees asked the City Commission to review their budget packet and present anything they find to the City Manager so that it is not being done the day before the City Commission meeting.

Motion by Commissioner Boulter to approve Ordinance 10-29 with the Second Reading and Public Hearing on September 22, 2010. Seconded by Commissioner Jowers and carried unanimously 4-0.

- C. **Ordinance 10-30:** 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, 2010 AND ENDING ON SEPTEMBER 30, 2011

Assistant City Attorney Chumley read Ordinance 10-30 by title and the following excerpt from Ordinance 10-30: 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	\$365,596
Revenue other than Ad Valorem	<u>375,922</u>
TOTAL REVENUES	\$741,518

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

Motion by Commissioner Buchanan to approve Ordinance 10-30 with the Second Reading and Public Hearing on September 22, 2010. Seconded by Commissioner Boulter and carried unanimously 4-0.

- D. **Ordinance 10-31:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2010-2011 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 Chumley read Ordinance 10-31 by title only.

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

Motion by Commissioner Jowers to approve Ordinance 10-31 with the second reading and public hearing on September 22, 2010. Seconded by Commissioner Boulter and carried unanimously 4-0.

REGULAR CITY COMMISSION MEETING

2. APPROVAL OF MINUTES

Motion by Commissioner Boulter to approve the regular meeting minutes of August 26, 2010 as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0.

3. FIRST READING OF PROPOSED ORDINANCE

A. Ordinance 10-32: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2009-2010 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Chumley read Ordinance 10-32 by title only.

Finance Director Hayes stated that staff is bringing to the City Commission an adjustment to the budget in the sense of revenues and expenditures. The Police Department has been able to sell some of their obsolete radios that they brought to the City Commission a couple of weeks ago and they would like to purchase some new ones. Also there has been the realization of the insurance proceeds for the motorcycles to replace them. Ms. Hayes stated that these are revenues in and revenues out at the same rate of \$23,053.00.

Motion by Commissioner Buchanan to approve Ordinance 10-32 with the second reading and public hearing on September 22, 2010. Seconded by Commissioner Jowers and carried unanimously 4-0.

4. REGULAR BUSINESS

A. Selection of voting delegate and alternate for the National League of Cities Conference

City Clerk Golden stated that before the City Commission, for their consideration, is the selection of a voting delegate and an alternate for the Commissioners attending the National League of Cities Conference this year.

Motion by Commissioner Jowers to appoint Commissioner Boulter as the voting delegate and Commissioner Sharman as the alternate voting delegate for the 2010

National League of Cities Conference. Seconded by Commissioner Buchanan and carried unanimously 4-0.

B. Appointment to the General Employees Pension Board for expiring term of Theo Graham on September 30, 2010

Motion by Commissioner Jowers to reappoint Theo Graham to a two-year term on the General Employees Pension Board. Seconded by Commissioner Buchanan and carried unanimously 4-0.

5. MATTERS FROM CITIZENS

Don Miller, 755 Queensbury Loop, Winter Garden, Florida, stated that the City recently passed an ordinance allowing golf cart usage in the City of Winter Garden. He asked about the delay in getting the same access by golf cart to and from Hyde Park.

City Manager Bollhoefer responded that there is no hold up and explained that Orange County has refused to cooperate with their roads. He plans on taking the steps necessary to annex Burchshire area and he is convinced that it can be done this time. Once this area is annexed, the roads would be under the City's jurisdiction.

Commissioner Jowers asked the City Manager for a timeframe to have this done.

City Manager Bollhoefer responded that it would take approximately four months for the annexation process to go through.

• **Art in Public Places**

Community Relations Manager Vaughn announced that the Art in Public Places exhibit will open next week on September 17, 2010 from 5:00 p.m. to 6:30 p.m. in the lobby at City Hall.

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

7. MATTERS FROM CITY MANAGER

A. Draft ordinance on commercial gaming devices

City Manager Bollhoefer stated that he has distributed a draft ordinance, as recommended by the city attorney, for review by the City Commission. The city attorney's office found that within several communities an organization will come in and set up what appears to be gambling that is circumvented through the internet.

Assistant City Attorney Chumley added that these places are run by small outfits. In some cases, they are connected with one another and in some cases they are not. They are not regulated by the State and they are claiming to be able to operate through a loophole in the State Statutes. The city attorney's position is that there is no loophole;

just a misinterpretation of the statute. The vendors have won some cases, more or less, based on lack of evidence.

The primary problem with the locations is that they are unregulated and they claim to be operating for charitable purposes when in fact they pay very little, if anything, to the charity. This ordinance would try to keep these types of devices out of the City. It not necessarily internet gaming, but they claim to sell internet time that they give out free sweepstake entries. The truth is that people are buying internet time and are putting their entries into the computer over and over in hopes of winning payouts. They have been a nuisance in some cities and there has been some crime associated with them.

City Manager Bollhoefer stated that staff wishes to know if it is the City Commission's desire is to move forward with this ordinance. He explained that he is presenting the City Commission with draft ordinances so it allows the City Commission ample time for review.

It was the **consensus** of the City Commission to have staff move forward on this ordinance for bringing it back to the City Commission on an agenda for their consideration.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan stated that about a week ago there was a large flooded area in his neighborhood and he commended staff for all their efforts in responding. He added that he also heard favorable comments from his neighbors regarding the actions taken.

City Manager Bollhoefer shared that staff did a great job and an Emergency Operation Center was up and running within 25 minutes of Commissioner Buchanan's phone call.

Commissioner Jowers commended the Police Department for their efforts in a recent purse snatching that he witnessed. The suspects were apprehended within 20 to 30 minutes, it was handled very well and the officers promoted good public relations.

Mayor Rees shared that resident Linda Hagar, who moved to the City of Winter Garden about three years ago, sent him a letter complimenting the Parks and Recreation Department and Director Jay Conn for the good job his department is doing and everything that they provide to the citizens.

The meeting adjourned at 7:14 p.m.

APPROVED:

_____/S/_____
MAYOR JOHN REES

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC