



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

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CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES

September 22, 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, City Attorney Kurt Ardaman, 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

BUDGET HEARINGS

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

- 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

City Attorney Ardaman 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.

City Manager Bollhoefer gave a PowerPoint Presentation titled From Good to Great (*see attached Exhibit "A"*), which was a combination of the presentations he made at the previous two meetings.

Mr. Bollhoefer noted during his presentation that city managers generally like to see their fund balance at 30 percent, however 20 percent is acceptable. The City owns property which would not be visible in the numbers shown, but the sale of these properties would put the City at the 30 percent fund balance level.

Mayor Rees opened the public hearing.

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, stated that he favors what the City Manager has presented and proposed that funding shortfall between the current and proposed millage rate of \$982,962.00 be transferred from the Utility Department in order for the City to maintain its current millage rate of 3.75. Therefore, he is opposed to the increase in the millage rate to 4.75.

John Kirby, 32 W. Tilden Street, Winter Garden, Florida, spoke on the pride he has in this City and its services being provided to the residents.

Rod Reynolds, 1308 Vic Kay Court, Winter Garden, Florida, spoke in opposition to government overspending. He noted that other cities, larger than us, have managed to balance their budgets without a tax increase. He stated the City must have fiscal accountability and be able to balance a budget. Services are the same, just more expensive.

Ron Sikes, 291 Gary Drive, Winter Garden, Florida, spoke in favor of the proposed millage rate in order to maintain the current level of City services and quality of life we currently have. He voiced that it is extremely responsible for government to plan ahead.

Mayor Rees closed the public hearing.

Mayor Rees stated that he has spent a lot of time on this budget and feels that everyone can find something in it that they like or dislike or that could be moved around. The City Manager has worked hard at overseeing our expenses. He would have liked to see the millage drop from the proposed 4.25, but he is not worried about this year and is focused on looking ahead.

City Manager Bollhoefer addressed the prior comment made on shifting funds from the utility fund to the general fund, which technically cannot be done. The City currently shifts a significant amount of funds through the administrative fee and such. He explained that today the utility fund is in good shape. Shifting funds from other accounts to the general fund could jeopardize the City having those funds when they may be needed.

Commissioner Jowers stated that he has anguished long and hard over this budget. This budget is not a cure all but it is a fair and earnest budget for the citizens of Winter Garden.

Mayor Rees added that he looks at our fund balance as our investments whether it is cash or land it is an asset so to him it is 29 percent.

Commissioner Buchanan shared some of the changes he has seen in Winter Garden over the years and in his opinion he feels you could not ask for any better budget in the State of Florida.

Commissioner Bouler shared his memories of the prior complaints made about how high the City's fund balance was. Had it not been for the foresight of our City Manager, this City would not be where it is today. He shared how other City's want to know what we are doing in order to maintain our current levels in economic times like these. He is pretty comfortable with the budget presented.

Motion by Commissioner Jowers to adopt Ordinance 10-28. 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

City Attorney Ardaman read Ordinance 10-29 by title and the following excerpt from Ordinance 10-29:

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.

Motion by Commissioner Bouler to adopt Ordinance 10-29. Seconded by Commissioner Buchanan 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

City Attorney Ardaman read Ordinance 10-30 by title and the following excerpt from Ordinance 10-30:

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 Jowers to adopt Ordinance 10-30. Seconded by Commissioner Buchanan 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

City Attorney Ardaman 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 Buchanan to adopt Ordinance 10-31. Seconded by Commissioner Bouler and carried unanimously 4-0.

REGULAR CITY COMMISSION MEETING

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of September 8, 2010 as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0.

2. **SECOND READING AND PUBLIC HEARING 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

Motion by Commissioner Jowers to postpone Ordinance 10-32 until October 14, 2010 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 4-0.

3. **REGULAR BUSINESS**

A. **Discussion on Shirley's Antiques located at 12 West Plant Street**

City Manager Bollhoefer stated that there is a contract with the Bond Foundation to purchase Shirley's Antiques that has current Code Enforcement action against the property. In order for the purchase to proceed they [Bond Foundation] are requesting that the City forgive the outstanding Code Enforcement fines against the building in the amount of \$146,500.00 minus the city's costs to include the city attorney's fees. To

move forward, the Bond Foundation would work with the City to set up a schedule to get certain things done. He believes the foundation's intention is to lease the building and eventually sell to a private party.

City Attorney Ardaman suggested that if the City Commission is in favor of reducing the fines down to whatever the attorney and administrative costs are, he recommended not making it effective unless and until the Bond Foundation, Inc. actually closes on the property. He suggested that he bring back something to the City Commission at the next meeting that states what the reduction is and contingent upon the Bond Foundation, Inc. closing and taking title to the property.

Motion by Commissioner Jowers to approve reducing the Code Enforcement Board fines and leave any remaining actual costs to be paid in the case against Shirley's Antiques located at 12 West Plant Street, Winter Garden, Florida, be contingent upon the Bond Foundation, Inc. closing and taking title to the subject property. Seconded by Commissioner Buchanan and carried unanimously 4-0.

B. Bay Isle Subdivision and County Road 535 Median Landscaping

City Manager Bollhoefer stated that the Bay Isle Subdivision located on CR 535 as you approach the Fowler Grove Shopping Center that has a median that was transferred over to the City. The City's standard procedure is to plant Bahia grass and mow it as needed. The Bay Isle neighborhood would like to improve the median and plant St. Augustine. The homeowners association (HOA) is requesting that the City pay \$3,100.00 for the sod and set up the landscaping. The HOA would then pay to water and maintain the grass long term.

Mr. Bollhoefer stated that he thinks it is to the City's advantage because the City would not have to maintain the area and there would be a return on the investment eventually. The median is a public purpose because it benefits everyone who drives to the mall via this area. He believes that the transaction will require entering into a right-of-way maintenance agreement.

Motion by Commissioner Jowers to approve \$3,100.00 for St. Augustine sod for the median in front of the Bay Isle Subdivision and to enter into a right-of-way maintenance agreement with the homeowners association for their association to maintain it after it is installed. Seconded by Commissioner Bouler and carried unanimously 4-0.

• West Orange High School Homecoming Parade

City Manager Bollhoefer stated that the West Orange High School is once again requesting to hold their homecoming parade on Plant Street in the historic downtown area and would like permission to close the street on September 30, 2010 from 5:30 p.m. to 6:00 p.m.

It was the **consensus** of the City Commission to allow the West Orange High School to hold their annual homecoming parade as requested.

4. **MATTERS FROM CITIZENS**

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, shared that at a City Commission meeting last year the issue of non-use of water while someone was on vacation would reduce their water bill as explained by the City Manager. He stated that while he was on vacation, he did not get a reduction.

City Manager City Manager Bollhoefer clarified that this only occurs when the citizen closes their account and apologized for not giving the specifics at that time.

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, thanked the City Commission, staff, merchants and various others for all their efforts in the monthly car show event. He spoke of a tee shirt that was designed as a fundraiser for the 2nd annual car show. He gave a special thanks to the sponsors, Johnson Wrecker Service and Jowers Batteries, who made the tee shirts possible with their donations. He announced that this is an event that brings thousands of people to the City and because it is getting bigger, there is the need for more space.

Mayor Rees excused himself at 7:41 p.m. and turned the meeting over to Mayor Pro Tem Jowers.

Jennifer Johnston, disc jockey for the car show, thanked Andy Bruns for all the work that he does behind the scenes to make this a great event. She spoke of representatives from other cities coming to the show because there is so much talk of it. Ms. Johnston also thanked the City for all their efforts and asked that the City be proud of how many sponsors the event has.

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

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

7. **MATTERS FROM MAYOR AND COMMISSIONERS** – There were no items.

The meeting adjourned at 7:49 p.m.

APPROVED:

_____/S/_____
MAYOR JOHN REES

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC