



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET HEARINGS & REGULAR MEETING MINUTES

September 7, 2011

A **BUDGET HEARINGS & 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, Kent Makin, and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, Finance Director Robin Hayes, Community Development Director Ed Williams, Planning Director Tim Wilson, Human Resources Director Frank Gilbert, Police Chief George Brennan, Fire Chief John Williamson, Information Technology Director Bob Reilly, and Parks and Recreation Director Jay Conn

1. **FIRST READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2011/2012**

- A. **Ordinance 11-23:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2012

City Attorney Ardaman read Ordinance 11-23 by title and stated that this ordinance establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden at the rate of 4.25 mills, which is less than the roll back rate of 4.5987 mills by 7.58 percent.

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

Motion by Commissioner Buchanan to approve Ordinance 11-23 with the second reading and public hearing on September 21, 2011. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 11-24:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2012

City Attorney Ardaman read Ordinance 11-24 by title only and read the following excerpt from Ordinance 11-24:

Collection of Ad Valorem	\$ 7,828,271
Revenue other than Ad Valorem	<u>16,004,440</u>
TOTAL REVENUES	\$23,832,711

Finance Director Hayes stated that staff recommends approval and this is a summary of what is reflected in the proposed budget book on page 5.

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

Motion by Commissioner Boulter to approve Ordinance 11-24 with the second reading and public hearing on September 21, 2011. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- C. **Ordinance 11-25**: 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, 2011 AND ENDING ON SEPTEMBER 30, 2012

City Attorney Ardaman read Ordinance 11-25 by title and the following excerpt from Ordinance 11-25:

Collection of Ad Valorem	\$322,287
Revenue other than Ad Valorem	<u>371,492</u>
TOTAL REVENUES	\$693,779

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

Motion by Commissioner Sharman to approve Ordinance 11-25 with the second reading and public hearing on September 21, 2011. Seconded by Commissioner Makin and carried unanimously 5-0.

- D. **Ordinance 11-26**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2011-2012 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 11-26 by title only.

Finance Director Hayes stated that staff recommends approval of the entire budget as it stands now realizing that changes can be made between now and the second reading.

Mayor Rees asked if the City has the ability to refinance any of its debt.

City Manager Bollhoefer stated that staff will do a complete review and noted that refinancing can be done at anytime outside of the budget.

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

Motion by Commissioner Bouler to approve Ordinance 11-26 with the second reading and public hearing on September 21, 2011. Seconded by Commissioner Buchanan and carried unanimously 5-0.

REGULAR CITY COMMISSION MEETING

2. APPROVAL OF MINUTES

Motion by Commissioner Buchanan to approve the Budget Workshop minutes and regular meeting minutes of August 25, 2011 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

3. PRESENTATION

Norman Rein came forward and thanked the City Commission for their encouragement and support in bringing the 9/11 Tribute and Remembrance exhibit to City Hall. He announced that at 9:00 a.m. tomorrow morning the 701 pound beam from the World Trade Center will be brought in by the Fire and Police Departments. He thanked staff for all their assistance in this effort.

Mr. Rein presented Mayor Rees with two flags that have flown over the capitol. His hope is that one of the flags will fly over city hall one day this week to symbolize the wish that we relish our freedom as one nation under God.

Mayor Rees, on behalf of the citizens, thanked Mr. Rein for his and everyone's efforts. He hopes everyone will stop and reflect upon the lives lost and the change the 9/11 events has had on our country.

4. FIRST READING OF PROPOSED ORDINANCES

A. Ordinance 11-20: AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING ARTICLE VI, CHAPTER 118 OF THE CITY'S CODE OF ORDINANCES TO INCLUDE NEW DIVISIONS 10, 11, AND 12 ESTABLISHING PERMITTING PROCEDURES AND STANDARDS FOR DOCKS, SEAWALLS, BOAT RAMPS, AND SHORELINE ALTERATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-20 by title only.

Community Development Director Williams stated that the City Manager has asked that they highlight the changes of the City's proposed ordinances to the County's and other cities. The City has a 25 foot rear setback for structures to the normal high water elevation of water bodies versus the County having a 50 foot setback. The City has a setback from side property lines of 15 feet for docks, for the extension of lot lines and to the water versus the County allows for variance from that as opposed to what the City is proposing. The biggest difference is in the processing of the applications. When someone appeals the decision of the staff or the Planning and Zoning Board on a variance or special exception, it then goes to the City Commission for the decision. In the County, their procedure is that staff take plans to a hearing officer, an attorney whose been hired by the County and is supposedly impartial, to hear both sides and make a decision. He stated that by some coincidence that hearing officer rules in staff's favor 100 percent of the time.

Mr. Williams stated that the City doesn't have the potential for as many boat ramps as the County, but we do have the potential on John's Lake for boat ramps. So there is an ordinance and a permitting procedure for ramps under those circumstances. The City has not allowed for boat docks or ramps in retention ponds or in canals. He noted other than these changes, this ordinance is either the same or more stringent than the County's and other cities and jurisdictions in the area.

City Attorney Ardaman stated that a number of definitions were slightly modified because the County's has some ambiguities and issues in a number of the definitions.

City Manager Bollhoefer stated that the primary purpose for this ordinance is that if the City does not have an ordinance in place, then it gives the County jurisdiction in our City. Staff prefers to have the jurisdiction and the decisions be made by the City Commission.

Commissioner Buchanan asked if there was a state statute requiring public access.

Mr. Ardaman responded that he is not aware of any related statute. If a city has a lake with all private property around it there is now public access requirement. However, if you have a publicly owned parcel fronting the lake, public should have accessibility not necessarily a boat ramp.

Motion by Commissioner Boulter to approve Ordinance 11-20 with the second reading and public hearing on September 21, 2011. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- B. **Ordinance 11-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING § 58-39 OF CHAPTER 58, ARTICLE II OF THE WINTER GARDEN CODE OF ORDINANCES; IMPOSING STORAGE REQUIREMENTS FOR GARBAGE AND TRASH CONTAINERS; CLARIFYING THE LOCATIONS FOR PLACEMENT OF SUCH CONTAINERS; PROVIDING FOR PENALTIES,

ENFORCEMENT, CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 11-22 by title only.

Public Services Director Cochran stated that this ordinance requires property owners and tenants to place their residential garbage container in the proper place when it's not in use. This means it would need to be placed along the street no later than 7:00 a.m. on the designated day that they have their trash picked up and removed no later than 7:00 p.m. that same day.

City Manager Bollhoefer noted that the City's goal is not to be a proactive enforcement. We will not go out looking for people who are not following this rule. We will use this ordinance whenever people have issues within their neighborhoods and communities and request enforcement.

Motion by Commissioner Buchanan to approve Ordinance 11-22 with the second reading and public hearing on September 21, 2011. Seconded by Commissioner Makin and carried unanimously 5-0.

5. REGULAR BUSINESS

A. Appointment to the General Employees Pension Board for expiring term of Trustee Marguerite Kennington

City Clerk Golden stated it has been two years since the last appointment for this position on the General Employee Pension Board. The current member has served since 1999 and has requested reappointment, which has been provided. Also included in the agenda packet are three interest applications.

Commissioner Buchanan stated that he has heard that she has done a good job and there is no reason not to reappoint her and Mayor Rees agreed.

Motion by Commissioner Buchanan to reappoint Marguerite Kennington to the General Employees Pension Board. Seconded by Commissioner Bouler and carried unanimously 5-0.

6. MATTERS FROM CITIZENS – There were no items.

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

8. MATTERS FROM CITY MANAGER

A. Discussion on proposed ordinance clarifying responsibility for the maintenance of right-of-way between sidewalks and roadways

City Manager Bollhoefer stated that this ordinance specifies who is responsible for mowing in front of their homes between the curb and sidewalk. This actually codifies what has always been done as policy.

It was the **consensus** of the City Commission that this draft ordinance would be brought back at the next meeting for first reading.

- **9/11 Ceremony**

City Manager Bollhoefer announced the ceremony for 9/11 will be held this Sunday, September 11, 2011 at 12:00 noon in City Hall. It will be the dedication of the twin towers beam.

- **Paperless Agenda**

City Manager Bollhoefer stated that many cities have been going paperless for their agenda packets and he would like to move forward in this direction. The option will save a lot of time for the City Clerk's staff and money by not producing paper and the delivery. Cities have been going to the iPad, which he himself has been testing. This option will give the City Commission much more accessibility to their e-mails with their constituents and other tools that will make their job easier. He noted that there will be times paper will be required such as with large plans, but with most items it will be paperless. If the City Commission is in agreement, staff will first experiment with the equipment and move into them.

Mayor Rees suggested getting one iPad and let each Commission come in and try it to see if they like it.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman stated that it is nice to see the progress on the road construction underneath State Road 429. He asked what is the timeframe is for the project. Mr. Bollhoefer replied that he thinks it is less than 60 days.

Commissioner Buchanan shared what a huge success the interactive fountain is and the activity downtown. He stated that State Road 50 is coming along but noted that the timing of the traffic light at some of the intersections is too short. Mr. Bollhoefer stated that staff will be working on the timing of light.

Commissioner Makin stated that he also wanted to comment on the traffic signal at Park Avenue and State Road 50 going north and south; the timing is too quick. City Manager Bollhoefer stated that the City will be working with the FDOT, who has the final say.

Commissioner Makin stated the Dillard Street intersection at State Road 50, if you are headed south; the new road construction has a storm drain system that seems to be very high. He wondered if this has to do with the revitalization of Dillard Street. City Manager Bollhoefer stated that he will have staff look into it.

Mayor Rees encouraged everyone to visit and tell their friends to visit the 9/11 exhibit at City Hall.

The meeting adjourned at 7:00 p.m.

APPROVED:

____/S/_____
Mayor John Rees

ATTEST:

____/S/_____
City Clerk Kathy Golden, CMC