



# CITY OF WINTER GARDEN

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## CITY COMMISSION BUDGET HEARINGS and REGULAR MEETING MINUTES September 10, 2015

The **BUDGET HEARINGS** and **REGULAR MEETING** of the 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 invocation and Pledge of Allegiance were given.

**Present:** Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager - Public Services Don Cochran, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Deputy Police Chief Bill Sullivan, and Economic Development Director Tanja Gerhartz

### **BUDGET HEARINGS**

#### 1. **FIRST READING AND PUBLIC HEARINGS TO ADOPT PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2015/2016**

- A. **Ordinance 15-66:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016

City Attorney Ardaman read Ordinance 15-66 by title and stated the City of Winter Garden 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, 2015, and ending on September 30, 2016, at the rate of 4.2500 mills (\$4.25 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City. This millage rate is greater than the rolled back rate of 3.9621 mills by 7.27 percent.

City Manager Bollhoefer addressed some of the larger dollar questions by the Commission about the budget. The general fund street improvements of \$500,000 include \$400,000 for the possible redesign of Plant Street that approaches Park Avenue. This is contingent on whether or not we receive the grant from the state. If we receive the grant, it would have to be brought back to the City Commission for approval. Approving it in the budget does not approve the project, but sets the funds aside.

Another item is a perpetual care fund for the cemetery, which will be set up with any excess revenues; but at some point in time the charges will have to be analyzed. To build up a fund, the rates will have to be raised. This will be brought back to the Commission at a later date.

The \$415,000 increase in Police dispatch is because we took on Ocoee's dispatch. The revenues from Ocoee and Oakland will pay for those costs.

Commissioner Olszewski clarified that nothing in the budget will increase taxes. Mr. Bollhoefer concurred.

There was additional discussion on the cemetery. Mr. Bollhoefer emphasized that a full analysis will be done and brought back to the Commission.

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

**Motion by Commissioner Makin to approve Ordinance 15-66 with the second reading and public hearing on September 24, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 15-67**: AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016

City Attorney Ardaman read Ordinance 15-67 by title and the following excerpt:

Collection of Ad Valorem	\$10,006,888
Revenue other than Ad Valorem	<u>20,827,080</u>
<b>TOTAL REVENUES</b>	<b>\$30,833,968</b>
Appropriations from Fund Balance	<u>10,043</u>
<b>TOTAL AVAILABLE FOR EXPENDITURES</b>	<b>\$30,844,011</b>

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

**Motion by Commissioner Buchanan to approve Ordinance 15-67 with the second reading and public hearing on September 24, 2015. Seconded by Commissioner Makin and carried unanimously 5-0.**

- C. **Ordinance 15-68**: 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, 2015 AND ENDING ON SEPTEMBER 30, 2016

City Attorney Ardaman read Ordinance 15-68 by title with the following excerpt:

Collection of Ad Valorem	\$ 335,361
Revenue other than Ad Valorem	<u>349,940</u>
<b>TOTAL REVENUES</b>	<b>\$ 685,301</b>
Appropriations from Fund Balance	<u>983,125</u>
<b>TOTAL AVAILABLE FOR EXPENDITURES</b>	<b>\$1,668,426</b>

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

**Motion by Commissioner Makin to approve Ordinance 15-68 with the second reading and public hearing on September 24, 2015. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- D. **Ordinance 15-69**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2015-16 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 15-69 by title only.

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

**Motion by Commissioner Sharman to approve Ordinance 15-69 with the second reading and public hearing on September 24, 2015. Seconded by Commissioner Makin and carried unanimously 5-0.**

### **REGULAR CITY COMMISSION MEETING**

2. **APPROVAL OF MINUTES**

**Motion by Commissioner Makin to approve the budget workshop and regular meeting minutes of August 27, 2015 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

- A. **Ordinance 15-60**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2014-2015 BUDGET, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-60 by title and Section I.

Downtown Parking Fund	150,000
Debt Service Fund	4,492
Capital Projects Fund –Downtown Parking Garage	<u>175,000</u>
	\$329,492

He also noted expenditures are in the same amounts.

Finance Director Zielonka stated that this ordinance creates a capital projects fund for the downtown parking garage. No money is being added to the budget; this just creates the fund.

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

**Motion by Commissioner Makin to approve Ordinance 15-60 with the second reading and public hearing being scheduled for September 24, 2015. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

- A. **Ordinance 15-55**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 7.15 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF ROPER ROAD, EAST OF WINTER GARDEN VINELAND ROAD AND WEST OF DANIELS ROAD, FROM CITY R-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sonata West Orange Campus PUD)

City Attorney Ardaman read Ordinance 15-55 by title only.

Community Development Manager Pash stated this is a request for rezoning to allow for the construction of a 115 unit two and three story assisted living facility. The development does include a number of amenities. This item has been reviewed by Planning and Zoning Board and staff recommends approval.

Commissioner Makin shared that he has spoken with Community Development Director Williams about the possibility of widening the parking spaces. Mr. Pash has spoken with the developer who wants to have as many spaces as possible and by widening the spaces it would reduce the spaces by three. City Manager Bollhoefer interjected that if it becomes an issue, Sonata is willing to reduce the number of spaces to add wider spaces.

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

**Motion by Commissioner Olszewski to adopt Ordinance 15-55. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Ordinance 15-57:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.99 ± ACRES WITH PARCEL ID NUMBER 21-22-27-0000-00-104 LOCATED ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 15-58:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.99 ± ACRES WITH PARCEL ID NUMBER 21-22-27-0000-00-104 LOCATED ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 15-59:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.99 ± ACRES WITH PARCEL ID NUMBER 21-22-27-0000-00-104 LOCATED ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-57, 15-58 and 15-59 by title only.

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

**Motion by Commissioner Buchanan to adopt Ordinances 15-57, 15-58 and 15-59. Seconded by Commissioner Sharman and carried unanimously 5-0.**

At this time Mayor Rees invited the City of Winter Garden Fireman Jason Schneider to come forward to give a special presentation. On behalf of the Fire Fighters Union Local 4947, Jason Schneider presented the Mayor and Commissioners with a small token of their appreciation for

the professionalism, patience, and respect given to their union since their inception and contract negotiations. He presented the Mayor and Commissioners with a hand carved ax.

5. **REGULAR BUSINESS**

A. **Recommendation to approve bids and award contract to DeWitt Excavating in an amount not to exceed \$907,351.19 that includes a 15 percent contingency for Park Avenue and Smith Street Stormwater System Improvement Project**

Assistant City Manager – Public Services Cochran stated this project would be from Jackson Street to Plant Street. After the stormwater system has been replaced, and then the street would be resurfaced. Mayor Rees asked if we would be going down Smith Street. Mr. Cochran responded that we would be coming up Smith Street to right around Central. Mr. Cochran stated this is a 90-day contract for completion. Commissioner Makin emphasized the area will be heavily used. Mr. Cochran assured the Commission this will all be worked out with the contractor as best as possible to keep traffic moving.

**Motion by Commissioner Buchanan to approve bids and award contract for Park Avenue and Smith Street Stormwater System Improvement Project to DeWitt Excavating in an amount not to exceed \$907,351.19. Seconded by Commissioner Makin and carried unanimously 5-0.**

B. **Recommendation to approve bids and award contract to DeWitt Excavating in an amount not to exceed \$4,240,497.29 that includes a 15 percent contingency for two intersection improvements; 1) Avalon Road and Marsh Road / Stoneybrook West Parkway and 2) Avalon Road and Tilden Road**

Assistant City Manager – Public Services Cochran explained the bid results and made staff's recommendation to award bid to DeWitt Excavating who was the apparent responsive, responsible, and qualified lowest bidder.

Mayor Rees asked Mr. Cochran if he was comfortable with DeWitt being awarded multiple contracts and having ample crews to do the work. Mr. Cochran assured the Mayor that DeWitt has the manpower and resources to do both projects at the same time.

City Manager Bollhoefer shared that the agreement with Conserv has not yet been finalized. It is his goal to begin the Avalon / Tilden first. If we are unable to start this portion, then he will shift the work to Marsh/Avalon first while the agreement is finalized.

**Motion by Commissioner Sharman to approve bids and award contract for two intersection improvements; 1) Avalon Road and Marsh Road / Stoneybrook West Parkway and 2) Avalon Road and Tilden Road to DeWitt Excavating in an amount not to exceed \$4,240,497.29. Seconded by Commissioner Olszewski and carried unanimously 5-0**

C. **Recommendation to approve renewing Interlocal Agreement with Orange County for the Watershed Atlas Project expiring on May 31, 2019 at a total cost of \$9,452**

Assistant City Manager – Public Services Cochran stated this information is part of a joint venture with the University of South Florida. It is used as a tool for scientists and other professionals to access and graph data on the watershed within the West Orange County area. The fee is paid in four equal annual installments.

**Motion by Commissioner Sharman to approve renewal of Interlocal Agreement with Orange County for the Watershed Atlas Project to expire on May 31, 2019 at a total cost of \$9,452. Seconded by Commissioner Makin and carried unanimously 5-0.**

D. **Recommendation to approve the site plan for Sonata West Orange Campus (420 Roper Drive) subject to conditions in Planned Unit Development (PUD) ordinance**

Community Development Manager Pash stated this project has been reviewed by the Development Review Committee who recommended approval. Staff also recommends approval subject to the conditions outlined in the PUD.

**Motion by Commissioner Olszewski to approve the Site Plan for Sonata West Orange Campus (420 Roper Drive) subject to conditions in the Planned Unit Development Ordinance 15-55. Seconded by Commissioner Sharman and carried unanimously 5-0**

E. **Recommendation to approve purchasing electronic evidence equipment associated with body-worn cameras from Fiscal Year 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) of \$10,000 and allowing public comments**

Deputy Police Chief Sullivan shared that the body cameras are currently being used and do require extra data storage, a docking station, an additional camera and batteries. Commissioner Sharman pointed out that the cost of storage is more than the cost of the cameras and asked about the storage retention requirements for the data. Deputy Chief Sullivan shared that the recommended retention is four years based on the possibility of being sued and having the information available. City Attorney Ardaman shared that the four years is likely the statute of limitation. Commissioner Sharman stated that compressing the data may be an option for non-sensitive footage.

**Motion by Commissioner Buchanan to approve purchasing electronic evidence equipment associated with body-worn cameras from JAG funds up to \$10,000. Seconded by Commissioner Sharman and carried unanimously 5-0.**

Mayor Rees opened this item to public comments.

James L. Hall, 375 Grove Court, Winter Garden, Florida, inquired about the act of compressing the data and whether or not it would have an effect on the evidence. He also asked if uncompressing was an option. City Manager Bollhoefer stated that all the research would need to be done first.

At this time, Mayor Rees moved to agenda item G.

**G. Appointment to General Employees Pension Board for expiring term of Trustee Dan Kuhl**

**Motion by Commissioner Makin to approve reappointing Dan Kuhl to the General Employees Pension Board with term expiring September 30, 2017. Seconded by Commissioner Olszewski and carried unanimously 5-0**

Mayor Rees continued with agenda item H.

**H. Recommendation to approve special event request submitted by Plant Street Market to be held October 16th to 18th, 2015 with closure of Central Avenue from Plant to Smith Streets and outdoor alcohol sales**

Economic Development Director Gerhartz described the proposed Oktoberfest as a German folk festival as provided in the agenda packet. She also noted that they are not requesting any services from the City.

**Motion by Commissioner Buchanan to approve special event for Oktoberfest as submitted. Seconded by Commissioner Makin and carried unanimously 5-0**

**F. Recommendation to approve collective bargaining agreement with the International Association of Fire Fighters (IAFF) Local 4947 from October 1, 2015 through September 30, 2018**

**Motion by Commissioner Sharman to approve entering into a labor agreement with IAFF Local 4947 until September 30, 2018. Seconded by Commissioner Makin and carried unanimously 5-0**

6. **MATTERS FROM PUBLIC** – There were none.

7. **MATTERS FROM CITY ATTORNEY**

- Mr. Ardaman addressed the ethics training by indicating that it can be broken down into two two-hour sessions and suggested holding the training before each of the two October regular meetings.

8. **MATTERS FROM CITY MANAGER**

- Mike Bollhoefer reminded the Commission that at 6:00 p.m. next Tuesday, there will be a presentation on the joint planning for Plant Street and Franklin Street at Ocoee's new event center across from their City Hall.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** thanked staff for putting together the contract for Tildenville/Avalon and Stoneybrook West/Marsh Road intersections.

**Commissioner Olszewski** reminded everyone that at 8:30 a.m. tomorrow morning will be our 9/11 Memorial dedication next to the Fire Department Headquarters.

Commissioner Olszewski asked the Commission to think to the future and give some thought to doing more in the area of athletics, particularly a baseball facility. He suggested either revamping our little league field or Veterans' Park. He believes it will encourage our City's economic growth.

**Commissioner Makin** asked what happened regarding funding by Orange County for our officers in the schools. Mr. Bollhoefer responded that it was decided to utilize the sheriff's for this year.

**Mayor Rees** echoed Commissioner Olszewski's remarks for the upcoming 9/11 ceremony and encouraged everyone to attend.

The meeting adjourned at 7:30 p.m.

APPROVED:

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

ATTEST:

\_\_\_\_\_/S/\_\_\_\_\_  
City Clerk Kathy Golden, CMC