



# CITY OF WINTER GARDEN

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## CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES September 21, 2016

A **BUDGET HEARINGS** and **REGULAR MEETING** of the Winter Garden City Commission were called to order by Mayor Rees at 6:31 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening 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 A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Don Cochran, Community Development Director Steve Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, Planning Consultant Ed Williams and Police Chief George Brennan

### **BUDGET HEARINGS**

#### 1. **SECOND READING AND PUBLIC HEARINGS TO ADOPT PROPOSED BUDGETS AND MILLAGE RATE FOR FISCAL YEAR 2016/2017**

- A. **Ordinance 16-38:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2016, AND ENDING ON SEPTEMBER 30, 2017

City Attorney Ardaman read Ordinance 16-38 by title and stated that 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, 2016, and ending September 30, 2017, at the rate of 4.2500 mills (being \$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 greater than the rolled back rate of 3.9958 mills by 6.36 percent.

Finance Director Zielonka stated that staff is proposing to keep the millage rate flat at 4.25.

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

**Motion by Commissioner Sharman to adopt Ordinance 16-38. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Ordinance 16-39:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2016, AND ENDING ON SEPTEMBER 30, 2017

City Attorney Ardaman read Ordinance 16-39 by title and the following excerpt:

It is anticipated that there will be available for use and disbursement from the general funds of this City, revenue in the following amounts:

Collection of Ad Valorem	\$11,278,440
Revenue other than Ad Valorem	<u>21,795,100</u>
<b>TOTAL REVENUES</b>	<b>\$33,073,540</b>
Appropriations from Fund Balance	<u>10,043</u>
<b>TOTAL AVAILABLE FOR EXPENDITURES</b>	<b>\$33,083,583</b>

Finance Director Zielonka stated that the revenues were addressed in the budget workshop and noted that she was available for any questions.

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

**Motion by Commissioner Sharman to adopt Ordinance 16-39. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- C. **Ordinance 16-40:** 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, 2016, AND ENDING ON SEPTEMBER 30, 2017

City Attorney Ardaman read Ordinance 16-40 by title and stated that it is anticipated there will be available for use and disbursement from CRA funds of the City, revenue in the following amounts:

Collection of Ad Valorem	\$ 389,145
Revenue other than Ad Valorem	<u>414,725</u>
<b>TOTAL REVENUES AVAILABLE FOR EXPENDITURES</b>	<b>\$ 803,870</b>

Finance Director Zielonka stated that staff presented this budget to the CRA Advisory Board at their last meeting and approval is recommended.

Mayor Rees opened the public hearing.

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, addressed recently requested public records from the City Manager regarding this portion of the budget. He noted that all he received were the minutes from June 15<sup>th</sup> (CRAAB) meeting. He addressed other items he requested.

City Manager Bollhoefer explained the amounts budgeted and there was discussion that there was actually no disbursements from the previous year, which would roll over to the new (*fiscal*) year. Mr. Richardson requested additional electronic records. Mr. Bollhoefer noted that he would check and get back to him.

Mayor Rees closed the public hearing

**Motion by Commissioner Olszewski to adopt Ordinance 16-40. Seconded by Commissioner Makin and carried unanimously 5-0.**

- D. **Ordinance 16-41**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2016-17 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 16-41 by title only. Finance Director Zielonka stated that all details are located in the budget books provided and she is available for any additional questions.

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

**Motion by Commissioner Buchanan to adopt Ordinance 16-41. Seconded by Commissioner Makin and carried unanimously 5-0.**

### **REGULAR CITY COMMISSION MEETING**

2. **APPROVAL OF MINUTES**

**Motion by Commissioner Sharman to approve regular meeting minutes of September 7, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.**

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

- A. **Ordinance 16-46**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE II, DIVISION 3 OF CHAPTER 18 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR PROHIBITION OF SECURITY

BARS GRILLES AND GRATES ON DOORS, WINDOWS, BREEZEWAYS AND OPENINGS FACING AND VISIBLE FROM STREETS OR PUBLIC RIGHTS OF WAY ON COMMERCIAL AND INDUSTRIAL PROPERTIES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-46 by title only. Community Development Director Pash stated that this ordinance prohibits the use of security bars, grilles and grates on doors, windows, breezeways, and openings facing and visible from the streets in public right-of-ways. This is for industrial and commercial properties and does not pertain to residential properties. Mr. Pash stated that the Planning and Zoning Board requested an additional stipulation that requires any existing bars be removed by October 31, 2021 or at such time as an improvement is done to the building which is greater than ten percent of the value of the structure. Staff recommends approval of Ordinance 16-46.

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

**Motion by Commissioner Buchanan to approve Ordinance 16-46 with the second reading and public hearing being scheduled for October 13, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.**

- B. **Ordinance 16-58**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.15 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH PARK AVENUE, AT 462 WEST PLANT STREET AND 19 SOUTH PARK AVENUE, FROM C-1 (CENTRAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PARK & PLANT PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-58 by title only. Community Development Director Pash stated that this is an application to rezone the property from C-1 to PUD. The proposed PUD will allow 24 townhomes on this property with five different buildings ranging from two to three stories. One building will have seven townhomes that fronts along West Plant Street; those seven units will be allowed through special exception to use a portion as office space. All units will have a two-stall garage, courtyard, as well as landscaping and other improvements on the site. Staff recommends approval of Ordinance 16-58.

Commissioner Olszewski inquired about any comments from the adjoining neighbors. Mr. Pash stated that there was one concerned neighbor who attended the Planning and Zoning Board meeting who voiced their concern about parking. He stated that it was explained to them that there is a lot of public parking around the area.

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

**Motion by Commissioner Makin to approve Ordinance 16-58 with the second reading and public hearing being scheduled for October 13, 2016. Seconded by Commissioner Sharman and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Appointment to the Architectural Review and Historic Preservation Board**

Community Development Director Pash stated that there is one remaining appointment which is the member recommended by the Winter Garden Heritage Foundation. They are recommending Kay Cappleman to a three year term.

**Motion by Commissioner Olszewski to appoint Kay Cappleman, of the Winter Garden Heritage Foundation, to the Architectural Review and Historic Preservation Board for a three-year term. Seconded by Commissioner Makin and carried unanimously 5-0.**

B. **City Manager's Contract**

City Manager Bollhoefer stated that this is the standard contract that has been used for the last 11 or 12 years. He noted that this contract is for three years and his pay raises are tied to the same pay raises as all of the department heads, which has been the standard for several years. He recommended approval.

Commissioner Buchanan stated that he has reviewed this item and researched some other Central Florida City Manager's pay and scale. He shared some of the City's projects over the last 10 to 15 years and remembered what Mr. Bollhoefer faced when first becoming our City Manager. He noted some projects Mr. Bollhoefer had been involved in since becoming City Manager such as the Winter Garden Fowler Grove Mall, Downtown Parking Garage, and other City developments. Commissioner Buchanan expressed that he personally would like to add a ten percent increase onto the contract presented.

Mayor Rees stated that during the last contract he brought up that we are getting a bargain for what the City is paying him and what he does. He also expressed that he too thinks Mr. Bollhoefer does an excellent job for the City of Winter Garden.

**Motion by Commissioner Buchanan to approve the City Manager's Contract plus an additional ten percent increase. Seconded by Commissioner Sharman.**

City Manager Bollhoefer stated that he appreciates the offer and the recognition. He noted that he is perfectly fine with the contract the way it is; he is always comfortable

having the same pay raise as everybody else and wanted to be sure he stated that for the record.

**Motion carried unanimously 5-0.**

5. **MATTERS FROM PUBLIC** - There were no items.
6. **MATTERS FROM CITY ATTORNEY** -There were no items.
7. **MATTERS FROM CITY MANAGER**

A. **Discussion on golf carts**

City Manager Bollhoefer stated that a lot of information has been distributed on this issue. He gave a brief update of where staff is on this issue that has been narrowed down to a few issues on how to expand the golf cart paths.

Mr. Bollhoefer displayed a map of the existing legally allowed golf cart routes. He spoke of people driving all over the place who are not following these maps; which is one of the reasons this is being addressed. One of the maps distributed included the speed limits for the entire City. He addressed some of the major (collector and arterial) roads and described feeder roads that are in neighborhoods that go to collector roads that go to arterial roads. He explained that their primary purpose is for commerce, which is to get people to and from work and to go shopping. He felt that the City should do its best to keep golf carts off of those roads. He noted the change of speeds on various roads. A golf cart has to go slower than 20 MPH which is dangerous on roads over that speed limit. The main neighborhood asking for golf carts is Winter Oaks who wants to be able get to the downtown area. The solution for Winter Oaks is to cut a hole in the fence at Veterans Park to allow passage through the park to get to Park Avenue and then to the downtown area. However, he explained that a solution for Crest Avenue could not be found. He also noted the Dillard Street area is another debatable issue and getting golf carts to and from the Winter Garden Restaurant. He and Police Chief Brennan have reviewed this area and they cannot find a solution that offers a safe route.

Mr. Bollhoefer indicated that by State Law everyone is automatically allowed to drive a light vehicle on all roads that are 35 mph. He defined a light vehicle as one able to go speeds of 20 and 25 mph that have to be registered through the State with a tag. That means it can also be required that there are child restraint seats. He noted that by people using light vehicles which is about 20 percent more than a regular golf carts, they could then have use of all of these different roads under State Law and thereby relieving the City of any liability. Therefore, his recommendation would be that on all roads that are 25 mph and under, the City can make them safer by expanding the golf cart paths. On all of the other streets we would require people to get the light vehicles.

Mr. Bollhoefer stated that the City would take Bay Street, which turns into Tildenville School Road that goes all the way up to Oakland Park, and make it a golf cart path. He noted that the City would try in every way to find a safe way or create a path.

He also advised that people in light vehicles can now legally drive down roads such as Daniels Road, parts of Stoneybrook, and parts of Tilden Road; the only way to make this illegal is to post a sign. Staff's recommends doing nothing at this time and monitor it to see if it is even an issue. If it gets to be a problem, address it then.

In the interim, staff will meet with Winter Oaks and Winter Garden Restaurant about their options. Mr. Bollhoefer will also check with merchants to see how much upgrading the golf carts will cost. It was jointly agreed that staff will move forward on this issue.

### **Parking Garage Opening**

City Manager Bollhoefer spoke of the soft opening for the parking garage last weekend and thanked staff for their efforts in helping with the project. He announced that a grand opening will be held in two or three weeks once all of the landscaping is done.

Mayor Rees expressed his appreciation of staff and their efforts during the parking garage process.

## **8. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** stated that the parking garage opening went well and he received a lot of good feedback. He and others are looking forward to the next event to see how it holds up under real parking pressure; he thinks it is going to do very well.

**Commissioner Buchanan** stated that the parking garage project was very successful and he has received a lot of favorable comments. The colors are perfect as well as all the hand rails, and he likes the openness instead of having windows. He noted that the Farmer's Market will be expanded and a lot of people are looking forward to it.

**Commissioner Makin** stated that the parking garage is great and he really likes that vehicles can easily park beside each other and people can actually get out of their cars. He described the photo he took from the third floor of the garage which he posted to Facebook that he has received a lot of good feedback. He complimented FinFrock as being a great company and doing a great job on the parking structure. Also mentioned were the electrical outlets and areas for electric vehicle plugins.

There was discussion that the parking garage does not feel overwhelming to the downtown area and does not stick out as some may have previously imagined.

City Manager Bollhoefer spoke of adding Christmas lights to the parking structure and gave the Commission an estimate of \$8,000 to initially set up the lights and that the annual cost will be approximately \$2,000, which will further illuminate that area. Mr. Bollhoefer stated

that unless there are any objections, he will move forward with this plan as well. *No objections were noted.*

Commissioner Makin suggested after the grand opening or in conjunction with the opening, we hold a West Orange Chamber Business After Hours event downtown at the Winter Garden Parking Garage in the plaza area.

**West Orange Chamber Board Member**

City Manager Bollhoefer stated that the West Orange Chamber has asked that the City pick someone to sit on the Chamber board. He shared that it is not required that a City Commissioner sit on this board and that a staff member could be appointed.

It was the **consensus** of the City Commission to appoint Assistant City Manager of Administrative Services, Frank Gilbert, to serve as the City's representative on the West Orange Chamber Board.

The meeting adjourned at 7:16 p.m.

APPROVED:

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

ATTEST:

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