



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES

September 14, 2017

BUDGET HEARINGS 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. An Opening Invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners District 1 Lisa Bennett, District 2 Bob Buchanan, District 3 Mark A. Maciel, and District 4 Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Public Services Eric Guth, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill and Police Chief George Brennan

BUDGET HEARINGS

1. **FIRST READING AND PUBLIC HEARINGS TO ADOPT PROPOSED BUDGETS AND MILLAGE RATE FOR FISCAL YEAR 2017/2018**

- A. **Ordinance 17-44:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2017, AND ENDING ON SEPTEMBER 30, 2018

City Attorney Ardaman read Ordinance 17-44 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, 2017, and ending on September 30, 2018, 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 greater than the rolled back rate of 4.0326 mills by 5.39 percent.

Mayor Rees thanked Finance Director Zielonka for her assistance in answering most of his questions. There was discussion on distributing his questions and the answers provided by the Finance Director to other Commissioners.

Finance Director Zielonka stated that this Ordinance proposes that we keep the millage rate at 4.25 mills and stated that staff is available for any questions.

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

Motion by Commissioner Buchanan to approve Ordinance 17-44 with the second reading scheduled for September 28, 2017 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 17-45:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2017, AND ENDING ON SEPTEMBER 30, 2018

City Attorney Ardaman read Ordinance 17-45 by title and the following excerpt. It is anticipated that there will be available for use and disbursement from the general funds of the City, revenue in the following amounts:

Collection of Ad Valorem	\$12,448,539
Revenue other than Ad Valorem	<u>23,779,766</u>
TOTAL REVENUES AVAILABLE FOR EXPENDITURES	\$36,228,305

Finance Director Zielonka stated that the details are in the budget book and staff is available for any questions.

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

Motion by Commissioner Maciel to approve Ordinance 17-45 with the second reading scheduled for September 28, 2017 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- C. **Ordinance 17-46:** 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, 2017, AND ENDING ON SEPTEMBER 30, 2018

City Attorney Ardaman read Ordinance 17-46 by title and stated whereas it is anticipated that it will be available for use and disbursement from the CRA funds of the City, revenue in the following amounts:

Collection of Ad Valorem	\$ 435,838
Revenue other than Ad Valorem	<u>458,640</u>
TOTAL REVENUES AVAILABLE FOR EXPENDITURES	\$ 894,478

Finance Director Zielonka stated the budget was taken to the CRA Board who approved it unanimously.

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

Motion by Commissioner Bennett to approve Ordinance 17-46 with the second reading scheduled for September 28, 2017 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 17-47:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2017-2018 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 17-47 by title only. Finance Director Zielonka stated that these are the appropriations and they are listed in the budget book. She noted that copies of the questions will be scanned and sent to the City Commission. She noted that she was available to address any questions.

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

Motion by Commissioner Buchanan to approve Ordinance 17-47 with the second reading scheduled for September 28, 2017 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

REGULAR CITY COMMISSION MEETING

2. APPROVAL OF MINUTES

Motion by Commissioner Buchanan to approve regular meeting minutes of August 24, 2017 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

3. PROCLAMATIONS

- A. **Proclamation 17-08** proclaiming **West Orange Healthy Selfie Day** September 15, 2017 was read by Mayor Rees and presented by the Mayor and City Commission.
- B. **Proclamation 17-09** proclaiming **Diaper Need Awareness Week** September 25 through October 1, 2017 was read by Mayor Rees and presented by the Mayor and City Commission.

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

- A. **Ordinance 16-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY .193 ± ACRES LOCATED AT 622 VINELAND ROAD ON THE NORTHWEST CORNER OF W LAFAYETTE STREET AND STATE ROAD 535 OR VINELAND ROAD FROM R-2 RESIDENTIAL DISTRICT TO RNC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-34 by title only. Community Development Director Pash shared that the Planning and Zoning Board meeting was cancelled this past Monday, requiring staff to request postponement of this item until October 12, 2017.

Motion by Commissioner Sharman to POSTPONE Ordinance 16-34 until October 12, 2017 at 6:30 p.m. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. **Ordinance 17-25:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED UTILITY EASEMENTS OVER LOTS 8A AND 8B OF THE PAVEX PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 48, PAGE 32 AND 33 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (LOCATED AT 1318 AND 1342 GREEN FOREST COURT, WINTER GARDEN, FLORIDA) OWNED BY WS GROUP, LLC, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 17-25 by title only. Community Development Director Pash stated that this Ordinance vacates the utility easement that cuts across the middle of it. This will allow for future development of the recently approved Planned Commercial Development (PCD). Staff recommends approval of Ordinance 17-25.

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

Motion by Commissioner Sharman to approve Ordinance 17-25 with the second reading and public hearing being scheduled for September 28, 2017. Seconded by Commissioner Bennett and carried unanimously 5-0.

- C. **Ordinance 17-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 78.87 ± ACRES LOCATED ON THE SOUTH SIDE OF STONEYBROOK WEST PARKWAY, NORTH OF MCKINNON ROAD AND WEST OF WINDERMERE ROAD 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

City Attorney Ardaman read Ordinance 17-48 by title only. Community Development Director Pash stated that due to the cancellation of the Planning and Zoning Board meeting, staff requests postponement of this item until October 12, 2017

Motion by Commissioner Sharman to POSTPONE Ordinance 17-48 until October 12, 2017 at 6:30 p.m. Seconded by Commissioner Maciel and carried unanimously 5-0.

- D. **Ordinance 17-49:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 70 OF THE CITY CODE REGARDING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; IMPLEMENTING THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT; MAKING FACTUAL AND LEGISLATIVE FINDINGS; ADOPTING AND AMENDING CITY REGULATIONS RELATED TO, WITHOUT LIMITATION, PLACEMENT, MAINTENANCE, AND REPLACEMENT OF WIRELESS COMMUNICATIONS FACILITIES IN THE CITY'S RIGHTS-OF-WAY, COLLOCATION OF SMALL WIRELESS FACILITIES ON EXISTING UTILITY POLES, PLACEMENT OF NEW UTILITY POLES, REMOVAL AND RELOCATION OF WIRELESS FACILITIES, INSURANCE AND SURETY BOND REQUIREMENTS, INDEMNITY, PERMITTING PROCEDURES AND REQUIREMENTS, APPEALS, SAFETY REQUIREMENTS, WAIVERS, REVIEW DEADLINES, DEFINITIONS, REGISTRATION OF WIRELESS PROVIDERS; FEES; PROVIDING OBJECTIVE DESIGN STANDARDS, INCLUDING PROVIDING FOR AND INCORPORATING EXHIBITS; PROVIDING FOR CITY COMMISSION AUTHORITY, CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-49 by title only. Community Development Director Pash noted that as stated in the last meeting, the State has recently approved new laws allowing wireless communication facilities within the City right-of-way. This Ordinance makes changes to Chapter 70 of the City Code to implement regulations and follow the State guidelines. He described some of the changes and additions of this ordinance. Staff recommends approval of Ordinance 17-49.

There was discussion on the City's ability to possibly challenge some of these new laws. City Attorney Ardaman described how the City adopting this type of ordinance does everything possible to protect the City's rights of way and the community. Also discussed were the aesthetics of the poles and potential financial impacts of these issues to the City.

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

Motion by Commissioner Maciel to approve Ordinance 17-49 with the second reading and public hearing being scheduled for September 28, 2017. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 17-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-190, CONTRIBUTIONS; AMENDING SECTION 54-193, DISABILITY; AMENDING SECTION 54-215, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 AND 185 SHARE ACCOUNTS; PROVIDING FOR C O D I F I C A T I O N ; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 17-35 by title only. City Manager Bollhoefer stated that the City's Pension Attorney has advised us of a Scriveners error in this ordinance. To air on the side of caution, staff is requesting postponement until September 28, 2017.

Motion by Commissioner Sharman to POSTPONE Ordinance 17-35 until September 28, 2017 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.

6. **REGULAR BUSINESS**

- A. **Recommendation to approve the Police Department purchasing ballistic vests and gas masks with \$12,653 from the 2017 Local Edward Byrne Memorial Justice Assistant Grant (JAG) funds**

Police Chief Brennan stated that the 2017 Local Edward Byrne Memorial Justice Assistant Grant has earmarked \$12,653 for the Winter Garden Police Department. He noted that the request is to utilize these funds to purchase special ballistic vests and gas masks for our officers. He noted that grant guidelines require City Commission approval and also public comment.

Commissioner Sharman asked if this was only for the S.W.A.T. officers for now and inquired if there were enough funds for the other officers. Chief Brennan responded that he only has six on the S.W.A.T. team with two vacancies at the moment due to resignations. Commissioner Sharman hoped that the other officers could get this gear as well. Chief Brennan noted that this is pretty elaborate gear and that patrol officers already have the second best gear available which is not as elaborate.

Motion by Commissioner Bennett to approve the Police Department purchasing ballistic vests and gas masks with \$12,653 from the 2017 Local Edward Byrne

Memorial Justice Assistant Grant (JAG) funds. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Recommendation to approve Binding Lot Combination Agreement for 721 and 755 Winter Street

Community Development Director Pash stated that this is a binding lot agreement to combine three lots in to one parcel. The owner plans to build one single family home on this lot in the future.

Motion by Commissioner Sharman to approve Binding Lot Combination Agreement for 721 and 755 Winter Street. Seconded by Commissioner Maciel and carried unanimously 5-0.

C. Recommendation to withdraw and close condemnation case on 244 West Story Road

Community Development Director Pash stated that the owner of this property demolished the building and cleaned up the lot. Staff recommends that this condemnation be withdrawn and closed.

There was discussion on the future development on this lot which seems to be another convenience store.

Motion by Commissioner Sharman to withdraw and close condemnation case on 244 West Story Road. Seconded by Commissioner Maciel and carried unanimously 5-0.

D. Recommendation to approve Health & Harvest Festival with use of City facilities, waiver of special event and rental fees, closure of a portion of Highland Avenue on Saturday, October 14, 2017

Community Development Director Pash stated that this is a special event application for the Health & Harvest Festival proposed on October 14, 2017, from 9:00 a.m. to 2:00 p.m.

Mr. Pash described some of the activities and stated that staff recommends approval of the event as well as the waiver of the special event fees as it is a non-profit organization.

Motion by Commissioner Buchanan to approve Health & Harvest Festival with use of City facilities, waiver of special event and rental fees, closure of a portion of Highland Avenue on Saturday, October 14, 2017. Seconded by Commissioner Sharman and carried unanimously 5-0.

E. **Appointment to the General Employees' Pension Board for expiring two-year term of Dan Kuhl**

City Clerk Golden stated that the term for Mr. Kuhl is to expire at the end of this month. She stated that he has expressed his desire to be reappointed. She also noted that four interest applications have also been provided for consideration.

Motion by Commissioner Buchanan to reappoint Dan Kuhl to the General Employees' Pension Board. Seconded by Commissioner Bennett and carried unanimously 5-0.

7. **MATTERS FROM PUBLIC** – There were no items.

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

9. **MATTERS FROM CITY MANAGER**

Mr. Bollhoefer distributed the following three items for consideration by the City Commission that could not be placed on the agenda due to dealing with the storm.

Bids for Lift Station #41

City Manager Bollhoefer stated that the City received bids for Lift Station #41 on Hennis Road. The lowest bid was \$364,700 and the highest bid was \$440,000 with a budgeted amount of \$500,000; the engineers estimate was \$450,000. The lowest bid was significantly less than the engineers estimate. He noted that the company was reviewed and is a good company. Staff is confident they can do the job.

Mr. Bollhoefer noted that the reason for the upgrade to this lift station is to increase the capacity for the growth on the east side.

Motion by Commissioner Buchanan to approve bid and award a contract for the Lift Station #41 upgrades project to Hinterland Group, Inc. with a bid of \$364,700, to which a 10 percent contingency will be added, bringing the total project amount to \$401,170. Seconded by Commissioner Sharman and carried unanimously 5-0.

Change Order for Phase 2 Resurfacing of Stoneybrook West Parkway

City Manager Bollhoefer noted that the City would like to continue on with the same contractor for which a bid was submitted for the Phase 2 resurfacing of the Stoneybrook West Parkway. It is the same unit price that was used on Phase 1. He noted that the total cost would be \$1,062,143.75 plus a 10 percent contingency which brings the total to \$1,168,358.13. He shared this amount is well within the City's budget and staff would like to move forward with getting this road completed.

Motion by Commissioner Sharman approving change order for Phase 2 resurfacing (Westbound lanes from CR 535 to Avalon Road and Eastbound lanes from Avalon

Road to east of Woodlark Way) to Middlesex Corporation for an amount of \$1,062,143.75, to include a 10 percent contingency, making the total for Phase 2 project \$1,168,358.13. Seconded by Commissioner Maciel and carried unanimously 5-0.

Extension of Ambulance Service Contract

City Manager Bollhoefer stated that the Ambulance Service Contract has been expired for a few months and needs to be updated. He noted issues with the company that has been brought to his attention a couple of times. He noted that the City has had some performance issues with them. However, the City is not in a position to take over these services at this time. This agreement is the same one passed by Ocoee recently. It allows the City of Winter Garden to get out of this agreement with a 90-day notice.

Mr. Bollhoefer noted that the City is also prepared with an emergency agreement with Orange County in the event of an emergency situation. Staff has an emergency plan to move forward.

Mayor Rees noted that he felt this issue will need to soon be addressed.

There was discussion that a decision will need to be made soon. The prior studies would be sent out to the City Commission for their review, but this keeps us going while the decision is being made.

Commissioner Sharman agreed with Mayor Rees that a decision would need to be made soon especially in light of having problems with the current company.

Motion by Commissioner Buchanan to approve extending the Ambulance Services Contract, as provided, for one year with a 90-day cancellation option. Seconded by Commissioner Sharman and carried unanimously 5-0.

Storm Update

City Manager Bollhoefer updated the City Commission on some of the items to be addressed. In particular, he noted the City needs the ability to help control certain things during a storm. He addressed curbside items, contractor debris, and dumpsters.

10. MATTERS FROM MAYOR AND COMMISSIONERS

The Mayor and each Commissioner praised the efforts of all staff who worked tirelessly on behalf of our residents during Hurricane Irma. Commissioners shared some specific situations that occurred. Mayor Rees noted that even the week before the storm, staff was busy making preparations.

The meeting adjourned at 7:25 p.m.

APPROVED:

/S/ _____
Mayor John Rees

ATTEST:

/S/ _____
City Clerk Kathy Golden, CMC