



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET HEARING AND REGULAR MEETING MINUTES

September 17, 2020

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 and Commissioners
Lisa L. Bennett – District 1 Bob Buchanan – District 2
Mark A. Maciel – District 3 Colin Sharman – District 4

Also Present: City Manager Mike Bollhoefer, City Attorney Dan Langley, City Clerk Angee Grimmage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Deputy Fire Chief Jose P. Gainza, Jr., Information Technology Director Chad Morrill and Police Chief Stephen Graham

BUDGET HEARING

1. **SECOND READING AND PUBLIC HEARINGS TO ADOPT PROPOSED BUDGETS AND MILLAGE RATE FOR FISCAL YEAR 2020/2021**

- A. **Ordinance 20-33:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021

City Attorney Langley read Ordinance 20-33 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, 2020, and ending on September 30, 2021, at the rate of 4.5000 mills (\$4.5000 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 4.3428 mills by 3.62 percent.

Finance Director Zielonka stated that this ordinance keeps the millage rate flat at 4.5000. Staff recommends approval.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting several minutes and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 20-33. Seconded by Commissioner Maciel and carried unanimously 5-0.

- B. **Ordinance 20-34:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021

City Attorney Langley read Ordinance 20-34 by title and the following excerpt: It is anticipated that there will be available for use and disbursement from the general funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$17,714,856
Revenue other than Ad Valorem	<u>23,304,398</u>
TOTAL REVENUES AVAILABLE FOR EXPENDITURES	\$41,019,254

Finance Director Zielonka stated that this Ordinance allocates the projected revenue for the budgeted appropriations.

City Manager Bollhoefer noted that a ten percent increase for health insurance was budgeted and the actual is five percent; the difference was \$150,000. He stated that Economic Development Director Gerhartz requests setting aside \$100,000 to have available for assisting businesses during the Coronavirus pandemic. He stated that the City is not aware of the future impact of the virus and described some potential uses for the funds. He informed that at this point the City of Winter Garden has lost zero businesses and plan to keep it that way.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting several minutes and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 20-34. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. **Ordinance 20-35:** 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, 2020, AND ENDING ON SEPTEMBER 30, 2021

City Attorney Langley read Ordinance 20-35 by title and an excerpt stating 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	\$ 798,484
Revenue other than Ad Valorem	<u>809,484</u>
TOTAL REVENUES AVAILABLE FOR EXPENDITURES	\$1,607,968

Finance Director Zielonka stated that this budget was reviewed and approved by the CRA Advisory Board, as well as staff. Staff also recommends approval.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting several minutes and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Maciel to adopt Ordinance 20-35. Seconded by Commissioner Bennett and carried unanimously 5-0.

- D. **Ordinance 20-36:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2020-21 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 Langley read Ordinance 20-36 by title only. Finance Director Zielonka stated that this ordinance approves the appropriations as detailed in the proposed budget.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting several minutes and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Bennett to adopt Ordinance 20-36. Seconded by Commissioner Buchanan and carried unanimously 5-0.

REGULAR MEETING

2. **APPROVAL OF MINUTES**

Motion by Commissioner Bennett to approve regular meeting minutes of September 3, 2020 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

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

- A. **Ordinance 20-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.01 ± ACRES LOCATED AT 465 PALM STREET, EAST OF 5TH STREET, WEST OF 9TH STREET, SOUTH OF MAGNOLIA STREET, AND NORTH OF PALM STREET 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
- B. **Ordinance 20-40:** 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 APPROXIMATELY 1.01 ± ACRES LOCATED AT 465 PALM STREET, EAST OF 5TH STREET, WEST OF 9TH STREET, SOUTH OF MAGNOLIA STREET, AND NORTH OF PALM STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- C. **Ordinance 20-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.01 ± ACRES LOCATED AT 465 PALM STREET, EAST OF 5TH STREET, WEST OF 9TH STREET, SOUTH OF MAGNOLIA STREET, AND NORTH OF PALM STREET FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinances 20-39, 20-40 and 20-41 by title only. Community Development Director Pash stated that this is a voluntary annexation and noted the location. He stated that the property would have a future land use designation of low density residential and an R-1 zoning. Staff recommends approval of Ordinances 20-39, 20-40 and 20-41.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Maciel to approve Ordinances 20-39, 20-40 and 20-41 with the second reading and public hearing scheduled for October 8, 2020 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 20-42:** 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 APPROXIMATELY 1.96 ± ACRES LOCATED AT 15411, 15540, AND 15541 E OAKLAND AVE AND 841 TILDEN OAKS TRAIL, ON THE NORTHWEST, NORTHEAST, AND SOUTHWEST CORNERS OF E OAKLAND AVE AND TILDEN OAKS TRAIL, FROM LOW DENSITY RESIDENTIAL TO RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinance 20-42 by title only. Community Development Director Pash described the location of the properties. He stated that the applicant is requesting future land use designation change from low density residential to residential neighborhood commercial. He noted that those changes are consistent with the existing and approved Planned Unit Development (PUD) ordinance and the plans for that intersection. Staff recommends approval of Ordinance 20-42.

Mayor Rees inquired of the adjacent lot owners being aware of these plans when they purchased their lots. Mr. Pash responded that there is nothing next to this and nothing has been sold yet. City Manager Bollhoefer noted that it was the intention from the onset of this project that this corner would always be commercial and everyone purchasing there was aware.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Buchanan to approve Ordinance 20-42 with the second reading and public hearing scheduled for October 8, 2020 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.

- E. **Ordinance 20-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.27 ± ACRES LOCATED AT 198 AND 176 NORTH WEST CROWN POINT ROAD, EAST OF HENNIS ROAD, WEST OF NORTH WEST CROWN POINT ROAD, NORTH OF PINELOCH INDUSTRIAL DRIVE, AND SOUTH OF RAILROAD 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
- F. **Ordinance 20-44:** 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 APPROXIMATELY 0.27 ± ACRES LOCATED AT 198 AND 176 NORTH WEST CROWN POINT ROAD, EAST OF HENNIS ROAD, WEST OF NORTH WEST CROWN POINT ROAD, NORTH OF PINELOCH INDUSTRIAL DRIVE, AND SOUTH OF RAILROAD AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 20-45:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.27 ± ACRES LOCATED AT 198 AND 176 NORTH WEST CROWN POINT ROAD, EAST OF HENNIS ROAD, WEST OF NORTH WEST CROWN POINT ROAD, NORTH OF PINELOCH INDUSTRIAL DRIVE, AND SOUTH OF RAILROAD AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinances 20-43, 20-44 and 20-45 by title only. Community Development Director Pash stated that this is a voluntary annexation and noted the location. He stated that the property would have C-2 zoning and a commercial future land use designation. Staff recommends approval of Ordinances 20-43, 20-44 and 20-45.

Commissioner Maciel inquired of the plans for this property. Mr. Pash replied that the owner is looking to place a contractor's office at this location.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Maciel to approve Ordinances 20-43, 20-44 and 20-45 with the second reading and public hearing scheduled for October 8, 2020 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.

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

- A. **Ordinance 20-38:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED DRAINAGE EASEMENT OVER LOT 139 OF WATERSIDE ON JOHNS LAKE - PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 82, PAGES 74 THROUGH 80 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 16725 RUSTY ANCHOR ROAD) OWNED BY CODY AND KRISTA MCCRACKEN AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Langley read Ordinance 20-38 by title only. Community Development Director Pash stated that this is a request to vacate a portion of the platted drainage easement where a home was built over the easement. He noted that this also includes an easement agreement, dedicating a new easement on the opposite side of the property on the west side. Staff recommends approval of Ordinance 20-38 which vacates a portion of the easement and the new dedicated easement agreement.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

Motion by Commissioner Bennett to adopt Ordinance 20-38 and the new easement agreement. Seconded by Commissioner Maciel and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Recommendation to approve and authorize Police Chief execute a Memorandum of Understanding with the Metropolitan Bureau of Investigation**
Police Chief Graham stated that this request is for a renewal of a Memorandum of Understanding with the Metropolitan Bureau of Investigation also known as MBI. He noted that this is a cooperative effort with pooled resources to conduct criminal investigations throughout Orange and Osceola Counties. Staff recommends approval.

Commissioner Buchanan inquired as to the types of investigation that this would entail. Police Chief Graham replied that these are typically directed towards human trafficking, vice organized crime, narcotics and other criminal enterprises through the entire Ninth Judicial District.

Motion by Commissioner Buchanan to approve and authorize Police Chief execute a Memorandum of Understanding with the Metropolitan Bureau of Investigation. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Recommendation to approve SITE PLAN for 1441 Winter Garden Vineland Road (UCP Winter Garden), subject to conditions

Community Development Director Pash stated that this is the site plan for 1441 Winter Garden Vineland Road, which is the proposed development for the United Cerebral Palsy (UCP) Winter Garden Charter School. He named some of the improvements per the site plan. This has been reviewed and approved by the Development Review Committee (DRC) and staff; approval is recommended, subject to the conditions as stated in the DRC Report.

Mayor Rees inquired of the construction materials for the building and there was discussion that it was concrete and not wood.

Motion by Commissioner Maciel to approve SITE PLAN for 1441 Winter Garden Vineland Road (UCP Winter Garden), subject to conditions. Seconded by Commissioner Buchanan and carried unanimously 5-0.

C. Recommendation to approve 2020 – Fall Activities:

Shop & Save Local Sidewalk Sale	September 25-26, 2020
Harvest Sidewalk Sale & Stroll	October 23-24, 2020
Shop Local Small Business	November 28, 2020
Holiday Boutique Crawl (5:00 – 8:00 p.m.)	December 10, 2020
Winter Garden Halloween Experience	October 23 – November 1, 2020

Community Development Director Pash noted multiple activities on this year's application for fall activities and listed them with the dates and times, where applicable.

City Manager Bollhoefer spoke of some events and commended staff for their efforts. He noted that there would not be advertisements for these activities as the City's main focus is not to draw crowds but to keep people healthy and businesses going. Discussion ensued on Orange County mandates for mask wearing, exceptions when exercising, encouragement of education as opposed to mandating masks, and efforts for keeping people responsible and safe. There was some discussion on the term "Crawl" as noted in one of the activities. Mayor Rees acknowledged staff's fall activity efforts and noted that it is much appreciated.

Motion by Commissioner Bennett to approve 2020 fall activities. Seconded by Commissioner Buchanan and carried unanimously 5-0.

D. BOARD APPOINTMENT: General Employees' Pension Board

City Clerk Grimmage stated that last year, August 22, 2019, the City Commission appointed Ed McKinney to fill the unexpired seat of Mr. Theo Graham. At the end of this month that term will expire and Mr. McKinney has expressed his desire to be appointed to this board for a full term. She noted one additional interest as included in the agenda packet and stated that staff requests the City Commission's desire regarding this appointment.

Motion by Commissioner Buchanan to appoint Ed McKinney to the General Employees' Pension Board. Seconded by Commissioner Maciel and carried unanimously 5-0.

Commissioner Maciel spoke of the board applicants and requested that they be encouraged to remain as volunteers noting that it is much appreciated when vacancies occur to have the interests.

E. BOARD APPOINTMENT CONFIRMATION: General Employees' Pension Board for fifth trustee Mark Griffith for a two-year term through December 31, 2022

City Clerk Grimmage stated that this item is stated in our City Code as a ministerial duty of the City Commission. The fifth trustee is chosen by the General Employees' Pension Board and then confirmed by the City Commission. Staff recommends approval of the appointment confirmation of trustee Mark Griffith to the General Employees' Pension Board for a two-year term through December 31, 2022.

Motion by Commissioner Buchanan to confirm appointment of Mark Griffith (Fifth Trustee) to the General Employees' Pension Board for a two-year term through December 31, 2022. Seconded by Commissioner Bennett and carried unanimously 5-0.

6. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida inquired of City Manager Bollhoefer regarding the status of a previously discussed landscape issue. Mr. Bollhoefer responded that an email had been sent, was not sure what happened to it, but would be resent the next day.

Mr. Richardson also requested an update on the use of force policy for the Winter Garden Police Department as well as collaborative efforts with other agencies. City Manager Bollhoefer noted that the police agencies have been meeting, formulating ideas, but nothing has been finalized. He noted that when this is finalized it would be brought back to the City Commission for review and believes it is in the near future.

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

8. **MATTERS FROM CITY MANAGER**

McMansions

City Manager Bollhoefer noted the distribution of a sample ordinance to the City Commission regarding what is deemed “McMansions”. He stated that this focusses on homes near the historical area and described the area of which some have already been built. He described how they are extremely large and look out of place and out of context in light of the other homes. He informed that this would limit the size of the footprint of the home based on the total size of the lot. He explained that this would be for the City Commission’s review and discussion. He noted that many communities have implemented this because the idea is to preserve the nature of certain neighborhoods.

Hybrid Meetings

City Manager Bollhoefer noted that starting in October the City of Winter Garden would go to a hybrid meeting. He noted that some communities already have started but there is the question of what the governor is going to do. He noted that if the City Commission feels comfortable doing this, we would go to the hybrid meetings, limit the amount of seating, and require masks except when speaking at the dais. Those who are still uncomfortable attending a meeting would have the virtual option. There was discussion on getting back to normalcy and this being a good compromise.

Commissioner Sharman noted his agreement on this as an option, that the City could always revert back should there be a spike in the Coronavirus cases during the cold and flu season. Mayor Rees noted that most of the attendees have only been staff. City Manager Bollhoefer noted that in order to provide more room for participants he would only allow the staff that are needed, such as those presenting items, to be in attendance while the others attend remotely.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman commended Information Technology (IT) Director Chad Morrill and Community Development Director Steve Pash for the great job they have been doing; noting their physical presence at the meeting while other staff had been remotely attending.

Commissioner Buchanan noted that he wished to give a big round of applause to City Manager Mike Bollhoefer and staff. He stated that not one of the City’s businesses went out of business during this pandemic. He thinks this is phenomenal and unheard of in any other cities. He also noticed the opening of three new businesses during these times. He commented that the City itself has remained beautiful downtown and again he thanked the City and staff.

Mayor Rees spoke of honoring WWII Veteran Larry Cheever, who turns 100 years old and noted that a proclamation would be given.

Mayor Rees also announced that Governor Ron DeSantis has appointed a Winter Garden resident, Jamie Grosshans, to the Florida Supreme Court.

There were discussions on Duke Energy's tree trimming and issues with a local apartment complex being built.

The meeting adjourned at 7:19 p.m.

APPROVED:

/S/

Mayor John Rees

ATTEST:

/S/

City Clerk Angee Grimmage, CMC