



City of Winter Garden  
**CHARTER REVIEW COMMITTEE**  
Regular Meeting Minutes  
August 26, 2019

A **REGULAR MEETING** of the City of Winter Garden Charter Review Committee (CRC) was called to order by CRC Chairperson Derek Blakeslee at 5:31 p.m. at 300 West Plant Street, Winter Garden, Florida.

**ATTENDANCE/ROLL CALL:**

**BOARD MEMBERS – PRESENT**

Derek Blakeslee - Chairperson  
Steve Ambielli            Andrea Davis  
Larry Cappleman        Christopher Lee  
Phil Cross                Ed McKinney  
Ron Mueller

**OTHER ATTENDEES**

Drew Smith – Facilitator  
Angee Grimmage – City Clerk  
Venice Alexander – Recording Clerk

**ABSENT:**        Doug Bartow and Millie Lord

1. **Call to Order**

The meeting was called to order and a quorum was determined.

2. **Approval of Minutes**

**Motion by CRC Member Mueller to approve regular meeting minutes of August 12, 2019 as submitted. Seconded by CRC Member Cappleman and carried unanimously 7-0.**

*(CRC Member Steve Ambielli arrived at this point in the meeting)*

3. **Public Comments** - There were none.

4. **Article VII – CHARTER REVIEW AND AMENDMENT**

CRC Chairperson Blakeslee briefed the CRC on the order of review for this session. He noted that Facilitator Smith's draft would also be reviewed.

Sec. 61 – Charter review; amendment – There were no noted changes.

5. **Article VIII – FISCAL MANAGEMENT**

Sec. 62 – Fiscal year – There were no noted changes.

Sec. 63 – Submission of budget; budget message – There were no noted changes.

Sec. 64 – Budget – There were no noted changes.

Sec. 65 – **Amendments after adoption**

**Section 65(2)** - CRC Member Cappleman questioned the legality and clarity of the language relating to the emergency appropriations requirement and the specification of a date in which to pay back emergency notes. Facilitator Smith explained the provision and noted that it would be used in very limited circumstances. CRC Chairperson Blakeslee also expounded on how and when this provision would be used. There was discussion on the clarification of language to provide a definitive date in relation to the emergency notes repayment.

**Section 65(4)** – CRC Member Ambielli inquired about the use of the phrase “*in a timely manner*” and what this would be. There was discussion on what is reasonable after the transfer was made. It was noted that “*not to exceed 30 days for all transfers*” could be used.

Sec. 66 – Capital program – There were no noted changes.

Sec. 67 – Issuance of bonds – There were no noted changes.

Sec. 68 – Independent audit – There were no noted changes.

Sec. 69 – Reserved – There were no noted changes.

6. **Article IX – MISCELLANEOUS PROVISIONS**

Sec. 70 – Severability clause – There were no noted changes.

7. **BEGIN FINAL REVIEW**

The CRC Members reviewed the previously discussed changes submitted by Facilitator Smith and the following items were addressed for final review:

**ARTICLE I. INCORPORATION; FORM OF GOVERNMENT; POWERS**

Sec. 1 Reaffirming the existing boundaries of the municipality – There were no noted changes.

Sec. 2 Form of government – There were no noted changes.

Sec. 3 Powers of the city; general – There were no noted changes.

Sec. 4 Present ordinances continued in force – There were no noted changes.

**Sec. 5** Sale of alcoholic beverages - **REMOVE SECTION 5**

The CRC had extensive discussion on this item and addressed topics such as exceptions for restaurants, use of ordinances instead of having it in the charter, education on the matter for the voters. Also discussed were the effects and challenges of leaving this section in the charter, potential issues with rezoning requiring a referendum, concerns about current requirements and locations in order to serve alcohol.

**Motion by CRC Member Mueller to REMOVE SECTION 5 – Sale of alcoholic beverage as submitted (See attached - Exhibit A). Seconded by CRC Member Cappleman and carried unanimously 8-0.**

CRC Chairperson Blakeslee noted that the language used to educate the voter on this item would be covered under the ordinances. If there was an ordinance that was unfavorable the charter still allows the voters to go by referendum to correct or change.

Secs. 6–10 Reserved – There were no noted changes.

## **ARTICLE II. THE CITY COMMISSION**

### **Sec. 11** Number, selection, term, compensation – **CHANGE SECTION 11(1)**

There was discussion on the length of the term, term limits and the tying together of the two. Also noted was the election cycles. There was discussion on term limits remaining the same. CRC Member Cross noted that the voters determine term limits by their vote. Another challenge noted with term limits is what happens should no one want to run or qualify.

**Motion by CRC Member Davis to CHANGE SECTION 11(1) term of office from three (3) years to four (4) years as submitted (See attached - Exhibit A). Seconded by CRC Member Cross.** Cost savings to the City was also discussed in going to four (4) year terms. Discussion on an effective date should this item be approved by the voters was noted. Facilitator Smith stated that a schedule would be devised to link with this for a transitional period. **Motion carried unanimously 8-0.**

Section 11(2) was noted to be unchanged.

Changes as noted in Facilitator Smith’s handout were discussed for Section 11(5). There was discussion how City policy is drafted. There was discussion that language stating “*in accordance with City Policy as adopted by the City Commission*” could be added. The CRC discussed the City’s policy and procedure for certain expenses. There was discussion on policies that are followed by the City as noted in the Statutes and Florida Administrative Code which may not be specifically stated in the City’s code or charter. It was the **consensus** of the CRC to leave the language as it is currently written.

Sec. 12 Qualifications – There were no noted changes.

Sec. 13 Powers of city commission – There were no noted changes.

Sec. 14 Prohibitions – There were no noted changes.

Sec. 15 Forfeiture of office – There were no noted changes.

Facilitator Smith noted that the City Attorney’s office reviewed this item and feels that the term moral turpitude is broad enough to encompass the types of practices the City would be looking for in forfeiture issues.

### **Sec. 16** Judge of forfeiture - **CHANGE SECTION 16**

The CRC reviewed the suggested language and strikethroughs as submitted by Facilitator Smith on this item. Facilitator Smith noted that this language was derived from having had an

experience of representing a forfeiture case. He felt that this language would necessary as a guide through the process for a fair hearing.

**Motion by CRC Member Cappleman to CHANGE SECTION 16 as submitted (See attached – Exhibit A). Seconded by CRC Member Lee and carried unanimously 8-0.**

**Sec. 17 Vacancies of commission - CHANGES SECTION 17(2)(a) and (b)**

CRC Member Cappleman questioned if 12 months was enough time to have an election. Facilitator Smith noted that 12 months would be enough to go through a cycle in filling an unexpired term. There was discussion on voter registration, candidate campaigning timeframes, notice requirements to the Orange County Supervisor of Elections, and overseas ballot mailing. There was discussion on possibly changing Section 17(a) from 12 months to 18 months. Also discussed was Section 17(b) the timeframe for an appointment of someone to fill an unexpired seat, and who holds the authority to fill the unexpired seat or make a nomination. There was discussion on whether the qualifying timeframe needed to be noted. Facilitator Smith recommended not having this in the charter as it will be established when the special election is scheduled. There was discussion on qualification for an appointment versus qualification for an election. In summary, if the vacancy is 18 months or less, there will be an appointment within a 30-day qualification period, and appoint within 15 days. If there is not an appointment within the 45 days and there is no agreement on an appointment, then lots are drawn. If there is more than 18 months, there is an election; with the election date established by the City Commission.

**Motion by CRC Member Mueller to approve CHANGES TO SECTION 17(2)(a) and (b) as submitted (See attached - Exhibit A) with change from 12 months to 18 months as noted in subsections (a) and (b), and 90 days as amended to Section 17(2)(b). Seconded by CRC Member Cross and carried unanimously 8-0.**

Sec. 18 Induction of commissioners into office, meetings – There were no noted changes. There was discussion that 12 hours’ notice to a City Commissioner for a special meeting was not uncommon. It was the **consensus** of the CRC to leave this item as is.

Sec. 19 Legislative procedure – There were no noted changes.

**Sec. 20 Adoption of ordinances; procedure; effective date - CHANGE SECTION 20(2)**

CRC Member Blakeslee noted changes as previously discussed in Section 20(2) and there was discussion on changes as submitted for two (2) separate days and be advertised in accordance with applicable state law.

**Motion by CRC Member Mueller to approve CHANGES TO SECTION 20(2) as submitted (See attached – Exhibit A). Seconded by CRC Member McKinney and carried unanimously 8-0.**

**Sec. 21** Emergency measures - **CHANGE SECTION 21**

Facilitator Smith noted that the two-thirds (2/3) vote was noted by State law as determined by the City Attorney's research. Facilitator Smith explained that this is 2/3 of the total members and not 2/3 of the quorum; it was discussed that it be left as written. Also discussed, was the term of telephonically be changed to read as video/audio or telephone conference. The CRC gave Facilitator Smith direction to change the wording as necessary on this item.

**Motion by CRC Member Mueller to approve CHANGES TO SECTION 21 as amended (See attached – Exhibit A) with change from telephonically to audio/video or telephone conference. Seconded by CRC Member Cross and carried unanimously 8-0.**

**Sec. 22** Revision of ordinances - **REMOVE SECTION 22**

There was discussion on the power to revise coming from home rule. Facilitator Smith noted that this item is not needed to give permission to the City Commission as they already have that authority. There was discussion on the cleanup of the charter as much as possible and thorough review of all items.

**Motion by CRC Member Cappleman to REMOVE SECTION 22. Seconded by CRC Member Ambielli and carried unanimously 8-0.**

**Sec. 23** Repeal of ordinances - **CHANGE SECTION 23**

There was discussion on the submitted changes.

**Motion by CRC Member Mueller to approve CHANGES TO SECTION 23 as submitted (See attached – Exhibit A). Seconded by CRC Member Lee and carried unanimously 8-0.**

Sec. 24 Investigations – There were no noted changes.

**Sec. 25** Commission districts; adjustment of districts - **CHANGE SECTION 25(3)(b)**

**Motion by CRC Member Mueller to approve CHANGES TO SECTION 25(3)(b) as submitted (See attached – Exhibit A) removing “Commencing on April 30, 2008”. Seconded by CRC Member Lee and carried unanimously 8-0.**

**ARTICLE III. CITY MANAGER**

Sec. 26 Appointment of city manager; written contract – There were no noted changes.

**Sec. 27** Removal of City Manager - **CHANGE SECTION 27**

**Motion by CRC Member Cappleman to approve CHANGES TO SECTION 27 as submitted (See attached – Exhibit A). Seconded by CRC Member Cross and carried unanimously 8-0.**

**Sec. 28** Qualifications - **CHANGE SECTION 28**

CRC Member Mueller noted that he is still not in favor of the City Manager being required to live in the city. There was discussion on this is the requirement and it can be waived by the City Commission. CRC Member Blakeslee noted that he would like to see the word extend left in and change the language to read extend or waive; he gave a brief explanation and scenario. There was discussion on whether it should be included or excluded. Facilitator Smith suggested leaving the language; explaining a strike may result in loss of the vote from the electorate. CRC Member Blakeslee clarified that the language of 90 days is being changed to 180 days and the word extend would be changed to read extend or waive.

**Motion by CRC Member Cross to approve CHANGES TO SECTION 28 as submitted (See attached – Exhibit A) and include amended language to read extend or waive. Seconded by CRC Member Mueller and carried unanimously 8-0.**

Sec. 29 Absence, disability or suspension – There were no noted changes.

Sec. 30 Powers and duties – There were no noted changes.

Sec. 31 Reserved – There were no noted changes.

**ARTICLE IV. CITY DEPARTMENTS AND OFFICERS**

Sec. 32 Departmental organization – There were no noted changes.

Sec. 33 City Clerk – There were no noted changes.

Sec. 34 City Attorney – There were no noted changes.

Sec. 35 Police department; chief of police – There were no noted changes.

Sec. 36–37 Reserved – There were no noted changes.

**ARTICLE V. ELECTIONS**

Sec. 38 Referendum – There were no noted changes.

Sec. 39 Conduct generally – There were no noted changes.

Sec. 40 Party insignia on ballots; form to be as in state, county elections - No noted changes.

Sec. 41 Qualification of candidates in districts; time; procedure; runoff election - No changes.

Sec. 42 Fee; withdrawal – There were no noted changes.

Sec. 43 General elections – There were no noted changes.

Sec. 44 Special elections – There were no noted changes.

Sec. 45 Write-in candidates – There were no noted changes.

**Sec. 46** Absentee voting - **CHANGE SECTION 46**

**Motion by CRC Member Mueller to approve CHANGES TO SECTION 46 as submitted (See attached – Exhibit A). Seconded by CRC Member McKinney and carried unanimously 8-0.**

Sec. 47 Polling places – There were no noted changes.

Sec. 48 Canvassing board - **CHANGE SECTION 48**

It was noted that the 90 days' requirement would be removed and by July 1<sup>st</sup> would remain.

**Motion by CRC Member McKinney to approve CHANGES TO SECTION 48 as submitted (See attached – Exhibit A). Seconded by CRC Member Mueller and carried unanimously 8-0.**

Sec. 49–54 Reserved – There were no noted changes.

**ARTICLE VI. INITIATIVE AND CITIZEN REFERENDUM**

Sec. 55 Initiative and referendum – There were no noted changes.

Sec. 56 Commencement of proceedings – There were no noted changes.

Sec. 57 Petitions - **CHANGES SECTION 57(4)**

It was noted that the 30 days' requirement would change to 45 days.

**Motion by CRC Member Mueller to approve CHANGES TO SECTION 57(4) as submitted (See attached – Exhibit A). Seconded by CRC Member Cross and carried unanimously 8-0.**

Sec. 58 Procedure for filing - **CHANGES TO SECTION 58(1) and (2)**

It was noted that the term business days would replace days and the addition of language “of Section 57”. It was stated that on the ballot these would be noted as a clarification of language.

**Motion by CRC Member Mueller to approve CHANGES TO SECTION 58(1) and (2) as submitted (See attached – Exhibit A). Seconded by CRC Member Cross and carried unanimously 8-0.**

Sec. 59 Action on petitions – There were no noted changes.

Sec. 60 Results of election – There were no noted changes.

**ARTICLE VII. CHARTER REVIEW AND AMENDMENT**

Sec. 61 Charter review; amendment – There were no noted changes.

**ARTICLE VIII. FISCAL MANAGEMENT**

Sec. 62 Fiscal year – There were no noted changes.

Sec. 63 Submission of budget; budget message – There were no noted changes.

Sec. 64 Budget – There were no noted changes.

Sec. 65 Amendments after adoption - **CHANGES TO SECTION 65(4)**

There was discussion that Section 65(4) be changed to read “not to exceed 30 days for all transfers”.

**Motion by CRC Member Cross to approve CHANGES TO SECTION 65(4) to read “not to exceed 30 days for all transfers”. Seconded by CRC Member Davis and carried unanimously 8-0.**

- Sec. 66 Capital program – There were no noted changes.
- Sec. 67 Issuance of bonds – There were no noted changes.
- Sec. 68 Independent audit – There were no noted changes.
- Sec. 69 Reserved – There were no noted changes.

#### **ARTICLE IX. MISCELLANEOUS PROVISIONS**

- Sec. 70 Severability clause – There were no noted changes.

#### **8. GENERAL DISCUSSION**

There was discussion that the September 9<sup>th</sup> meeting would not be required.

**Motion by CRC Member Mueller to CANCEL SEPTEMBER 9, 2019 meeting and schedule next regular meeting for September 23, 2019. Seconded by CRC Member Cross and carried unanimously 8-0.**

CRC Member Cappleman requested a synopsis be made available of the final changes for the September 23, 2019 meeting. CRC Member Blakeslee agreed, noting he would like Facilitator Smith and City Attorney Dan Langley bring back to the CRC the changed wording as believed needed to move forward to the City Commission. Also suggested was the inclusion of language as to the reason for the changes. Facilitator Smith confirmed what would be brought to the CRC noting the differences for ballot language versus change explanations for the City Commission. Facilitator Smith indicated that ballot questions and the summary would be a part of the ordinance. There was discussion that certain items such as the alcohol issue be drafted as a ballot question so the CRC could see it; Facilitator Smith noted he would draft a non-substantive change question also for review. CRC Chairperson Blakeslee noted that anything the Facilitator could draft in helping them along would be welcomed.

#### **9. Adjournment**

The meeting adjourned at 6:58 p.m.

Approved

/S/

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Derek Blakeslee, CRC Chairperson

Attest

/S/

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Angee Grimmage, City Clerk