

## REGULAR MEETING MINUTES

### CITY COMMISSION

September 12, 2002

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Commissioner Theo Graham at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

**Present:** Commissioners Theo Graham, Mildred Dixon and John Harriman; City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Utilities Director Charlie Tinch, Planning Director Mark Cechman, Recreation Director Larry Caskey, Police Chief Jimmie Yawn, Fire Chief Williamson, Public Works Director Bob Smith, Human Resource Director Victoria Ward, Finance Director Mike Bollhoefer, Deputy Fire Chief Tom Berrios, and Trailer City Manager Hughlan Martin

**Absent:** Mayor Quesinberry and Commissioner John Rees

1. **APPROVAL OF AUGUST 22, 2002 MINUTES:**

**Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Dixon and carried 3-0.**

2. **PRESENTATIONS:**

Awards were presented by Commissioner Graham to the 4<sup>th</sup> Annual Drop Savers Poster Contest winners.

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:**

A. **Ordinance 02-33:** Annexation of 9 acres located on Windermere Road, east of Windermere Crossings Phase II (Lake Whitney Estates)

City Planner Cechman stated that the applicant has requested that his application be withdrawn, therefore no action is required to be taken on Ordinances 02-33, 02-34 and 02-35. In the future, they would have to begin the process all over again. **NO ACTION BECAUSE THE APPLICATION WAS WITHDRAWN.**

- B. **Ordinance 02-34:** Small Scale Comprehensive Plan Amendment of 9 acres located on Windermere Road, east of Windermere Crossings Phase II as City Suburban Density with a Conservation Overlay (Lake Whitney Estates) **NO ACTION BECAUSE THE APPLICATION WAS WITHDRAWN.**
  
- C. **Ordinance 02-35:** Rezoning of 9 acres located on Windermere Road, east of Windermere Crossings Phase II from Orange County A1 to City R1 (Lake Whitney Estates) and a recommendation to approve the preliminary plat **NO ACTION BECAUSE THE APPLICATION WAS WITHDRAWN.**

4. **FIRST READING OF PROPOSED ORDINANCES:**

- A. **Ordinance 02-43: Amending the Police and Fire Pension Plan sections relating to accumulated contributions, disability, maximum pension, miscellaneous provisions, direct transfers of eligible rollover distributions, military service prior to employment, and prior service**

Assistant City Attorney Rubio read Ordinance 02-43 by title only. Finance Director Bollhoefer stated that the proposed Ordinance is to bring the City's plan into compliance with State Statutes Chapters 175 and 185. The Pension Board Attorney's letter in the agenda package describes the proposed plan changes in detail and they will not increase the cost to the City. **Motion by Commissioner Harriman to approve Ordinance 02-43 and to schedule the public hearing for September 26, 2002. Seconded by Commissioner Dixon and carried 3-0.**

- B. **Ordinance 02-44: Amending the General Employees Pension Plan relating to the benefit multiplier percentage, retirement base averaging, vesting to 5 years, creating a defined contribution plan for professional positions**

Assistant City Attorney Rubio read Ordinance 02-44 by title only. Finance Director Bollhoefer stated this proposed Ordinance has taken about 3 years and it will help both the City and the employees. The major proposed changes include; changing the multiplier to 2.5 for all service years instead of 25 years; base the retirement amount on the highest 3 years instead of 5 years of the last 10 years; and offer a defined contribution plan for certain professional positions to enhance the City's recruitment efforts. The increase to the City would be about 1½ percent. **Motion by Commissioner Dixon to approve Ordinance 02-44 and to schedule the public hearing for September 26, 2002. Seconded by Commissioner Harriman and carried 3-0.**

- C. **Ordinance 02-45: Establishing a Defined Contribution Plan**

Assistant City Attorney Rubio read Ordinance 02-45 by title only. Finance Director Bollhoefer stated that this Ordinance would establish the Defined Contribution Plan.

Several proposals were received and reviewed, and Citistreet, who is the Florida League of Cities provider, was selected as the plan provider. **Motion by Commissioner Harriman to approve Ordinance 02-45 and to schedule the public hearing for September 26, 2002. Seconded by Commissioner Dixon and carried 3-0.**

D. **Ordinance 02-50: Amending the Budget for Fiscal Year 2001/02 for purchasing and reimbursement of Police Department Communication equipment, purchasing two parcels, and Centennial Celebration contributions**

Assistant City Attorney Rubio read Ordinance 02-50 by title only. Finance Director Bollhoefer stated that the proposed Ordinance would amend the budget by \$278,500 related to the items indicated and staff recommends approval. **Motion by Commissioner Dixon to approve Ordinance 02-50 and to schedule the public hearing for September 26, 2002. Seconded by Commissioner Harriman and carried 3-0.**

5. **REGULAR BUSINESS**

A. **Recommendation to approve the preliminary plat for Transeastern**

City Planner Cechman stated that the proposed project is for 253 town homes. The Planning and Zoning Board has reviewed the application and recommends approval with staff's recommendations provided in the agenda package. Clarification is made regarding the City Engineer's item #9 for providing turn lanes on CR 535, if required by staff when the construction plans are reviewed. The applicant's representative is present. Mr. Kevin Walsh, applicant's representative, stated that he concurs with staff's recommendations and the clarification on the turn lane on CR535. Mr. Cechman also stated that the Development Agreement with Roper Bros. will have to also be amended. Mr. Holden stated that the action tonight needed to be the approval of staff's recommendations, subject to a final Development Agreement. Commissioner Graham asked for comments from the public and there was none. **Motion by Commissioner Dixon to approve the preliminary plat for Transeastern with the recommended conditions (see attached), the approval of the Developer's Agreement by City Staff/Attorney, and the modified item #9 condition. Seconded by Commissioner Harriman and carried 3-0.**

B. **Recommendation to approve the purchase of Daniels Road right-of-way**

Assistant to the City Manager Robertson stated that the purchase agreement has been provided to the Commission and staff recommends approval. **Motion by Commissioner Harriman to approve the Purchase Agreement with Birket Properties for Daniels Road right-of-way. Seconded by Commissioner Dixon and carried 3-0.**

6. **MATTERS OF CONCERN FROM CITIZENS**

Mr. Don Miller, 1073 Woodson Hammock Circle, Winter Garden, Florida, thanked the City Commission for their confidence in him by appointing him as the City's representative on the Citizens Advisory Board of Metroplan Orlando and he is honored to serve the community.

Mr. Charles McMillan, an 80-year resident thanked the City Manager and City Commission for a fine job. He stated that he built his home here 60 years ago on a 15 acre orange grove, which has a 30 foot by 4 foot burn pit for his excess grove waste. It is inspected annually by the State Forestry Department, who gives him a permit, and is then approved by the City Fire Department after he gives them the permit number. The last time he called the Fire Department he spoke with the Fire Chief who asked him if he had pulled a permit for \$100 and he said no and he did not know anything about a permit and the Fire Chief gave him the new information. Mr. McMillan asked the City Commission to consider amending the Ordinance or waiving the fee for his agriculture zoning because he has already burned 9 times this year and anticipates another 3, which at \$100 each will cost him \$1,200 a year. Alternatively, he would have to consider putting the tree waste on the street for pick-up. He also addressed the 18 buses that are leaving Lakeview School all at the same time with no Policemen present. Mr. Holden stated that the Police Officers are assigned to other schools that are having much worse traffic problems. Also, he stated that this is the first time he has heard of a concern about the new burn permit requirements and he will look into it with regard to this situation. We discourage burning and it may be appropriate for him to put the trash out for the City to pick-up.

7. **MATTERS FROM ASSISTANT CITY ATTORNEY - None**

8. **MATTERS FROM CITY MANAGER**

A. **Discussion on non-conforming lots**

The Planning and Zoning Board recently had to deny a variance request on two non-conforming lot sizes, with the understanding that there would be better guidance in the future. He is recommending that staff and the attorney work on drafting an Ordinance that will address these lots. Currently, the vacant lots are not being maintained by the owner, which causes the City to have to maintain them and then lien the property. If the owners were allowed to build on the property under appropriate restrictions, it would improve the downtown area and benefit the City's tax base. Commissioner Dixon agreed that the lots need to be addressed. Mr. Holden stated that he anticipates the Commission being able to take an action as early as the first of next year.

B. **Discussion of Council of Mayors actions regarding Urban Preservation Districts**

Updated the Commission by stating that the Council of Mayors has decided that each city would take this issue back to their respective cities and ask to allow the City attorney's to collectively discuss strategies. The Mayors are of the opinion that the voters need to be made aware of all the implications. It was the **consensus** of the City Commission that the City Attorney would enter into discussions regarding strategies to counter the creation of Urban Preservation Districts.

## 9. **MATTERS FROM COMMISSIONERS**

### **Commissioner Harriman:**

- Stated that he was impressed with the Patriot Day services at the Firehouse and Veteran's Park.

### **Commissioner Dixon:**

- Stated that she too was impressed and moved by the Patriot Day service at Woodlawn.
- Stated that for the past year she has requested an agenda item regarding a pay increase for the Commissioners and no action has been taken. The increased travel has taken its toll on her vehicle. She also stated that she is requesting a review of the City Charter because there are items that need to be removed and/or changed because they are outdated. Mr. Holden explained that the Charter addresses changes to the City Commission salaries and that she needed to make a motion that would allow the Commission to act upon that would give him his direction. Regardless of when the action is taken the intent of the Charter with regard to the effective date, is to prevent a Commissioner from voting and receiving a raise before another election. Also, with regard to the wear and tear on a Commissioner's vehicle, the Code provides for travel claims, which can be submitted directly to the Finance Department.

### **Commissioner Graham:**

- Stated that the process for raising the Commission's salary is explained in the Code book that each Commissioner has and a motion should have been made. He feels it is a privilege to serve the people.
- Stated that he has been going into the Plant Street Post Office before 10:30 a.m. and they have been closing the lobby from 10:30 – 11:30 a.m. if they are done with helping those people in the lobby and asked the City Manager to find out why. Mr. Holden stated that he has talked to Mr. Shock just yesterday and has asked for written details about how they are operating and he will provide the information to the City Commission when he receives it.

The meeting was adjourned at 7:43 p.m.