

## **REGULAR MEETING MINUTES**

### **CITY COMMISSION**

**September 26, 2002**

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

**Present:** Mayor Pro Tem John Rees, Commissioners Theo Graham, Mildred Dixon and John Harriman; City Manager Hollis Holden, City Attorney Dykes Everett, 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 West Orange Times Reporter Michael Laval

**Absent:** Mayor Jack Quesinberry

1. **Approval of the minutes: Budget Workshop on September 4, 2002; Special Budget Hearing on September 9, 2002; and Regular Meeting on September 12, 2002:**

**Motion by Commissioner Harriman to approve the above minutes as submitted. Seconded by Commissioner Graham and carried 4-0.**

2. **PRESENTATIONS:**

Ms. Stina D'Uva, President of the West Orange Chamber of Commerce, stated that she was present to share information on the upcoming Chamber Visioning Day that will start with a breakfast on October 24<sup>th</sup>, 2002. Various city, state, county, and school board representatives will give a presentation on where West Orange is at today and then on February 8<sup>th</sup>, 2003 there will be a half-day session facilitated by Marilyn Crotty, with breakout sessions to discuss what West Orange wants to be by the year 2015. There will also be discussion on how West Orange will get to that vision of the future. She invited and encouraged all the local officials to attend and participate in the visioning process for West Orange.

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

A. **Ordinance 02-42: Rezoning of property located northwest of the intersection of Plant Street and West Crown Point Road from City I-2 to City I-1 (Starlite)**

City Attorney Everett read Ordinance 02-42 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-42. Seconded by Commissioner Dixon and carried 4-0.**

B. **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**

City Attorney Everett read Ordinance 02-43 by title only. Finance Director Bollhoefer stated that the primary changes to the plan will keep the plan in compliance with Federal and State regulations and enhance the disability benefits for those injured in the line of duty. Mayor Pro Tem Rees asked how restrictive the disability determination will be. Mr. Bollhoefer stated that the decision will be made by the Pension Board and that there should not be any increased cost to the City. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-43. Seconded by Commissioner Graham and carried 4-0.**

C. **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**

City Attorney Everett read Ordinance 02-44 by title only. Finance Director Bollhoefer stated that the primary changes to the plan include; changing the multiplier to 2.5% for all years, averaging the base retirement amount on the highest of 3 of 10 years, change vesting to 5 years, and offer a defined contribution plan for designated positions. Mayor Pro Tem Rees asked if using 3 years instead of 5 is the more common practice. Mr. Bollhoefer stated that there is still both 3 and 5, but 3 is a better benefit to the employee. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 02-44. Seconded by Commissioner Dixon and carried 4-0.**

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

City Attorney Everett read Ordinance 02-45 by title only. Finance Director Bollhoefer stated that the proposed ordinance will establish a defined contribution plan for

designated positions and that Citistreet was selected, which has the lowest fees. Mayor Pro Tem Rees asked if new positions that need to be included in this plan would come back to the City Commission for approval. City Manager Holden stated yes. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-45. Seconded by Commissioner Graham and carried 4-0.**

E. **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**

City Attorney Everett read Ordinance 02-50 by title only. Finance Director Bollhoefer stated that the proposed budget amendment was due to purchases by the Police Department and County reimbursements, and the purchase of properties. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 02-50. Seconded by Commissioner Harriman and carried 4-0.**

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

A. **Ordinance 02-41: Amending Chapter 88 to provide for assessing costs, expenses and fees incurred by the City relating to development requiring deposits; procedures; objections and appeals**

City Attorney Everett read Ordinance 02-41 by title only. Commissioner Graham asked about the amount of the interest rate on Page 9(c) being so high. Mr. Everett stated that the amount used is the default rate, which is the lowest rate identified in the Statutes and is only applied in a deficiency situation. Commissioner Graham asked about the top of page 10 under Deficiency and Liens for notification. Mr. Everett stated that the section refers to the noticing of a deficiency that may or may not be liened because the City can sue independently without filing a lien. **Motion by Commissioner Harriman to approve Ordinance 02-41 and to schedule the public hearing for October 24, 2002. Seconded by Commissioner Dixon and carried 4-0.**

B. **Ordinance 02-15: Fullers Cross rezoning to R-1B**

City Attorney Everett read Ordinance 02-15 by title only. City Planner Cechman stated that the agenda incorrectly states a public hearing date of October 24, 2002 because it has been advertised for a public hearing on October 10, 2002. **Motion by Commissioner Harriman to approve Ordinance 02-15 and to schedule the public hearing for October 10, 2002. Seconded by Commissioner Dixon and carried 4-0.**

C. **Ordinance 02-51: Annexation of 409 W Bay Street**

City Attorney Everett read Ordinance 02-51 by title only. Commissioner Graham stated that there is a difference in the square footage amounts on the Ordinance versus the attachment for all three related ordinances. Mr. Everett stated that the square footage difference does not affect the validity of the Ordinances because the map clearly identifies the location of the subject property. City Planner Cechman stated he will correct the square footage before the public hearing. **Motion by Commissioner Dixon to approve Ordinance 02-51 and to schedule the public hearing for October 24, 2002. Seconded by Commissioner Harriman and carried 4-0.**

D. **Ordinance 02-52: Small Scale Comprehensive Plan Amendment to Low Density of 409 W. Bay Street**

City Attorney Everett read Ordinance 02-52 by title only. **Motion by Commissioner Dixon to approve Ordinance 02-52 and to schedule the public hearing for October 24, 2002. Seconded by Commissioner Harriman and carried 4-0.**

E. **Ordinance 02-53: Rezoning to R-1B of 409 W. Bay Street**

City Attorney Everett read Ordinance 02-53 by title only. **Motion by Commissioner Dixon to approve Ordinance 02-53 and to schedule the public hearing for October 24, 2002. Seconded by Commissioner Harriman and carried 4-0.**

5. **REGULAR BUSINESS**

A. **Conveyance of Parcels 118 and 119 from Barbara and George Fritschi to the Daniels Road Project**

Assistant to the City Manager Robertson stated that since the agenda was prepared, the property just north of these parcels has also been conveyed to the City from the owners in Germany and staff is requesting acceptance of this parcel also. **Motion by Commissioner Graham to accept the conveyance of parcels 118 and 119 from Barbara and George Fritschi and the parcel from Garden South pursuant to Ordinance 02-23. Seconded by Commissioner Dixon and carried 4-0.**

B. **Recommendation to approve the Stone Crest Village Preliminary Plat**

City Planner Cechman stated that the Planning and Zoning Board and staff have reviewed the preliminary plat and are recommending approval with staff's comments provided in the agenda package. **Motion by Commissioner Harriman to approve the Stone Crest Village Preliminary Plat with staff recommendations (see attached). Seconded by Commissioner Dixon and carried 4-0.**

C. **Recommendation to approve an amendment to the Joint Planning Agreement (JPA) with Orange County**

City Planner Cechman stated that the proposed JPA amendment has been received and distributed, which will allow the annexation of the Philips and Freeman properties. The County is scheduled to hear the item in early October. City Manager Holden stated that the JPA has been discussed with County Commissioner Jacobs and she supports the amendment. Commissioner Harriman asked if the Pine Castle Preservation District will have any affect on this item. Mr. Holden stated that this portion is not part of the proposed preservation district. **Motion by Commissioner Graham to approve the recommended amendment to the Joint Planning Agreement with Orange County. Seconded by Commissioner Dixon and carried 4-0.**

6. **MATTERS OF CONCERN FROM CITIZENS - None**

7. **MATTERS FROM ASSISTANT CITY ATTORNEY**

Mr. Everett reported that he is scheduled to attend a meeting of regional city attorneys to discuss the proposed Pine Castle Preservation District and will give a report at the next City Commission meeting.

8. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for August 2002**

Stated that he has reviewed the financials and it looks good. The department heads have done a great job on minimizing expenses and the fiscal year should end in good shape. He thanked Mr. Robertson for the work he has done in a variety of areas relating to the negotiations for right-of-way and property acquisition and downtown improvements.

9. **MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS**

**Commissioner Harriman:**

- Asked for an update on the left turn lanes at 9<sup>th</sup> and Story Road. Mr. Robertson stated that they are being designed and are in next year's budget.

**Commissioner Dixon:**

- Stated that on her own she has found some more computers and will need \$3,000 for additional insurance and computer related equipment. Mr. Holden referred her to the City Clerk for the request donation and placement on a future agenda.
- Asked that the names of the attendees to the CAB recognition dinner be provided to the Community Action Board. Mr. Holden stated that the City Clerk will provide the names.
- Stated that the Housing Fair on October 12<sup>th</sup> from 9-12 has already signed-up 46 people and they anticipate more.

**Commissioner Graham:**

- Stated that in the Mayor's absence, he was reporting that he has received the notice for initial meeting for Relay for Life at Tanner Hall.
- Stated that it is that time of the year again that the cotton tree on Park Avenue needs to be trimmed because it is hanging over the sidewalk.

**Mayor Pro Tem Rees:**

- Asked when Woodland Street improvements would be completed. Public Works Director Smith stated that the improvements are scheduled to be done next week.
- Asked when the old school property would be cleaned up. City Manager Holden stated that staff is checking on who is responsible for mowing of the lot and staff will be notifying them.