CITY OF WINTER GARDEN
CHARTER REVIEW ADVISORY COMMITTEE
MEETING MINUTES
October 10, 2006

The Winter Garden Charter Review Advisory Committee meeting was called to order by Facilitator Marilyn Crotty at 6:31 p.m. at City Hall, 251 West Plant Street, Winter Garden, Florida.

ATTENDANCE/ROLL CALL

MEMBERS PRESENT:
Derek Blakeslee
Erma Dennard
Ed Lynch
Don Miller
Barbara Muzeni
Richard Napotnik
Pamella Stewart

MEMBER ABSENT:
Bert Valdes
Blair Johnson

Also Present:
Assistant City Attorney Dan Langley
Assistant City Clerk Angee Grimmage
Facilitator Marilyn Crotty

1. **PUBLIC COMMENT** – None

2. **APPROVAL OF MINUTES**

Mr. Lynch addressed page two, sixth paragraph, second to the last sentence stating it correctly states what Ms. Crotty said; "If the petition is circulating for a referendum to repeal an ordinance, the ordinance is suspended until there is an opportunity for the vote." However, he understands that the ordinance is not suspended until signed petitions are received by the City Clerk. Ms. Crotty stated that the minutes should reflect that the ordinance is suspended upon filing of a petition with the City Clerk. Mr. Blakeslee added that the Committee wants language included that petitions submitted for a referendum not suspend an ordinance until signatures are submitted to the Clerk.

Mr. Lynch addressed page two, last paragraph that gives the impression that the City Attorney was the first person to bring up the issue of a referendum for a rezoning. There was actually more than one person addressing the issue. Ms. Crotty suggested adding language that the Committee discussed this issue and Mr. Langley addressed the legal issues.

Mr. Lynch further addressed page three just before section 5 being, "There was agreement on adding salaries of city officers or employees to the referendum section." he thought it would be good to add "a prohibition" on after the word adding. Ms. Muzeni suggested adding "exempting" before salaries in the referendum section.

Ms. Crotty agreed it would better for clarification purposed to change the wording to "exempting" as suggested.

It was the **consensus** of the Committee to approve the minutes of September 26, 2006 as corrected above.

3. **REVIEW DRAFT RECOMMENDATIONS**

Ms. Crotty asked Assistant City Clerk Grimmage for information from the Finance Director regarding their recommendations. Ms. Grimmage reported that the Finance Director stated it is pretty consistent with how they currently operate.

Ms. Crotty asked if the draft recommendations reflect the Committee's recommendations under Charter Review and Amendment and Finance/Budget section. There was discussion on rezonings and Mr. Langley confirmed that his recommendations on this subject reaffirm the current state law. Without hearing any objections, it was otherwise agreed to change "rezonings" to "zonings" in accordance with state law.

4. **CHARTER REVIEW AND AMENDMENT** – Previously reviewed

5. **FINANCE/BUDGET** – Previously reviewed

6. **EXTRANEOUS ITEMS**

Mr. Langley explained that his handout of proposed Charter revisions is what it would look like after the changes were incorporated and noted the renumbering maybe slightly different. Also included are some comments by him and the City Clerk for consideration by the Committee.

The Committee reviewed the three recommendations; the October 10, 2006 Committee draft, MuniCode review, and City Attorney's version. Mr. Lynch asked counsel about removing the reference to "this revised charter". Mr. Langley stated that he typically removes the term "revised" from the charter.

Ms. Crotty began going over the current Charter section by section with the Committee.
Section 1 - Strike
Section 2 - Strike
Section 3 – Remains and becomes Section 4

There was discussion on the sequence number of the sections and the following was reached:

ARTICLE I

Section 1. Establish Boundaries (and include that the corporate boundaries are on file in the City Clerk's office)

Section 2. Form of Government
Section 3. Powers of the City.
Section 4. Remove because it is covered in Sec. 11 (2)
Section 5. Remove
Section 8. Becomes Section 3 with the language provided by the Assistant City Attorney with one minor correction to the last sentence changing "constructed" to "construed".
Section 8. Subsections 1-47 of the present charter will be deleted including subsection 16
Section 8. (28) Remains and will be renumbered in the future.

Ms. Crotty pointed out that she believes that any item deleted will have to have specific voter approval in order to be deleted. Another decision to be made by the Committee is whether it will be voted on as a package vote, all or none, or by individual item. Remember that any one controversial item will cause voters to vote against the single charter package option. The other side is the fact that there will be a lot of items for people to go over and the citizens will need to be educated. There was discussion regarding renumbering the Charter and without hearing any objections, it was agreed that if deleting would require a vote in order to change the numbering, the Committee would not make that recommendation. Mr. Langley will research and report back on this item and their options.

ARTICLE II

Section 11. Remains

Mr. Langley addressed the proposed wording in subsection (3) whereby the Mayor will represent the city in intergovernmental relationships which may be hardship for him to be at all these types of meetings. Mr. Blakeslee pointed out that the Committee's proposed wording gives the Mayor the right to represent the city and the term "represent" does not always mean it has to specifically be the Mayor. Without hearing any objections, it was agreed that the Committee would retain their suggested language.

Without hearing any objections, it was agreed by the Committee to create a new subsection, under the Mayor's section, for the Mayor Pro Tem.

Section 12. Draft recommendations to remain as written. Ms. Crotty noted a correction to the first paragraph that needs "during the term of office" removed so it will indicate that the candidates must maintain their residency and voter registration within the city and district they run. Then, add "members of the city commission must maintain the foregoing during their term of office", which should clarify each one separately.

Create a new Section for "Forfeiture of Office" as per the Committee's draft recommendations.

Section 14. (1) It was agreed that the current last sentence of this subsection be changed to "grounds for forfeiture" instead of "grounds for recall".

Create a new section titled "Investigations" as per the Committee's draft recommendations.

Section 14. (3) Substituting Committee's draft language with Mr. Langley's version but remove the term "elected" in the first sentence.

7. **PREAMBLE** - Not covered

8. **REVIEW AMENDED CHARTER LANGUAGE AS PROVIDED BY THE CITY ATTORNEY** – Previously reviewed.

9. **PUBLIC COMMENT** - There was none.

The Committee scheduled an additional meeting for Tuesday, October 17, 2006 at 6:30 p.m. at City Hall Chambers.

The meeting was adjourned at 8:34 p.m.