

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
CITY HALL CHAMBERS
251 W. Plant Street**

SPECIAL MEETING

November 29, 2007

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of November 8, 2007

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 07-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; (A) NORMAL RETIREMENT DATE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE – Human Resources Director Gilbert

B. **Ordinance 07-62:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 66-1 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO INCREASE THE ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGE 65 AND OLDER; DEMANDING THE ORDINANCE BE DELIVERED TO PROPERTY APPRAISER BEFORE DECEMBER 1, 2007 AND REQUIRING NOTICE TO THE PROPERTY APPRAISER IN THE EVENT THE ORDINANCE IS REPEALED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer

3. **REGULAR BUSINESS**

A. Accept resignations of Community Redevelopment Advisory Board members Bert Valdes and Pam Stewart and appoint their replacements for their unexpired terms – CRAB Chairman Larry Cappleman

B. Recommendation to approve a lease agreement with 1st Source Bank for a Solid Waste Front Load Packer – Public Services Director Cochran

C. Announcing the qualifying candidates for the 2008 General Election for the offices of Mayor/Commissioner District 5 and Commissioner District 1 – City Clerk Golden

4. **ADJOURN** to a regular City Commission meeting on December 13, 2007 at Tanner Hall

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE NO. 07- 54

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; (A) NORMAL RETIREMENT DATE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Winter Garden wishes to recruit and retain the best available personnel for its Police and Fire Departments; and

WHEREAS, the City does provide a separate pension plan for the benefit and welfare of all certified police and fire personnel; and

WHEREAS, the City has determined that it would be in the best interests of the City and its' certified police and fire personnel to offer retirement benefits to those personnel with 25 years creditable service regardless of their age; and

WHEREAS, the City's Police and Fire Pension Fund Board has met and considered such change and concurs with its intent and purpose;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, Section 54-191, Benefit Amounts Eligibility (a) Normal retirement date, is hereby amended as follows:

Sec. 54-191. Benefit amounts and eligibility.

(a) *Normal retirement date.* A member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of ten years of credited service or ~~attainment of age 52 and~~ the completion of 25 years of credited service regardless of age. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become 100 percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date.

SECTION 2. Codification. It is the intention of the City Commission of the City that the provisions of Section 54 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; and that Sections of this Ordinance may be renumbered or lettering changed and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such is included in the code, Sections of this Ordinance may be renumbered or lettering changed and the correction of obvious typographical errors that do not affect the meaning of the provisions corrected may be authorized and made by the City Manager by filing a corrected copy of the Ordinance with the City Clerk.

SECTION 3. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING: September 27, 2007.

SECOND READING, PUBLIC HEARING HELD: November 29, 2007.

PASSED AND ADOPTED THIS 29th DAY OF November, 2007.

APPROVED:

JACK QUESINBERRY, MAYOR

ATTEST:

ANGELA GRIMMAGE, ASSISTANT CITY CLERK

ORDINANCE 07-62

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 66-1 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO INCREASE THE ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGE 65 AND OLDER; DEMANDING THE ORDINANCE BE DELIVERED TO PROPERTY APPRAISER BEFORE DECEMBER 1, 2007 AND REQUIRING NOTICE TO THE PROPERTY APPRAISER IN THE EVENT THE ORDINANCE IS REPEALED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, during the November, 2006 general election, Florida voters authorized counties and municipalities to grant additional homestead tax exemption to certain persons 65 years of age and older; and

WHEREAS, by Chapter Law 2007-4, the Florida Legislature amended Section 196.075(2), Florida Statutes giving the governing authority of any county or municipality the power to adopt an ordinance to allow an additional homestead exemption of up to \$50,000 for any person who as the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed \$24,214; and

WHEREAS, the City of Winter Garden, Florida wishes to exercise such power and consider the enactment of an ordinance granting the additional homestead exemption to qualified residents of the City of Winter Garden, with the intent that a copy of this ordinance enacted under Section 196.075, Florida Statutes, be delivered to the Orange County Property Appraiser no later than December 1, 2007, allowing the exemption to take effect.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City of Winter Garden has the authority to adopt this Ordinance pursuant to Section 6(f), Article VII of the Constitution of the State of Florida and Chapters 166 and 196, Florida Statutes.

SECTION 2: Adoption. Section 66-1 of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 66-1 Homestead exemption for persons age 65 or older.

(c) *Additional homestead exemption.* There is hereby granted an additional homestead exemption of ~~\$25,000.00~~ \$50,000.00 for any person who has the legal or equitable title to real estate in the city limits and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed ~~\$24,599.00~~ \$24,214.00 in ~~2002~~ 2007. If title is held jointly with right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.

SECTION 3: Delivery to Property Appraiser; Event of Repeal. Once enacted, a copy of this ordinance shall be delivered to the Orange County Property Appraiser no later than December 1, 2007, allowing the exemption to begin. In the event this ordinance is ever repealed, the City shall notify the Orange County Property Appraiser no later than December of the year prior to the year the exemption expires.

SECTION 4: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 5: Severability and Conflicts: If any provision of this Ordinance is held invalid or unconstitutional, then such holding shall not effect the other provisions herein that can be given effect without the invalid or unconstitutional provision and such other provisions shall remain in full force and effect. Furthermore, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: November 8, 2007.

SECOND READING AND PUBLIC HEARING: November 29, 2007.

ADOPTED this 29th day of November, 2007, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, Assistant City Clerk