



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

January 5, 2009

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 8:33 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

**Present:** Mayor John Rees, Commissioners Harold L. Boulter, Bob Buchanan, H. Gerald Jowers and Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, Planning Director Ed Williams, Chief Planner Tim Wilson, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Police Chief George Brennan, Finance Director Robin Hayes, Building Official Skip Lukert, Recreation Director Jay Conn, Economic Development Director Dolores Key, Director of Information Technology Bob Reilly, Assistant City Engineer Mike Kelley, Community Relations Manager Andrea Vaughn, and West Orange Times Reporter Michael Laval

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Jowers to approve the regular meeting minutes of December 11, 2008 as submitted. Seconded by Commissioner Boulter and carried unanimously 5-0.**

### 2. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 09-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-26, DEFINITIONS; AMENDING SECTION 54-31, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-32, PRE-RETIREMENT DEATH; AMENDING SECTION 54-33, DISABILITY; AMENDING SECTION 54-35, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-39, MAXIMUM PENSION; AMENDING SECTION 54-40, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 52-41, MISCELLANEOUS PROVISIONS; AMENDING SECTION 54-42, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 54-43, DOMESTIC RELATIONS ORDERS, RETIREE DIRECTED PAYMENTS, EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; AMENDING SECTION 54-45, FORFEITURE OF PENSION; AMENDING SECTION 54-47, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; DELETING SECTION 54-49, SEPARATION FROM EMPLOYMENT FOR MILITARY SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR

SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-02 by title only. City Manager Bollhoefer stated that these are changes recommended by the pension plan attorney and the Trustees of the General Employees Pension. These changes are needed to keep the City in line with Internal Revenue Service regulations to maintain its tax qualified status.

Mayor Rees asked about the actuarial impact to the City. Mr. Bollhoefer stated that it will be zero.

**Motion by Commissioner Boulter to approve Ordinance 09-02 with the second reading and public hearing scheduled for January 22, 2009. Seconded by Commissioner Sharman and carried unanimously 5-0.**

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 09-01:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 38-91, 38-93 and 38-98 THROUGH 38-100 IN DIVISION 3, ARTICLE II, CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN DEFINING AND REGULATING LOT CLEANING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-01 by title only. Chief Planner Wilson stated this ordinance is to clarify the process. He stated that in the unfortunate event that the City has to go in clean up a property, the City will be able to recover the costs by filing a lien against the property.

Mayor Rees opened the public hearing.

Commissioner Sharman stated that at one time there was discussion on HOA common areas and the ability of the City to go in and do a similar type of clean up. He asked if this could be included in this ordinance. Mr. Bollhoefer stated that he would get the information to the City Commission but it would be a separate issue from this item.

Mayor Rees closed the public hearing.

**Motion by Commissioner Jowers to adopt Ordinance 09-01. Seconded by Commissioner Sharman and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

- A. **Resolution 09-01:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING AND APPROVING A REVISED RATE SCHEDULE FOR ALL OPENING AND CLOSING SERVICES AND CERTAIN OTHER MATTERS AT

**THE WINTER GARDEN CEMETERY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

Public Services Director Cochran stated that at the City Commission meeting of December 11, 2008 the City Commission approved extending the agreement for one-year with Quality Vault for opening and closing services for funerals at the City cemetery. In addition, the City Commission agreed to amend the contract increasing certain items by \$50. This resolution revises the City's rate schedule accordingly.

Mayor Rees noted that some of the current fees went up by as much as \$125. Mr. Cochran stated yes and some items stayed the same.

**Motion by Commissioner Buchanan to adopt Resolution 09-01. Seconded by Commissioner Jowers and carried unanimously 5-0.**

**B. Renewal of the Inter-Local Voluntary Cooperation Mutual Aid Agreement with multiple Orange County municipal law enforcement agencies**

Police Chief Brennan stated that the current mutual aid agreement expired last Thursday and staff is looking to renew it for another four years. The language in this agreement is identical to the one that just expired with the exception of adding the City of Belle Isle, who just formed their own Police Department.

**Motion by Commissioner Jowers to approve the Inter-Local Voluntary Cooperation Mutual Aid Agreement with multiple law enforcement agencies. Seconded by Commissioner Sharman and carried unanimously 5-0.**

5. **MATTERS FROM CITIZENS** – There were none.

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that the lawsuit filed against the City by Jim Gustino challenging the City Commission's adoption of new Commission district boundaries was heard. The City's motion to dismiss was granted by the judge on all items articulated in the motion to dismiss. The judge has given Mr. Gustino the opportunity to amend his complaint, which he has done. The City will be looking to have the amended complaint dismissed as well. He shared that it is standard procedure for the judge to allow an amendment to the complaint be filed to see if he can allege a sufficient basis for his claims as opposed to going through the appeal process.

7. **MATTERS FROM CITY MANAGER**

**Hours to change for Utility Billing, Building Permitting, and Occupational Tax offices**

City Manager Bollhoefer advised that the hours for Utility Billing, Building Permitting, and Occupational Tax offices will change on February 2, 2009 to 7:30 a.m. to 5:30 p.m. because there has not been very much activity from 5:00 p.m. to 6:00 p.m.

