



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 26, 2009

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor Pro-Tem H. Gerald Jowers, Commissioners Harold L. Boulter, Bob Buchanan, and Colin Sharman

Absent: Mayor John Rees

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, Recreation Supervisor Mary Mazza, Community Relations Manager Andrea Vaughn, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Sharman to approve the regular meeting minutes of February 12, 2009 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.

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

A. **Ordinance 09-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN 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 54-186, DEFINITIONS; AMENDING SECTION 54-190, CONTRIBUTIONS; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-192, PRE-RETIREMENT DEATH; AMENDING SECTION 54-193, DISABILITY; AMENDING SECTION 54-194, VESTING; AMENDING SECTION 54-195, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-200, MAXIMUM PENSION; AMENDING SECTION 54-201, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 52-202, MISCELLANEOUS PROVISIONS; AMENDING SECTION 54-203, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 54-204, EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; AMENDING SECTION 54-206, FORFEITURE OF PENSION; AMENDING SECTION 54-209, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 09-03 by title only. City Manager Bollhoefer stated that staff recommends postponing Ordinance 09-03 until the next meeting due to the actuarial statement not being received, which is required in order to move forward with the second reading.

Motion by Commissioner Sharman to postpone Ordinance 09-03 until the March 12, 2009 meeting at 6:30 p.m. Seconded by Commissioner Boulter and carried unanimously 4-0.

3. **REGULAR BUSINESS**

A. **Committee recommended names for the new park located at Lake Butler Blvd. and Winter Garden Vineland Road**

Recreation Supervisor Mary Mazza stated that the agenda packet contains a list of committee recommended park names. Ms. Mazza named, in committee ranked order, the top four names, which were:

1. Chicone Heritage Park
2. Citrus Heritage Park
3. Garden Grove Park
4. South Citrus Park

Mayor Pro-Tem Jowers stated that he thinks the park should be designated as a City park by including the "City of Winter Garden" in the name selected.

Mayor Pro-Tem Jowers recognized a citizen wishing to address this issue.

Stephanie Berry, 233 Harbor Drive, Winter Garden, Florida, stated that the park name she submitted was for Orange County Deputy Sheriff, Grady T. Braddock. Deputy Braddock died on May 26, 1998 at the intersection of Winter Garden Vineland Road and Lake Butler Boulevard near the park location. Ms. Berry shared some of Mr. Braddock's history and stated that the park should be named after him because he was one of Winter Garden's own.

Commissioner Buchanan stated that he also feels that any name selected should have the City of Winter Garden included. He also offered that the City is moving to produce one community and he would like to see the term south removed from any names submitted. He stated that he feels there is a lot of connection with Officer Braddock and Winter Garden and recommended that this name be highly pursued.

Commissioner Boulter agreed that Winter Garden should be included in the park name as it will serve a lot of County residents and he wanted there to be no mistake as to who the new park belongs.

Commissioner Sharman stated that he concurs with both Commissioner Buchanan and Commissioner Boulter.

Mayor Pro-Tem Jowers stated that he also knew Officer Braddock and he was proud to be a resident of Winter Garden and a Deputy Sheriff.

City Manager Bollhoefer suggested the use of “City of Winter Garden – Braddock Park” for the short name and then the sign could include “Dedicated to Deputy Grady T. Braddock” with the Parks and Recreation logo.

Motion by Commissioner Buchanan to approve naming the new park “City of Winter Garden – Braddock Park” for the short name and on the sign include “Dedicated to Deputy Grady T. Braddock” with the Parks and Recreation logo. Seconded by Commissioner Sharman. Commissioner Sharman asked that a mark-up of the sign be brought back to the City Commission for a final review. **Motion carried unanimously 4-0.**

4. **MATTERS FROM CITIZENS** - There were no items.

5. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that the City had its second battle before a Federal judge regarding the Gustino lawsuit against the City. Mr. Gustino filed his Federal action alleging that there was a violation of the First and Fourteenth Amendments as the basis for his claim. Mr. Ardaman stated that there was an extended hearing today in which Mr. Gustino and the City presented their case. The Federal judge finally ruled that Mr. Gustino’s request for a preliminary injunction to stop the City’s election on March 10, 2009 be denied for a number of reasons. The judge also found, as part of her ruling, that Mr. Gustino did not have standing to bring that claim for the preliminary injunction. At the conclusion of the hearing, the City Attorney requested that the judge grant the City’s motion to dismiss. Mr. Gustino did not object based on the Federal judge’s findings during the preliminary injunction hearing. The Federal judge granted the City’s motion to dismiss, but gave Mr. Gustino the ability to amend his complaint within 15 days, although she did caution him about filing an amended complaint that he be very careful about not running afoul of Federal rules. This is the City’s fourth victory regarding this issue, but it is not quite over.

6. **MATTERS FROM CITY MANAGER**

A. The planned presentation by Police Chief Brennan on red light cameras was postponed until the Mayor could be present.

• **Property located at the southeast corner of 10th and Center Streets**

City Manager Bollhoefer stated that owner would like to sell this property to the City of Winter Garden for \$25,000. Mr. Bollhoefer displayed a map of the property and stated that the City currently owns some of the surrounding property. He stated that Planning Director Williams has done some research and the property is worth this amount.

Mayor Pro-Tem Jowers asked what the exact address of the property is. Mr. Williams replied 204 Center Street.

Mr. Bollhoefer stated that the building has had a fire and is in terrible shape. The City purchasing the property would allow us to actually tear it down and hold the property for future redevelopment in the area.

Motion by Commissioner Boulter approved the purchase of the property at the corner of 10th and Center Streets (204 Center Street) in the amount of \$25,000. Seconded by Commissioner Sharman. There was discussion on use of the property and its potential for housing. **Motion carried unanimously 4-0.**

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman announced that the Rotary Club and auto auction have made donations to the Winter Garden Community Garden.

Mayor Pro-Tem Jowers encouraged citizens to see the Adrenaline Ministries in action at their project located at 139 North Highland Avenue.

The meeting adjourned at 6:53 p.m.

APPROVED:

/S/
MAYOR JOHN REES

ATTEST:

/S/
City Clerk Kathy Golden, CMC