



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

February 10, 2022

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. An Opening Invocation and Pledge of Allegiance were given.

Present:

Mayor John Rees
Commissioner District 2 - Ron Mueller
Commissioner District 3 - Mark A. Maciel
Commissioner District 4 - Colin Sharman

Also Present:

City Manager Jon C. Williams
City Attorney Kurt Ardaman
City Clerk Angee Grimmage

Absent:

Commissioner District 1 – Lisa L. Bennett

1. **APPROVAL OF MINUTES**

Motion by Commissioner Mueller to approve regular meeting minutes of January 27, 2022 as submitted. Seconded by Commissioner Sharman and carried unanimously 4-0.

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

A. **Ordinance 22-02:** 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 54-49, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-02 by title only. Assistant City Manager of Administrative Services Frank Gilbert stated that proposed Ordinance 22-02 provides two basic changes to the General Employees' Pension Plan. The first proposed change is the trustee's term of service from two years to four years. He noted that this change would also reflect in the Winter Garden Fire and Police Pension plan, addressed next on the agenda. He noted that this ordinance also refers to the Deferred Retirement Option Plan, also known as the DROP plan, increasing the allowable period of 36 months participation to 60 months. This allows employees with the most experience an additional two years, observing the current labor market and a helpfulness in retention of the institutional knowledge these valuable employees have accumulated over the years.

Mr. Gilbert noted that the actuary, Foster and Foster, reports that there would be no impact or change in the valuation of the plan based on this change. Staff recommends approval.

There was discussion that it was a thorough and very good plan, with Commissioner Mueller offering appreciation to staff for a job well done.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Mueller to approve Ordinance 22-02 with a second reading and public hearing February 24, 2022 at 6:30 p.m. Seconded by Commissioner Maciel and carried unanimously 4-0.

- B. **Ordinance 22-03:** 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 54-188, BOARD OF TRUSTEES; AMENDING SECTION 54-190, CONTRIBUTIONS; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-192, PRE-RETIREMENT DEATH; AMENDING SECTION 54-195, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-201, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 54-212 PRIOR POLICE AND FIRE SERVICE; AMENDING SECTION 54-214, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-03 by title only. Assistant City Manager of Administrative Services Frank Gilbert stated that Ordinance 22-03 provides for changes to the Firefighters and Police Officers Pension Plan. Including the aforementioned changes to the General Employees' Pension plan regarding trustee's terms of services moving from two years to four years. Also, a change to the Deferred Retirement Option Plan (DROP), allowing Fire and Police employees to remain in the DROP for a total of 60 months or five years. Mr. Gilbert noted other changes to include Section 54-190, removing in language a specific dollar amount allocated to the statutory share plan as these funds are now established by collective bargaining. He explained sections 54-191, 54-192, 54-195 and 54-201 are all modifications required by changes to the Internal Revenue Code an incorporated for compliance. This modification requirement changes the required distribution age from 70 and a half to 72 years of age. He noted that Section 54-212 allows members to purchase prior Police, Fire and related service time in the State of Florida at no cost to the City.

Mr. Gilbert referred to a letter from the City's actuary, Foster and Foster, reporting no impact or change to the valuation of the plan based on this modification. Staff recommends approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Maciel to approve Ordinance 22-03 with a second reading and public hearing February 24, 2022 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 4-0.

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

- A. **Ordinance 22-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 21-32, THE CITY OF WINTER GARDEN FISCAL YEAR 2021-2022 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-07 by title and an excerpt of the revenues and equally matching expenditures. Finance Director Laura Zielonka stated that this ordinance amends the current year budget to carry forward projects budgeted for the prior fiscal year, but not completed by the fiscal year end. She noted that the request is to carry these items forward to the current fiscal year for completion. Staff recommends approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Mueller to adopt Ordinance 22-07. Seconded by Commissioner Maciel and carried unanimously 4-0.

4. **REGULAR BUSINESS**

- A. **Resolution 22-02:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CONFIRMING THE CITY OF WINTER GARDEN'S PARTICIPATION IN THE HEALTHY WEST ORANGE TRAILS CONNECTION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE

City Attorney Ardaman read Resolution 22-02 by title only. Community Development Director Stephen Pash stated that in 2021, the West Orange Healthcare District, the City of Winter Garden and several non-profit agencies, as well as many other West Orange municipalities partnered to create the Healthy West Orange Trails initiative. He noted that as part of this the West Orange Healthcare District has provided a \$5.5 million grant for this initiative. This resolution is confirmation of the City's support and participation of this initiative. Staff recommends approval of Resolution 22-02.

Mr. Pash recognized Barbara Giles of Bike/Walk Central Florida, who gave a brief presentation on the initiative. (See attached – **Exhibit A**). Ms. Giles spoke of the Healthy West Orange Trails Connection, the West Orange Healthcare District identified focus areas in 2020, trail activation and connections being vital to improve resident health.

She noted that the Healthy West Orange Trails initiative worked with a research group to prepare an in-depth report as a first step to activating and enhancing the trails. She spoke of their mission of bringing partners together in this initiative and named the partnering agencies as well as some supporting agencies.

Motion by Commissioner Sharman to approve Resolution 22-02. Seconded by Commissioner Maciel and carried unanimously 4-0.

B. Recommendation to approve Code Enforcement lien reduction and removal – 1104 S. Park Avenue – Code Case: Multiple

Community Development Director Stephen Pash stated that this is a request for a Code Enforcement lien reduction on property located at 1104 S. Park Avenue. He noted that this property, in 2004, was approved for the building of 24 townhomes, the property owner installed the entire infrastructure and then the economy changed and none of the homes were built. He noted multiple code violations and multiple liens since 2007, continuing through 2021. He informed of utility bills amounting to \$2,056.11. He indicated liens including interest totaling \$54,410.45 as of February 3, 2022. He disclosed that the owner is now trying to sell the property and requests a lien reduction. Mr. Pash stated that after a thorough review of this item and reviewing all City expenses, including the utility bills, staff would recommend a reduction of the liens to \$20,000, if paid by March 11, 2022.

Commissioner Sharman inquired of Mr. Pash if this amount also accounted for his time. Mr. Pash responded that it accounts for everyone's time and explained that there were 41 cases on the property, 38 having to do with mowing. The City only mowed it seven times, has not mowed it since 2011, and the owner has maintained it for the last ten years. He further explained this large amount is for a large property and includes accumulation of interest.

Commissioner Sharman inquired as to whether the property owner is agreeable to the reduced amount. Mr. Pash responded by noting communications with the owner, who is agreeable to the reduced amount and if approved, would pay immediately.

Commissioner Mueller spoke of the property history, its purchase by the owner, installation of infrastructure, lack of maintenance and non-payment of fines. He spoke of the property owner's recent desire to sell, profits they would attain and having multiple opportunities over the years to rectify this issue. He mentioned the City's past reductions and there being justifications for those reductions. In this case, he recommends going without motion, letting the fine stand and them paying their bill.

Mayor Rees inquired of any extenuating circumstances staff might be aware of for this item. Mr. Pash responded, not that he is aware, only an economy change and their possible loss of money. Mayor Rees surmised that they installed infrastructure, knew it

was their property and were aware of the maintenance needed over these years. He expressed the flip side being that the City would not want it to remain this way, but have it improved. City Manager Williams noted the owner lived in South Florida, but that is still no excuse arrangements were not made for maintaining the property.

Mr. Pash indicated that the number of cases were mostly staff reaching out to remind them, not hours and hours of staff time.

Commissioner Maciel voiced agreement relating to there being no hardship and the property being sold. Mr. Pash confirmed intent of the owner to sell the property, but expressed that the City was not looking to make a profit.

Commissioner Sharman voiced agreement relating to there being no hardship and suggested a ten percent compromise. Discussion ensued on owner potential profits.

City Manager Williams noted not being aware of the owner profits at the sale of the property, but noted that for the City, this is a way to end this misery with this owner. He pointed out a new owner would potentially build new townhomes, thus allowing for new residents and a new tax base. There was discussion on new development, possibilities of the property sitting vacant and offering a settlement of \$35,000.

Motion by Commissioner Sharman to approve Code Enforcement lien reduction and removal for 1104 S. Park Avenue to \$35,000, if paid by March 11, 2022, otherwise liens revert to original fines. Seconded by Commissioner Maciel and carried unanimously 4-0.

C. Recommendation to approve Shop, Dine & Stroll - all day Saturday, March 26, 2022 and Downtown Boutique Walk, Thursday, March 24, 2022 from 5:00 to 8:00 p.m.

Community Development Director Stephen Pash stated that this is a request for two special events, both downtown, and supporting local businesses. He described the events as the Downtown Boutique Walk on Thursday, March 24, 2022 from 5:00 to 8:00 p.m. and a the Shop, Dine & Stroll on March 26, 2022, all day Saturday. He shared that both events include outdoor displays for the businesses. Staff recommends approval.

Motion by Commissioner Mueller to approve the Shop, Dine & Stroll, Saturday, March 26, 2022 and the Downtown Boutique Walk on Thursday, March 24, 2022 from 5:00 to 8:00 p.m. Seconded by Commissioner Sharman and carried unanimously 4-0.

5. **MATTERS FROM PUBLIC** – There were no items.

6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER** – Jon C. Williams

