



**CITY COMMISSION AGENDA  
CITY HALL COMMISSION CHAMBERS  
300 W. Plant Street**

**REGULAR MEETING**

**JANUARY 27, 2011**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Regular Meeting of January 13, 2011

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

A. **Ordinance 11-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE 1988 CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN IN EFFECT ON MARCH 1, 1989; AMENDING SECTION 54-31, LEAVES OF ABSENCE AND MILITARY SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE – City Manager Bollhoefer

**3. REGULAR BUSINESS**

A. Recommendation to approve a site plan for 670 Garden Commerce Parkway (Lot 15) located east of 9<sup>th</sup> Street, south of E. Story Road, and west of Carter Road **with conditions** – Community Development Director Wilson

B. **Resolution 11-02:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, APPROVING THE ANNUAL EXTENSION OF THE THREE YEAR AGREEMENT WITH QUALITY VAULTS INC., PROVIDING FOR CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE (Quality Vaults) – Public Services Director Cochran

**4. MATTERS FROM CITIZENS (*Limited to 3 minutes per speaker*)**

**5. MATTERS FROM CITY ATTORNEY – Kurt Ardaman**

**6. MATTERS FROM CITY MANAGER – Mike Bollhoefer**

A. Request by the Rotary to waive the rental fees for Tanner Hall, use of grill, and consumption of beer/wine at the annual Evening at the Pops event

B. Update on projects

**7. MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a regular City Commission meeting on February 10, 2011 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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.

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.

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, 300 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

**ORDINANCE NO. 11-06**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE 1988 CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN IN EFFECT ON MARCH 1, 1989; AMENDING SECTION 54-31, LEAVES OF ABSENCE AND MILITARY SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1:** That Chapter 54, Pensions and Retirement, Article II, Pension Plan for General Employees, of the 1988 City of Winter Garden Code of Ordinances, is hereby amended by amending Section 54-31, Leaves of Absence and Military Service, subsection (c), *Credit for prior service upon reemployment when leave of absence not granted*, to read as follows

- (c) *Credit for prior service upon reemployment when leave of absence not granted.* When any former employee of the city is reemployed and such employee has not been granted a leave of absence, he may receive credit for prior service if and only if:
- (1) The period of prior employment was of at least ~~one year's~~ nine (9) month's duration.
  - (2) The city manager recommends that he be given credit for prior service.
  - (3) The city commission approves the recommendation.

**SECTION 2:** This ordinance retroactively amends only the 1988 Winter Garden Code of Ordinances and shall be applicable only to those persons who are subject to the 1988 Code provisions in effect on March 1, 1989.

**SECTION 3:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 4:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5:** That this Ordinance shall become effective retroactive to March 1, 1989.

PASSED ON FIRST READING, this 13th day of January, 2011.

PASSED AND ADOPTED ON SECOND READING, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

JOHN REES, MAYOR/COMMISSIONER

ATTEST:

KATHY GOLDEN, CITY CLERK

**RESOLUTION 11-02**

**A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, APPROVING THE ANNUAL EXTENSION OF THE THREE YEAR AGREEMENT WITH QUALITY VAULTS INC., PROVIDING FOR CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Winter Garden City Commission adopted Resolution 06-20 on December 28, 2006, establishing the cemetery service rates for and closing services and other matters at the Winter Garden Cemetery based upon an approved three-year service contract with Quality Vaults, Inc. approved on December 28, 2006; these rates were updated with the City of Winter Garden City Commission approval effective February 2009, and

**WHEREAS**, the City Commission also took action requiring the annual extension of said contract be approved by the City Commission from year to year.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Winter Garden, Florida:

**Section 1:** The opening and closing burial space agreement with Quality Vaults, Inc. is hereby extended for one additional year.

**Section 2:** That all Resolutions or parts thereof that are in conflict with this Resolution are hereby rescinded and repealed to the extent of said conflict.

**Section 3:** That this Resolution shall take effect January 28, 2011.

**PASSED AND ADOPTED** by the City Commission of the City of Winter Garden, Florida, this 27th day of January 2011.

APPROVED:

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MAYOR JOHN REES

ATTEST:

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City Clerk Kathy Golden