

TOWN OF WINDERMERE

Charter Review Committee Meeting Minutes

February 8, 2016

Present were Chair Ernie Myers, Members; Al Pichon, Bob Sprick, Susan Carter, and Pam Martini. Town Manager Robert Smith and Town Clerk Dorothy Burkhalter were also present.

Chair Myers called the meeting to order at 6:37pm.

1. Open Forum:

There were no public speakers.

2. Approval of Minutes:

a. Minutes Approval: January 25, 2016

Member Pichon made a motion to approve the January 25, 2016 minutes as presented. Member Martini seconded the motion. All were in favor.

3. Old Business:

a. Review of legal comments Sec. 118-142

Chair Myers commented that Legal Counsel has responded to the questions from the Committee. He then stated that unless there are any objections, he would like to keep proposed Sec. 12-12 Issuance of bonds. as is. All agreed. Chair Myers then began with proposed Section 12-13, current Sec. 118. General obligation bonds. Chair Myers stated that legal is suggesting removing items 2 and 3, as well as the last sentence in paragraph 1. He then stated that legal has also stated that “freeholder” in order to vote has been declared unconstitutional by the Supreme Court. Chair Myers made a motion to delete subparagraphs 2 and 3 in their entirety, delete the last sentence in subparagraph 1 and eliminate the number 1 as there will only be the one paragraph. Member Sprick seconded the motion. Chair Myers then read proposed Sec. 12-13. General obligation bonds. as, The Town shall have the power to issue general obligation bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of fifty percent (50%) of the assessed value of the taxable property within the Town as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the Town is pledged. Chair Myers made a motion to accept proposed Sec. 12-13 as modified. Member Pichon seconded the motion. All were in favor. Chair Myers stated that legal has stated that proposed Sec. 12-14. Utility service, license and excise and privilege tax bonds., current Sec. 120., is “unnecessary – statement of general law and the requirements pertaining to freeholders must be removed.” He stated that based on the legal information this Section is not needed. Chair Myers made a motion to delete proposed Sec. 12-14. Member Carter seconded the motion. All were in favor. Chair Myers then stated that proposed Sec. 12-15. Issuance of additional bonds. was reviewed by legal. He stated

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that the comment from legal is that, "this entire section is unnecessary, statement of general law." Chair Myers made a motion to delete proposed Sec. 12-15. Issuance of additional bonds., current Sec. 121, on the advice of Counsel. Member Sprick seconded the motion. All were in favor. Chair Myers stated he could not locate the reference to general law, however legal counsel has advised the sections can be removed. Chair Myers then commented on proposed Sec. 12-16. Short term borrowing., current Sec. 128. He reviewed the comment from legal, "this 6% cap was based on an old statutory unlawful rates of interest, which change from time-to-time." Suggest that this portion be rewritten to state: "shall bear interest in any amount not in excess of the maximum rate per annum as established by general law". Discussion followed. Chair Myers explained the changes to Sec. 12-16 would be, replace 6% with inserting maximum amount allowed by law, and remove the sentence discussing freeholders. Chair Myers made a motion to revise proposed Sec. 12-16 with the above changes. Member Martini seconded the motion. All were in favor. Chair Myers read proposed Sec. 12-16. Short term borrowings. for the record. The Town at any time may obtain loans, in such amount and on such terms and conditions as the Town Council may approve, for the purpose of paying any of the expenses of the Town or any costs incurred or that may be incurred in connection with any of the projects of the Town, ~~which~~ These loans shall have a term not exceeding two (2) years from the date of issuance thereof; ~~and may be renewable for a like term or terms; shall bear interest in any amount not in excess of six (6) percent per annum,~~ shall bear interest in any amount not in excess of the maximum rate per annum as established by general law; and may be payable from and secured by a pledge of such funds, revenues, taxes and assessments as the Town Council may determine. For the purpose of defraying such costs and expenses, the Town may issue negotiable notes, warrants or other evidences of debt signed on behalf of the Town by any one (1) of the Town Council members or officers of the Town duly authorized by the Town Council, ~~With respect to such notes or other evidences of indebtedness, the Town Council will establish when they are payable, to be payable at such times, the rate of interest not exceeding the maximum rate per annum as established by general law the rate of interest not exceeding six percent (6%) per annum they will bear, and to bear interest at a rate not exceeding six (6) percent per annum and the price and other terms under which they will be to be sold or discounted. at such price or prices and on such terms as the Town Council may deem advisable.~~ The Town Council shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes and assessments of the Town. There were no changes to proposed Sec. 12-17. Sale of bonds. Discussion regarding proposed Sec. 12-18. Authorization and form of bonds. began. Chair Myers stated that legal counsel stated that "rates of interest" needed to be changed as well as deleting the last two sentences of the paragraph. Chair Myers made a motion to have Sec. 12-18 revised as suggested by the attorney's by modifying (iii) to the rates or rates of interest which shall not exceed the maximum rate per annum as established by general law, and to delete the last two sentences ("Such authorized resolution.... office until such delivery."). Member Sprick seconded the motion. All were in favor. Chair Myers stated that proposed Sec. 12-19. Increase in maximum allowable interest on bonds. can be deleted per legal counsel as it relates to general law and proposed Sec. 12-16 and 12-17. Chair Myers made a motion to delete proposed Sec. 12-19 (current Sec. 132) in its entirety. Member

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Martini seconded the motion. All were in favor. Chair Myers stated that proposed Sec. 12-20 can also be deleted as it refers to statement of general law per legal counsel. Chair Myers made a motion to delete proposed Sec. 12-20. Interim certificates; replacement certificates. (current Sec. 133) in its entirety. Member Martini seconded the motion. All were in favor. Chair Myers commented that legal counsel stated that proposed Sec. 12-21. Negotiability of bonds. could be deleted in its entirety. Chair Myers made a motion to delete proposed Sec. 12-21 (current Sec. 134) in its entirety as its unnecessary and a statement of general law per legal counsel. Member Pichon seconded the motion. All were in favor. Chair Myers explained that the following sections; proposed 12-22 (current 135), 12-23 (current 136), 12-24 (current 137) and 12-25 (current 138) were found unnecessary and a statement of general law by legal counsel. Chair Myers made a motion to delete Sections 12-22(current 135), 12-23 (current 136), 12-24 (current 137) and 12-25 (current 138) as they were found unnecessary and a statement of general law by legal counsel. Member Martini seconded the motion. All were in favor. Chair Myers then commented on a housekeeping item. Chair Myers made a motion, as a matter of housekeeping, to renumber Sec. 12-16, 12-17, and 12-18, to Sec. 12-14, 12-15, and 12-16. Member Pichon seconded the motion. All were in favor.

4. New Business:

a. **Begin review of Sec. 143-169 – Susan Carter**

Chair Myers turned the floor over to Member Carter. Member Carter began the review of her sections. Member Myers introduced Sec. 143. Discussion followed whether this item should be deleted or moved. Member Carter made a motion to delete current Sec. 143 in its entirety. Member Sprick seconded the motion. All were in favor. Member Carter stated that Sec. 144 is not needed. After some discussion was made, Member Carter made a motion to delete Sec. 144. Member Sprick seconded the motion. All were in favor. Member Carter stated that Sec. 145 could be deleted as it's referenced by Florida Statutes. Member Carter made a motion to delete Sec. 145 as it's covered by Florida Statutes. Member Pichon seconded the motion. All were in favor. Member Carter suggested moving this section to the "Powers of the town.". She then read current Sec. 146. After some discussion was made, Member Carter made a motion to delete current Sec. 146. Chair Myers seconded the motion. All were in favor. Member Carter made a motion to delete Sec. 147. Member Pichon seconded the motion. All were in favor. Member Carter suggested deleting Sec. 148 as it has been previously covered in proposed Sec. 5. Member Carter made a motion to delete current Sec. 148. Member Sprick seconded the motion. Chair Myers questioned the removal of the bidding process. Manager Smith explained that the Town has a purchasing policy with limit accountability that must be followed. All were in favor. Member Carter read Sec. 149 (2). She questioned if the towns requirement for extension of limits needed to be followed or the Florida Statutes. It was agreed that subsection (2) needed to be kept. Member Pichon questioned if a new Section would be needed. Member Martini stated that a chapter on annexation was needed. Discussion followed regarding annexation, electors within and out of the Town, Florida Statutes, and creating Chapter 13.

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Member Carter made motion to create Chapter 13, titled Annexation and Contraction, adding new Sec. 13-1. Annexation., and changing freeholders to electors. Chair Myers seconded the motion. All were in favor. Member Carter commented on current Sec.150. Contraction of Town limits., proposed Sec. 13-2. Much discussion followed regarding territorial limits/municipal boundaries and sub paragraphs (1), (2), (3) and (4). Member Carter made a motion to strike proposed Sec. 13-2 (2). Member Pichon seconded the motion. All were in favor. Member Carter made a motion to create proposed Sec. 13-2. Contraction of Town limits., The Town may initiate the contraction of municipal boundaries in the discretion of the Town Council contract its territorial limits by excluding from its corporate limits any portion of its incorporated territory by any one (1) or more of the following methods: (1) By resolution of the Town Council acting upon the written request or consent of all of the owner or owners of all the land within the territorial limits municipal boundaries of the Town to be excluded therefrom. Such resolution shall be effective upon its adoption and shall not require publication. (2) By ordinance of the Town Council, if such ordinance is approved or consented to in writing by the owner or owners of not less than fifty (50) percent in areas of the land to remain within the corporate limits of the Town in the event such ordinance is approved or consented to, and by the owner or owners of not less than two-thirds in area[s] of the land that would be so excluded from the Town limits., (3) By resolution of the Town Council specifying the land to be excluded, the date such exclusion shall become effective and the other terms and conditions on which such land shall be excluded, if such resolution is subsequently approved by the affirmative vote of a majority of the electors of votes cast at an election to be held on that subject by the qualified voters of the Town at an election to be provided for by resolution and to be held for such purpose. If a majority of those participating in the election shall vote in favor of such exclusion, the land so specified in the resolution of exclusion shall be excluded from the territorial limits municipal boundaries of the Town on the date and upon such terms and conditions as may be specified in the resolution. (4) In accordance with the procedure set forth in section 171.01 of the Florida Statutes, or by such other method as may be now or hereafter provided for under the laws of the State of Florida. Chair Myers seconded the motion. All were in favor. Member Carter then commented on current Sec. 151., proposed Sec. 13-3. The title of 13-3 was discussed as “Residents of area annexed areas, by Town deemed residents of the Town; reference to municipal limits defined. Discussion was also made regarding the need for subparagraph (2) and State law reference. Chair Myers made a motion to that throughout the entire Charter, whenever territorial limits or corporate limits or municipal boundaries are used, they won’t be replaced with the term municipal boundaries. Member Pichon seconded the motion. All were in favor. Chair Myers made a motion to renumber Sec. 151 to Sec. 13-3. Residents of area annexed areas, by Town deemed residents of the Town; reference to municipal limits defined. (1) For [the] purpose of qualifying as Town electors or for membership on the Town Council, persons residing within any area at the time of the annexation of that area to the Town shall be deemed to have been residents of the Town for such period of time as such persons have been residents of such annexed area of the Town. (2) References in this Charter or under law to the territorial or corporate limits or boundaries of the Town mean such limits or boundaries as the same may from time to time be expanded, contracted or otherwise altered by law or in any

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~~proceedings under this Charter or any other law, and any actions that may be taken by or on behalf of the Town under this Charter or under law within the limits or boundaries of the Town may be taken within such limits or boundaries as expanded, contracted or otherwise altered. State Law reference— Municipal annexation or contraction, F.S. § 171.011 et seq.; effects of annexations or contractions, F.S. § 171.062. Member Martini seconded the motion. All were in favor. Member Carter stated that Sec. 152 is not needed. Manager Smith stated that the Florida Statutes address voluntary and involuntary annexations. Discussion followed regarding contiguous or adjacent. Chair Myers made a motion to delete Sec. 152. Member Pichon seconded the motion. All were in favor. Member Carter stated that Sec. 153 has been previously covered. Member Carter made a motion to delete Sec. 153. Member Pichon seconded the motion. All were in favor. Member Carter stated that Sec. 154 has been previously discussed and is covered by the Florida Statutes. Discussion followed regarding moving Sec. 154 to another section in the Charter. Chair Myers suggested that legal counsel review this item. He then stated that if it needs to be kept, it would need to be moved to another section. Discussion of placing this item in Sec. 6-16 if legal counsel states it must be kept was made. Chair Myers stated that the next meeting will begin with Sec. 154 and counsel recommendation.~~

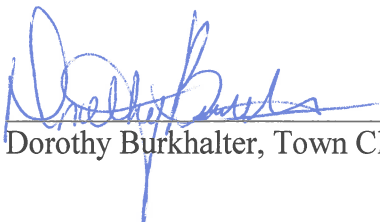
b. General Discussion

Member Sprick requested that legal review Sec. 161, 162, 163, and 164. Clerk Burkhalter stated she will forward the sections to the town attorney.

c. Next Meeting Schedule – Monday, February 22, 2016 – 6:30pm – Town Hall – 520 Main ST

5. Adjourn:

Member Pichon made a motion to adjourn the meeting. Member Martini seconded the motion. All were in favor. The meeting adjourned at 8:32pm.



Dorothy Burkhalter, Town Clerk



Ernest Myers, Chairperson