

REGULAR MEETING MINUTES

CITY COMMISSION

January 11, 2001

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem John Rees at 6:30 p.m. and the Invocation and Pledge of Allegiance were given.

PRESENT: Mayor Pro Tem John Rees, Commissioners Theo Graham, and John Harriman; City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Utilities Director Charlie Tinch, Trailer City Manager Hughlan Martin, Planning Director Cechman, Fire Chief Randy Dollar, Finance Director Mike Bollhoefer, Recreation Director Larry Caskey, Police Chief Jimmie Yawn and John Maloney of The West Orange Times

ABSENT: Mayor Jack Quesinberry and Commissioner Howard Marbury

APPROVAL OF MINUTES:

1. Regular Meeting Minutes of December 14, 2000

Commissioner Graham **motioned** to approve the minutes with a correction on page 5 to add that Community Redevelopment Agency Member Teresa Jacobs was absent because she left after she was sworn in during the first CRA meeting earlier that evening. Motion was seconded by Commissioner Harriman. **Motion carried 3-0.**

PRESENTATION:

1. Orange County Public Schools construction

Mr. Joe Mittiga, Executive Director of Community Relations, gave a presentation regarding Orange County Public Schools 5-year construction plan. He stated that Orange County Schools has been faced with choices of renovating, replacing major components or rebuilding. He stated there are approximately 151 schools in Orange County of which 131 are in need of major renovation. Decisions have become even more essential because student enrollment has increased by 48% since 1990. For 1997–2002 they will have funded 50,000 additional seats. This increase equates to building a school district within a school district. The 39 planned projects include 25 new schools and replacing 7 schools that are obsolete. The projected costs are \$687.5 Million, which are budgeted and funded. The current projects have been built on time and within budget. Funding sources are from the County property taxes and the levying of an additional 2 mills. From the State they receive impact fees, motor vehicle taxes and gross receipt tax on utilities. In anticipation of a funding shortfall for future school construction needs, they have

maximized their available dollars by saving on school building designs, borrowing against future millage, energy conservation, and selling revenue bonds against the motor vehicle tax. These avenues have been exercised and have reached their maximum eligible limits. The shortfall for the 151 schools is \$1.2 billion. The ways in which they can raise the additional funds is by a general obligation bond issue through property taxes, which would be 3/10ths of a mill for 40 years and would require voter approval. Another way is by adding a ½ cent surcharge on sales tax for 8 years, which also requires voter approval. Mr. Mittiga thanked the City for the opportunity to share this information. Mayor Pro Tem Rees asked if Lakeview is on the 5-year plan. Mr. Mittiga stated that Lakeview is on the 5-year plan and Dillard Street is not, but may be on the immediate needs list. Commissioner Graham asked why no revenue is showing from the Federal government. Mr. Mittiga stated the Federal government funds programs, not capital school construction.

2. Friends of Lake Apopka Development Design Guidelines

Mr. Jim Thomas stated that the Friends of Lake Apopka incorporated in 1991 to focus on restoring the lake. They foresee a time when the lake will be restored. They also see the possibility that they may be trading stormwater runoff for the farm runoff that was just stopped. Realizing that development is going to occur in this basin, this past year they looked at ways to decrease the impact on the restored lake. They began with an elected official from each of the eight jurisdictions and hired a professional planning firm to coordinate their efforts and developed the proposed guidelines. If the guidelines are implemented quickly enough, they could greatly decrease the impact on the lake. The guidelines are aimed at buffering the water from street and lawn runoff. They see the need for a greater buffer area of 50 feet to be maintained as a natural upland buffer. They would like the City of Winter Garden to adopt the proposed guidelines in the Land Development Code (LDC). As a second phase, they are now looking at public access issues for the basin master plan and asked for the City's assistance. City Manager Holden stated that Winter Garden is reviewing the proposed design guidelines to incorporate them as an ordinance or in the LDC and he commended the Friends of Lake Apopka for their efforts. Commissioner Graham stated he has been a part of the process to develop the proposed guidelines and he sees them as being very beneficial to improving the lake's quality.

REGULAR BUSINESS:

1. Request for an open-air tent auto sale by MacKenney Super Center from January 25 to January 28, 2001 in the Regional Shopping Center

Mr. Scott Thompson of Air Power Marketing was not present. **Motion by Commissioner Harriman to approve an open-air auto tent sale by MacKenney Super Center January 25 to 28, 2001, providing that all City requirements are met. Seconded by Commissioner Graham and carried 3-0.**

2. Approval of Lake Cove Pointe Phase 1 Final Plat **(Item tabled from the July 13, 2000 meeting)**

Planning Director Cechman stated that staff is recommending approval with the conditions provided in the staff report with one change, removing the payment of legal fees because they have already been paid. Mr. Mike Carpenter, representative for the applicant, stated they are in agreement with staff's recommendations and the performance bond will be rolled over for a year and will be annually until the project is done. The sidewalk will be constructed when the time arrives. **Motion by Commissioner Harriman to approve Lake Cove Pointe Phase 1 Final Plat with all of staff's recommendations. Seconded by Commissioner Graham and carried 3-0.**

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:

A. Ordinance 00-46: Annexation of 330 Story Road

City Attorney Everett read Ordinance 00-46 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 00-46, and seconded by Commissioner Harriman. Motion carried 3-0.**

B. Ordinance 00-47: Small Scale Comp Plan Amendment to Land Development Code for 330 Story Road

City Attorney Everett read Ordinance 00-47 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 00-47, and seconded by Commissioner Graham. Motion carried 3-0.**

C. Ordinance 00-48: Rezoning of 330 Story Road to R1-B

City Attorney Everett read Ordinance 00-48 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 00-48, and seconded by Commissioner Harriman. Motion carried 3-0.**

D. Ordinance 01-01: Rezoning to PUD and Preliminary Plat for the Hartog Property on Tilden Road (Early)

City Attorney Everett read Ordinance 01-01 by title only. Mayor Pro Tem Rees opened the public hearing. Mr. Jim Thomas stated he does not oppose the rezoning however, he owns the nursery property across the street and there are horse farms on either side. They are zoned

agriculture and want to stay agriculture. Mr. Thomas stated that the developer should allow enough buffering for the smells that come from the agriculture in the area. He also asked if this action would resolve jurisdictional issues related to who would respond to accidents on Tilden Road. City Manager Holden stated the City has been working to resolve jurisdictional issues with the various agencies. It is a complicated bureaucratic matter that will take some time to resolve. Hearing no other public comments, the public hearing was closed. Commissioner Graham asked where the 10' culvert would drain. Mr. Lance Bennett, Project Engineer, stated the 10' x 4' culvert is for the proposed Expressway and will wrap around and remain within the retention area. **Motion by Commissioner Harriman to adopt Ordinance 01-01, and seconded by Commissioner Graham. Motion carried 3-0.**

E. Ordinance 01-02: Annexation of 1264 Edgeway Drive (Mrs. Henry)

City Attorney Everett read Ordinance 01-02 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-02, and seconded by Commissioner Harriman. Motion carried 3-0.**

F. Ordinance 01-03: Small Scale Comp Plan Amendment for 1264 Edgeway Drive (Mrs. Henry)

City Attorney Everett read Ordinance 01-03 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-03, and seconded by Commissioner Graham. Motion carried 3-0.**

G. Ordinance 01-04: Rezoning of 1264 Edgeway Drive to R-1B (Mrs. Henry)

City Attorney Everett read Ordinance 01-04 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-04, and seconded by Commissioner Harriman. Motion carried 3-0.**

H. Ordinance 01-05: Code Enforcement Citation Program

City Attorney Everett read Ordinance 01-05 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. City Manager Holden stated he and staff are

anxious to get this program in place to enhance enforcement efforts.
Motion by Commissioner Harriman to adopt Ordinance 01-05, and seconded by Commissioner Graham. Motion carried 3-0.

I. **Ordinance 01-06: Flood Regulation Amendment**

City Attorney Everett read Ordinance 01-06 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-06, and seconded by Commissioner Harriman. Motion carried 3-0.**

J. **Ordinance 01-07: Providing for additional conditions for issuing an Occupational License**

City Attorney Everett read Ordinance 01-07 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-07, and seconded by Commissioner Graham. Motion carried 3-0.**

K. **Ordinance 01-08: Alcoholic beverages on public property**

City Attorney Everett read Ordinance 01-08 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-08, and seconded by Commissioner Harriman. Motion carried 3-0.**

L. **Ordinance 01-09: Amending Fiscal Year 2000-01 Budget to appropriate funds to the CRA, for purchasing two parcels**

City Attorney Everett read Ordinance 01-09 by title and the revenues and expenses. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-09, and seconded by Commissioner Graham. Motion carried 3-0.**

4. **Resolution 01-01: Loan to CRA of \$585,000 to purchase 114 East Plant Street**

Motion by Commissioner Harriman to approve Resolution 01-01 and seconded by Commissioner Graham. Motion carried 3-0.

5. Approval of West Orange Chamber of Commerce membership dues

City Manager Holden stated that this is the first time the City has received a request for membership dues that included an optional \$25 for the political alliance and this is why he is bringing this item to the City Commission. Commissioner Graham stated he does not believe it is appropriate for the citizens' tax dollars to be contributed to a political alliance. **Motion by Commissioner Harriman to approve payment of the \$550 membership dues in the West Orange Chamber of Commerce. Seconded by Commissioner Graham. Motion carried 3-0.**

6. **MATTERS OF CONCERN FROM CITIZENS - None**

7. **MATTERS FROM CITY ATTORNEY – None**

8. **MATTERS FROM CITY MANAGER – Hollis Holden**

- Stated the Financial Statement for November 2000 has been distributed and he or the Finance Director are available to answer any questions.
- Advised that he just received a Declaration of water shortage from the St. Johns Water Management District, with copies to the Mayor and Commissioners. In researching the City's Code of Ordinances, it appears that the City does not have a provision for enforcing watering restrictions at this time. He contacted St. Johns about enforcement, but they advised him that they do not have enough enforcement staff and depend upon municipalities to enforce their watering restrictions. Mr. Holden stated that he and the City Attorney have agreed that water restrictions would not fall under a State of Emergency as defined in the City's Code. Additionally, they asked the Utility Director to reduce this year's water consumption by 15%, but because of the City's growth, this will be very difficult to accomplish. Mr. Holden asked for consensus from the City Commission to add the watering restriction enforcement as an Ordinance to be enforced in the Citation Program. It was the consensus of the City Commission to move forward with adding watering restrictions.
- Announced that there is a purchase contract for the closed bank building downtown.

9. **MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS**

Commissioner Graham:

Addressed the recent burglaries in North Winter Garden by stating that residents are not aware of who their Neighborhood Watch Captains are and he suggested that this information be disseminated to the residents in a timely manner instead of them reading about it in the newspaper. Police Chief Yawn stated that his department is creating brochures and calling Neighborhood Watch participants. He anticipates asking City field staff to be alert and observe neighborhood activity. City Manager Holden stated Neighborhood Watch boundaries and captain information will be distributed.

Commissioner Harriman: None

Mayor Pro Tem Rees: None

ADJOURNMENT: The meeting was adjourned at 7:54 p.m.