

REGULAR MEETING MINUTES

CITY COMMISSION

January 25, 2001

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

PRESENT: Mayor Jack Quesinberry, Commissioners John Rees, Theo Graham, Howard Marbury (arrived at 6:50 p.m.) and John Harriman; City Manager Hollis Holden, City Attorney Dykes Everett, City Planner Mark Cechman, City Clerk Kathy Montoya, Utilities Director Charlie Tinch, Trailer City Manager Hughlan Martin, Public Works Director Marshall Robertson, Finance Director Mike Bollhoefer, Human Resource Director Victoria Ward, Fire Chief Randy Dollar, and Deputy Police Chief Jon Johnson

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APPROVAL OF MINUTES:

1. Approval of Regular Meeting Minutes of January 11, 2001 were postponed.

REGULAR BUSINESS:

1. **Request by Bloom 'N Grow Garden Society and Heritage Foundation for festival permit – Sue Crabtree and Larry Grimes**

Ms. Crabtree, 174 Roper Drive, Winter Garden, Florida, representing the Bloom 'N Grow Garden Society stated their organization began 4 years ago and they currently have 100 members with 40 waiting to join. They are a civic beautification organization in West Orange County and they have been involved in projects for Habitat for Humanity and recently landscaped a home and will landscape another home before next summer. They have a Junior Garden Club with Lake Whitney Elementary School and are involved in the Oakland Nature Preserve. They have the path of life at Chapin Station at the West Orange Trail. They are proposing a garden related festival entitled "Spring Fever in the Garden" on March 31, 2001 from 9 am to 4 pm on Plant Street from Woodland to Lakeview. Two booths can be made available to the City. If it rains on March 31st, they would like to postpone the event until April 7, 2001. Commissioner Graham stated that the booth offer would be a good place to address water conservation. City Manager Holden stated the City would take advantage of the booth offer and have a display in keeping with the festival theme. **Motion by Commissioner Rees to approve the festival as requested. Seconded by Commissioner Harriman and carried 4-0.**

Mr. Grimes, 12514 Summer Court Lane, Windermere, Florida, stated the Winter Garden Heritage Foundation and Museum would like to hold a fund-raiser in conjunction with the

Bloom 'N Grow Garden Society Festival just approved. He stated that they are requesting that they be allowed to sell refreshments and potted citrus trees. The request originally had included selling beer, but they are rescinding that part of the request. Mr. Grimes also asked if they could include in the March utility billing an invitation to join their organization, a postcard and a one-page letter similar to the City Newsletter that went out. If all the items could not be mailed, they would be happy to at least get their brochure out and they would do the stuffing, if necessary. City Manager Holden stated he would work with Mr. Grimes with the logistics on a mailer. **Motion by Commissioner Graham to approve the Heritage Foundation fund-raiser in conjunction with the Bloom 'N Grow Festival. Seconded by Commissioner Rees and carried 4-0.**

2. **Donation request from West Orange High School Cheerleaders**

Ms. Phyllis Boston, 5312 Falling Water Drive, Winter Garden, Florida, stated the cheerleaders have not attended a national competition since 1994. Regionally, they placed second in order to qualify for nationals. Eight of eighteen girls are Winter Garden residents and the cost per competitor is \$260. They are requesting \$1,000 towards the total cost of \$4,680. City Manger Holden stated that the City Commission has previously obligated \$1,700 of the \$8,000 donation fund. **Motion by Commissioner Graham to donate \$1,000. Seconded by Commissioner Harriman and carried 4-0.**

3. **Request by the West Orange Health Alliance to waive building permit and certain impact fees for a 22,000 square foot Family Care Center**

Planning Director Cechman stated that staff is currently looking at the request to build this facility on East Plant Street and it would be appropriate for the City to make a contribution by waiving certain fees because they are a non-profit health agency serving Winter Garden residents. The City would not be able to waive Water and Sewer Impact Fees because of the bond covenants. **Motion by Commissioner Graham to waive the Building Permit Fees and Impact Fees, except for water and sewer. Seconded by Commissioner Harriman and carried 4-0.**

Commissioner Howard Marbury arrived at 6:50 p.m.

4. **Approval of Belle Meade Preliminary Plat**

Planning Director Cechman stated this is a 172 lot proposed subdivision zoned R-1. Staff recommends approval with the conditions in the staff report. The Planning and Zoning Board have reviewed this project and are recommending approval. Mayor Quesinberry

asked about the offsite drainage easements that are not owned by the developer. Mr. Cechman stated that the drainage issue has been recognized and will be resolved during the construction plan review of the project. Mr. Jonathan Martin of Kimley-Horn and Associates, 1080 Woodcock Road, Orlando, FL, stated that an offsite drainage easement is from the property that they would be discharging to. Mr. Martin stated that typically an offsite drainage easement is not required. They checked with the Stoneybrook development, which discharges to the same wetlands, and they were not required to obtain the offsite drainage easement, so Kimley-Horn does not believe it should be required of them as long as they meet St. Johns requirements. Commissioner Graham stated that whoever owns the adjacent wetlands that both subdivisions would drain into might be under too much water to develop the area. Commissioner Graham asked if the proposed retention ponds would drain to the one that will have an overflow. Mr. Martin stated that they are all inter-linked and would control the same elevation and they will adhere to all of the St. Johns requirements. Commissioner Graham asked what does LOMR stand for? Mr. Martin stated it refers to the area adjacent and to the side in the flood zone. When they add fill, they have to provide compensating storage in the ponds and have to take the areas of fill out of the flood plain because they are filling it above the flood plain. They have provided for the added volume in the ponds and it will allow the homeowners, in that purchase in that area, to not have to get flood insurance protection. Commissioner Graham stated that the staff report indicates that the drainage and utility easements between the houses are discouraged (30' minimum width required). City Manager Holden stated that the City discourages a drainage flowpath between houses, not that it is not allowed. A recently adopted Ordinance protects drainage easements with short setbacks from the air-conditioning units going in them. Commissioner Graham addressed a proposed 3-way stop at Tilden and Avalon Roads stating that he has received calls against the stops and believes that CR 545 is main highway people shouldn't have to stop on. City Manager Holden stated that Orange County controls CR 545 and the City is working with them on traffic issues, but that stoplights are in the future for CR 545 to allow adequate shopping center access. **Motion by Commissioner Harriman to approve the Preliminary Plat for Belle Meads, with all of staff recommendations. Seconded by Commissioner Rees and carried 5-0.**

5. **Approval of Stoneybrook West Unit 2 Final Plat**

Planning Director Cechman stated that this final plat is for parcels 6 and 8 and that staff recommends approval with the conditions stated in the staff report. The Planning and Zoning Board has reviewed the plat and recommends approval. Mr. Bruce Lawson of U.S. Homes, 1210 Clover Lawn Avenue, Orlando, Florida, stated that the intersection design is by Orange County. Commissioner Graham asked if the certification for drainage, access and utility easements has been done? Mr. Lawson stated the certification is in the package Mr. Cechman received. Commissioner Graham asked about Lots 21-28 fronting Black Lake in relationship to the 100-year flood plan. Mr. Lawson stated the lots have been filled to an elevation average of 110-111 and the 100-year flood is 101. There is also a conservation easement that ends where any development can go and the slope is the only part of the lot that will drain to the lake. They have also put in a treatment swail at the bottom, which is shown as a drainage easement that has been permitted by St. Johns. They are required to put signs where the conservation easement begins along the lake and wetlands. **Motion by Commissioner Rees to approve Stoneybrook West Unit 2 Final Plat. Seconded by Commissioner Harriman. Motion carried 5-0.**

6. **Award of bid for potable water test/production well, water treatment plant #4**

Utility Director Tinch stated that the City received four qualified bids. After reviewing the bids, staff recommends awarding the contract to Jaffer Associates for \$259,900. Commissioner Rees asked if we know the water will be usable or will the City have to expand or go deeper? Mr. Tinch stated that this well is going down 1,300 feet as recommended by DEP and St. Johns to get to the better water quality. There is no suspect tainted water in this area and with one drilling should do everything. City Manager Holden stated that if for some reason the water quality were bad, the City will be out \$259,900, but we are confident the water would be consumable. Commissioner Graham asked if the City has obtained the St. Johns permit? Mr. Tinch stated that once St. Johns receives everything they have requested, the permit should be issued. **Commissioner Graham motioned to award the potable water test/production well contract to Jaffer Associates. Seconded by Commissioner Harriman and carried 5-0.**

7. **Resolution 01-02: Designation of Code Enforcement Officers**

City Attorney Everett read Resolution 01-02 by title only. **Motion by Commissioner Graham to adopt Resolution 01-02. Seconded by Commissioner Rees and carried 5-0.**

8. **FIRST READING OF PROPOSED ORDINANCES:**

A. **Ordinance 01-10: Change addressing responsibility to the Planning Director**

City Attorney Everett read Ordinance 01-10 by title only. **Motion by Commissioner Rees to approve Ordinance 01-10 with the second reading and public hearing being scheduled for February 22, 2001. Seconded by Commissioner Marbury and carried 5-0.**

B. **Ordinance 01-11: Providing for enforcement of watering restrictions**

City Attorney Everett read Ordinance 01-11 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-11 with the second reading and public hearing being scheduled for February 22, 2001. Seconded by Commissioner Marbury and carried 5-0.**

Dispensed with the City Commission agenda and convened as the Community Redevelopment Agency (CRA) at 7:19 p.m.

MEMBERS PRESENT: Jack Quesinberry, John Rees, Theo Graham, Howard Marbury, John Harriman and Larry Cappleman

MEMBERS ABSENT: Teresa Jacobs

9. Approval to lease 214 Center Street to Mr. Siplin

Planning Director Cechman stated that approximately two years ago the CRA purchased this property which has remained vacant. The Community Redevelopment Agency Advisory Board (CRAAB) and staff looked at ways for the property to generate revenue and return it to being a useful part of the community. Mr. Siplin proposes leasing the building and converting it into a restaurant. The CRAAB approved recommending the lease agreement reviewed by the City Attorney. Agency Chairman Quesinberry noted mathematical errors on Mr. Siplin's proposal, which are the last four pages of the agenda back-up material. Agency Member Cappleman stated that the CRAAB has agreed that a flat rental fee, with some concession for improvements, would be the best agreement and the least amount of monitoring. **Agency Member Marbury motioned to approve the lease agreement for 214 Center Street. Seconded by Agency Member Cappleman.** City Attorney Everett stated that there has been two changes made to the agreement. The first was to clarify the rent escalation of 5% in each of the renewal terms after the initial two-year term. Secondly, a provision was added that in the event there is a bona-fide purchase offer from a third-party, the tenant would have the right of first refusal and allow a 30-day period for the tenant to negotiate a sale of his business to that third-party. That would thereby give the tenant the opportunity to recoup his investment in the business. The City is not bound to be a part of the tenant/third-party negotiations. Mr. Charles Siplin, 1265 SR 545, Winter Garden, Florida, stated that he agrees with the changes made by the City Attorney to the agreement and he asked his partners to introduce themselves as Ms. Indranie Ramjus, Mr. Kris Harrinarine and Mr. Wendell Coats. City Attorney Everett stated the agreement would be changed to include all the partners. **Motion carried 6-0.**

Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 7:24 p.m.

11. MATTERS OF CONCERN FROM CITIZENS

Ms. Mildred Dixon, 1089 N. Circle Court, Winter Garden, Florida, stated she was glad to see plans for a restaurant at 214 Center Street. She shared information on the Community Service Network that got together with various agencies to look at community service block grant to blend in with CBDG funds. They are in the design phase and they

are going to look at ways to reduce area crime. They hope to get technical schools helping out. The Wages for the Welfare Women Program encountered a barrier for women with children that had to pay \$100 a week for childcare while the mother went to school. So they have decided they need to do childcare. Another barrier is for women who may not be able to get to their job. So they will be providing transportation. She will provide the Mayor and Commissioner Harriman with a form for suggestions to help the community. She wants to promote programs that will help reduce crime. She will be proposing a Resolution to the City Commission in support of the Community Service Network. She will be requesting a marching permit for November 24, 2001 for the Bethume Cookman and FAMU Bands on Dillard Street and to set-up booths for children that want to finish high school and information on receiving a 4-year scholarship.

12. **MATTERS FROM CITY ATTORNEY** – Dykes Everett - None

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

- A. Financial Statement for December 2000 was distributed and the City's finances are in good shape. If anyone has any questions, don't hesitate to see him.
- B. Stated he has had additional discussions with Apopka and staff about retaining Mr. Oscar Juarez as a lobbyist for this legislative session. Last year Winter Garden spent \$12,000 and received \$250,000 with Mr. Juarez's assistance. We would look to him this year to lobby for us to get funding for Daniels Road overpass. He would help us keep East Plant Street widening and improvements on the Metro Plan. For these reasons, he recommended retaining the lobbyist. **Motion by Commissioner Harriman to retain Mr. Oscar Juarez this Fiscal Year for \$12,000. Seconded by Commissioner Marbury.** Commissioner Graham asked Mr. Holden if Representative Randy Johnson has been approached with the City's needs. Mr. Holden stated that he has been routinely approached. **Motion carried 5-0.**
- C. Stated that W. Bay Street, in front of Public Works and Lakeview Middle School, is not owned by anyone and there is no dedicated right-of-way which creates an obstacle for any future expansion plans. In his discussions with the Orange County School Board, it has been suggested that the School Board could purchase the vacant 15 acres and because they would not need all 15 acres, the City could enter into a purchase agreement for roughly half the acreage at a prorated price. There have been two price considerations this past week and Mr. Holden asked for a consensus from the City Commission to continue discussions with the Orange County School Board regarding a land purchase. Commissioner Graham asked what part of the property would the City want? City Manager Holden stated the portion that wraps around the back of the Public Works facility and the School would have what is immediately across from the school. The City Commission consensus was for the City Manager to proceed with purchase discussions with the Orange County School Board.
- D. Stated that in a recent newspaper article on the "State of the City" of Ocoee by the Ocoee Mayor, there was a statement that Ocoee has the second lowest crime rate in Orange County. He has obtained crime rate figures from the FDLE based crimes per 100,000 population and based on the lowest crimes, Winter Garden comes in fourth and Ocoee comes in eighth. The percentage of cleared cases by the Winter Garden Police Department is 59.2%, which is only topped by the City of Oakland and no other city comes close or is half of what our Police Department clears for major size cities. He will be challenging the information given by the Ocoee Mayor publicly and wants the public to

know that Winter Garden has a very good Police Department. Mr. Holden will be providing the crime figures to the Mayor and Commissioners on a spreadsheet.

14. MATTERS FROM MAYOR AND COMMISSIONERS

Mayor Quesinberry:

- Requested that the City again participate in the "Relay for Life" for cancer research on March 23 and 24, 2001, by sponsoring 3 relay teams at \$100 per team. The Police Department will organize two teams and one team will be for staff and elected officials. **Motion by Commissioner Rees to approve the \$300 entry fee for 3 teams, seconded by Commissioner Marbury and carried 5-0.**
- Announced that Mr. George Bailey will be the 2001 honoree Eagle Scout and in conjunction with the event will hold a fund-raiser. The City has donated Tanner Hall for the event and he recommended that the City sponsor a table at the event. He will bring back more information about the luncheon at a future meeting.

Commissioner Rees: None

Commissioner Graham: None

Commissioner Harriman: None

Commissioner Marbury:

Announced that the West Orange Health Alliance will be having a groundbreaking ceremony on January 26, 2001 at 10 a.m. with dignitaries attending. They will be laying a ceremonial brick in honor of the facility opening. The facility will serve the health needs of everyone regardless of their ability to pay.

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14. ADJOURNMENT: The meeting was adjourned at 7:50 p.m.