

REGULAR MEETING MINUTES

CITY COMMISSION

December 13, 2001

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

PRESENT: Mayor Jack Quesinberry, Commissioners; John Harriman, Theo Graham, and Mildred Dixon; City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Utilities Director Charlie Tinch, Planning Director Mark Cechman, Finance Director Mike Bollhoefer, Public Works Director Dan Ryan, Police Chief Jimmie Yawn, Recreation Director Larry Caskey, Human Resource Director Victoria Ward, Assistant Fire Chief John Williamson, Trailer City Manager Hughlan Martin, and Michael Laval of The West Orange Times

ABSENT: Commissioner John Rees

APPROVAL OF MINUTES:

1. **Special Meeting Minutes of November 29, 2001**

Motion by Commissioner Harriman to approve the minutes for November 29, 2001, as submitted. Seconded by Commissioner Dixon and carried 4-0.

2. Workshop minutes of November 29, 2001 **Postponed**

REGULAR BUSINESS

1. **Request for a \$1,000 donation to the West Orange High School Choral Department Spring Tour Competition**

Mr. Jeffrey Redding, applicant, was not present. **Motion by Commissioner Graham to table this donation request because the applicant was not present. Seconded by Commissioner Harriman and carried 4-0.**

2. **Request to conduct an open-air auto tent sale from January 2 - 7, 2002 in the parking lot adjacent to AmSouth Bank on W. Colonial**

Mr. Chad Rogers, 11649 Swiftwater Circle, Orlando, FL, stated that he was present to answer any questions. City Clerk Montoya stated that all the required documents had been received. **Motion by Commissioner Harriman to approve the open-air auto tent sale from January 2, 2002 through January 7, 2002 in the parking lot adjacent to AmSouth Bank. Seconded by Commissioner Graham and carried 4-0.**

3. **Appeal of Planning Department's denial of a request to operate a window tinting business from the kiosk located in the West Orange Shopping Center on Dillard Street**

City Planner Cechman stated that the appellant, Ms. Lopez, was not present. Mr. Cechman stated that Ms. Lopez came to him asking for permission to operate a window tinting business, with an awning or tent, from the kiosk on Dillard. Mr. Cechman stated that the structure was originally used as a drive through photo booth. Staff is recommending denial based upon the fact that the kiosk is not handicapped accessible, there are no restroom facilities for customers or employees and it would be inappropriate to have an awning or tent in a shopping plaza parking lot. **Motion by Commissioner Harriman to deny the appeal** and he asked if the appellant has been informed of other suitable locations. Mr. Cechman stated that Ms. Lopez has been advised of alternate sites, but that she wants this particular location. **Seconded by Commissioner Graham**, who stated that the structure is generating requests by businesses to use it, but it does not meet the Code requirements. Is there is anyway to get the structure removed? **Motion carried 4-0.** It was the consensus of the City Commission to direct the City Manager to have the structure (kiosk) removed.

4. **Appointment to fill the two seats vacated by Robert Buchanan on the Code Enforcement Board and Planning and Zoning Board**

City Manager Holden stated that this item is on the agenda to notify the City Commission of the two vacancies created by the resignations of Mr. Buchanan due to his appointment as the Code Enforcement Manager. The replacement appointments would be scheduled for discussion at the next regular meeting in January.

5. **Confirmation of the reappointment of Mark Griffith as the fifth trustee member of the General Employees Pension Board**

Finance Director Bollhoefer stated that Mr. Griffith has served on the General Employees Pension Board for the past 2 years and is doing a good job. The Board has nominated him as the fifth member and they are requesting the Commission's approval. **Motion by Commissioner Graham to reappoint Mark Griffith as the fifth trustee member of the General Employees Pension Board. Seconded by Commissioner Harriman and carried 4-0.** Commissioner Graham stated that as a Pension Board member, the investment counselor reported that Winter Garden's pension plan is the only one in the State of Florida that did not lose money, which is quite an accomplishment.

6. **Recommendation to approve Winter Oaks Preliminary Plat**

City Planner Cechman stated that this plat is located on the Burch property on Plant Street that includes 105 units with alleyways for garage entrances and garbage/recycling pick-up, and front porches. The original PUD was for 114 units, but the storm water requirements, caused the number of units to be reduced. There have been some very small changes made and they are now requesting the addition of two units. Staff is in agreement with the addition of two lots with the conditions stated in the agenda package. Mr. John Rinehart of Glattig-Jackson, distributed a revised preliminary plat indicating the three proposed changes that would increase the development by 2 lots. The adjustments proposed were the result of looking at the placement of existing trees and the refinement of the retention requirements. In order to preserve a tree on the north side of lot 83, they tightened the park area. After meeting with the State Department of Transportation, the entrance was adjusted and they had to tighten the throat area and the park area has been flared out to be larger than it was and it contains some live oaks trees. The alley was eliminated between lots 105 and 106, which allows them to expand and put two lots back in at the entrance. Commissioner Graham asked how the trash would be picked-up behind lots 106 and 107? Mr. Rinehart stated that the alley extends behind and there are two or three locations that allow the garbage truck to back-up and pull in to collect refuse. City Manager Holden stated that staff has reviewed the plan and agrees it can accommodate city services. Commissioner Harriman stated that he agrees with the proposed entrance in relationship to Hyde Park's exit and Pamela Avenue. Commission Graham asked if the site would drain from the right-hand corner? Mr. Rinehart stated no. **Motion by Commissioner Dixon to approve the Winter Oaks Preliminary Plat with the proposed changes. Seconded by Commissioner Harriman and carried 4-0.**

7. **Recommendation to approve changing the payroll banking to SunTrust**

Finance Director Bollhoefer stated that the City's payroll banking agreement, with First Union, has expired and staff would like to consolidate the banking accounts into one bank to save money and simplify the process. **Motion by Commissioner Harriman to approve changing the payroll banking to SunTrust Bank. Seconded by Commissioner Graham and carried 4-0.**

8. **Resolution 01-13: To amend the deferred compensation plan to comply with recent changes in the law**

City Attorney Everett read Resolution 01-13 by title only. **Motion by Commissioner Graham to adopted Resolution 01-13 to amend the deferred compensation plan. Seconded by Commissioner Dixon and carried 4-0.**

9. **Resolution 01-14: Extending Interim Service License Agreement with Strategic Technologies, Inc. (STI) for Cable Television Services**

City Attorney Everett read Resolution 01-14 by title only. Mr. Everett stated that this Resolution is to extend the license previously granted to STI for cable television services. Negotiations have been concluded with STI, but not with Time Warner and that is why this Resolution is on the agenda. **Motion by Commissioner Graham to adopt Resolution 01-14. Seconded by Commissioner Harriman and carried 4-0.**

10. **Support for road construction for proposed new Dillard Street Elementary School** – City Manager Holden stated that the Orange County School Board is in the process of purchasing 12 acres across the street from the current elementary school location and they need to acquire 3 additional acres from the adjacent Health Central (nursing home) complex so they will have the 15 acres they require. Staff objected to the earlier plans submitted because of the traffic congestion that would be caused on Dillard by the two schools (Dillard Elementary and the Baptist Church). The Health Central complex entrance is not actually on Dillard, but on the south side on a private road. Staff suggested that the school move their entrance for parent drop-off traffic off Dillard onto the private road to be extended around the nursing home to tie into Division Street. However, both Health Central and the School Board have stated that they would not have the funds to install the access road. Mr. Holden stated that the proposed street fits within the City's growth plan and the City should not expect either of them to bear all the costs involved. The proposed layout distributed to you, without all the details, is estimated to cost \$175,000 and staff is requesting approval by the City Commission to participate in extending the road around to Division Street. **Motion by Commissioner Dixon to authorize the City Manager and staff to be involved with the planning and design of the new Dillard Street Elementary School access road with funding participation by the City for the road project. Seconded by Commissioner Harriman.** Commissioner Graham asked about the circle access on Dillard depicted on the conceptual plan. Mr. Holden stated that the circle area only allows two buses and no automobiles. **Motion carried 4-0.**

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

- A. **Ordinance 01-33: Repealing Article III Divisions 1 and 2 for Domestic Animals and adopting the current Orange County animal control**

City Attorney Everett read Ordinance 01-33 by title only. **Motion by Commissioner Harriman to adopt Ordinance 01-33 with the second reading and public hearing being scheduled for January 10, 2002. Seconded by Commissioner Graham and carried 4-0.**

- B. **Ordinance 01-82: Rezoning of approximately 22.8 acres on the east side of East Crown Point Road and south of the Corsino Subdivision from R-1 to PUD (Coke)**

City Attorney Everett read Ordinance 01-82 by title only. **Motion by Commissioner Dixon to adopt Ordinance 01-82 with the second reading and public hearing being scheduled for January 24, 2002. Seconded by Commissioner Harriman and carried 4-0.**

- C. **Ordinance 01-83: Amending the water and sewer connection requirement creating an exception for developed properties annexed after December 31, 2001**

City Attorney Everett read Ordinance 01-83 by title only. City Manager Holden stated that this Ordinance addresses properties that are developed and want to annex into the

City that have perfectly good systems previously approved by the County, which will not require them to connect to the City's system except either voluntarily or as mandated by a higher regulatory authority. **Motion by Commissioner Dixon to adopt Ordinance 01-83 with the second reading and public hearing being scheduled for January 10, 2002. Seconded by Commissioner Harriman and carried 4-0.** Commissioner Graham asked about what notifications/information have been given to the residents about the proposed annexation? Mr. Holden stated that staff has made presentations at Tanner Hall and mailed information that has generated some good questions that has caused staff to look at issues such as the animal ordinance that is also on this agenda.

- D. **Ordinance 01-84: Amending the Elections Chapter limiting the number of absent ballots returned by any one person and to allow designating the number of training hours required for precinct poll workers**

City Attorney Everett read Ordinance 01-84 by title only. **Motion by Commissioner Graham to adopt Ordinance 01-84 with the second reading and public hearing being scheduled for January 10, 2002. Seconded by Commissioner Harriman and carried 4-0.**

5. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE:**

- A. **Ordinance 01-77: Small Comprehensive Plan Amendment of Britt Business Park North - Phase II from Commercial (C-2) to Industrial (I-1)**

City Attorney Everett read Ordinance 01-77 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-77. Seconded by Commissioner Dixon. Motion carried 4-0.**

- B. **Ordinance 01-78: Rezoning of Britt Business Park North - Phase II from Commercial to Industrial**

City Attorney Everett read Ordinance 01-78 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-78. Seconded by Commissioner Dixon. Motion carried 4-0.**

- C. **Ordinance 01-79: Authorizing the roll-over of various funds from Fiscal Year 2000/01 to Fiscal Year 2001/02**

City Attorney Everett read Ordinance 01-79 by title and that the revenues and expenses both total \$2,808,784. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-79. Seconded by Commissioner Graham. Motion carried 4-0.**

D. **Ordinance 01-80: A referendum on whether to annex the unincorporated area known as Emerald Acres (AKA Temple Groves)**

City Attorney Everett read Ordinance 01-80 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-80. Seconded by Commissioner Harriman. Motion carried 4-0.** City Manager Holden stated that if the proposed annexation referendum on either area fails, it couldn't be the subject of an annexation referendum for two years from the date of the referendum. However, if an individual lot owner within the subdivision meets the voluntary annexation requirements, they can be annexed at any time. This also applies to the next Ordinance.

E. **Ordinance 01-81: A referendum on whether to annex the unincorporated areas known as Magnolia Wood, Hillcrest, Teacup Springs Cove, and thirteen additional unplatted lots**

City Attorney Everett read Ordinance 01-81 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-81. Seconded by Commissioner Dixon. Motion carried 4-0.**

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

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

8. **MATTERS FROM CITY MANAGER**

A. Financial Statement for October 2001

Mr. Holden stated that the financial statement distributed is the year-to-date report and the format has been improved, which is explained in the cover memo. If the Commission wants to see anything different, please let him know. Commissioner Graham asked about receiving periodic progress reports on city projects. Mr. Holden stated that staff is currently working on a financial project tracking program that, in the future could be provided to the Commission and will show more current project financial data.

B. Consider canceling the City Commission meeting of December 27, 2001

Motion by Mayor Quesinberry to cancel the regular City Commission meeting of December 27, 2001. Seconded by Commissioner Dixon and carried 4-0.

C. **Request from the City of Apopka to participate in the Apopka's Chamber of Commerce event honoring Mayor John Land on his 50 years of public service**

Mr. Holden recommended purchasing two tables for Mayor Land's monumental achievement, which will allow enough seats for the Commission and others to attend.

Motion by Commissioner Harriman to purchase two tables from the Apopka Chamber of Commerce honoring Apopka Mayor Land. Seconded by Commissioner Dixon and carried 4-0.

D. **Discussion on a proposed agreement between Channel 9 and Time Warner that would make the responsibility of cablecasting local text Emergency Alert System messages solely Channel 9's responsibility**

Mr. Holden stated the letter explains the proposed change and he is available to answer any questions. No action is required if the City agrees to the change. There was no action taken.

- Mr. Holden stated that Mr. Robertson is attending the Library Board meeting tonight to hear their agenda item accepting the Battaglia property for the new Winter Garden library site, which is scheduled to be open in 2003 with a distinct exterior design to Winter Garden. He has relayed to the Library Board the City's commitment to financially participate in the construction of the new library. Additionally, next week, the Orange County consent agenda includes an approval for returning the old library back to the City in return for the City's support to build the new library. Mayor Quesinberry has stated his desire to use the returned library site as a Senior Center. Mr. Robertson later on in the meeting called and advised the City Manager that the Library Board passed the contract with the Battaglias unanimously.
- Mr. Holden stated he has received a request for the City officials to participate in the Governor's Municipal Mentoring Initiative Workshop on December 20, 2001 at UCF from 24 p.m., which is co-sponsored by Tri-County League of Cities at no charge.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Mayor Quesinberry:

- With regrets, announced that Danny Wells, a city employee with the Water Department Conservation Program passed away this morning. His funeral services will be held next Saturday afternoon at the Cathedral Church of God.
- Thanked the City employees responsible for the beautiful display of Christmas lights downtown.
- Wished everyone a happy Christmas and joyous holiday.

Commissioner Graham:

- Stated there is a buzzard problem on the Sprint tower, which could create a health hazard. Mr. Holden stated that the buzzards are a protected species, but that other agencies have been given approval to use certain methods to rid themselves of the birds. He will start discussing the problem with Sprint.
- Stated that he had a complaint from a resident that could not get home because of a party on 400 block of Charlotte Street that had cars parked on both sides of the street. Apparently this happens frequently on holidays and Saturdays. It would be helpful if the Police could monitor this location for blocking of traffic.
- Stated that in the County area from Palm Street east to Ninth Street to SR 50, it has been reported to him that drivers are ignoring a stop sign there.
- Asked about the possibility of having the City taxes collected by Florida Power and telephone being checked to see if they are correctly remitting to the City the same as it was done for the Occupational Licenses. Mr. Holden stated that changes in the taxation laws do not allow the city the authority to check taxes in the same manner as before.

Commissioner Dixon:

- Thanked the Mayor for the tour the County dignitaries took in Winter Garden because they got to see some of the County enclaves.
- Stated she read a newspaper article about the candy tossed during the Christmas parade and stated next year she wants two more bags and she will throw it harder.
- Announced that there will be a benefit car wash and fish fry at the Maxey Center for Mrs. Simmons' debt to the City and they will be making a payment in January.
- Announced that the National NAACP, in conjunction with the State, will be having a voter registration drive Friday, December 14th from 6 – 8 p.m. at 215 Center Street. Please refer any unregistered voters to this event.

Commissioner Harriman:

- Thanked Recreation Director Caskey, Public Works Director Ryan and both departments' staff for their contribution to beautiful lights downtown.

- Thanked Utility Director Tinch for the meter information that was provided to Hyde Park regarding the problems encountered with not clearing off the debris on the water meters.

The meeting was adjourned at 7:47 p.m.