

REGULAR MEETING MINUTES

CITY COMMISSION

February 22, 2001

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 6:30 p.m. and Commissioner Graham gave the Invocation. Flag presentation and Pledge of Allegiance by American Legion Post #63.

PRESENT: Mayor Jack Quesinberry, Commissioners John Rees, Theo Graham, Howard Marbury 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 Mark Cechman, Fire Chief Randy Dollar, Finance Director Mike Bollhoefer, Public Works Director Marshall Robertson, Police Chief Jimmie Yawn and John Maloney of The West Orange Times

At this time, Kathryn Boyer invited the Mayor and City Commission to attend the American Legion's 82nd birthday celebration on March 10, 2001 at the Post beginning at 4 p.m.

APPROVAL OF MINUTES:

1. Regular Meeting Minutes of February 8, 2001

Commissioner Graham stated that under Item 6 on page 3 was mentioned by him because the lot next to the Magnetix building that the School Board is proposing to purchase has four air conditioning units setting 1, 1.5, 1.4 and 1.8 feet over the property line. He stated that his point was that if we don't let the Board know about the four units and we occupy that area for a period of time, maybe 5 years, we could get a prescriptive easement and take the property. He thinks that if we get into that situation, we should let them know we are purchasing the lot split with the units remaining where they are. Commissioner Graham **motioned** to approve the minutes with a correction to page 3, item 6, line 14, to add that the Orange County School Board is made aware that the four air-conditioning units are over the property line from 1 to 1.8 feet. Motion was seconded by Commissioner Marbury. **Motion carried 5-0.**

PRESENTATION:

1. Orange County School Board - **Not present**

City Manager Holden stated that the School Board was previously asked to provide some preliminary information to the City Commission on the Board's plans for Dillard Street Elementary School. At the School Board's presentation to the Commission on January

11, 2001, Mayor Pro Tem Rees asked for information, which has not been provided. Mr. Holden contacted the School Board about the requested information not being provided and about confusing information from various sources and they agreed to make a presentation. Today, when the preliminary information was not received, the Board representative was contacted and reminded that they were on the agenda. After two conversations today, the Board representative has indicated that they are not certain about the plans for Dillard Street Elementary School and they have asked if the City Commission could wait until there is more concrete information and the entire School Board can make the presentation. City Commission consensus was to support the request.

REGULAR BUSINESS:

1. Donation request from the Winter Garden Elks Lodge #2165 to support the Florida Elks Children's Therapy Services.

Ms. Kathryn Boyer thanked the City for the previous years donation that helped support the mobile therapy services that provide services to 223 children a week statewide. She stated that most likely, if this donation were approved, it would stay in the area. **Motion by Commissioner Rees to approve a donation of \$400. Seconded by Commissioner Harriman and carried 5-0.**

2. Donation request from West Orange High School Band to support their performance at the Cherry Blossom Festival Parade in Washington, D.C.

Ms. Dottie Minick, band member parent, stated that the letter the City received was from a mass mailing requesting donations and that of the 341 band students, 76 are from Winter Garden and that they did not know of the financial shortage until December and is the reason for the lateness of the request. **Motion by Commissioner Graham to approve a donation of \$300. Seconded by Commissioner Rees and carried 5-0.**

3. Request by the Foundation Academy to locate two modular classrooms; one each at 81 and 91 N. Main Street.

Planning Director Cechman stated that staff has reviewed this request and has some issues related to traffic, lack of a master plan, parking and Building Code compliance. Both staff and the Planning and Zoning Board recommends approval with the five conditions stated in the agenda back up material. Commissioner Rees asked how the maximum number of students was determined to be 537 in 2001 and 650 in 2002? Mr. Wade Bradford stated that the school is licensed for 950 and they have agreed to a maximum of 650 for traffic concerns. They are going to give up some Kindergarten children and add some 9th and 10th grade students. Commissioner Rees asked where would kids go for Kindergarten classes? Mr. Bradford stated there will a mother's day out program at all the facilities they vacate with Kindergarten classes, but not at the new campus. Mayor Quesinberry asked if the construction of the modular classrooms would be steel or wood because wood is flammable. Mr. Bradford stated he is not sure of the frame material, but it is the same used at other school locations. Mayor Quesinberry asked about the grass parking spaces. Mr. Bradford stated it was mutually agreed that 20

grass spaces would be adequate. Mayor Quesinberry stated he would like to limit the grass parking to two years. Mr. Bradford stated that the school would not exceed the 10th grade and there would not be any students driving. Mayor Quesinberry stated he would like to see a limit on the time the portables could be erected. Mr. Bradford stated the portables would be moved to the new school site. City Manager Holden stated that the grass parking could be limited to two years and if they need them longer, the request would come back to the City Commission and when the school goes, the portables go. Mayor Quesinberry asked about traffic problems. Police Chief Yawn stated he doesn't believe it will create more than what is there. City Manager Holden stated there will always be complaints about traffic at schools and the traffic flow is as efficient as it can get. **Motion by Commissioner Graham to approve two modular classrooms with one each at 81 and 91 N. Main street with a two year limit on grass parking and that modular classrooms be removed when they relocate to the constructed school. Seconded by Commissioner Rees. Motion carried 5-0.**

4. Appointment to the Code Enforcement Board for three seats expiring in March.

Planning Director Cechman stated of the three current members, one seeks reappointment, one will remain but would like appointment to the Planning and Zoning Board when a vacancy occurs, and one does not want to be reappointed and that is why the interest application was attached. **Motion by Commissioner Graham to reappoint Mr. Brown and Mr. Buchanan. Seconded by Commissioner Harriman. Motion carried 5-0.** Commissioner Rees asked if anyone has spoken with the applicant. City Manager Holden stated the application was generated from the City Newsletter and that he would speak with the applicant and report back at the next City Commission meeting. **Motion by Commissioner Rees to table the third appointment until the next City Commission meeting. Seconded by Commissioner Graham. Motion carried 5-0.**

5. Request to expend \$4,179 from the State Law Enforcement Trust Fund to install passenger side airbag turn-off switches for 21 police vehicles.

Police Chief Yawn stated that this request is a by-product of the new police vehicle computers. **Motion by Commissioner Rees to approve expending \$4,179 to install passenger side airbag turn-off switches for 21 police vehicles. Seconded by Commissioner Graham. Motion carried 5-0.**

6. Approval of a Mutual Aid Agreement with Oakland.

Police Chief Yawn stated this agreement would allow either City to request assistance in certain situations, as provided for in the State Statutes. Mayor Quesinberry asked about installing a 4-way stop at CR 545 and Plant Street for the safety of children crossing the road. City Manager Holden stated that this intersection has been discussed, but that the intersecting roads are owned by different governmental agencies which creates jurisdiction questions as to who must give permission for a 4-way stop. Commissioner Rees stated that a 4-way stop might significantly back-up traffic. City Manager Holden stated that traffic control is needed but that he is not positive that a 4-way stop would be

the best answer. Commissioner Graham stated that if children are still crossing SR 50 they are walking on dirt to get to school and asked if the proposed agreement would increase the City's liability? Police Chief Yawn stated no. City Manager Holden stated that as part of the agreement, each municipality is required to have its own insurance. **Motion by Commissioner Rees to approve the Mutual Aid Agreement with Oakland. Seconded by Commissioner Graham. Motion carried 5-0.**

7. FIRST READING OR PROPOSED ORDINANCES:

A. Ordinance 01-12: Rezoning of PUD of M/I Homes for property located South of the Turnpike, East of CR 535 and South of Daniels Road

City Attorney Everett read Ordinance 01-12 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-12 with the second reading and public hearing being scheduled for March 8, 2001. Seconded by Commissioner Marbury. Motion carried 5-0.** City Manager Holden stated that one issue for this development has been a school site. There have been discussions with the Orange County School Board and the Charter School regarding an elementary school. The School Board has not yet committed to a school. There are two proposed development agreements. One would deal with Daniels Road construction and the second would be with the applicant to deal with the school among other things. Mr. Holden recommended a workshop with the Charter School representatives to educate us on Charter Schools with a package of information distributed before the workshop. The school site is already available. It was the consensus of the City Commission to conduct a Charter School workshop after the March 8, 2001 regular meeting.

B. Ordinance 01-13: Amending the Citation Ordinance 00-15 to remove any reference to Orange County Sheriff's Office.

City Attorney Everett read Ordinance 01-13 by title only. City Attorney Everett stated this proposed amendment is to correct and clarify the recently adopted citation ordinance. **Motion by Commissioner Rees to approve Ordinance 01-13 with the second reading and public hearing being scheduled for March 22, 2001. Seconded by Commissioner Marbury. Motion carried 5-0.**

8. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:

A. Ordinance 00-74: Amending the Fire and Police Pension Plan to allow for service credit for employees changing to General Employees Pension Plan

City Attorney Everett read Ordinance 00-74 by title only. Finance Director Bollhoefer stated that this Ordinance provides a mechanism for employees to switch from the Fire and Police to the General Employees Pension Plan and vice a versa for Ordinance 00-75, to carry credited years of service without being penalized. Neither Ordinance has any financial impact on either pension plan. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 00-74, and seconded by Commissioner Harriman. Motion carried 5-0.**

B. **Ordinance 00-75: Amending the General Employees Pension Plan to allow for service credit for employees changing to Fire and Police Pension Plan**

City Attorney Everett read Ordinance 00-75 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 00-75 and seconded by Commissioner Marbury. Motion carried 5-0.**

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

City Attorney Everett read Ordinance 01-10 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to adopt Ordinance 01-10 and seconded by Commissioner Graham. Motion carried 5-0.**

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

City Attorney Everett read Ordinance 01-11 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Marbury to adopt Ordinance 01-11 and seconded by Commissioner Harriman. Motion carried 5-0.**

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

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

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

- Stated that the Financial Statement for January 2001 was distributed and he or the Finance Director is available to answer any questions.
- Announced that preparations have begun for the interim budget process.
- Stated that after analyzing the possibility of purchasing a modular office building for a temporary City Hall, it would not be in the City's best interest because of the cost versus the benefit. The City Hall renovations are scheduled to begin March 1 and continue for 6-9 months, which would not allow for getting the modular complex up and in place in that time frame. Therefore, he requested that his prior purchase consideration be withdrawn and that he will be bringing back some recommendations to maximize the current facility. It appears that with the remodeling, expanding the Planning Department and Utility Department buildings will accommodate us for six more years. **Motion by Commissioner Rees to withdraw the consideration to purchase a temporary modular office building for City Hall. Seconded by Commissioner Harriman. Motion carried 5-0.**
- Asked the City Commission to consider the draft policy that addresses the increasing number of donation requests the City is receiving. The policy would allow staff to screen donation requests based upon specific criteria. If the applicants did not meet the requirements, they would still be able to address the City Commission under matters of concern from citizens on the agenda. It was the consensus of the City Commission to put this item on the next agenda as a regular business item.

12. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Rees:

Asked about the current status of redistricting. City Manager Holden stated the census figures would not be officially released until August. Commissioner Graham asked if there would be any State grants available for redistricting. City Manager Holden stated that this is new to him and at this point without the figures being known, he does not know if staff could make a recommendation or not at this point. The process will need to be discussed to determine how the City will proceed at a future date.

Commissioner Graham:

Congratulated Randy Dollar of the Fire Department for receiving a grant.

Commissioner Marbury:

Stated he attended the amphitheater meeting at Tanner Hall last night, which had a good turn out. There were concerns expressed about the noise an open-air theater might generate, increased crime and crowds to and from the site. Mayor Quesinberry stated that the promoters have tried to address any concerns. Commissioner Harriman stated that about 90% of the attendees were in favor of the amphitheater. City Manager Holden stated that staff is preparing to bring the proposal to the City Commission and it has been named Winter Garden Performing Arts Center.

Commissioner Harriman: None.

Mayor Quesinberry:

Reported that he attended a meeting with the new County Chairman and new County Commissioner that went well. He was able to give Chairman Crotty a brief tour of the downtown area. Commissioner Harriman stated he took the opportunity to share his concerns about all the County enclaves within the City.

ADJOURNMENT: The meeting was adjourned at 7:33 p.m.