

REGULAR MEETING MINUTES

CITY COMMISSION

April 26, 2001

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

PRESENT: Mayor Jack Quesinberry, Commissioners John Rees, Theo Graham, Mildred Dixon and John Harriman; 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 Marshall Robertson, Police Chief Jimmie Yawn, Recreation Director Larry Caskey, Human Resource Director Victoria Ward, and John Maloney of The West Orange Times

APPROVAL OF MINUTES:

1. Canvassing Board Meeting Minutes of April 10, 2001; Regular Meeting Minutes of April 12, 2001; Charter School Workshop Minutes of April 12, 2001

Motion by Commissioner Rees to approve the Canvassing Board, Regular Meeting and Charter School Workshop minutes as submitted. Seconded by Commissioner Harriman and **carried 5-0.**

REGULAR BUSINESS:

1. **Request for an open-air tent auto sale by MacKenney Super Center from May 17 to May 21, 2001 in the Regional Shopping Center (next to AmSouth Bank)**

City Manager Holden stated staff's concerns regarding multiple requests by one auto dealer for open-air sales, which may be an attempt to circumvent the zoning process required for a auto sales lot. He stated that the Commission could limit the number of annual open-air auto sales approved for each dealer. This same request was before the Commission last January. Scott Thompson of Air Power Marketing, 10301 Lehman Road Orlando, Florida, stated that he prefers to have two sales a year in Winter Garden. This particular request is because another location fell through. Last year, there were complications when another auto sales company leased the same space the weekend before his event and they failed to comply with the City's requirements, but he has always complied and enjoys doing business locally. Commissioner Harriman asked if AmSouth is involved with the sale. Mr. Thompson stated that AmSouth would be assisting with financing. Commissioner Rees stated that he agrees that the purpose of an open-air auto sale is that it is not on an ongoing basis and that twice a year is appropriate. **Motion by Commissioner Rees to approve the open-air auto tent sale from May 17 to May 21, 2001 in the Regional Shopping Center after complying with all the City requirements. Seconded by Commissioner Harriman and carried 5-0.**

2. **Approval of the Daniels Road agreement between M/I Homes, Orange County and the City of Winter Garden**

Planning Director Cechman stated that the City Commission previously approved the PUD and as part of that PUD, there are two development agreements that also needs to be approved. This is the first agreement, which deals with the improvements to Daniels Road, which will eventually be a 4-lane road and be connected to CR535. After numerous negotiations with the developer and Orange County, all have agreed on the proposed agreement and staff recommends approval. City Manager Holden stated that the property north of M/I Homes property and south of Turnpike overpass has the City obligated to acquire the right-of-way of 3600 feet and generally 30 feet on either side of the existing right-of-way. Once the City has obtained all the right-of-way, the County will pave a 4-lane divided highway, ultimately connecting to the Expressway interchange at CR535. Commissioner Graham asked about funding sources for the bridge. Mr. Holden stated that is the next challenge and some fund support is being requested from the Florida Department of Transportation (FDOT), who partially funded the Maguire overpass at about \$1 million. Also, our lobbyist has been working on gaining DOT's support. Commissioner Dixon stated she supports the City trying to get as much funding as possible. **Motion by Commissioner Dixon to approve the Daniels Road agreement as submitted. Seconded by Commissioner Harriman.** Commissioner Graham asked about mitigation funds required of the City. Mr. Holden stated that area is the ditch just north of the intersection of Roper and Daniels Roads. Commissioner Graham stated that the mitigated funds should be put to use elsewhere in the City. Mr. Holden stated that is the plan, similar to the Lulu Creek improvements. **Motion carried 5-0.**

3. **Approval of the dedication of a portion of Orange West Boulevard (Khan Convenience Store & Car Wash)**

Planning Director Cechman stated that the Planning and Zoning Board has approved this application for a convenience store on the west side of Orange West Boulevard, which is the entranceway to Westside Town Homes. The road is now a private road and staff is recommending that the road be dedicated to the City to avoid any future confusion with regard to maintenance. The owner, Orange West Utilities, has agreed to dedicate the road. Staff believes that the City needs to sign a maintenance and utilization agreement, which the City Attorney is the process of preparing, once all the technical issues are resolved. Commissioner Graham asked which private utilities were included? City Manager Holden stated the private utilities include a water main and a lift station. **Motion by Commissioner Graham to approve the agreement with Orange West Utilities. Seconded by Commissioner Rees and carried 5-0.**

4. **Approval of a Mutual Aid Agreement with the Orange County Sheriff's Office**

Police Chief Yawn stated that this mutual aid agreement is replacing a previously expired agreement. The agreement has been reviewed and approved by the Police Department's legal advisor. **Motion by Commissioner Graham to approve the Mutual Aid Agreement with the Orange County Sheriff's Office as submitted. Seconded by Commissioner Harriman and carried 5-0.**

5. **Approval of a lot donation to the West Orange Habitat for Humanity (corner of S. Lakeview and W. Cypress)**

City Manager Holden requested that this item be **tabled** for additional information.
Motion by Commissioner Rees to table this item until the next meeting. Seconded by Commissioner Harriman and carried 5-0.

6. **Approval of the preliminary plat for Pineloch**

Planning Director Cechman stated that the Planning and Zoning Board has reviewed the preliminary plat and recommends approval. Staff has also made their review and recommends approval with the conditions stated in the agenda item. **Motion by Commissioner Harriman to approve the preliminary plat for Pineloch, with staff's recommendations. Seconded by Commissioner Dixon and carried 5-0.**

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

- A. **Ordinance 01-24:** Annexation of Rolling Rock Blvd. (Penny Lane, Siplin Property)

City Attorney Everett read Ordinance 01-24 by title only. **Motion by Commissioner Rees to approve Ordinance 01-24 and to schedule the second reading and public hearing for May 24, 2001. Seconded by Commissioner Harriman and carried 5-0.**

- B. **Ordinance 01-25:** Annexation of Bethune (Galloway)

City Attorney Everett read Ordinance 01-25 by title only. **Motion by Commissioner Dixon to approve Ordinance 01-25 and to schedule the second reading and public hearing for May 24, 2001.** Commissioner Graham asked that the motion be amended to include staff's recommendations. Motioner accepted the amendment. Motion amended **to approve Ordinance 01-25, with staff's recommendations, and to schedule the second reading and public hearing for May 24, 2001. Seconded by Commissioner Harriman and carried 5-0.**

- C. **Ordinance 01-26:** Comprehensive Plan Amendment of Bethune (Galloway)

City Attorney Everett read Ordinance 01-26 by title only. **Motion by Commissioner Rees to approve Ordinance 01-26 and to schedule the second reading and public hearing for May 24, 2001. Seconded by Commissioner Harriman and carried 5-0.**

- D. **Ordinance 01-27:** Rezoning of Bethune (Galloway) from Orange County R-2 to City R-1-B

City Attorney Everett read Ordinance 01-27 by title only. **Motion by Commissioner Graham to approve Ordinance 01-27, with staff's recommendations, and to schedule the second**

reading and public hearing for May 27, 2001. Seconded by Commissioner Dixon and carried 5-0.

- E. **Ordinance 01-28:** Rezoning of Carter Road (Flex Space) from I-1 to I-2

Attorney Everett read Ordinance 01-28 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-28 and to schedule the second reading and public hearing for May 24, 2001. Seconded by Commissioner Dixon and carried 5-0.**

- F. **Ordinance 01-29:** Annexation of Carter Road Business Park located off Carter Road (Crawford)

City Attorney Everett read Ordinance 01-29 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-29, with staff's recommendations, and to schedule the second reading and public hearing for May 24, 2001. Seconded by Commissioner Dixon and carried 5-0.**

- G. **Ordinance 01-30:** Comprehensive Plan Amendment of Carter Road Business Park (Crawford)

City Attorney Everett read Ordinance 01-30 by title only. **Motion by Commissioner Rees to approve Ordinance 01-30, with staff's recommendations, and to schedule the second reading and public hearing for May 24, 2001. Seconded by Commissioner Harriman and carried 5-0.**

- H. **Ordinance 01-31:** Rezoning of Carter Road Business Park (Crawford) from I-1 to I-2

City Attorney Everett read Ordinance 01-31 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-31, with staff's recommendations, and to schedule the second reading and public hearing for May 24, 2001. Seconded by Commissioner Rees and carried 5-0.**

- I. **Ordinance 01-32:** Amending Fiscal Year Budget 2000-2001

City Attorney Everett read Ordinance 01-32 by title with the total revenues and expenses of \$6,356,568. **Motion by Commissioner Harriman to approve Ordinance 01-32 and to schedule the second reading and public hearing for May 10, 2001. Seconded by Commissioner Rees.** Commissioner Graham asked how often the actuary for retirement is prepared. Finance Director Bollhoefer stated that now the actuarial report is generated every year and there should not be as much adjusted next time. City Manager Holden stated that the proposed budget changes include 2 police officers and the reinstating of the Assistant Fire Chief position and the Public Works Director. These positions are being advertised, if there are no objections tonight. The proposed budget changes will fund the additional positions. There were no objections. Commissioner Graham asked about the cost for two vehicle repairs. Mr. Holden stated that the prior Police vehicles were transferred to the Planning Department and it was determined it would be cost effective to repair and continue to use the vehicles. **Motion carried 5-0.**

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8. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:

- A. **Ordinance 00-55:** Annexation of the Winter Garden First Baptist Church property located at south of Tilden Road (Bradford)

City Attorney Everett read Ordinance 00-55 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 00-55. Seconded by Commissioner Rees and carried 5-0.**

- B. **Ordinance 00-56:** Comprehensive Plan Amendment for the Winter Garden First Baptist Church property located south of Tilden Road to Suburban Density (Bradford)

City Attorney Everett read Ordinance 00-56 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 00-56. Seconded by Commissioner Graham and carried 5-0.**

- C. **Ordinance 00-57:** Rezoning to R-1 of the Winter Garden First Baptist Church property located at south of Tilden Road (Bradford)

City Attorney Everett read Ordinance 00-57 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to adopt Ordinance 00-57. Seconded by Commissioner Graham and carried 5-0.**

- D. **Ordinance 01-15:** Revising the Occupational License Tax Classifications and Fee Schedule

City Attorney Everett read Ordinance 01-15 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to adopt Ordinance 01-15. Seconded by Commissioner Harriman and carried 5-0.**

- E. **Ordinance 01-16:** Annexation of the section of the West Orange Trail that is within the City's Reserve Area

City Attorney Everett read Ordinance 01-16 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-16. Seconded by Commissioner Dixon and carried 5-0.**

- F. **Ordinance 01-17:** Comprehensive Plan Amendment from Industrial to Commercial for the southwest corner of 9th Street and Plant Street (Greyline)

City Attorney Everett read Ordinance 01-17 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed.
Motion by Commissioner Rees to adopt Ordinance 01-17. Seconded by Commissioner Harriman and carried 5-0.

- G. **Ordinance 01-18:** Rezoning of the southwest corner of 9th Street and Plant Street from I-1 to C-2 (Greyline)

City Attorney Everett read Ordinance 01-18 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed.
Motion by Commissioner Harriman to adopt Ordinance 01-18. Seconded by Commissioner Graham and carried 5-0.

- H. **Ordinance 01-19:** Comprehensive Plan Amendment for 0.92 acres located at the northwest corner of West Crown Point Road and Plant Street (Starlight)

City Attorney Everett read Ordinance 01-19 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed.
Motion by Commissioner Rees to adopt Ordinance 01-19, with staff's recommendations. Seconded by Commissioner Harriman and carried 5-0.

- I. **Ordinance 01-20:** Rezoning of 0.92 acres located at the northwest corner of West Crown Point Road and Plant Street from I-2 to C-2 (Starlight)

City Attorney Everett read Ordinance 01-20 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed.
Motion by Commissioner Harriman to adopt Ordinance 01-20. Seconded by Commissioner Rees and carried 5-0.

Approval of the Developer's Agreement

Planning Director Cechman stated that there are issues that staff is requesting be addressed in a development agreement that include; establishment of impact fee categories; and dedication of 20 feet of needed right-of-way on Plant Street so the State can efficiently widen Plant street in the future. The applicant and City Engineer have agreed to the cost of a pipe and staff is recommending approval.
Motion by Commissioner Graham to approve the Developer Agreement with Holder Investments. Seconded by Commissioner Harriman and carried 5-0.

- J. **Ordinance 01-21:** Vacation of the northerly 482.48 feet of Lakeview Road

City Attorney Everett read Ordinance 01-21 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed.
Motion by Commissioner Dixon to adopt Ordinance 01-21. Seconded by Commissioner Harriman and carried 5-0.

- K. **Ordinance 00-64:** Comprehensive Plan Amendment of the Recreation Element

City Attorney Everett read Ordinance 00-64 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to adopt Ordinance 00-64. Seconded by Commissioner Harriman.** Commissioner Graham stated that in future the City should incorporate the Friends of Lake Apopka initiative to add a buffer between the property and the required 30-foot minimum building setback. When Lake County approves their buffer Ordinance, he would like to have it incorporated into Winter Garden's Comprehensive Plan. **Motion carried 5-0.**

- L. **Ordinance 00-65:** Comprehensive Plan Amendment of the Interlocal Coordination Element

City Attorney Everett read Ordinance 00-65 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 00-65. Seconded by Rees Commissioner and carried 5-0.**

- M. **Ordinance 00-66:** Comprehensive Plan Amendment of the Public Facility Element

City Attorney Everett read Ordinance 00-66 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 00-66. Seconded by Commissioner Dixon and carried 5-0.**

- N. **Ordinance 00-67:** Comprehensive Plan Amendment of the Capital Improvement Element

City Attorney Everett read Ordinance 00-67 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 00-67. Seconded by Commissioner Harriman and carried 5-0.**

- O. **Ordinance 00-68:** Comprehensive Plan Amendment of the Conservation Element

City Attorney Everett read Ordinance 00-68 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 00-68. Seconded by Commissioner Rees and carried 5-0.**

9. MATTERS OF CONCERN FROM CITIZENS

Charlie Mae Wilder, 1007 Stucki Terrace, Winter Garden, Florida, representing the Central Florida Young at Heart was present to request a letter of support from the City of Winter Garden for grant funds. The

grants they are applying for will be for tot lot equipment, signage, and landscaping at 303 SW Crown Point Road, Winter Garden. Commissioner Dixon stated that grants are now competitive and are not matching funds. Once someone receives the first grant, they become eligible to receive more "enhancement" grants to make the community look better. Ms. Wilder stated that the grant is due at 5:00 p.m. tomorrow. It was the consensus of the Commission to provide the Central Florida Young at Heart with a letter of endorsement for the grant request.

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

11. **MATTERS FROM CITY MANAGER**

- The Financial Report for March 2001 was distributed and Mr. Holden stated that he or the Finance Director would be available to answer any questions.
- Asked to postpone the financial status of the City report until the next meeting when the mid-year adjustment Ordinance is adopted.
- The second in-house quarterly edition of the City newsletter has gone out and there has been positive feedback from the citizens. We are taking pride in this publication and his secretary has taken the responsibility of generating the newsletter. They are of the opinion that additional colors would enhance the presentation and have solicited bids for 4-color, printing, and mailing the newsletter out four times a year at a cost of about \$3600 a quarter and therefore requested Commission's approval. **Motion by Commissioner Rees to approve the quarterly newsletter and expenditures of \$15,000±. Seconded by Commissioner Harriman and carried 5-0.**
- Reminded them that we will be going to summer shirts next meeting and some of the shirts have faded over the past 2-3 years. If everyone would give Ms. Montoya their shirt size, new shirts will be ordered.
- Reported that there was an excellent meeting last Friday with developers and School Board members on school issues in West Orange County. Recent information provided to the City has lead the City to believe that there is an urgent need for Charter Schools. However, the student population figures do not substantiate that claim. There are two approved schools, Lake Whitney reliever school and Oakland Charter School, which will absorb some of the student population for our area. Oakland Mayor Vanderley is sponsoring a bus trip to the Kissimmee Charter School, which he will be attending. Also, he received an urgent E-mail from Ron Blocker, Orange County Superintendent of Schools regarding a request to support proposed legislation to allow, without a referendum, an increase of ½ to 1 cent in sales tax for

school construction, which would also require them to do a tax millage roll-back of 1 or 2 mills. Locally, Stoneybrook has a dedicated school site. The City needs school construction to start soon to take care of our growth. Our student population shows that we are 1,000 over capacity, but that would be solved with the Lake Whitney reliever in operation. He has more meetings scheduled on this subject and may be able to report more at the next Commission meeting.

- Stated that there is a development agreement situation that the City has invoiced for a road to be constructed and it has not been paid. Therefore, the City is calling in the Letter of Credit and will take legal action to cover the remainder. City Attorney Everett stated that the Letter of Credit action is covered by the development agreement. If a lawsuit needs to be filed, Commission authorization will be requested. Mr. Holden stated that the difference is approximately \$40,000.
- Requested approval of a one-page advertisement in The Florida League of Cities Annual Conference program.
Motion by Commissioner Harriman to approve the one-page ad in the Florida League of Cities program. Seconded by Commissioner Dixon and carried 5-0.
- Announced that the Florida Department of Law Enforcement Statistics was received for 2000 and Winter Garden's crime was reduced by 39.3%. Winter Garden may now have the lowest crime rate in Orange County, but we don't have the other statistics yet to compare. In 1999, there were 657 cases and last year there were 399. He congratulated the Police Chief.

12. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Harriman:

Congratulated the Mayor on his appointment to the Tourist Development Board to be a watch dog for our taxes and he knows the Mayor will do an excellent job.

Commissioner Dixon:

- Also congratulated the Mayor on his appointment.
- Stated she participated in a tour of Community Centers in Bithlo, Winter Park, East Orange, and others that had beautiful parks and buildings. At her next meeting, she will address the County about her concerns with the County starting new parks and centers when existing parks are in need of repair and updating. There are 4 additional acres at the Crown Point Center that maybe funds from Community Development could be used to

purchase the additional property. To help reduce crime, there should be more areas for children to play and there needs to be more Police on 11th Street. The City needs to move forward with Neighborhood Watch and working with the Homeowner Associations. Current facilities within the City need to be repaired such as basketball courts that are too slick. She asked about the \$77,000 appropriated (contracted) by the City for baseball fields. City Manager Holden stated the Maxey Center is a County owned and funded facility and there was no contract with the City. Ms. Dixon stated she would research funding issues.

Commissioner Graham:

- Stated he read in the newspaper that two years ago the State generated bonds to build schools and the only reason Orange County is requesting funds is because they will not build the schools and then request payment. The funds are there to build, but they are behind on the building of schools.

- Asked if Community Development Grants for recreation are being requested? City Manager Holden stated that the City hasn't received the grant letter yet and asked Mr. Robertson to check on the status.

Commissioner Rees:

- Expressed his concern with more and more people running red lights and asked if the fines could be increased or if adding the automatic ticketing system could be installed. Mr. Holden stated that he and the Police Chief were getting creative in order to catch those running red lights. Chief Yawn stated he doesn't know if the automatic system would be worth the \$50,000 expense because of how it works in congested traffic, but he will look into it.

Mayor Quesinberry: None

13. **ADJOURNMENT:** The meeting was adjourned at 7:55 p.m.