

REGULAR MEETING MINUTES

CITY COMMISSION

May 24, 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 (arrived at 6:40 p.m.) and John Harriman; City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant Utilities Director Bart Patria, Planning Director Mark Cechman, Public Works Director Marshall Robertson, Police Chief Jimmie Yawn, Recreation Director Larry Caskey, Human Resource Director Victoria Ward, Trailer City Manager Hughlan Martin, and Fire Chief Randy Dollar

APPROVAL OF MINUTES:

1. Regular Meeting Minutes of May 10, 2001

Motion by Commissioner Graham to approve the Regular Meeting Minutes as submitted. Seconded by Commissioner Rees and **carried 4-0.**

PRESENTATION

1. Affordable housing

Mr. Thomas Alston, Chairman of the Orange County Community Action Board stated that he brought a proposal with him for consideration by the City Commission. It was the consensus of the City Commission to postpone any action until the next meeting after they have had a chance to review the material just submitted. Mr. Alston introduced Mr. James Alliston who stated that Ms. Dixon contacted him two years ago to make a review of the East Winter Garden community and his experience includes doing a Community Redevelopment Agency (CRA) Report for Winter Park. He is a retired construction person and his roll would be that of a liaison between the developers, affordable housing people and the community to make sure the results are positive. He sees 9th Street as a major thoroughfare through the city and wants to ensure that the citizens, in that area, take pride and be part of the process. Mayor Quesinberry asked if the proposal includes fixing up rental properties? Mr. Alison stated building issues would be based on the needs of the community and at the City's guidance. Commissioner Graham stated that the East Bay Apartment building is deteriorating and that the community should be pushing the renters to clean up their area. Mr. Alston stated he is addressing home ownership and they will be partnering with local churches, long-term residents and community organizations. Commissioner Dixon stated that as part of a faith-based initiative, they will be writing a proposal to HUD for housing. They also want to teach the community about HUD and Fannie Mae opportunities.

REGULAR BUSINESS:

1. **Request by Bloom 'N Grow Garden Society to have a "Spring Fever in the Garden" festival on Saturday, March 16, 2002**

Ms. Sue Crabtree, 174 Roper Drive, Winter Garden, Florida, thanked the City for their involvement in the event this past March and stated that they have begun working on next year's event. The event is garden related and they plan to have a children's zone to help educate them about our environment. They are requesting March 16, 2002, from 9 a.m. to 4 p.m. on Plant Street from Woodland Street to Highland Avenue and from Boyd Street south to Smith Street with the streets closing from 6 a.m. to 5 p.m. **Motion by Commissioner Rees to approve the "Spring Fever in the Garden" festival as requested on March 16, 2002. Seconded by Commissioner Harriman and carried 5-0.** Commissioner Graham congratulated the Garden Society for winning the Kellogg Award for the Path of Life and City Manager Holden stated that the event was a great success and staff is available to assist in the next year's event.

2. **Request for a public hearing for a special permit to have more than two domestic animals at 200 W. Story Road**

Motion by Commissioner Graham to conduct a public hearing on June 14, 2001, for a request for a special permit to have more than two domestic animals at 200 W. Story Road. Seconded by Commissioner Harriman and carried 5-0.

3. **Adopt Resolution 01-04 establishing a Citizen's Redistricting Advisory Committee**

Mayor Quesinberry stated that this item is to equalize the Commissioner districts populations. City Attorney Everett recommended that the City Commission review the draft Resolution and consider adopting it at their next meeting, which will allow each Commissioner time to select their Committee appointments and adopt the Resolution at the same time. **It was the consensus of the City Commission to postpone this item until June 14, 2001.**

4. **Approval of a Statewide Mutual Aid Agreement with the State Department of Community Affairs Division of Emergency Management**

Fire Chief Dollar stated that since 1994 Winter Garden has been a party to the Statewide Mutual Aid Agreement which is being updated to include Special Districts and some other minor changes. This agreement is instrumental in allowing cross boundary assistance such as the February 1998 tornado and when we assisted Volusia County with their wild fires that same year. Mr. Dollar recommended approval. City Manager Holden stated that any city not signing the agreement would have their reimbursements for mutual aid eliminated. This agreement has served the city well and he recommended approval. **Motion by Commissioner Dixon to approve the revised Statewide Mutual Aid Agreement. Seconded by Commissioner Harriman and carried 5-0.**

5. **Approval of Final Plat for Stoneybrook West Unit 3, Phase 2A, Parcels 11 & 12 (Lawson)**

Planning Director Cechmen stated that staff has reviewed the Final Plat and recommends approval with the conditions stated in the agenda attachments. The Planning and Zoning Board has also reviewed this plat and recommends approval. Commissioner Graham asked what is the frontage width of Lot 65? Mr. Bruce Lawson, U.S. Homes, 1208 Clover Lawn, Orlando, FL, stated that the 31 feet shown is a straight linear dimension, which has to be added to the curve table to get the total frontage, which calculates to 50 feet of frontage for Lot 65. **Motion by Commissioner Harriman to approve the Final Plat for Stoneybrook West Unit 3, Phase 2A, Parcels 11 & 12 with staff's recommendations. Seconded by Commissioner Dixon and carried 5-0.**

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

1. **Ordinance 01-48:** Rezoning of 880 Carter Road Industrial Park Parcel 5 to I-2 (Edwards)

City Attorney Everett read Ordinance 01-48 by title only. **Motion by Commissioner Graham to approve Ordinance 01-48 and to schedule the second reading and public hearing for June 28, 2001. Seconded by Commissioner Rees and carried 5-0.**

2. **Ordinance 01-49:** Easement vacation of 1026 Portmoor Way in Stoneybrook West (Lawson)

City Attorney Everett read Ordinance 01-49 by title only. **Motion by Commissioner Rees to approve Ordinance 01-49 and to schedule the second reading and public hearing for June 28, 2001. Seconded by Commissioner Harriman and carried 5-0.**

3. **Ordinance 01-50:** Easement vacation of 15332 Amberbeam Boulevard in Stoneybrook West (Lawson)

City Attorney Everett read Ordinance 01-50 by title only. **Motion by Commissioner Rees to approve Ordinance 01-50 and to schedule the second reading and public hearing for June 28, 2001. Seconded by Commissioner Dixon and carried 5-0.**

Mayor Quesinberry dispensed with the City Commission agenda and convened as the Community Redevelopment Agency (CRA) at 7:05 p.m.

Members Present: Jack Quesinberry, John Rees, Theo Graham, Mildred Dixon, and John Harriman

Members Absent: Larry Cappleman and Teresa Jacobs

In the absence of Mr. Cappleman, Mr. Holden made the item presentations.

7. **Request to extend the lease agreement for 214 Center Street**

City Manager Holden stated that a lease extension is being requested because the building renovations and the State Department of Hotels and Restaurants are taking longer than anticipated. The Community Redevelopment Agency Advisory Board (CRAAB) is recommending that the non-payment of the rental agreement be extended by two months. **Motion by Agency Member Graham to extend the lease agreement by two months. Seconded by Agency Member Rees and carried 5-0.**

8. **Request for funding a "Clean and Fix-up Rally" by the Central Florida Young at Heart, the West Orange Citizen Action Coalition and the Church of Christ West Orange in the downtown and East Winter Garden areas in the amount of \$414**

City Manager Holden stated that this request, submitted by Charlie Mae Wilder, is to purchase additional City equipment because the nature of this program is somewhat different than the past "Paint the Neighborhood" event. The items requested are being offered at a very good price by ACE Hardware. **Motion by Agency Member Harriman to approve an expenditure of \$414 to purchase City supplies to be used for a "Clean and Fix-up Rally". Seconded by Agency Member Graham and carried 5-0.**

9. **Reappointment of three Community Redevelopment Agency Advisory Board members whose terms expire in July 2001**

City Manager Holden stated that three member's (Bob Battaglia, Hank Sines, and Bruce Williams) terms are due to expire in July 2001 and they have indicated they would serve another term. **Motion by Agency Member Rees to reappoint Mr. Battaglia, Mr. Sines and Mr. Williams to another term on CRAAB. Seconded by Agency Member Harriman and carried 5-0.**

Mayor Quesinberry adjourned the CRA meeting at 7:09 p.m. and reconvened the City Commission meeting.

10. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 01-24**: Annexation of Rolling Rock Way; West Point Villas Western Connection

City Attorney Everett read Ordinance 01-24 by title only. Planning Director Cechman stated that the City Commission previously approved a development agreement that includes the building of this road to CR545. The City currently owns this property and wants to annex it into the City's jurisdiction. Mayor Quesinberry opened the public hearing. Ms. Ozella Johnson, 545 Avalon Road, Winter Garden, Florida asked what value there is to annexing her property into Winter Garden? City Manager Holden stated that Ms. Johnson's question is not related to this item and that he would meet with her and her community to explain annexation issues. Mr. Cechman

explained that the notices the area residents received were sent because they live within the surrounding area of the proposed annexation of the City owned property. Ms. Margaret Kennington, 1220 CR545, Winter Garden, Florida, asked what was going to happen to the road after it is annexed. Mr. Holden stated that the County must approve the design and curb cut onto CR545, which they now have. Ms. Kennington asked what the road would do to traffic levels? Mr. Holden stated that it would keep traffic off of SR50 by allowing traffic to go out the back-way heading south on CR545 instead of the front gate to turn left on SR50 and then take a left to go south to Disney. It will be an asset to CR545, but principally it will alleviate the traffic to SR50. Hearing no other comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-24. Seconded by Commissioner Dixon and carried 5-0.**

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

City Attorney Everett read Ordinance 01-25 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-25 with staff's recommendations. Seconded by Commissioner Graham and carried 5-0.**

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

City Attorney Everett read Ordinance 01-26 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to adopt Ordinance 01-26. Seconded by Commissioner Harriman and carried 5-0.**

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

Attorney Everett read Ordinance 01-27 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 01-27. Seconded by Commissioner Harriman and carried 5-0.**

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

Attorney Everett read Ordinance 01-28 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-28. Seconded by Commissioner Rees and carried 5-0.**

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

Attorney Everett read Ordinance 01-29 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to adopt Ordinance 01-29. Seconded by Commissioner Harriman and carried 5-0.**

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

Attorney Everett read Ordinance 01-30 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-30. Seconded by Commissioner Rees and carried 5-0.**

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

Attorney Everett read Ordinance 01-31 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-31. Seconded by Commissioner Rees and carried 5-0.**

4. **Ordinance 01-34:** Request to vacate 7th Street

City Attorney Everett read Ordinance 01-34 by title only. Mayor Quesinberry opened the public hearing. Mr. Fred Crabtree, 174 Roper Drive, Winter Garden, Florida, requested certified copies of the adopted Ordinance so they may be recorded. If adopted, the City Clerk would provide them. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to adopt Ordinance 01-34. Seconded by Commissioner Graham and carried 5-0.**

11. MATTERS OF CONCERN FROM CITIZENS

Ms. Marian MacFarland, CR545, asked when water would be available to her side of the street so she can hook up? City Manager Holden stated that they would have to annex into the City first and pay to extend the water lines to the other side. Commissioner Dixon explained that around 1992, the CRA began the Siplin Road paving project and when it was finished, the residents were allowed a certain amount of time to come into the City from the County, but no one did. There was also \$95,000 available to pave Possum Hollow, but no one came forward to request the funds which could have also been used to bring the water lines across the street. Mayor Quesinberry stated that he recalls 1 or 2 lots on the north side of Possum Hollow being annexed. City Manager Holden stated that he researched the records when the 1998 tornado hit the area and the records show that the 2-lot project was never completed after annexation. If Ms. MacFarland wants city water, the City will be happy to provide the service, but the property owners will have to pay to run the line from CR545. Ms. MacFarland asked where the Tildenville Community begins and ends? Mr. Holden explained that there are several County enclaves on CR545, but generally, when leaving SR50 going south on CR545 you are in Winter Garden, then your in Orange County, then you go back into Winter Garden where the new housing is being built. Ms. MacFarland thanked the City Manager for the information and she will pass it on to others.

Commissioner Dixon left at 7:38 p.m.

12. MATTERS FROM CITY ATTORNEY – None

13. MATTERS FROM CITY MANAGER

- A. Financial Report for April 2001 was distributed and he would be available to answer any questions.
- B. As previously reported and now confirmed, the crime statistics shows Winter Garden has had the highest reduction of crime rates. The Town of Windermere with a population of 1,800 has a lower crime rate than Winter Garden. However, Winter Garden is doing better than all the remaining communities within Orange County. The Police Chief and his staff are doing a fine job.
- C. Stated that STI is a cable service company for the internal portions of Stoneybrook and the external non-gated portions. They currently do not have a franchise agreement with the City. He and the City Attorney have been working on a franchise agreement. We have stopped all permitting or connections for cable until we get an agreement. The end result is the residents are being indirectly penalized. He and the City Attorney have worked out an interim agreement with STI's attorneys, which they have signed. Mr. Holden asked the City Attorney if the City Commission could direct him to move forward and issue the permits now or wait two more weeks? City Attorney Everett stated that even though this would be an interim license agreement under Chapter 166, the law still treats it as a defacto temporary grant of a franchise. The law, after the legislative changes, is less clear on whether that is still true. The franchise agreement would have to be approved after the opportunity for a public hearing. Therefore, the agreement will have to be noticed and put on the Commission's agenda before it is ratified. We have STI's commitment as to the form of the agreement and we could progress and get to the point of issuing the permits. The risk is that after public input, the Commission could decide to take some other action other than approval. We would not want to give STI permits for the final facility. On the other hand, just because we permit the structure would not necessarily mean they are granted a franchise. Mr. Holden asked for permission to go ahead and proceed with permitting because STI has already been working without a permit. Mr. Everett stated that STI has done what has been asked of them and they have signed the interim license agreement. Ultimately, there will be an omnibus cable franchise ordinance submitted to the Commission sometime this summer, which will be used for all cable franchises. It was the consensus of the City Commission to temporarily permit STI to provide cable services to Stoneybrook and that STI be informed that the agreement may change based on public input at the public hearing.

14. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Rees: None

Commissioner Graham:

Invited everyone to attend the Memorial Day services at Veteran's Park with Captain Bill Sims (USN Retired) as the speaker.

Stated that the waterline to Tildenville was installed, as required, in order for the City to receive the sewer plant grant. Residents that wanted to connect to the line, had one year to do so, which would have been paid by the grant, but they missed it.

Commissioner Dixon: Left earlier.

Commissioner Harriman: None

Mayor Quesinberry:

The Legislative Luncheon attended by the elected officials today was very informative.

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