

## REGULAR MEETING MINUTES

### CITY COMMISSION

July 26, 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, Mildred Dixon (arrived at 6:33 p.m.) 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, Recreation Director Larry Caskey, Human Resources Director Victoria Ward, Public Works Director Marshall Robertson, Police Chief Jimmie Yawn, Trailer City Manager Hughlan Martin and John Maloney of The West Orange Times

### **PRESENTATIONS**

#### **1. Awards presented to Police Olympic Medal winners**

Mayor Quesinberry presented plaques to Police Officers Steve Heister for his silver medal for bench pressing 365 pounds; Scott Stiles for his gold medal in sparring Karate and silver medal in Kata; Detective Larry Bowcok (absent) for his silver medal in the mountain bike competition, Deputy Chief John Johnson for his bronze medal in the 100 meter breast stroke; and Officer Jason Pearson for placing 4<sup>th</sup> in the Toughest Cop competition. Everyone congratulated the officers on their accomplishments in the 2001 Police Olympics.

### **APPROVAL OF MINUTES:**

1. Regular Meeting Minutes of June 28, 2001 and July 12, 2001

Commissioner Graham **motioned to approve** the June 28, 2001 minutes as submitted and amending the July 12, 2001 minutes to reflect his opposing vote to adopt Ordinance 01-52 for reclaimed water. Seconded by Commissioner Harriman and **carried 5-0**.

### **REGULAR BUSINESS:**

#### **1. Approval of financial support for Oakland Charter School**

City Manager Holden stated that after extensive meetings, he recommends approval of moving forward with developing an interlocal agreement for the proposed Oakland Charter School. Mayor Quesinberry stated that the proposed Charter School is in the best interest of the community to provide quality education to area students and the proposal would make Winter Garden fourth in

line with regard to any financial responsibility. Commissioner Rees stated that the proposed action is to enter into negotiations for a final agreement that would come back to the City Commission for final approval. Town of Oakland Mayor John VanderLey stated that an interlocal agreement would be required to formalize any financial arrangement with terms and conditions. He requested that the City Commission approve negotiations as long as everyone is in agreement on the "principal concept" of a jointly sponsored Charter School. Commissioner Rees stated that the proposed liability is for a 5-year period for \$5.5 Million, but Winter Garden's potential "hit" is not indicated. Mayor VanderLey stated that the proposed progression of financial responsibility is the first year to Konover, who is obligating a year's principal and interest; Chancellor is providing a Letter of Credit (\$350,000) for a year's principal and interest; the Town of Oakland is reserving a year's principal and interest with their impact fees; and then Winter Garden would guarantee a year's principal and interest. The first payment from the State will go first to the bond's payment. The bond underwriter has indicated that by including the City of Winter Garden's balance sheet, they are confident that there will be a 1% loan rate savings. Commissioner Rees requested a balance sheet from the Town of Oakland. **Motion by Commissioner Graham to authorize the City Manager, Winter Garden's Financial Advisor and Winter Garden's City Attorney to work with Oakland, who will develop an interlocal agreement for the purpose of Winter Garden becoming a financial supporter of the proposed Oakland Charter School, with final approval by the City Commission. Seconded by Commissioner Harriman and carried 5-0.**

2. **Appointment to the Citizen's Advisory Committee of Metroplan Orlando to fill the unexpired term of Jim O'Neil**

Mayor Quesinberry stated that Mr. Andy Crabtree has agreed to serve on this Committee and recommended his appointment to the seat vacated by Mr. O'Neil. **Motion by Commissioner Rees to appoint Mr. Andy Crabtree to the unexpired term of Jim O'Neil on the Citizen's Advisory Committee of Metroplan Orlando. Seconded by Commissioner Harriman and carried 5-0.**

3. **Replacement appointment by District 4 to the Citizen's Redistricting Advisory Committee**

Commissioner Harriman stated that one of his prior appointments, Ruth Rowley, has had to resign due to health reasons. Therefore, he recommended the appointment of Joseph LaPrise. **Motion by Commissioner Rees to appoint Joseph LaPrise to the Citizen's Redistricting Advisory Committee. Seconded by Commissioner Harriman and carried 5-0.**

4. **Request by West Orange High School Quarter Back Club for the purchase of a sponsorship sign**

City Clerk Montoya stated that she received this request, on behalf of the City Commission, to purchase a billboard sign on the school's sports field. Commissioner Graham stated that the City Commission previously purchased a 3-year sponsorship, which has since expired. Commissioner Graham requested that the sign be placed in a more visible location than in past years. Staff will design the billboard with more than just Go Warriors. **Motion by Commissioner Rees to approve the purchase of a**

**sponsorship sign for three years. Seconded by Commissioner Graham and carried 5-0.**

5. **Approval of Bay Isle Final Plat**

City Planner Cechman stated that both the Planning and Zoning Board and staff are recommending approval of the proposed 91 lot subdivision off CR535, with recommendations detailed in the agenda back-up material (*see attached*). **Motion by Commissioner Harriman to approve the Final Plat for Bay Isle, with staff's recommendations. Seconded by Commissioner Dixon and carried 5-0.**

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6. **Approval of Pavex Final Plat**

City Planner Cechman stated that the proposed development is for a 9 lot industrial and commercial complex off of Beulah Road. The Planning and Zoning Board and staff are recommending approval with the conditions indicated in the agenda back-up material (*see attached*). **Motion by Commissioner Dixon to approve the Final Plat for Pavex, with staff recommendations. Seconded by Commissioner Harriman and carried 5-0.**

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7. **Approval of Westfield Phase III Preliminary Plat**

City Planner Cechman stated that the Planning and Zoning Board and staff are recommending approval of the proposed 122 unit subdivision with the conditions stated in the agenda back-up material (*see attached*). Commissioner Harriman stated he has received a phone call about an eagle's nest at this location and asked how the nest affects the proposed development. Mr. Cechman stated that the nest is not located on the proposed site. Commissioner Rees indicated that an eagle's nest could not be located within a certain radius of the proposed development. Mr. Holden stated that the Florida Fish and Game Department must first give their clearance in order to proceed. Mr. Dave Schmitt, Bowyer-Singleton & Associates, stated that the nest has been located and it is greater than 1,500 feet from the perimeter of the site. **Motion by Commissioner Harriman to approve the Preliminary Plat for Westfield Phase III, with staff recommendations. Seconded by Commissioner Rees and carried 5-0.**

8. **Approval of Woodbridge Commerce Center Preliminary Plat**

City Planner Cechman stated that both staff and the Planning and Zoning Board are recommending approval of the preliminary plat for a proposed 3-lot commerce center on CR535 with the conditions stated in the agenda package staff report (*see attached*). Mr. Holden stated that the curb cut on CR535 is not the City's to give, but is the County's and approval would be subject to the County approving the CR535 connection curb cut. **Motion by Commissioner Rees to approve the Woodbridge Commerce Center Preliminary Plat, with staff's recommendations. Seconded by Commissioner Graham and carried 5-0.**

9. Approval of Britt Business Center North Preliminary Plat

City Planner Cechman stated that the Planning and Zoning Board and staff recommend approval of the preliminary plat for 21.4 acres located on the north side of Plant Street and west of East Crown Point Road, with the recommendations stated in the agenda back-up material. This project will provide for an east/west connection between the Jaymark property and Palm Drive, and the applicant will have to provide reuse water lines within the development and abutting roadways in order to provide irrigation. **Motion by Commissioner Dixon to approve the Britt Center North Preliminary Plat, with staff's recommendations (see attached) (No Certificates of Occupancy will be issued for this development until the two conditions are met regarding reclaimed water and drainage issues as stated in the attached staff report). Seconded by Commissioner Harriman.** Commissioner Graham asked if Palm Drive from Ocoee from East Crown Point Road to Hennis would go further? Mr. Holden stated that it starts at East Crown Point Road to align with Palm Drive and then angles to the north and then back around to the west to align with the road the City built at West Crown Point Road to Hennis for the Commerce Center. It gives an east/west road from Hennis to Palm Drive into Ocoee. No Certificates of Occupancy will be issued for this development until the two conditions are met regarding reclaimed water and drainage issues. The reason these two items are not conditions of the preliminary plat is that Progress Energy, which is relocating to several acres on this site, is on a tight schedule. **Motion carried 5-0.**

10. Amending Personnel Manual setting the maximum number of sick hours a fireman or policeman can accrue

City Manager Holden stated that this item is being submitted in conjunction with Ordinance 01-59. The recommended change is from a 2 ½% to 3% retirement benefit for 25 years of service and would be at 2% thereafter. The proposed increase in Ordinance 01-59 will not cost the City any additional funds because it is offset by insurance premium increases. Under the 3%, it created the potential for a fireman or police officer earning more being retired than working. Benefits are calculated based on the last 5 years average salary, which includes any payoff of unused sick leave in his last year, which increases the average earnings. There have been discussions with both labor units regarding this proposed change and they are in agreement to limiting the number of accrued sick hours to 1100. Any sick hours accrued over this amount, will be paid to the employee. **Motion by Commissioner Rees to amend the personnel manual for the maximum number of sick hours a fireman or policeman may accrue to 1100. Seconded by Commissioner Dixon.** Commissioner Graham stated that this benefit was an incentive for an employee not to use sick leave and existing employees, hired before 1979, would be affected by this change. Finance Director Bollhoefer stated that those employees affected by the change would be paid for all hours in excess of 1100 starting October 1, 2001, and therefore would not be losing any monetary value. **Motion carried 5-0.**

11. Approval to purchase Center Lake property of 1.3 acres on Plant Street

City Manager Holden stated that the proposed purchase of this property (the triangle piece at 9<sup>th</sup> Street going east) is to allow for the future expansion of Plant Street, which will require a retention

pond. Part of the proposed project includes a park with benches and trees. The appraisal and selling price is \$123,500, which is to be paid from transportation impact fees. **Motion by Commissioner Dixon to purchase 1.3 acres on Plant Street for \$123,500. Seconded by Commissioner Harriman and carried 5-0.**

**12. FIRST READING OR PROPOSED ORDINANCES:**

**A. Ordinance 01-59: Amending the Fire and Police Pension to increase the benefit accrual rate for the first 25 years by ½%**

City Attorney Everett read Ordinance 01-59 by title only. Finance Director Bollhoefer stated that the City Attorney has just identified a possible error on page 3, Disability Benefits Section 3(a) 9<sup>th</sup> line that sets a minimum of 42% and the underlined amendment of "not less than two percent" may be setting a conflicting minimum. **Motion by Commissioner Rees to approve Ordinance 01-59, with clarification of the two referenced minimums, with the second reading and public hearing being scheduled after receipt of the State's approval. Seconded by Commissioner Graham. Motion carried 5-0.**

**B. Ordinance 01-60: Rezoning of 34 acres north of Hyde Park on Story Road (Winter Oaks) from R-2 to PUD**

City Attorney Everett read Ordinance 01-60 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-60 with the second reading and public hearing being scheduled for August 23, 2001. Seconded by Commissioner Dixon. Motion carried 5-0.**

**C. Ordinance 01-61: Annexation of 4.7 acres located at 12650 West Colonial Drive (Tyndall)**

City Attorney Everett read Ordinance 01-61 by title only. **Motion by Commissioner Dixon to approve Ordinance 01-61 with the second reading and public hearing being scheduled for August 23, 2001. Seconded by Commissioner Harriman. Motion carried 5-0.**

**D. Ordinance 01-62: Small Scale Comprehensive Plan Amendment of 4.7 acres located at 12650 West Colonial Drive to Commercial (Tyndall)**

City Attorney Everett read Ordinance 01-62 by title only. **Motion by Commissioner Dixon to approve Ordinance 01-62 with the second reading and public hearing being scheduled for August 23, 2001. Seconded by Commissioner Harriman. Motion carried 5-0.**

**E. Ordinance 01-63: Rezoning of 4.7 acres located at 12650 West Colonial Drive to C-2 (Tyndall)**

City Attorney Everett read Ordinance 01-63 by title only. **Motion by Commissioner Rees to approve Ordinance 01-63 with the second reading and public hearing being scheduled for August 23, 2001. Seconded by Commissioner Harriman. Motion carried 5-0.**

**13. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:**

**A. Ordinance 01-52: Amending City Code by Creating Article VII, Chapter 78, Reclaimed Water**

City Attorney Everett read Ordinance 01-52 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-52. Seconded by Commissioner Dixon.** Commissioner Harriman asked that if reclaimed water were abundantly available, would everyone get it? City Manager Holden stated that it would not be available to everyone because it would not be economically feasible to run the lines citywide which would cost approximately \$26 million and it would quadruple the sewer rates. It takes roughly 8-10 houses of effluent sewage to make enough reclaimed water for 1 house. The small lots to the north don't use the amount of water needed to support the expense. St. Johns has acknowledged the City's efforts to get reclaimed water from Conserv II for new development to the south. Mr. Holden stated that the City is being mandated by St. Johns River Water Management District to have reclaimed water. Commissioner Graham asked if all future development would be required to use reclaimed water. Mr. Holden stated that any decision made on reclaimed water would be based on the economic feasibility aspect. For example, it would be feasible for Crown Point Springs to connect, because their lines could easily be attached. Commissioner Graham again stated his objections to requiring a fee for just the availability of reclaimed to those who won't be using it. **Motion carried 4-1. Commissioner Graham was opposed.**

**B. Ordinance 01-53: Rezoning of approximately 80 acres on the northeast corner of CR545 and Tilden Road to Planned Unit Development (Belle Meade)**

City Attorney Everett read Ordinance 01-53 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-53 and the preliminary plat amendment, with staff's recommendations. Seconded by Commissioner Graham.** City Planner Cechman pointed out that they have added a note identifying 2 small lots along Avalon, whose future use will be determined at a later date with Planning and Zoning approval. They have also identified the required 5% for usable open space. The development will also be required to install water reuse lines. **Motion carried 5-0.**

**C. Ordinance 01-54: Small Scale Comprehensive Plan Amendment of .65 acres on the southeast corner of Main Street and Story Road to Commercial (C-2) (Clarke)**

City Attorney Everett read Ordinance 01-54 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-54. Seconded by Commissioner Rees and motion carried 5-0.**

**D. Ordinance 01-55: Rezoning of .65 acres on the southeast corner of Main Street and Story Road to Commercial (C-2) (Clarke)**

City Attorney Everett read Ordinance 01-55 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-55. Seconded by Commissioner Harriman and carried 5-0.**

**E. Ordinance 01-56: Vacation of a portion of the rear utility and drainage easement of Lot 56 in the Wintermere Harbor Subdivision (Beazer Home)**

City Attorney Everett read Ordinance 01-56 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 01-56. Seconded by Commissioner Harriman and carried 5-0.**

**F. Ordinance 01-57: Amending Article V, Section 98-121(b) Authorizing the Community Redevelopment Agency to Borrow Money or to Provide Authorization for Borrowing Money**

City Attorney Everett read Ordinance 01-57 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-57. Seconded by Commissioner Graham and carried 5-0.**

**G. Ordinance 01-58: Authorizing the Community Redevelopment Agency (CRA) to Borrow Money for Downtown Renovations**

City Attorney Everett read Ordinance 01-58 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-58. Seconded by Commissioner Rees.** Mr. Steve Miller with the City's Bond Counsel, stated that in order to move forward with the loan to SunTrust Bank, three actions are required. The City must first approve of the CRA borrowing money for this project. The structure of the loan to SunTrust Bank is such that the first security pledge is the increment tax revenues that are generated within the CRA. To the extent that those monies are not enough, the City would be agreeing to budget and appropriate from other legally available non-Ad Valorem revenues to make up any short falls. The next Resolution 01-09 authorizes the execution of the interlocal agreement between the City and the CRA. **Motion carried 5-0.**

**14. Resolution 01-09: Approving a loan to the Community Redevelopment Agency for downtown renovations**

City Attorney Everett read Resolution 01-09 by title only. **Motion by Commissioner Harriman to adopt Resolution 01-09. Seconded by Commissioner Rees and carried 5-0.**

**Dispensed as the City Commission and convened as the Community Redevelopment Agency at 7:56 p.m.**

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

**Members Absent:** Larry Cappleman and Teresa Jacobs

Mr. Miller advised the CRA that the Chairman and Secretary should be reaffirmed. **Motion by Agency Member Rees to reaffirm the appointment of the Chairman as Jack Quesinberry and the Secretary as Kathy Montoya. Seconded by Agency Member Graham and carried 5-0.**

**15. Resolution 01-10: Acceptance of a loan by the Community Redevelopment Agency (CRA) for downtown renovations**

City Attorney Everett read Resolution 01-10 by title only. **Motion by Agency Member Harriman to adopt Resolution 01-10. Seconded by Agency Member Dixon and carried 5-0.**

**Adjourn as the Community Redevelopment Agency and reconvene as the City Commission at 8:00 p.m.**

**16. Set the tentative Millage Rate for FY 2001/02 and the Public Hearing date**

City Manager Holden stated that he recommends retaining the City's Millage Rate at 4.304 mills and set the first public hearing date for September 13, 2001 at 6:15 p.m., which does not conflict with the County School Board's public hearing. **Motion by Commissioner Harriman to tentatively set the millage rate at 4.304 mills, with the first public hearing being conducted on September 13, 2001 at 6:15 p.m. Seconded by Commissioner Dixon and carried 5-0.**

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

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

19. **MATTERS FROM CITY MANAGER**

1. Financial Report for June 2001 was distributed and he is available for any questions.
2. Stated that the County library project is moving along well and Orange County Commissioner Jacobs has indicated her support to return the current library building site back to the City, at the request of the Mayor.

20. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Rees:** None

**Commissioner Graham:**

- Stated he will not be attending the next meeting (August 9,2001) because he will be on vacation.

**Commissioner Dixon:**

- Stated she represents the City as a board member of the Florida Community Action Board, which is hosting a state-wide pre-breakfast at the Convention Center on August 7, 2001, and she would like the City to sponsor 3 attendees (herself, Charlie Mae Wilder, and another Mayor/Commissioner) at \$50 each. She also requested that the City pay for one conference registration fee of \$175. She will provide the information to the City Clerk tomorrow.
- Announced that the Faith Based Organization met last weekend at the Maxey Center. They will be hosting a reception for Mel Martinez in August and he will be looking at the east side of town and see what they can do to bring in some money to faith based organizations.
- Thanked staff for their efforts in an earlier agenda item, to put a park on East Plant Street.
- Stated that the Boys & Girls of America are looking for a 30-year lease and the City needs to look at purchasing the adjacent 4 acres for more children to utilize. The Boys & Girls Club will submit a proposal package to the Commission, in the future.

**Commissioner Harriman:**

- Stated that there have been community concerns expressed regarding the children at Westside Villas crossing SR 50 to attend Tildenville School. The

Orange County School Board has checked the mileage and the bus route is less than 2 miles, which requires students to walk to school. Commissioner Harriman stated that this information has not been confirmed, but it appears the students will have to walk to school and the County is short 200-300 crossing guards overall.

**Mayor Quesinberry:** None

**ADJOURNMENT:** The meeting was adjourned at 8:18 p.m.