

## REGULAR MEETING MINUTES

### CITY COMMISSION

August 23, 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 (left at 7:04 p.m), 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, and Police Chief Jimmie Yawn

#### **APPROVAL OF MINUTES:**

1. Regular Meeting Minutes of August 9, 2001

Commissioner Rees **motioned to approve** the August 9, 2001 minutes as submitted. Seconded by Commissioner Harriman and **carried 4-0** (Commissioner Dixon absent).

#### **REGULAR BUSINESS:**

Commissioner Dixon arrived at 6:33 p.m.

1. **Request for approval to hold a Mexican Independence Day Music Festival at Veteran's Park on September 17, 2001**

Ms. Lucy Alvarado, 364 W. Story Road, Ocoee, Florida, stated that she is representing The First Mexican Chamber of Commerce in requesting approval of this event, which has been held in the City for the past 5 years. Commissioner Harriman asked if approving the permit fee would have any bearing on being able to collect for any damages. City Manager Holden stated that the permit fee is independent of the City's actual costs and insurance required. The Chamber has paid \$1,803 that includes a \$300 refundable deposit for cleanup. Mr. Holden asked why Mr. Lupercio was not participating in the event this year? Ms. Alvarado stated that Mr. Lupercio has been very involved in his singing career and has been travelling in and out of the Country and he will be in Mexico during the festival. **Motion by Commissioner Graham to approve the music festival as requested. Seconded by Commissioner Dixon and carried 5-0.**

2. **Approval of a contract to relocate the water main along CR 535 (Vineland) through the interchange area**

Utilities Director Tinch stated that the City is required to relocate approximately 2800 feet of the 12-inch water main along CR 535 through the interchange area as part of the Expressway Authority's State Road 429 Project. Three bids were submitted and staff recommends awarding the contract to T. D. Thomson Construction for \$189,456. **Motion by Commissioner Harriman to award the contract to relocate the water main along CR 535 to T. D. Tompson Construction for \$189,456. Seconded by Commissioner Graham and carried 5-0,**

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

A. **Ordinance 01-64: Annexation of 1278 Edgeway Drive (Morss)**

City Attorney Everett read Ordinance 01-64 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-64, with the second reading and public hearing being scheduled for October 11, 2001. Seconded by Commissioner Rees. Motion carried 5-0.**

B. **Ordinance 01-65: Small Comprehensive Plan Amendment of 1278 Edgeway Drive (Morss)**

City Attorney Everett read Ordinance 01-65 by title only. **Motion by Commissioner Rees to approve Ordinance 01-65, with the second reading and public hearing being scheduled for October 11, 2001. Seconded by Commissioner Harriman. Motion carried 5-0.**

C. **Ordinance 01-66: Rezoning of 1278 Edgeway Drive to R-1B (Morss)**

City Attorney Everett read Ordinance 01-66 by title only. **Motion by Commissioner Graham to approve Ordinance 01-66 with staff's recommendation allowing only one residence on the lot, with the second reading and public hearing being scheduled for October 11, 2001. Seconded by Commissioner Harriman. Motion carried 5-0.**

D. **Ordinance 01-67: Annexation of 394 Railroad (Reynolds)**

City Attorney Everett read Ordinance 01-67 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-67, with the second reading and public hearing being scheduled for October 11, 2001. Seconded by Commissioner Dixon. Motion carried 5-0.**

E. **Ordinance 01-68: Small Scale Comprehensive Plan Amendment of 394 Railroad to (R-1B )Reynolds**

City Attorney Everett read Ordinance 01-68 by title only. **Motion by Commissioner Rees to approve Ordinance 01-68 with the second reading and public hearing being scheduled for October 11, 2001. Seconded by Commissioner Harriman. Motion carried 5-0.**

F. **Ordinance 01-69: Rezoning of 394 Railroad to (R-1B )Reynolds**

City Attorney Everett read Ordinance 01-69 by title only. **Motion by Commissioner Graham to approve Ordinance 01-69 with staff's recommendations, and the second reading and public hearing being scheduled for October 11, 2001. Seconded by Commissioner Dixon. Motion carried 5-0.**

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

A. **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. Mayor Quesinberry opened the public hearing. City Planner Cechman stated that staff has been working with an adjacent resident regarding the proposed alleyway. Staff recommends eliminating the alleyway behind Ms. Lambert's property by installing hammerhead driveways, and saving the existing oak trees. Ms. Sharon Lambert, 749 Stevelynn Circle, Winter Garden, Florida, stated her concerns with the proposed alleyway being within 25 feet of her property. In the correspondence she has submitted, she is requesting that consideration be given to creating a vegetation buffer that will also save some of the existing trees. In particular, she requested the saving of an orange tree and that additional vegetation is planted where the alleyway ends facing lot 6. Mr. Bob Mandell, Chairman and CEO, Greater Homes, stated that he has been meeting with Ms. Lambert to address her concerns and have agreed to add landscape to the buffer and save the orange tree. Hearing no other comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 01-60, with staff's recommendations. Seconded by Commissioner Harriman. Motion carried 5-0.**

B. **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. Mayor Quesinberry opened the public hearing. Mr. Carl Swanson, Partlow Drive, abutting property owner, asked what the property will be used for and what affect it will have on their residential community. City Manager Holden stated that the property would be used in the same manner as it has in the past, which complies with the Commercial zoning proposed. There will be some additional screening provided by the property owner. Mr. Glen Tyndall, speaking on

behalf of his father who owns the property, stated they have been working with the City to annex and improve the site. Hearing no other comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-61, with staff's recommendations. Seconded by Commissioner Harriman. Motion carried 5-0.**

**C. 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. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-62. Seconded by Commissioner Dixon and motion carried 5-0.**

**D. 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. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 01-63. Seconded by Commissioner Harriman and carried 5-0.**

**Dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:59 p.m.**

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

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

**5. Request for proposals for transferring of 848 E. Plant Street (Greyline)**

City Planner Cechman stated that in accordance with the Florida State Statutes, any property owned by the CRA that is being sold or transferred must be duly noticed to the public. In this case, the request is to dedicate right-of-way to the City of Winter Garden. City Attorney Everett stated that this is a public forum allowing the public to respond to the property being made available by the CRA. Chairman Quesinberry asked if anyone present was interested in purchasing the property. No one came forward. **Motion by Agency Member Graham to dedicate twenty feet of right-of-way along the north side of Plant Street to the City of Winter Garden and authorize the Chairman to execute the dedication document. Seconded by Agency Member Harriman and carried 5-0.**

**Adjourn as the Community Redevelopment Agency and reconvene as the City Commission at 7:03 p.m.**

Commissioner Rees left at 7:04 p.m.

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

**7. MATTERS FROM CITY ATTORNEY**

City Attorney Everett reported that a lawsuit has been filed by Cathcart Construction Company, against the City for work they performed on West Crown Point Road. The current status is that he is meeting with the City Manger and City Engineer to assess the lawsuit to prepare a response. He will report back to the City Commission as the case progresses.

**8. MATTERS FROM CITY MANAGER**

- A. Financial Report for July 2001 was distributed and he or staff is available to answer any questions.
- B. Stated that he is meeting next week with Orange County Public Schools (OCPS) to discuss the construction plans for rebuilding Dillard Street Elementary School across the street from its current location. The OCPS staff and City staff will be meeting with the area neighbors. The one commitment made by the School Board is that the school will not leave that particular neighborhood.  
Commissioner Harriman asked about Building #4. Mr. Holden stated that there are numerous proposals being entertained at this time. Mayor Quesinberry stated that the school site decision is entirely up to the School Board and not the City.
- C. Stated that he has been discussing the possibility of a joint summit meeting with Apopka and Ocoee, to be hosted by Winter Garden in October, and asked for a consensus to proceed in scheduling a meeting date. He is specifically looking at discussing joint reuse operations in West Orange County, which will be the first of its kind. By consensus, the City Commission agreed to the scheduling of a summit meeting.
- D. Stated he has been having discussions with Jack Douglas, our lobbyist, about issues for next year and asked the Mayor and Commissioners for any items they may have. At this point, Apopka will be participating with Winter Garden in retaining the lobbyist.
- E. Announced that the large bikini clad female (aka Big Girl) statue on SR 50 is gone and the adjacent buildings are in the process of being demolished.

**9. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Graham:** None

**Commissioner Harriman:** None

**Commissioner Dixon:**

- Thanked everyone for the recent expedited budget workshop that allowed her to get to church in Orlando timely and stated that the proposed budget includes salary increases for staff and she will be proposing an increase for the Mayor and Commissioners through the City Manager for the next meeting. Mayor Quesinberry reminded Commissioner Dixon that the process takes six months before an election for a raise to become effective after the next election.

**Mayor Quesinberry:**

- Thanked the Boy Scouts for participating in the Pledge of Allegiance and attending this meeting.

**ADJOURNMENT:** The meeting was adjourned at 7:18 p.m.