

## REGULAR MEETING MINUTES

### CITY COMMISSION

September 13, 2001

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

**PRESENT:** Mayor Jack Quesinberry, Commissioners Mildred Dixon, Theo Graham, John Rees 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 Supervisor Jay Conn, Human Resources Director Victoria Ward, Public Works Director Marshall Robertson, Police Chief Jimmie Yawn, Deputy Police Chief Jon Johnson, Trailer City Manager Hughlan Martin, and Accounting Manager Brian Strobeck

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

1. **Budget Workshop Minutes of August 21, 2001 and the Regular Meeting Minutes of August 23, 2001**

**Motion** by Commissioner Graham to **approve** the August 21, 2001 Budget Workshop and August 23, 2001 Regular Meeting Minutes as submitted. Seconded by Commissioner Harriman and **carried 5-0**.

At this time, City Manager Holden invited Police Chief Yawn to introduce the Police Department's four new Corporals; Ruth McMahon, Lynn Vickers, Jeff Carter, and Keith Ralston. The Mayor and Commissioners congratulated the officers on their promotions.

#### **REGULAR BUSINESS:**

1. **Approval of Timbercreek Pines Preliminary Plat (AKA Cra-Mar Groves)**

City Planner Cechman stated that the proposed 60-lot development of approximately 17.65 acres is located South of Lake Apopka, North of West Bay Street and West of North Park Avenue. The Planning and Zoning Board and staff, by memo, are recommending approval and request that a condition be added that no trees will be planted on West Bay Street, because they would conflict with drainage infrastructure. Commissioner Graham asked if Timbercreek Pines would connect to the development to the west? City Manager Holden stated that the streets would connect with the "stub-out" at the Traditions Subdivision. **Motion by Commissioner Graham to approve the**

**Preliminary Plat for Timbercreek Pines with staff's recommendations (see attached). Seconded by Commissioner Harriman and carried 5-0.**

**2. Approval of a contract to rehabilitate the water line on Charlotte Street**

Utilities Director Tinch stated that this request is part of the continuing program to replace the 2-inch water mains. Staff is recommending that the contract be awarded to the low bidder of Gibbs & Register, Inc. for \$152,739.50. Commissioner Graham asked if this project would improve the water pressure in the Pennsylvania area? Mr. Tinch stated that it would increase the water pressure. **Motion by Commissioner Rees to award the Charlotte Street water line rehabilitation contract to Gibbs & Register, Inc. for \$152,739.50. Seconded by Commissioner Graham and carried 5-0.**

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

**A. Ordinance 01-75: Amending the Budget for Fiscal Year 2000/01 to reflect a CRA loan**

City Attorney Everett read Ordinance 01-75 by title and stated the proposed appropriations are Revenues and Expenses for the General Fund are both (\$600,000), and Capital Projects Fund-Downtown Renovations are both \$3,350,000, for a total of \$2,750,000. Commissioner Graham noted that Exhibit 1 was not attached. Finance Director Bollhoefer stated that Exhibit 1 would be provided. **Motion by Commissioner Graham to approve Ordinance 01-75, with the second reading and public hearing being schedule for September 27, 2001. Seconded by Commissioner Harriman and carried 5-0.**

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

**A. Ordinance 01-59: Amending the Fire and Police Pension to increase the benefit accrual rate for the first 25 years by 1/2%**

City Attorney Everett read Ordinance 01-59 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 01-59. Motion seconded by Commissioner Harriman.** Commissioner Graham stated that the General Employees Pension Board has been discussing this very issue and has decided to postpone any action because of the low economy at this time. He understands that if the interest rate does not reach 7½ percent, the City would have to make up the difference and if it goes over 7½ percent, the City would have its funding returned. City Manager Holden stated that previous percentage assumptions have been too low. The proposed percentage was arrived at on the advice of the Pension Board's financial advisor and is in line with other municipalities. He also noted that the employees are making contributions and there is some funding being received from the Insurance Reimbursement Fund. If any adjustments are needed in the future, they can be made at that time. **Motion carried 5-0.**

**5. MATTERS OF CONCERN FROM CITIZENS**

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**Ms. Carol Pounds**, 231 S. Lakeview Avenue, Winter Garden, Florida, stated she is representing her neighborhood in order to make the City aware that the dwellings located at 304 and 310 S. Main Street are a public nuisance as provided for in the State Statutes. Ms. Pounds submitted a petition signed by her neighbors requesting that the two structures be condemned. She also submitted a list of problems related to the property that is adversely affecting her neighborhood. City Manager Holden assured Ms. Pounds that the City has been working on remedying the problems for the past two years, but it is difficult for the City to get over the thresholds established by the courts in order to declare the property a public nuisance. The last attempt to condemn the property resulted in the owner remedying the defects. The Police Chief has been working on the problems as well. Ms. Pounds stated that the Police are doing a good job. City Attorney Everett stated that there are efforts underway that the City prefers not to disclose at this time. The State Statutes appear to have few requirements for enforcing the declaration of a public nuisance, but the courts require a very high threshold for granting the request. The City is building a case and is confident that it will prevail. Forfeiture laws require prior convictions and proof that the property owner has knowledge of the violations. The property owner in this case is on notice of the felony activities. Mr. Holden stated that the City promises to work diligently to rectify the problems and hopefully resolve them. Commissioner Dixon stated that having citizen's help is critical in these situations. Ms. Pounds made it clear that the neighborhood wants the buildings gone. Police Chief Yawn stated the residents may contact the Deputy Chief for updates. Mr. Holden thanked Ms. Pounds for the documented infractions and petition.

**Mr. John Sansbury**, 304 S. Boyd Street, Winter Garden, Florida, stated that four-way stops are needed on S. Boyd Street and S. Lakeview Street because it is like a racetrack from Plant to Story Road. Mr. Sansbury expressed his concern with the fact that his brother received a citation for fence posts he put up on an expired fence permit, but there have been no citations issued to the property on South Boyd Street where the old school used to be located.

**Ms. Pat Smith**, 408 S. Boyd Street, Winter Garden, Florida, stated stray dogs have been a problem between Main and Dillard. City Manager Holden explained that Orange County Animal Control handles animal issues within the City. Commissioner Dixon stated that she has observed the County Animal Control truck parked and emitting some very strong odors and she will contact Orange County regarding this issue.

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

**7. MATTERS FROM CITY MANAGER**

- Stated he received a letter from the Hispanic Chamber who has requested approval to change the music festival date from September 16<sup>th</sup> to the 23<sup>rd</sup> in light of the recent events. It was the **consensus** of the City Commission to **approve the event change as requested**.

- Stated he has received a letter from the State Department of Transportation/Natural History group that was a crucial component for the City to gain control of Plant Street that will allow for the downtown improvements.
- Stated staff is requesting direction regarding East Winter Garden annexations. In some cases, the City can't annex the individual lot because it is not contiguous. He recommended annexing the area by mail ballot referendum and if 50 percent of the voters vote in favor of annexing, then they will all be annexed, which is most efficient method of annexing this area. Mayor Quesinberry stated he favors taking in the area all at once, but he has concerns about annexing areas that are in need of repairs such as to the streets. Commissioner Dixon stated that she would be addressing these repairs in a list to County Commissioner Teresa Jacobs. It was the **consensus** of the Commission **to proceed with a mail ballot annexation referendum for East Winter Garden enclaves.**

**A. Revision to Personnel Manual Section 6.01 for exempt employees**

Stated he recommends approval of this item. Commissioner Graham asked if 4 weeks is the annual vacation cap? Mr. Holden stated yes. It was the **consensus** of the City Commission **to approve 4 weeks vacation a year for all department heads.**

**8. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Harriman:**

Stated that he attended the West Orange Chamber meeting and that the City of Oakland Mayor VanderLey, Chairman of the West Orange Transportation Committee for Colonial Avenue from Pine Hills west, reported that they have accomplished moving up the funding of Colonial improvements by about 3 years.

**Commissioner Dixon:**

Stated the East Winter Garden area is in need of rehabilitating and she will be contacting the respective area representatives. Also, Code Enforcement needs to be applied to this area as well. Ms. Dixon stated that she has been made aware of the City removing trash at Ms. Margie Simmons' house and she needs the bill so it can be paid with donations. City Manager Holden stated the trash was removed because of complaints by the neighbors and that he will see that she receives a copy of the bill.

Stated that the proposed budget does not include a pay increase for the Commissioners and she needs to know the procedure to have a pay increase considered by the Commission. City Manager Holden stated that the City's Charter requires that an increase be adopted at least 6 months before the next election, prior to it becoming effective.

**Commissioner Graham:**

Stated he attended a Transportation meeting regarding CR535 where Winter Garden was criticized for not obtaining right-of-ways and for not adequately planning for development. However, he took the opportunity to state the City's ongoing endeavors and accomplishments in obtaining required right-of-ways. City Manager Holden stated that he did not receive notice of the meeting in time to be able to attend and it conflicted with the Planning and Zoning Board and Code Enforcement Board meetings that same evening.

Asked if the pavement removal on Main Street was related to water line improvements. Mr. Holden stated that it is the final piece to connect the water plant in order to increase the water pressure. Also, Vineland will be closed at times with traffic being rerouted, which may generate calls to the Commissioners.

Announced that the President has declared Friday, September 14, 2001, as a "Day of Prayer".

Stated that he received a phone call and went to Tildenville on Woodard Cove Court because there is a County retention pond with a fence section that is down and the residents are concerned for the safety of their children. Mr. Holden stated he would check into the situation.

He contacted Representative Johnson regarding the ditch on 9<sup>th</sup> Street that is causing problems for the homes behind it on Cypress Street. They will be moving the ditch to the south and it will allow Department of Transportation to still access it.

**Commissioner Rees:** None.

**Mayor Quesinberry:** None

**ADJOURNMENT:** The meeting was adjourned at 7:26 p.m.