

REGULAR MEETING MINUTES

CITY COMMISSION

September 27, 2001

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

PRESENT: Mayor Pro Tem John Rees, Commissioners Mildred Dixon (arrived at 6:35 p.m.), Theo Graham, 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, Police Chief Jimmie Yawn, Trailer City Manager Hughlan Martin, and John Maloney of the West Orange Times

ABSENT: Mayor Jack Quesinberry

APPROVAL OF MINUTES:

1. Budget Workshop Minutes and Regular Meeting Minutes of September 13, 2001
- **Postponed**

REGULAR BUSINESS:

1. **Presentation of recommendation by the Citizen's Redistricting Advisory Committee (CRAC) Chairman**

Chairman Derek Blakeslee detailed the process by which the Advisory Committee reached their recommendation after five meetings that included two public hearings with minimum public input. The Committee utilized software that allowed them to look at manipulating various boundaries to arrive at four districts, as equal as possible in population, while staying within the allowed plus or minus 5% deviation and keeping the districts contiguous. The committee achieved this task on September 17, 2001. The recommended four districts in the City Commission agenda packages include a report, map, and proposed street boundary descriptions. He thanked the City Commission for the opportunity to serve. Commissioner Harriman stated that he attended two meetings and the Committee did a good job. Mayor Pro Tem Rees thanked Chairman Blakeslee for his leadership and hard work by the Committee on the proposal. City Manager Holden clarified that this item would be coming back to the City Commission as an Ordinance with two public hearings as part of the adoption process.

2. Approval of Halloween and Light Up Winter Garden Events

Recreation Director Caskey announced that downtown Halloween activities have been scheduled for October 31, 2001 from 5:00 p.m. to 9:30 p.m. Staff is requesting approval to close Plant Street from Main to Highland at 2 p.m. and closing Boyd Street at noon to allow time for setting up for the festivities. Light Up Winter Garden is scheduled for Friday, December 7th from 5:00 p.m. to 9 p.m., closing Plant Street at the same times as the Halloween event. Mr. Caskey also announced that the Annual Christmas Parade is scheduled for Saturday, December 1, 2001 at 1 p.m. **Motion by Commissioner Harriman to approve the Halloween and Light Up Winter Garden events as requested. Seconded by Commissioner Graham and carried 4-0.** City Manager Holden stated that staff is recommending a larger 35 foot Christmas tree this year at a cost of \$7,500. The location needs a larger tree, which can easily be accommodated. Last year's tree was 25 feet for a cost of \$1,200. It was **the consensus of the City Commission to approve a 35-foot Christmas tree for \$7,500.** Mr. Holden also stated that the budget includes a new communication system that can be heard throughout the area of the events.

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3. Approval of the School Resource Officer Program Agreement with Orange County

Police Chief Yawn stated that the annual renewal for this program is due, which includes one officer for Lakeview and one for Dillard to be paid to the City by Orange County Public Schools. Commissioner Graham asked if the amount is the same as previous years. Chief Yawn stated that \$24,000 has been the amount paid to the City since 1995 or 1996. Commissioner Graham asked about increasing the amount because each year salaries are going up. Chief Yawn stated that local law enforcement agencies must first meet as a group to begin the negotiation process with the County. **Motion by Commissioner Harriman to approve the School Resource Officer agreement with Orange County as submitted. Seconded by Commissioner Dixon and carried 4-0.**

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4. Approval of Starlight Commerce Park Final Plat

City Planner Cechman stated that the proposed Commerce Park is for an industrial subdivision with 4 commercial lots. Staff and the Planning and Zoning Board are recommending approval that includes not recording the final plat until all fees have been identified and paid. Commissioner Graham asked about the proposed 4-lane drive with only 21.56 feet of right-of-way being adequate? City Manager Holden stated that the ROW share has been given and we have to obtain more from the other side as well. Commissioner Graham asked about the 15 feet on West Crown Point Road and will that road only be that wide? City Manager Holden stated yes. **Motion by Commissioner Harriman to approve the Starlight Commerce Park Final Plat with staff's recommendation to not record the final plat until all fees have been identified and paid. Seconded by Commissioner Dixon and carried 4-0.**

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5. Approval of Windward Cay Final Plat

City Planner Cechman stated that the proposed subdivision is located in the south part of the City, basically on CR535 along Tilden for 66-units zoned R-1, with a 3-lot commercial section. Staff and the Planning and Zoning Board are recommending approval. Commissioner Graham asked if we have the 20 feet of right-of-way (ROW)? City Manager Holden stated that we have the ROW, but the big crunch for this section is the 100 feet maximum of ROW at the cemetery, which the County engineers have said "no" to moving of any graves. Commissioner Graham stated that the plat indicates more than 500 feet for the cul-de-sac, which could be a problem for going in and out the same way. City Manager Holden stated that the 500 feet is not as a controlling factor as much as the fire hydrants are and a 66-lot subdivision does not usually have a need for two entrances. **Motion by Commissioner Dixon to approve the final plat for Windward Cay. Seconded by Commissioner Harriman and carried 4-0.**

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6. Approval of Westfield Phase 4 Preliminary Plat

City Planner Cechman stated that the proposed subdivision is for 63 lots on Warrior Road and staff is recommending approval with the conditions submitted in the agenda package. The Planning and Zoning Board also recommends approval. Commissioner Graham asked how much into the lake will the property owners own? City Manager Holden stated that in many developments, the developer creates the lake for storm storage and they sell the property rights into the center of the lake, which gives the homeowner rights up to the edge of the lake. This phase completes the project around the lake, which will be approximately 400 lots and excludes the adjacent cemetery property. **Motion by Commissioner Harriman to approve the preliminary plat for Westfield Phase 4 with staff's recommendations (see attached). Seconded by Commissioner Dixon and carried 4-0.**

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7. Reappointments to the Planning and Zoning Board

City Planner Cechman stated that the terms of office for Anderson, Bedsole, Carris and Youngblood are expiring next month and they have indicated an interest in being reappointed. Commissioner Dixon asked if there have been changes in how appointments are made? Mayor Pro Tem Rees stated that board member appointments are not made by a district because they represent the City as a whole and are approved by the Commission. City Manager Holden stated that there has been one person interested in moving from the Code Enforcement Board to the Planning and Zoning Board, but there have been no other applicants. The application information is published in the City's newsletter and on the web page. Commissioner Dixon stated that she has members of her community interested in serving on this board. City Manager Holden stated anyone interested in being considered for appointment needs to apply. **Motion by Commissioner Graham to reappoint Planning and Zoning Board members Freddie Anderson, Larry Bedsole, Jerry Carris, and Gary Youngblood to a four-year term. Seconded by Commissioner Harriman and carried 3-1 with Commissioner Dixon opposed to the reappointment of Freddie Anderson.**

8. Acceptance of a land conveyance from Lake Beulah Groves Settlement Agreement

City Attorney Everett stated that this item is the resolution of a lawsuit where the City was named as a third party defendant regarding a "spite strip" which is a 1-foot area between two subdivisions. This spite strip abuts the Westfield Phase 3 subdivision. The agreement conveys the spite strip to the City who will reconvey it to the adjoining owners to provide consistent access between the two parcels and link up the road infrastructure. The action needed tonight is to accept the deed as tendered, pursuant to a settlement agreement that was entered into and approved several months ago. **Motion by Commissioner Harriman to accept the deed as tendered for a one-foot spite strip. Seconded by Commissioner Dixon and carried 4-0.**

9. SECOND READING AND PUBLIC HEARING 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. Finance Director Bollhoefer stated that the proposed budget amendment reflects loan proceeds, grant revenues and other associated entries. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-75. Seconded by Commissioner Graham and carried 4-0.**

10. RESOLUTION 01-11: Amending Resolution 01-05 to extend Interim Service License Agreement with Strategic Technologies, Inc. for cable television services

City Attorney Everett read Resolution 01-11 by title and stated that negotiations are still underway for an omnibus ordinance for cable services in the City. Because the previous interim service license agreement expires October 1, 2001, this action would extend that service agreement for three months while negotiations continue. **Motion by Commissioner Harriman to approve Resolution 01-11. Seconded by Commissioner Dixon and carried 4-0.**

11. MATTERS OF CONCERN FROM CITIZENS - None

12. MATTERS FROM CITY ATTORNEY - None

13. MATTERS FROM CITY MANAGER

A. August 2001 Financial Statement

Stated the financial statement has been provided and he or the Finance Director is available to answer any questions. City finances are doing very well. The transition to the new employee health plan is going smoothly with the expert assistance of Victoria Ward and Lynda Manke.

- B. Announced that he will not be attending the next City Commission meeting because he will be at the Florida Redevelopment Association Conference in Miami.

14. MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS

Commissioner Graham: None

Commissioner Dixon:

- Stated that she has left documentation at City Hall regarding the importance of keeping a City representative on the Community Action Board. She stated she is representing the poor and encourages the Mayor or a Commissioner to maintain membership on this beneficial Board.
- Stated there is an upcoming volunteer awards dinner on November 9, 2001 that will recognize community volunteers and she recommended purchasing a table. City Manager Holden stated that he has not seen the paperwork, but the request can be put on the next agenda for consideration.
- Stated that citizens have contacted her regarding adding the requirement that Commissioners must live within their district. She asked if she was correct in advising them that they need to address their concerns at the public hearings. City Attorney Everett stated that the public hearing is the correct forum to voice their comments.
- Apologized for forgetting to attend the final budget hearing on September 25, 2001.

Commissioner Harriman:

Apologized for forgetting to attend the final budget hearing on September 25, 2001, but he has a good attendance record for the past 5 years.

Mayor Pro Tem Rees:

Stated he was not able to attend the budget hearing on September 25, 2001, because he could not get away from work on time and did leave a message at City Hall.

Announced the final budget hearing was recessed from September 25, 2001 until, Monday, October 1, 2001, at 6:00 p.m. at Tanner Hall.

ADJOURNMENT: The meeting was adjourned at 7:28 p.m.