

## REGULAR MEETING MINUTES

### CITY COMMISSION

January 10, 2002

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

**PRESENT:** Mayor Pro Tem John Rees, Commissioners; John Harriman, Theo Graham, and Mildred Dixon (arrived at 6:35 p.m.); City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Utilities Director Charlie Tinch, Planning Director Mark Cechman, Finance Director Mike Bollhoefer, Public Works Director Dan Ryan, Police Chief Jimmie Yawn, Recreation Director Larry Caskey, Human Resource Director Victoria Ward, Assistant Fire Chief John Williamson, Trailer City Manager Hughlan Martin, and Michael Laval of The West Orange Times

**ABSENT:** Mayor Jack Quesinberry

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

Workshop Minutes of November 29, 2001 and Regular Meeting Minutes of December 13, 2001. Motion was made by Commissioner Harriman to approve both minutes as submitted. Seconded by Commissioner Graham and carried 3-0.

#### **PRESENTATION:**

Mayor Pro Tem Rees presented cash prizes to the Christmas Decorating Contest winners.

1. **Request for a \$1,000 donation to the West Orange High School Choral Department Spring Tour Competition**

The applicant, Mr. Jeffrey Redding, was not present. **Motion by Commissioner Graham to table the donation request. Seconded by Commissioner Harriman and carried 3-0.**

Commissioner Dixon arrived at 6:35 p.m.

2. **Appointment of Rodney C. Hollis as the City appointee on the Police and Firefighter's Pension Board; term expiring 2/1/2004**

Mr. Holden stated that this agenda item is from the Police and Firefighter Pension Board requesting that the City Commission confirm their recommendation to appoint Mr. Hollis. **Motion by Commissioner Graham to appoint Mr. Rodney C. Hollis to the Police and Firefighter's Pension Board with his term expiring on 2/1/2004. Seconded by Commissioner Harriman and carried 4-0.**

3. **Recommendation to accept a settlement offer of \$500 for unpaid Code Enforcement fines levied against Fred and Laura Johnson in case #00-460**

Mayor Pro Tem Rees stated that he would be abstaining from this matter. Mr. Holden stated that the fines in this case were the result of the tenant (Sunbelt Rentals) making extensive improvements to the parcel involving paving before they had the required drainage certifications and did not comply in a timely manner. As a result, the Code Enforcement fines were levied against the land owner, which totaled approximately \$47,000. Staff recommends satisfying the lien for \$500, paid by Sunbelt Rentals, which will cover the administrative and minor overhead costs incurred by the City. **Motion by Commissioner Harriman to accept staff's recommendation to accept a \$500 settlement payment to satisfy the lien filed in Code Enforcement Case #00-460. Seconded by Commissioner Graham and carried 3-0-1 (Mayor Pro Tem Rees abstained).**

4. **Request for direction regarding day care facilities**

City Manager Holden stated that recent inquiries made about locations of large day care facilities have caused staff to review the Code on the current zoning requirements. We have found some ambiguities, such as R-1B, R-3, and R-NC allowing day cares by special exception permit (SEP), but the Code does not mention them in the other residential zonings; Commercial is not specified; Industrial is not specified, but historically prohibited. SEP's are advertised as a public hearing, which allows the public to comment to the Planning and Zoning Board. The Statutes in 166.0445 addresses home family day cares in which the City cannot regulate where they go and the state regulates the maximum number of children by age. Staff is recommending that the Code be amended to become uniform, by SEP, for these facilities in residential zonings and added language for the Commercial zoning. Commissioner Dixon stated that in her district there are some home day care facilities and since there is such a need for this service, she would like to look at the proposed direction before taking any action that may affect the current facilities. Mr. Holden stated that there is a set criterion for R-1B, R-3 and R-NC, but there has been no direction for the other zonings and staff would like to ensure that the residential zones are uniform. **It was the consensus of the City Commission to have staff return with recommendations for Code changes to provide for day care facility locations.**

5. **Request approval to purchase the drive-thru teller lot located at the old First Union Bank on South Boyd Street**

City Manager Holden stated that the City currently owns the parcel across the street from the old fire station that is the old Public Works site, which abuts the First Union Bank. Staff is recommending the purchase of this parcel to make a more complete parcel and allow for additional parking and make it available for downtown events, and be improved following the renovation process. There has been an appraisal with an offer and a slightly higher counter offer. The contract has been signed and is contingent upon the City Commission's approval. Commissioner Graham asked if the property line will go to the railroad line. Mr. Holden stated that it would go up to the railroad's right-of-way of 50 feet. The City will, in the future, have to address obtaining some of the right-of-way. Commissioner Graham asked if the bank property and adjacent property to the north were contiguous or owned by the railroad. Mr. Holden stated that the railroad owns a portion therefore making them non-contiguous. **Motion by Commissioner Graham to purchase the bank teller lot on South Boyd Street. Seconded by Commissioner Harriman and carried 4-0.**

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

A. **Ordinance 01-33: Repealing Article III Divisions 1 and 2 for Domestic Animals and adopting the current Orange County animal control**

City Attorney Everett read Ordinance 01-33 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by**

**Commissioner Dixon to adopt Ordinance 01-33. Seconded by Commissioner Harriman and carried 4-0.**

**B. Ordinance 01-83: Amending the water and sewer connection requirement creating an exception for developed properties annexed after December 31, 2001**

City Attorney Everett read Ordinance 01-83 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 01-83. Seconded by Commissioner Graham and carried 4-0.**

**C. Ordinance 01-84: Amending the Elections Chapter limiting the number of absent ballots returned by any one person and to allow designating the number of training hours required for precinct poll workers**

City Attorney Everett read Ordinance 01-84 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to adopt Ordinance 01-84. Seconded by Commissioner Harriman and carried 4-0.**

**7. MATTERS OF CONCERN FROM CITIZENS**

**Ms. Charlie Mae Wilder**, 1007 Stucki Terrace, Winter Garden, Florida, stated that she was present on behalf of the Central Florida Young at Heart Seniors to thank the City Commission for prior contributions to the organization. She asked for financial assistance again this year and for any available volunteers. Ms. Wilder gave an overview of their programs. Mayor Pro Tem Rees stated that the City Commission has since adopted a donation policy that requires the requesting organization must complete a donation request form and submit it to staff, to be included on a future agenda. Ms. Wilder stated she would get the application and submit it for consideration by the Commission.

**8. MATTERS FROM CITY ATTORNEY - None**

**9. MATTERS FROM CITY MANAGER**

**A. Financial Statement for November 2001**

Mr. Holden stated that the financial statement distributed and if anyone has any questions, he or the Finance Director is available to answer them. He has reviewed it and notes that the City is in a little better shape than it was at this time last year and staff will continue to closely monitor the budget.

**B. Request from The Apopka Chief newspaper to advertise in their special edition honoring Mayor John Land on his 50 years of public service**

It was the consensus of the City Commission to not place an advertisement because they have already supported the event by purchasing 1 ½ tables for the event.

· Announced that that the City has received the annual ISO rating of 2 for the Building Department (1 being highest and 10 the lowest). He complimented Mr. Cechman and Mr. Aldrich on their work in inspecting and ensuring quality homes being built in Winter Garden.

- Mr. Holden stated that he had received and paid the annual dues request from the West Orange Chamber of Commerce and as in prior years, he has declined the request for a donation to the Political Action Committee, as previously directed by the City Commission.

#### **10. MATTERS FROM MAYOR AND COMMISSIONERS**

##### **Commissioner Harriman:**

Stated that he attended the West Orange Chamber meeting and met the new President, Ms. Debra D'Uva.

##### **Commissioner Dixon:**

Stated that there will be a Community Action Board meeting at the Maxey Center on January 23, 2002 and encouraged everyone to bring their written requests to the meeting. In particular, she recommended that Mr. Caskey attend the meeting to help address acquiring the land adjacent to the Boys and Girls Club.

##### **Commissioner Graham:**

Asked about the Legislative Bill 52C that required all Cities, no later than January 1, 2002 to have adopted the State's Building Code. Mr. Holden stated that the compliance date has been extended and that he and staff are currently working on the issue and will have something back to the Commission by the deadline to remain in compliance.

##### **Mayor Pro Tem Rees:**

Stated that since he was absent from the last meeting, he wanted to share all the positive comments he has heard about the Light-up Winter Garden display and that he appreciates all the staff who was involved in the very successful event.

The meeting was adjourned at 7:14 p.m.