

REGULAR MEETING MINUTES

CITY COMMISSION

October 10, 2002

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 6:35 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

Present: Mayor Jack Quesinberry, Commissioners John Harriman, Theo Graham, Mildred Dixon (arrived 6:40 p.m.), and John Rees (arrived 7:05 p.m.); City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, Deputy City Clerk Nancy Williams, Assistant to the City Manager Marshall Robertson, Utilities Director Charlie Tinch, Planning Director Mark Cechman, Human Resources Director Victoria Ward, Finance Director Mike Bollhoefer, Trailer City Manager Hughlan Martin, Recreation Director Larry Caskey, Police Chief Jimmie Yawn, Public Works Director Bob Smith, Fire Chief John Williamson, Planner Kelly Randall, Planner Jennifer Pitner

1. APPROVAL OF MINUTES:

Special Budget Hearing Minutes of September 23, 2002 and Regular Meeting Minutes of September 26, 2002. **Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Graham and carried 3-0.**

2. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:

A. Ordinance 02-13: Annexation of 40 acres located north of Fullers Cross Road and west of the City's water treatment plant (Fullers Cross III)

Assistant City Attorney Rubio read Ordinance 02-13 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-13. Seconded by Commissioner Graham and carried 3-0.**

B. Ordinance 02-14: Large Scale Comprehensive Plan Amendment of 40 acres located north of Fullers Cross Road and West of the City's

water treatment plant from Orange County Rural to City Suburban Density Residential and Conservation Overlay (Fullers Cross III)

Assistant City Attorney Rubio read Ordinance 02-14 by title only. Mayor Quesinberry opened the public hearing. City Planner Cechman stated that a sign-in sheet is available from Planner Jennifer Pitner. Mayor Quesinberry closed the public hearing. **Motion by Commissioner Graham to approve Ordinance 02-14. Seconded by Commissioner Harriman and carried 3-0.**

C. Ordinance 02-15: Rezoning of 40 acres located north of Fullers Cross Road and west of the City's water treatment plant to R-1B

Assistant City Attorney Rubio read Ordinance 02-15 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-15. Seconded by Commissioner Graham and carried 3-0.**

D. Ordinance 01-44: Annexation of 176 acres located west of C.R. 545 and Marsh Road Intersection (Phillips)

Assistant City Attorney Rubio read Ordinance 01-44 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 01-44. Seconded by Commissioner Harriman and carried 3-0.**

Commissioner Mildred Dixon arrived 6:40 p.m.

E. Ordinance 01-46: Large Scale Comprehensive Plan Amendment of 16.8 acres on the west Annexation of 176 acres located west of C.R. 545 and Marsh Road Intersection (Phillips)

Assistant City Attorney Rubio read Ordinance 01-46 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 01-46. Seconded by Commissioner Graham and carried 4-0.**

F. Ordinance 01-45: Large Scale Comprehensive Plan Amendment of 161 acres on the west side of C.R. 545 and Marsh Road intersection to Suburban, Medium Density and Conservation Overlay (Phillips)

Assistant City Attorney Rubio read Ordinance 01-45 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion**

by Commissioner Graham to approve Ordinance 01-45. Seconded by Commissioner Harriman and carried 4-0.

G. **Ordinance 01-35: Annexation of 26 acres located west of C.R. 545 and Tilden Road (Freeman)**

Assistant City Attorney Rubio read Ordinance 01-35 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 01-35. Seconded by Commissioner Dixon and carried 4-0.**

H. **Ordinance 01-36: Large Scale Comprehensive Plan Amendment for the Annexation of 26 acres located west of C.R. 545 and Tilden Road intersection to Suburban (Freeman)**

Assistant City Attorney Rubio read Ordinance 01-36 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 01-36. Seconded by Commissioner Harriman and carried 4-0.**

I. **Ordinance 01-42: Annexation of approximately 316 acres on the southeast side of Johns Lake and west of C.R. 545 (Burch)**

Mayor Quesinberry opened the public hearing. City Planner Cechman stated that the applicant has requested a postponement and the ordinance will be re-advertised. Mayor Quesinberry stated that the ordinance should be read by title and a motion for postponement voted upon. The item was moved to the end of the public hearings while a copy of the ordinance was obtained for reading.

J. **Ordinance 01-43: Large Scale Comprehensive Plan Amendment of approximately 316 acres on the southeast side of Johns Lake and west of C.R. 545 to Suburban Density Residential and Conservation Overlay (Burch)**

Mayor Quesinberry opened the public hearing. City Planner Cechman stated that the applicant has requested a postponement and the ordinance will be re-advertised. Mayor Quesinberry stated that the ordinance should be read by title and a motion for postponement voted upon. The item was moved to the end of the public hearings while a copy of the ordinance was obtained for reading.

K. **Ordinance 02-09: Large Scale Comprehensive Plan Amendment of 104 acres located east of Lake Apopka and north of the Island Point Subdivision from Orange County Low Density Residential to City**

Low Density Residential and Conservation Overlay (Magnolia Woods)

Assistant City Attorney Rubio read Ordinance 02-09 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 02-09. Seconded by Commissioner Harriman and carried 4-0.**

L. Ordinance 02-10: Rezoning of 104 acres generally described as the Magnolia Woods, Hillcrest, and Teacup Springs Cove Subdivisions, and adjacent unplatted lands from Orange County R-1A and R-1AA to City R-1

Assistant City Attorney Rubio read Ordinance 02-10 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 02-10. Seconded by Commissioner Graham and carried 4-0.**

M. Ordinance 02-11: Large Scale Comprehensive Plan Amendment of 17.7 acres described as Emerald Acres Subdivision from Orange County Low Density Residential to City Low Density Residential and Conservation Overlay (Emerald Acres)

Assistant City Attorney Rubio read Ordinance 02-11 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 02-11. Seconded by Commissioner Dixon and carried 4-0.**

N. Ordinance 02-12: Rezoning of 17.7 acres described as Emerald Acres Subdivision from Orange County A-1 to City R-1

Assistant City Attorney Rubio read Ordinance 02-12 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-12. Seconded by Commissioner Graham and carried 4-0.**

O. Ordinance 02-16: Annexation of 55 acres located southeast of the proposed Western Beltway and C.R. 535 (Bronson)

Assistant City Attorney Rubio read Ordinance 02-16 by title only. Mayor Quesinberry opened the public hearing. Mr. Bob Matusevich of Wintermere Harbor appeared before the Commission to ask why the Commission would approve an annexation before the use of the property was determined. Commissioner Graham explained that annexation is the first step before rezoning and the preplat process. Mr. Lesley Jones of 2054 Roberts Point Drive appeared before the Commission to say that three existing retention ponds in

the area are already full and he is concerned about flooding if the proposed annexation is developed. In addition, the land is a wildlife habitat. City Manager Holden stated that it was inappropriate to protest the land use, which has not yet been determined, at a public hearing for annexation. **Motion by Commissioner Harriman to approve Ordinance 02-16. Seconded by Commissioner Dixon and carried 4-0.**

P. **Ordinance 02-17: Large Scale Comprehensive Plan Amendment of 55 acres located southeast of the proposed Western Beltway and C.R. 535 from Orange County Rural to City Suburban Density Residential and Conservation Overlay (Bronson)**

Assistant City Attorney Rubio read Ordinance 02-17 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 02-17. Seconded by Commissioner Harriman and carried 4-0.**

Q. **Ordinance 02-19: Comprehensive Plan Amendment to the Transportation Element by including a policy that acknowledges the Southwest Orange and Southeast Lake County Transportation Alternatives Study as adopted by Orange for future improvements to C.R. 545**

Assistant City Attorney Rubio read Ordinance 02-19 by title only. Mayor Quesinberry opened the public hearing. Commissioner Dixon asked why Lake County was involved. City Planner Cechman stated that a small adjacent portion of Lake County is integral to the plans, therefore Lake County joined the Alternatives Study process. **Motion by Commissioner Dixon to approve Ordinance 02-19. Seconded by Commissioner Harriman and carried 4-0.**

R. **Ordinance 01-42: Annexation of approximately 316 acres on the southeast side of Johns Lake and west of C.R. 545 (Burch)**

Assistant City Attorney Rubio read Ordinance 01-42 by title only. Mayor Quesinberry called for a motion to postpone the item as requested by the applicant. **Motion by Commissioner Graham to postpone Ordinance 01-42. Seconded by Commissioner Harriman and carried 4-0.**

S. **Ordinance 01-43: Large Scale Comprehensive Plan Amendment of approximately 316 acres on the southeast side of Johns Lake and west of C.R. 545 to Suburban Density Residential and Conservation Overlay (Burch)**

Assistant City Attorney Rubio read Ordinance 01-43 by title only. Mayor Quesinberry called for a motion to postpone the item as requested by the applicant. **Motion by**

Commissioner Dixon to postpone Ordinance 01-43. Seconded by Commissioner Harriman and carried 4-0.

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

A. **Ordinance 02-54: Granting a non-exclusive cable franchise to Strategic Technologies, Inc. (STI)**

Assistant City Attorney Rubio read Ordinance 02-54 by title only. Commissioner Graham mentioned that the City Attorney's address should be corrected in the document. **Motion by Commissioner Harriman to approve Ordinance 02-54 and to schedule the public hearing for October 24, 2002. Seconded by Commissioner Dixon and carried 4-0.**

Commissioner John Rees arrived 7:05 p.m.

4. **REGULAR BUSINESS:**

A. **Request to sponsor a homeownership workshop at Maxey Center on October 12, 2002**

Commissioner Dixon asked the City to provide breakfast and lunch for approximately 75 people registered for the workshop. Recreation Director Caskey has already offered sodas and chips, and will work with Commissioner Dixon on providing the rest of the food needed. **Motion by Commissioner Dixon to work with Recreation Director Caskey to obtain food for the homeownership workshop. Seconded by Commissioner Graham and carried 5-0.**

B. **Appointment of the Resident Trustee Member to the General Employees Pension Board for a term of one year**

General Employees Pension Board Chairman Robertson stated that Commissioner Theo Graham's term on the Board expires November 11, 2002, and he has agreed to be reappointed for a two-year term. **Motion by Commissioner Harriman to reappoint Commissioner Graham to the General Employees Pension Board for a two-year term. Seconded by Commissioner Dixon and carried 5-0.**

C. **Recommendation to close Plant Street for Halloween Festival on October 31, 2002**

Recreation Director asked the Commission's approval to close Plant Street at 3:00 p.m. on October 31, 2002. The Halloween festivities will be held from 5:00 to 9:00 p.m. that evening. **Motion by Commissioner Graham to close Plant Street on October 31, 2002 for Halloween Festival. Seconded by Commissioner Dixon and carried 5-0.**

D. **Recommendation to sponsor three Relay for Life teams**

Recreation Director Caskey asked for the City's sponsorship of three teams at \$100 each in the American Cancer Society's Relay for Life. **Motion by Commissioner Graham to sponsor three teams in the Relay for Life. Seconded by Commissioner Harriman and carried 5-0.**

E. **Resolution 02-12: Authorizing eminent domain proceedings to acquire property for the Daniels Road right-of-way**

Assistant City Attorney Rubio read Resolution 02-12 by title only. Assistant to the City Manager Robertson stated that, at the request of the property owner, the City reconfigured the drainage pond on the property and the resolution provides for the corrected legal description of the pond. **Motion by Commissioner Dixon to approve Resolution 02-12. Seconded by Commissioner Harriman and carried 5-0.**

5. **MATTERS OF CONCERN FROM CITIZENS:**

Cathy Bersell of 19 Regal Place appeared before the Commission and read a statement concerning her opposition to Halloween celebrations.

Elizabeth Halford of 314 S. Boyd Street appeared before the Commission to state the noise from the Halloween Festival is a disturbance to her and her family, and she does not feel her street should be barricaded for the party.

Commissioner Graham stated that he appreciated the opinions of Ms. Bersell and Ms. Halford and asked if the festivities could be toned down. Recreation Director Caskey stated that the party will be indoors this year and should not be a problem.

Jill Fremont of 221 S. Boyd Street appeared before the Commission and stated that she is an Orange County schoolteacher whose classroom will not be permitted to have a Halloween party this year because the parents of four of her students have objected to it. She feels that if some children must be excluded, the City's festivities should be cancelled as well.

Recreation Director Caskey invited the Mayor and Commissioners to an open house at the Boyd Street Recreation Center at 2:00 p.m. on October 30th to see the Halloween decorations for themselves.

6. MATTERS FROM CITY ATTORNEY:

City Attorney Dykes Everett attended a strategizing session last week and will provide an update at the next Commission meeting.

7. MATTERS FROM CITY MANAGER:

- City Manager Holden will be attending a Water Supply Forum on October 17th.
- He advised that last year's building permits numbered 799.
- The Plant Street walk-through will take place on October 14th, and the final (with the exception of the fountain tile) will be October 21st.

8. MATTERS FROM MAYOR AND COMMISSIONERS:

- Mayor Quesinberry will be attending the YMCA luncheon on October 16th at noon.
- Commissioner Graham asked that the City follow the Lake Apopka guidelines recently adopted by Lake County. City Manager Holden said that a workshop would be needed to discuss some points that are in question. Commissioner Graham asked the status of S.B. 1906 regarding the Department of Community Affairs. City Planner Cechman said that staff is currently working on it.

The meeting was adjourned at 7:35 p.m.