

## **REGULAR MEETING MINUTES**

### **CITY COMMISSION**

**February 14, 2002**

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

**PRESENT:** Mayor Jack Quesinberry, Commissioners; John Rees, John Harriman, Theo Graham, and Mildred Dixon; 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, Human Resource Director Victoria Ward, Finance Director Mike Bollhoefer, Trailer City Manager Hughlan Martin, Police Chief Jimmie Yawn, Acting Public Works Director Dennis Duckwiler, Deputy Police Chief Jon Johnson, Acting Fire Chief John Williamson, and Michael Laval of The West Orange Times

### **APPROVAL OF MINUTES:**

Regular Meeting Minutes of January 24, 2002. Motion was made by Commissioner Rees to approve the minutes as submitted. Seconded by Commissioner Harriman and carried 5-0.

### **PRESENTATIONS:**

1. Mayor Quesinberry presented Employee Service Awards to employees with 20 and 25 years of service.
2. Mayor Quesinberry presented Mr. Homer Donahey's family with a plaque for his dedicated volunteer service on the Code Enforcement Board and Police and Firefighters Pension Board. The Mayor called for a moment of silence in remembrance of Mr. Donahey.

### **REGULAR BUSINESS**

1. **Request for donation by the Central Florida Young at Heart Seniors, Inc.**

Ms. Charlie Mae Wilder stated that this non-profit organization operates a congregate feeding program for 38-59 people per day, some of which are shut-ins and are delivered meals. They will be starting a sewing class and have 9 people already registered and there is a children's café planned for the first week in March that will tutor children who are identified by the public schools.

Therefore, they are requesting all the financial support they can receive. City Manager Holden stated that the donation approved last year was for reimbursement of receipts. **Motion by Commissioner Rees to approve a donation of up to \$850 in submitted expense receipts. Seconded by Commissioner Harriman.** Commissioner Dixon stated for the record that she resigned as a board member of this organization when she was elected as a City Commissioner. Commissioner Graham asked if the organization was going to be private or public non-profit based on the submitted documentation. Ms. Wilder stated they remain public non-profit. **Motion carried 5-0.**

2. **Reappointment of Code Enforcement Board members Julian Revels and Charlie Mae Wilder**

**Motion by Commissioner Graham to reappoint Julian Revels and Charlie Mae Wilder to the Code Enforcement Board for a four-year term. Seconded by Commissioner Rees and carried 5-0.**

3. **Recommendation to approve participation in a Interlocal Reclaimed Water Agreement**

City Manager Holden stated the draft agreement has been distributed, which includes some minor comments made by Apopka and Ocoee has not yet submitted their comments. There have been ongoing discussions and as soon as he receives all the final comments and dollar amount, he will bring the agreement back to the Commission for approval. He is requesting approval to move forward with the proposed agreement. **Motion by Commissioner Harriman to authorize the City Manager to proceed with finalizing an Interlocal Reclaimed Water Agreement with Ocoee and Apopka. Seconded by Commissioner Dixon.** Commissioner Graham asked about Section 17, Item 1 that states the agreement shall expire one year from commencement date and Item 3 states the agreement may be modified or the expiration extended by mutual written consent of the Tri-Cities, whether it would come back to the City Commission for approval? City Manager Holden stated that the extension would be submitted to the City Commission for approval, but the intent is to have the agreement to serve its purpose within a year's time. The next agreement would be to build the pipelines. **Motion carried 5-0.**

4. **Recommendation to approve a second development agreement with M/I Homes (Stone Crest)**

City Manager Holden stated that the property has been referred to as the Roper Property which consists of about 300 acres and is now the M/I Homes property. There is an existing tri-party agreement between Winter Garden, M/I Homes and Orange County to build Daniels Road from the bridge south through this property. This agreement deals with the phasing of the construction and the Assistant City Attorney has provided a summary in the agenda package of the key features. Staff strongly recommends approval. **Motion by Commissioner Harriman to approve the second development agreement with M/I Homes. Seconded by Commissioner Rees.** Commissioner Graham stated that there is right-of-way (ROW) needed for Daniels Road to become 4-lanes and that it looks like the agreement is only for 60 feet. City Manager Holden stated that the ROW will be 120 feet for the north/south Daniels Road and 60 feet for the east/west "Daniels Road". Commissioner Graham asked if the construction phases will cause the developer to jump from one village to

another. City Manager Holden stated that it was staff's goal in the PUD to not allow all the small lots to be built and sold, then sell the remaining larger lots to someone else to build. They wanted to maintain a size mixture and M/I Homes agreed. Commissioner Graham asked if the Conceptual Development Plan (CDP) is going to control the agreement. City Manager Holden stated no, the CDP was an approved drawing and that the proposed agreement incorporates the drawing and spells out the intentions. City Attorney Everett stated that only when there is a conflict does the agreement become the controlling factor. **Motion carried 5-0.**

5. **Recommendation to approve two mutual aid agreements**

Police Chief Yawn stated that the agreements have been previously entered into for years. The first agreement is with Orange County and has been reviewed by the City Attorney. The second agreement is with various local cities. The significant change will be that the agreement will be uniform and expire at the same time. **Motion by Commissioner Graham to approve the mutual aid agreements; one with Orange County and one with multiple cities and authorizing the Police Chief to sign the multiple city agreement. Seconded by Commissioner Harriman and carried 5-0.**

6. **Recommendation to accept a settlement offer and authorize a release of lien for property located at 1357 S. Central Avenue, Apopka (Carol Anderson)**

City Manager Holden stated that outstanding city liens have affected a property sale in Apopka. Staff is recommending that the city accept a payment of \$1,964, to cover the city's cost for a special assessment filed against 887 E. Bay Street, and authorize a lien release for the Apopka property only. Commissioner Graham stated that Ms. Anderson's representative, Blair Johnson, is requesting settlement of all of the City's code enforcement liens against Ms. Anderson. Mr. Holden stated that regardless of what Mr. Johnson's letter is requesting, he is requesting authorization to release the lien on the Apopka property for a settlement payment of \$1,964, which is actual city expenses, leaving all the liens on the record because some fines are still accruing. Commissioner Dixon stated that she agrees with only releasing the property in Apopka for purchase by Homes in Partnership. City Planner Cechman stated that he has spoken with Mr. Johnson and conveyed to him that the City will maintain all present liens, and only release the Apopka property after payment. **Motion by Commissioner Rees to accept the settlement offer of \$1,964 and release the lien for property located at 1357 S. Central Avenue, Apopka. Seconded by Commissioner Graham and carried 5-0.**

7. **FIRST READING OF PROPOSED ORDINANCE:**

A. **Ordinance 02-03: Granting and Regulating of Cable Communication Franchises**

City Attorney Everett read Ordinance 02-02 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-03, with the second reading and public hearing being scheduled for February 28, 2002. Seconded by Commissioner Dixon and carried 5-0.** Commissioner Graham asked about discussion on potential changes to the

ordinance prior to the next reading and public hearing. Mr. Everett stated that negotiations have been concluded by staff and that the ordinance is in its final form for approval, however, since he only received the Time Warner fax this afternoon, he will go through the issues with each individual Commissioner because they have been negotiating the issues for some time now. Time Warner can attend the public hearing to voice their concerns.

8. **SECOND READING AND FIRST PUBLIC HEARING OF PROPOSED ORDINANCE:**

A. **Ordinance 02-01: Providing for Child Day Care Centers, by Special Exception, in R-1A, R-1, R-2, C-2 and C-3 zonings**

City Attorney Everett read Ordinance 02-01 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to approve Ordinance 02-01, with the second public hearing being scheduled for February 28, 2002. Seconded by Commissioner Harriman and carried 5-0.**

9. **Acceptance of the Orange County Canvassing Board's results for two annexation referendums on February 5, 2002 (Ordinances 01-80 and 08-81)**

City Clerk Montoya stated the ballot results for the proposed annexations were:

Ordinance 01-80 (Emerald Acres) **PASSED** with 14 votes FOR annexation and 5 votes AGAINST

Ordinance 08-81 (Magnolia Wood, Hillcrest, Teacup Springs Cove, and adjacent unplatted lands) **PASSED** with 71 votes FOR annexation and 60 votes AGAINST

**Motion by Commissioner Rees to accept the Orange County Canvassing Board's results passing the two referendum annexations. Seconded by Commissioner Graham and carried 5-0.**

10. **MATTERS OF CONCERN FROM CITIZENS**

**Mrs. Joellyn McDaniels**, 984 Morning Dove Drive, Winter Garden, Florida, stated that she was present to address her concerns regarding the new gas station/convenience store/car wash that is being built in front of her community and sharing a driveway. She stated that the single exit is a safety concern for residents and asked if there was anyway there could be another exit. She submitted a petition and letters signed by area residents stating their concerns. City Manager Holden stated that the subject property was designed and zoned many years ago, which is owned by the owner of the mobile home park and condominiums. The privately owned entrance will serve the commercial properties. There are 23 more commercial properties to be built and serviced by the single driveway, which the owners have the right to do in the C-2 zoning. The only item that had to be approved by the city was the

site plan, which was not a public hearing. Mrs. McDaniels asked what buffers are proposed. Mr. Holden referred her to the City Planner. Commissioner Harriman advised the residents that the property behind the gas station is zoned C-2 and can be built on without a public hearing.

**Mr. Frank Aster**, 1306 Meadowfinch Drive, Winter Garden, Florida, stated his concerns with the additional traffic being generated on SR 50, which will make it difficult for them to merge onto the road with no traffic lights. He also stated his concerns with regard to school children crossing, who also need a traffic light. Mr. Holden stated that SR 50 is under the jurisdiction of the state and the state would have to install any traffic lights, which is determined by a traffic study.

**Ms. Susan Sustik**, 1150 Westside Drive, Winter Garden, Florida, stated that dump trucks are accessing the site by going the wrong direction. There is an entrance median and the trucks are going out the designated entrance. Mr. Holden stated that staff will contact the construction company regarding the truck problems and in the future, they can contact the Public Works Department for assistance.

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

12. **MATTERS FROM CITY MANAGER**

A. Approval for Centennial Celebration Coordinator

Mr. Holden stated that the position details have been finalized and approval to move forward is requested. **Motion by Commissioner Rees authorizing the City Manager to proceed with hiring the Centennial Celebration Coordinator. Seconded by Commissioner Harriman.** Commissioner Graham noted under item #4 of the employment agreement states that the person could advise the city if they wished to maintain their employment after the agreement expires, but he was not sure if the city would need to keep someone in this position at that time. Mr. Holden stated that if the person is working out well and the city has something else available, they could request assignment to another vacant position. **Motion carried 5-0.**

B. Advised the City Commission that he has authorized the Bread of Life Fellowship to temporarily store items in the old Greyline Trucking facility.

13. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Rees:** None

**Commissioner Graham:**

Asked if anyone has requested assistance for a display at the Orange County fair as Jerry Carris has in the past? City Manager Holden stated he has not been contacted.

**Commissioner Dixon:**

Stated that she is aggressively working towards getting blighted areas in Winter Garden rehabilitated and to get the West Orange Task Force active again. She is also working on getting a full-day board member training session, for anyone sitting on a board, with the Florida League of Cities. She has spoken with County Commissioner Jacobs about finishing various projects that have been started. Commissioner Dixon stated she is actively pursuing any and all available funding.

**Commissioner Harriman:**

Announced that the West Orange Chamber of Commerce will be holding its First Annual Business Meeting at Tanner Hall on Thursday, February 28<sup>th</sup> from 7:30–9:00 a.m. and County Commissioner Teresa Jacobs will be the guest speaker. He will give the City Clerk the information for anyone who is interested.

**Mayor Quesinberry:**

Stated that the upcoming election on March 12<sup>th</sup> may have a considerable amount of absentee ballots to canvass and in order to have adequate time to canvass the ballots and obtain any necessary information, he recommended that the Canvassing Board meet the following day at noon. City Clerk Montoya stated that the Canvassing Board could consider meeting at the County Election Office to canvass the absentee ballots, because that is where all the supporting documentation is located. It was the consensus of the City Commission to convene as the Canvassing Board on Wednesday, March 13, 2002, at noon in City Commission Chambers at City Hall.

The meeting was adjourned at 7:39 p.m.