

## **REGULAR MEETING MINUTES**

### **CITY COMMISSION**

**March 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, Acting Fire Chief John Williamson, Recreation Director Larry Caskey and Michael Laval of The West Orange Times

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

Regular Meeting Minutes of February 28, 2002. Motion was made by Commissioner Dixon to approve the minutes as submitted. Seconded by Commissioner Harriman and carried 5-0.

#### **REGULAR BUSINESS**

1. **Request for a monetary donation by the Winter Garden Elks Lodge #2165**

Ms. Peggy Warren, 639 Bay Court, Orlando, Florida, stated that the donations they receive go to support the Florida Elks Mobile Therapy Unit and the Florida Elks Youth Camp. The Elks appreciate the City's past donations and that is why they are again asking for the City's support this year. **Motion by Commissioner Dixon to approve a donation of \$500 to the Elks. Seconded by Commissioner Rees and carried 5-0.**

2. **Recommendation to accept a settlement payment for fines levied in Code Enforcement Case #00-532; 1216 E. Story Road**

City Manager Holden stated that a trucking company (Parker Brothers) operated on this property and the City required that certain improvements be made which were never done and they operated without an occupational license that resulted in fines accruing of \$36,000+. The business has since moved to another appropriate location and staff recommends accepting the \$500 payment to cover the administrative costs incurred by the City. Mayor Quesinberry asked what the current condition of the property is. Mr. Holden

stated that it is in the same condition as when Parker Brothers moved in and not any worse. Mr. Jack Miller, 1014 Spring Loop Way, Winter Garden, Florida, stated he did not hear the amounts and asked what the fines were and what the settlement payment would be. Mr. Holden stated that the fines are approximately \$36,000 and the recommended settlement payment is \$500 for administrative costs. **Motion by Commissioner Harriman to accept the settlement payment of \$500 to satisfy the Code Enforcement lien in Case #00-532. Seconded by Commissioner Dixon and carried 5-0.**

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

A. **Ordinance 02-04: Amending Chapter 18 of the City's Code on building and construction regulations**

City Attorney Everett read Ordinance 02-04 by title only. Mayor Quesinberry asked what the administrative fees were that are referred to in the ordinance. City Manager Holden stated that certain fees are to cover costs mandated by the State, which includes the administrative fees. Commissioner Dixon stated that the previously adopted Southern Building Code also had fees and asked whether this new code would be adding more fees? Mayor Quesinberry stated that the State mandated code makes it a uniform code throughout the State. Mr. Holden explained that there is an exception to the wind load requirements for our area, which is much less than the coastal areas. Commissioner Graham referred to Section 18-4 Violations, which indicates that repairs to a structure will require the submittal of a drawing, which will be an additional expense, even when the repair would bring it to a higher standard than it is. A roof repair is one example. City Planner Cechman stated that an engineered drawing of a roof repair will ensure the City that the roof will not come off in a small windstorm and in many cases, such as sheds, the manufacturer provides a drawing. Mr. Holden stated that if the Building Official does not require a drawing, he could lose his license and not requiring the drawing would increase the City's liability. **Motion by Commissioner Harriman to approve Ordinance 02-04, with the second reading and public hearing being scheduled for March 28, 2002. Seconded by Commissioner Dixon and carried 5-0.**

B. **Ordinance 02-05: Creation of a Nuisance Abatement Board, providing for enforcement procedures, fines, costs, liens and appeals**

City Attorney Everett read Ordinance 02-05 by title only. **Motion by Commissioner Rees to approve Ordinance 02-05, with the second reading and public hearing being scheduled for March 28, 2002. Seconded by Commissioner Harriman.** City Manager Holden stated that this ordinance will not create a separate board, but would utilize the existing Code Enforcement Board (CEB) members. Commissioner Graham asked if this ordinance had already existed, would the South Main Street property had to have been purchased to eliminate the nuisance. City Attorney Everett stated that one key difference with this proposed ordinance is that it allows the city to take action on both a behavior and neglect, which has not been in the Code before for a dwelling. Commissioner Graham restated his question by asking if this ordinance would have covered the problems identified at the South Main property. Mr. Everett stated yes. **Motion carried 5-0.**

4. **ELECTION RESULTS**

A. **Acceptance of the Certificate of Election Results for Mayor and District 1**

Mayor Quesinberry read the election results for District 1 Commissioner Seat: Don Miller received 114 votes and John Rees received 222. The Mayor's seat was unopposed.

**Motion by Commissioner Graham to accept the March 12, 2002 election results declaring Jack Quesinberry as Mayor and John Rees as Commissioner of District 1. Seconded by Commissioner Harriman and carried 5-0.**

B. **Oath of Office to the unopposed Mayor and elected Commissioner of District 1**

City Clerk Montoya administered the Oath of Office to Jack Quesinberry, Mayor who was re-elected by virtue of no opposition and John Rees, Commissioner of District 1.

5. **MATTERS OF CONCERN FROM CITIZENS - None**

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

7. **MATTERS FROM CITY MANAGER**

A. **Stated that since the agenda was prepared, he has received an invoice from the West Orange Chamber of Commerce for this year's Chairman's Gala on April 17, 2002 for a table of 8, however, two tables are normally purchased.** Motion by Commissioner Harriman to approve the purchase of two tables to the West Orange Chamber of Commerce Annual Chairman's Gala. Seconded by Commissioner Dixon and carried 5-0.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Rees:**

Thanked everyone for their support and he is glad to be back for another two-year term.

**Commissioner Graham:**

Stated that on February 18, 2002, everyone received a letter from the Friends of Lake Apopka (Jim Thomas) with a copy of the ordinance that Lake County adopted and he was

hoping that Winter Garden would also adopt an ordinance protecting the lake. Mr. Holden stated that staff is currently working on such an ordinance and they have been awaiting the other agency approvals to allow the details to be ironed out first.

Announced a Lake Apopka Basin Initiative meeting tomorrow at 10:30 a.m. in Montverde.

**Commissioner Dixon:**

Stated that she has received correspondence from the City of Ocoee regarding their Senior and Veteran's Center and asked if Ocoee was asking for anything from Winter Garden. Mr. Holden stated that he has discussed the letter with the Mayor and as part of the Winter Garden library initiative, which was stated long before the Ocoee Senior Center effort, after the current library site is acquired, the old library will be converted to a Senior Center, and therefore, Winter Garden will be supporting its own center.

Announced that she is still working on details with the Florida League of Cities to come to Winter Garden to conduct board training and she will be requesting approval by the Commission in about a month.

Stated that Representative Gary Siplin will be attending the congregate feeding on Monday, March 18, 2002, at 3:00 p.m. to speak regarding the details of how people can get some of their rights back.

Stated she will be scheduling a meeting and speaking with City Manager Holden to address the east side housing needs and getting the homes up to code. After which, she will bring a proposal to the Commission with the assistance of Mr. Austin who is familiar with affordable housing efforts.

Stated that the County Community Development has money available that will assist residents in hooking into the sewer system. A group will be petitioning the County for the funds.

**Commissioner Harriman:** None

**Mayor Quesinberry:**

Asked if the old landfill property was suitable for any housing projects? Mr. Holden stated that it probably was not.

Stated his sadness with the passing of Mr. Hank Hinson, who was active with the planning of the new library and he will be missed.

Announced the Bloom & Grow Spring Fling downtown this Saturday, March 16, 2002.

The meeting was adjourned at 7:13 p.m.