

REGULAR MEETING MINUTES

CITY COMMISSION

March 28, 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 6:43 p.m.); City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant Utilities Director Bart Patria, Planning Director Mark Cechman, Building Official David Aldrich, Human Resource Director Victoria Ward, Police Chief Jimmie Yawn, Acting Fire Chief John Williamson, Recreation Director Larry Caskey and Michael Laval of The West Orange Times

ABSENT: Mayor Jack Quesinberry

APPROVAL OF MINUTES:

Approval of the Canvassing Board Meeting minutes was postponed because three votes were required and only three members were present with Mayor Pro Tem Rees stating that he would be abstaining from the vote.

Regular Meeting Minutes of March 14, 2002. Motion was made by Commissioner Graham to approve the minutes as submitted. Seconded by Commissioner Harriman and carried 3-0.

REGULAR BUSINESS

1. **Recommendation to approve an Emergency Medical Services Interlocal Agreement with Orange County**

Acting Fire Chief Williamson stated that the agreement is for mobile data terminals (MDT's) that are used in Fire Department vehicles which allow them to monitor who is responding to an emergency call. **Motion by Commissioner Graham to approve the Emergency Medical Services Interlocal Agreement with Orange County. Seconded by Commissioner Harriman and carried 3-0.**

2. **Appointment to the Code Enforcement Board to fill the unexpired term of Mr. Steven Brown**

City Manager Holden stated that Mr. Brown resigned from the Code Enforcement Board (CEB) because of scheduling conflicts and Mr. Jerry Carris, who serves on the Planning and Zoning (P&Z) Board, has indicated his desire to serve on the CEB, which meets just prior to the P&Z Board meeting. **Motion by Commissioner Graham to appoint Mr. Jerry Carris to serve on the Code Enforcement Board for the unexpired term of Steven Brown. Seconded by Commissioner Harriman and carried 3-0.**

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

A. **Ordinance 02-06: Annexation of 0.5 acres located at 440 Lakeview Road (Hudson)**

City Attorney Everett read Ordinance 02-06 by title only. **Motion by Commissioner Graham to approve Ordinance 02-06, with the second reading and public hearing being scheduled for April 25, 2002. Seconded by Commissioner Harriman and carried 3-0.**

B. **Ordinance 02-07: Small Comprehensive Plan Amendment of 440 Lakeview Road from County A-1 to City R-1 (Hudson)**

City Attorney Everett read Ordinance 02-07 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-07, with the second reading and public hearing being scheduled for April 25, 2002. Seconded by Commissioner Graham and carried 3-0.**

C. **Ordinance 02-08: Rezoning of 440 Lakeview Road to City R-1 (Hudson)**

City Attorney Everett read Ordinance 02-08 by title only. **Motion by Commissioner Graham to approve Ordinance 02-08, with the second reading and public hearing being scheduled for April 25, 2002. Seconded by Commissioner Harriman and carried 3-0.**

4. **SECOND READING AND PUBLIC HEARING 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 Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. Commissioner Graham referred to Section 18-57(d), and throughout the proposed Ordinance, that states the "state statute shall prevail, unless said provision is more stringent than the state statute..." and asked if the City's Ordinance would supercede the State's if it were more stringent? Mr. Everett stated that the concept is to impose the higher standard between the two and in those cases in which the City does this, the City would prevail. **Motion by Commissioner Harriman to approve Ordinance 02-04. Seconded by Commissioner Graham. Motion carried 3-0.**

Commissioner Dixon arrived at 6:43 p.m.

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. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. Mr. Everett stated that while this Ordinance deals with a lot of the past problems, he wanted to caution the City Commission that this Ordinance is not a "cure-all", but is an additional enforcement tool and there may always be the need for more creative action. **Motion by Commissioner Harriman to approve Ordinance 02-05. Seconded by Commission Graham. Motion carried 4-0.**

Commissioner Dixon did arrive and Mayor Pro Tem Rees called for action to be taken on the Canvassing Board Meeting Minutes of March 13, 2002. **Motion by Commissioner Graham to approve the minutes as submitted. Seconded by Commissioner Harriman and carried 3-0-1; Mayor Pro Tem Rees abstained.**

5. MATTERS OF CONCERN FROM CITIZENS

Mr. Don Miller, 1073 Woodson Hammock Circle, Winter Garden, Florida, congratulated Mr. Rees on his re-election as City Commissioner for 2 more years and complimented him on his professionalism during his campaign. Mr. Miller stated his willingness and readiness to serve the City of Winter Garden in any other capacity that may come open, including appointment to a board.

6. MATTERS FROM CITY ATTORNEY - None

7. MATTERS FROM CITY MANAGER

A. Request for approval to hire the Centennial Coordinator

Stated that after a significant response to the recruitment done by the Human Resources Officer, Victoria Ward, staff has unanimously and independently agreed that the most outstanding person for the position is Mr. Edward DeAguilera. Motion by Commissioner Harriman to approve the hiring of Edward DeAguilera as the Centennial Coordinator. Seconded by Commissioner Graham and carried 4-0.

B. Request for confirmation of appointment of the new Fire Chief

Stated that Mr. John Williamson, Deputy Fire Chief, was hired six months ago with an excellent list of credentials and he has acted on behalf of Fire Chief Dollar during the Chief's illness. He is requesting the City Commission's confirmation of his appointment of John Williamson as the new Fire Chief. **Motion by Commissioner Graham to confirm the City Manager's appointment of John Williamson as the Fire Chief. Seconded by Commissioner Dixon and carried 4-0.**

C. Financial Statement for February 2002

The statement provided is for the first five months of the fiscal year, which is at roughly 41%. The City is doing well and is in good shape with some revenues being watched more closely.

- Advised the City Commission that there are two Legislative Bills going to the Governor for his signature that the Mayor, on behalf of the City Commission, has written letters requesting that the Governor veto both bills. One is for billboards and the other is the disability presumption for municipal law enforcement officers. The City Commission has previously indicated their opposition to these bills.
- He attended a very productive meeting today with Ocoee, Apopka, St. Johns River Water Management District and Department of Environment Protection regarding a Tri-City agreement for regional reuse of water.
- Announced that the SR 50 overlay district meetings have been held and it is anticipated that the proposed Ordinance will have a first reading on May 9th and a second reading and public hearing on June 13th. The property owners along SR 50 have met and there will be one more public meeting held on April 16th at Tanner Hall, with staff, before the Ordinance is presented for adoption. The City is working closely with the County. Some parts of the plan such as the amortization portion are difficult to understand for existing businesses. The City Attorney has been very involved with the legalities and the latest proposal will be posted on the City's web page and provided to the City Commission, when staff is finished making some changes. He is trying to keep the Commission fully informed because of the questions he knows is being asked by their constituents.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Graham: None

Commissioner Dixon:

- Stated that there are problems at Bay Point and Horizon Oaks with regard to fencing, littering, loitering, etc. which fall under Federal laws because of Federal funding they received and she will be addressing her concerns with the property authorities.
- Announced that County Commissioner Teresa Jacobs will be at the Maxey Center on April 8th, when she will be asking Ms. Jacobs about possible funding of hooking residents up to the sewer system. She will also inquire about funding hometown safety and maintaining a police or sheriff station in Bay Point.
- Asked why the approved \$850 donation for the Central Florida Young at Heart Seniors requires a receipt, then reimbursement because it is very difficult to pay out the money up front. Mr. Holden stated that the Commission's approval was contingent upon receipts being provided however, arrangements could be made at the point-of-purchase to have the City billed directly.

Commissioner Harriman:

- Announced, for the record, that he met with Mr. Gerald Jowers, who is a business owner on SR 50.
- Stated that the Supreme Court has made a ruling regarding residents in public housing that are selling or using drugs will be evicted, even if it is their first offense. The City could look into this ruling to apply it to any that are located in the City.

Mayor Pro Tem Rees: Wished everyone a happy Easter.

The meeting was adjourned at 7:12 p.m.