

REGULAR MEETING MINUTES

CITY COMMISSION

April 11, 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 (arrived at 6:40 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, Human Resource Director Victoria Ward, Finance Director Mike Bollhoefer, Trailer City Manager Hughlan Martin, Police Chief Jimmie Yawn, Acting Public Works Director Dennis Duckwiler, Fire Chief John Williamson, and Michael Laval of The West Orange Times

APPROVAL OF MINUTES:

Regular Meeting Minutes of March 28, 2002. Motion was made by Commissioner Rees to approve the minutes as submitted. Seconded by Commissioner Harriman and carried 4-0.

CEREMONIAL MATTER:

Mayor Quesinberry presented the new Fire Chief John Williamson with his collar insignias.

REGULAR BUSINESS

1. Audit Report for Fiscal Year ending September 30, 2001

Auditor Hank Sines stated that the City of Winter Garden has been improving its internal controls and now has enough personnel, segregation of duties and no conflicts. He noted that the Enterprise Fund in utilities had a net income of \$2.4 million, not counting over \$3 million in impact fees, which is substantial. The General Fund had excess revenues over expenditures of \$1.5 million. He is available to answer any questions. City Manager Holden stated that from a City Manager's standpoint, the Finance Director, Mike Bollhoefer, and his staff are doing a great job.

2. **Request for an open-air furniture sale by Classic Furniture at 624 S. Dillard Street from April 18 – 21, 2002**

Mr. Randy Shuster stated that this is his request for their annual spring tent sale and they are requesting a waiver of the open-air vendor occupational license fees because they already hold a current occupational license from the City. **Motion by Commissioner Harriman to approve the open-air tent sale by Classic Furniture April 18-21, 2002 and a waiver of the occupational license fee. Seconded by Commissioner Graham and carried 4-0.**

3. **Request for sponsorship by the Winter Garden Rotary Club for their annual bowling fundraiser**

Mr. Jim Carter, 715 S. Dillard Street, Winter Garden, Florida, expressed the Rotary's appreciation of the City's participation in last year's event by sponsoring two (2) bowling teams. The proceeds primarily go to the West Orange Scholarship Fund and he is asking the City to participate in this year's event by sponsoring four (4) teams. **Motion by Commissioner Graham to sponsor two (2) bowling teams in the Winter Garden Rotary Club fundraiser event. Seconded by Commissioner Harriman and carried 4-0.**

Commissioner Dixon arrived at 6:40 p.m.

Mayor Quesinberry dispensed with the City Commission agenda and convened as the Community Redevelopment Agency (CRA) at 6:41 p.m.

Members Present: Jack Quesinberry, Chairman; John Rees, Theo Graham, Mildred Dixon, John Harriman, and Larry Cappleman

Members Absent: Teresa Jacobs

4. **Recommendation to award a contract for Plant Street Streetscape Phase I**

City Manager Holden stated that the downtown renovation process has been going on for the past 5 years in order to get to this point. The final plans have been arrived at and the Community Redevelopment Agency Advisory Board (CRAAB) recently approved a recommendation to the CRA that Gomez Construction be awarded the contract for Phase I, as detailed in the agenda package. Gomez's low bid was \$1,597,807.58 with Alternate #1 bid at \$104,490.00. A kick-off presentation will be given at Tanner Hall on April 18, 2002, at 6:00 p.m. to detail the sequence of events relating to road closure etc. The trail will be relocated, after Orange County approval, by moving the county right-of-way. Commissioner Graham asked what is needed after Phase I. Mr. Holden stated that Phase I will run from the front of City Hall to just past the Heritage Museum; Phase II will go to Dillard Street in the summer of 2004; and Phase III will go from City Hall essentially to Central/Park Ave. in the summer of 2005. Commissioner Graham asked about the sidewalk and lighting changes.

Mr. Holden stated that Phase I goes from storefront to storefront taking out the power lines and changing it to a one-way (each side) divided street with a fountain and clock tower. The ultimate split will start on the east side of Dillard Street for 2-way traffic and end around Park Avenue. Commissioner Graham asked if this phase would be completed by the time the centennial celebration begins. Mr. Holden stated that the central part is scheduled to be completed by the last week in September, weather permitting, which is the slower time of the year as requested by the downtown merchants. Commissioner Rees stated that the project should be started and completed in a timely manner with the penalties for delay being meaningful to help ensure a timely completion for the protection of the residents and merchants. Mr. Holden stated the centennial celebration will be a year-long series of events that is still being developed with the improvements being taking into consideration. **Motion by Agency Member Graham to award the Phase I contract to Gomez Construction for \$1,597,807.58. Seconded by Agency Member Cappleman and carried 6-0.**

Mayor Quesinberry adjourned the CRA meeting at 6:51 p.m. and reconvened the City Commission meeting.

PUBLIC HEARING ON PROPOSED RESOLUTION:

5. **RESOLUTION 02-01: Designating the Downtown Community Redevelopment Area as Brownfield area and the Community Redevelopment Area Advisory Board as the Brownfield Advisory Board**

City Attorney Everett read Resolution 02-01 by title only. Mayor Quesinberry opened the public hearing. City Planner Cechman stated that staff has researched the Federal and State aid program for developing the downtown area and the Community Redevelopment Agency Advisory Board, on March 12, 2002, is recommending adoption. Mr. George Houston, P.G., State Department of Environmental Protection (DEP), gave a Power Point presentation detailing what the Brownfield designation is and is not; what the Federal and State requirements are; how the designation can benefit the area with incentives such as tax cuts, low interest loans, and grant funding. An agreement (Brownfield Site Relief Rehabilitation Agreement) would have to be entered into by the requesting property owner and the DEP, which obligates the owner to cleanup and develop the site. The program gives the highest priority to a Brownfield development request. City Manager Holden summarized that the Brownfield designation would be a tool for the property owner with property that is known or perceived to be contaminated which may have inhibited the development. Commissioner Dixon stated that she has been working with Thomas Austin of Homes in Partnership, who is looking at obtaining Brownfield funding and she will be contacting Mr. Houston. Hearing no public comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Resolution 02-01. Seconded by Commissioner Harriman and carried 5-0.**

6. **Appointment to the Planning and Zoning Board to fill the unexpired term of Mr. Gary Youngblood**

City Manager Holden stated that regrettably Mr. Youngblood has resigned from the Planning and Zoning Board. He has done a superb job; his dedication has been appreciated and he

will be missed. Two applications for appointment have been submitted for consideration by the City Commission. Commissioner Rees stated that Mr. Mask approached him 6-8 weeks ago regarding appointment to this board and he told Mr. Mask he would nominate him for a future vacancy. **Motion by Commissioner Rees to appoint Mr. Richard Mask to the unexpired term of Mr. Youngblood. Seconded by Commissioner Dixon and carried 5-0.**

7. **Request for approval to amend the Personnel Manual regarding sick leave usage**

Human Resources Director Ward stated that when the personnel manual was first adopted a couple of years ago, staff was aware that some portions may have to be changed. Since that time, the sick leave section has been identified as an area that needs to be amended to better deal with sick leave abuse. The proposed manual change does not take away sick leave from employees that have earned it, but provides the managers with an enforceable policy that empowers the employee with the responsibility of modifying their own behavior and to making them accountable by having them create a plan to correct their behavior. Excessive sick leave usage by employees in the public safety departments becomes critical when it causes other staff to cover the absence by working overtime. **Motion by Commissioner Harriman to approve the Personnel Manual amendment to sick leave usage. Seconded by Commissioner Rees and carried 5-0.**

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

9. **MATTERS FROM ASSISTANT CITY ATTORNEY - None**

10. **MATTERS FROM CITY MANAGER**

Stated that there are a couple of downtown business owners on Main Street that are on an alley that is utilized by the City for garbage pick-up. The business owners have been at odds with one another and after one owner discovered they owned half of parcel 6, which in part is the alley, started putting restrictions on use of the alleyway. Staff has since looked into the situation and is recommending, as a solution, the City purchase the alleyway so it may be kept clear and open for use by all businesses. The owner's selling price is \$6,500. Motion by Commissioner Graham to approve the City Manager purchasing the downtown alleyway entrance on Joiner Street for \$6,500. Seconded by Commissioner Harriman and carried 5-0.

Reminded the City Commission of the West Orange Chamber of Commerce Gala next week.

Asked the Mayor when the Commission would be changing to summer shirts. Mayor Quesinberry stated that starting on April 25th summer shirts would be worn.

Stated he received the annual advertisement request from the Florida League of Cities (FLC) for Winter Garden's 1-page color ad in the Quality Cities Magazine for \$977. **Motion by Commissioner Rees to approve the FLC advertisement as requested. Seconded by Commissioner Harriman and carried 5-0.**

11. MATTERS FROM MAYOR AND COMMISSIONERS

Mayor Quesinberry:

Announced the Relay for Life tomorrow night at 6 p.m. at West Orange High School. The cancer survivors will be walking the first lap. Last year the event raised \$154,000 in donations.

Commissioner Harriman:

Stated that with the upcoming centennial celebration, maybe residents could be asked to clean-up their property in a future utility bill. City Manager Holden stated the request could be an article in the newsletter.

Commissioner Dixon:

Reported that Commissioner Jacobs attended the last CAB meeting and announced that she would work with the community regarding their issues. Commissioner Dixon stated that she will be looking into obtaining funding for rehabilitation projects and identifying those properties in need of rehabilitating etc.

Stated that she will be trying to obtain funding to re-open a Police sub-station in the Bay Point apartment area. She is also trying to get an additional eastside field for recreation for the whole community. The County has been slow in signing a 30-year contract with Boys and Girls Club, which will become important when school is out and the children need programs to attend.

Stated there are some houses that need to be torn down in her district and she will be discussing this with the City Planner.

Commissioner Graham:

Asked if anyone had responded to Joann Mueller's letter regarding her handicap issues. Mayor Quesinberry stated he has replied that she needs to address her issues with the state.

Stated that the Memorial Day monument, which was originally built with donated funds, had the flag pole put in on the wrong side and someone each year reminds him of that error. He stated he has some remaining monument funds and would like to pay the City for materials to install an additional flag pole. City Manager Holden stated that in conjunction with the new City Hall flag pole, staff can also install one at Veteran's Park Memorial.

Stated that a resident contacted him regarding a 6 inch high step at Chapin Station that is a safety hazard that contributed to his wife falling and receiving 13 stitches. Mr. Graham asked staff to look into the problem. City Manager Holden stated that much of Chapin Station is owned by Orange County and he would have to contact them regarding the hazard.

Commissioner Rees:

Stated that he was looking through the annual audit and wanted to say that Winter Garden is fortunate that we continue to be in such good financial shape thanks to the City Manager, Finance Director and the Department Heads and wanted to thank them for their work in this regard.

The meeting was adjourned at 7:47 p.m.