

## **REGULAR MEETING MINUTES**

### **CITY COMMISSION**

**April 25, 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 Mildred Dixon (arrived 6:42 p.m.), Theo Graham, and John Harriman; City Manager Hollis Holden, City Attorney Dykes Everett, Deputy City Clerk Nancy Williams; Assistant to the City Manager Marshall Robertson, Utilities Director Charlie Tinch, Planning Director Mark Cechman, Planner Kelly Randall, Human Resources Director Victoria Ward, Finance Director Mike Bollhoefer, Trailer City Manager Hughlan Martin, Recreation Supervisor Jay Conn, Police Chief Jimmie Yawn, Deputy Police Chief Jon Johnson, Fire Chief John Williamson, and Michael Laval of The West Orange Times

**ABSENT:** Commissioner John Rees

### **APPROVAL OF MINUTES:**

Regular Meeting Minutes of April 11, 2002. **Motion by Commissioner Graham to approve the minutes as submitted. Seconded by Commissioner Harriman and carried 3-0.**

### **PRESENTATION:**

Mr. James Thomas, President of Friends of Lake Apopka (FOLA), 15668 West Colonial Drive, Winter Garden, Florida, 34787, appeared before the Commission to give a brief overview of the structure and intent of FOLA's Task Force and their efforts toward a Basin Master Plan. He introduced Ms. Ruth Hamberg of Land Design Innovations, Inc., 140 N. Orlando Avenue, Suite 295, Winter Park, Florida, 32789. Ms. Hamberg gave a PowerPoint presentation regarding the Master Plan, a copy of which is attached to these minutes. Mr. Thomas requested that the Commission read and consider the suggested resolution endorsing the master plan, and commit to working with the seven other jurisdictions and FOLA by assigning a staff liaison to Phase II of the Plan. City Manager Holden stated that the City of Winter Garden is already the most committed of the eight jurisdictions in terms of property acquisition, and will continue to support FOLA's efforts.

### **REGULAR BUSINESS:**

1. **Request to approve two festivals in Veteran's Park**

Ms. Lucille Alvarado of the First Mexican Chamber of Commerce stated this will be the fourth year for the Cinco de Mayo and Independence Day festivals in Veterans' Park. There is no admission charge to either event. Commissioner Graham pointed out that Item 5 of the Rules and Regulations of the Facility Use Form states that no concessions are allowed other than those provided by the City's Recreation Department. He asked Ms. Alvarado if the festivals would include concession sales and she stated that they would. City Manager Holden said that Item 5 is waived for these particular events. **Motion by Commissioner Graham to approve the two festivals in Veterans' Park with the waiver of Item 5 of the Rules and Regulations regarding concessions and permit fees. Seconded by Commissioner Dixon. Motion carried 4-0.**

2. **Request to extend deadline for satisfying Code Enforcement Board action against 911 West Bay Street**

Mr. Dennis Gaynor, 137 W. York Court, Longwood, Florida, appeared before the Commission to request a 60-day extension to bring the property at 911 East Bay Street into condition to receive a Certificate of Occupancy. City Manager Holden said Mr. Gaynor has made slow but steady progress and has shown good faith in meeting the City's requirements, therefore, Staff recommends approval of the extension. Commissioner Graham asked if the \$10,000 settlement for unpaid Code Enforcement fines and Special Assessment liens had been paid. City Planner Cechman explained that the \$10,000 is in escrow until the Certificate of Occupancy is issued. **Motion by Commissioner Harriman to approve the request for a 60-day extension to satisfy the Code Enforcement Board action. Seconded by Commissioner Dixon. Motion carried 4-0.**

3. **Recommendation to approve a trail agreement with Orange County**

City Manager Holden stated that various portions of the West Orange Trail will be torn up and relocated as a result of the downtown renovation beginning May 1<sup>st</sup>. The agreement provides for the exchange of properties so that the County transfers ownership of the existing trail to the City and the City transfers to the County ownership of the land the new trail is built upon. City Manager Holden will appear before the Orange County Commission on May 7, 2002 with the agreement if it is approved. **Motion by Commissioner Harriman to approve the trail agreement with Orange County. Seconded by Commissioner Dixon. Motion carried 4-0.**

4. **Recommendation to approve an expenditure from the Police Department Forfeiture Funds to purchase gymnasium equipment**

Police Chief Yawn stated the Police Department's legal counsel has advised that the expenditure for gymnasium equipment is an appropriate use of forfeiture funds. **Motion by Commissioner Graham to approve the expenditure from the Police Department Forfeiture Funds to purchase gymnasium equipment. Seconded by Commissioner Harriman. Motion carried 4-0.**

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

A. **Ordinance 02-20: Annexation of 9.226 acres located east of Wintermere Harbor and northeast of Lake Luntz (Keene)**

City Attorney Everett read Ordinance 02-20 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-20, with the second reading and public hearing being scheduled for May 23, 2002. Seconded by Commissioner Dixon and carried 4-0.**

B. **Ordinance 02-21: Comprehensive Plan Amendment of 9.226 acres located east of Wintermere Harbor and northeast of Lake Luntz as low-density residential (Keene)**

City Attorney Everett read Ordinance 02-21 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-21, with the second reading and public hearing being scheduled for May 23, 2002. Seconded by Commissioner Dixon and carried 4-0.**

C. **Ordinance 02-22: Rezoning of 9.226 acres located east of Wintermere Harbor and northeast of Lake Luntz from Orange County A-1 to City R-1 (Keene)**

City Attorney Everett read Ordinance 02-22 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-22, with the second reading and public hearing being scheduled for May 23, 2002. Seconded by Commissioner Dixon and carried 4-0.**

D. **Ordinance 02-23: Rezoning of 48.5 acres at the southeast corner of Daniels Road and Beard From from City R-1 to PUD (Fritschi)**

City Attorney Everett read Ordinance 02-23 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-23, with the second reading and public hearing being scheduled for May 23, 2002. Seconded by Commissioner Dixon and carried 4-0.**

E. **Ordinance 02-24: Ordinance regulating use of City sidewalks**

City Attorney Everett read Ordinance 02-24 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-24, with the second reading and public hearing being scheduled for May 23, 2002. Seconded by Commissioner Dixon and carried 3-1; Commissioner Graham opposed.** Commissioner Graham stated he is opposed to the sale of alcohol in outdoor café areas on City sidewalks.

6. **SECOND 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. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 02-06. Seconded by Commissioner Dixon and carried 4-0.**

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

City Attorney Everett read Ordinance 02-07 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-07. Seconded by Commissioner Dixon and carried 4-0.**

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

City Attorney Everett read Ordinance 02-08 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 02-08. Seconded by Commissioner Harriman and carried 4-0.**

Mayor Quesinberry dispensed with the City Commission agenda and convened as the Community Redevelopment Agency (CRA) at 7:14 p.m.

**Members Present:** Jack Quesinberry, Chairman; Theo Graham, Mildred Dixon, and John Harriman

**Members Absent:** Teresa Jacobs, John Rees and Larry Cappleman

7. **Reappointment of Community Redevelopment Agency Advisory Board members Larry Cappleman and Tina Aldrich**

City Planner Cechman stated that both parties have expressed their desire to be reappointed. **Motion by Commissioner Graham to reappoint Larry Cappleman and Tina Aldrich as**

**members of the Community Redevelopment Agency Advisory Board. Seconded by Commissioner Harriman. Motion carried 4-0.**

Mayor Quesinberry adjourned the CRA meeting at 7:15 p.m. and reconvened the City Commission meeting.

**8. MATTERS OF CONCERN FROM CITIZENS**

Ms. Patty Bach, 202 S. Highland Avenue, Winter Garden, Florida, appeared before the Commission to express her concern about traffic being rerouted to Highland Avenue and Smith Street when the downtown renovation construction begins. Assistant to the City Manager Robertson was asked to explain the traffic plans to Ms. Bach.

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

**10. MATTERS FROM CITY MANAGER**

- The Financial Statement for March 2002 was distributed. Both City Manager Holden and Finance Director Bollhoefer are available to answer any questions.
  
- City Manager Holden asked the Commission's approval to hire the top candidate for Public Works Director. **Motion by Commissioner Harriman to approve hiring Mr. Bob Smith as Public Works Director. Seconded by Commissioner Graham. Motion carried 4-0.**
  
- A "State of the County" briefing will be held from 7:30 to 9:00 a.m. on Friday, April 26<sup>th</sup> at Tanner Hall. City Manager Holden will attend.

**11. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Graham:**

A number of citizens have requested that a hedge be planted on Highland Avenue to enclose the City's parking lot and enhance the appearance of the street. He also said that the City has 60 to 90 days to write a letter opposing the recent decision of cable modem service providers and suggests that Staff do so.

**Mayor Quesinberry:**

Thanked the Recreation Department for their gifts of appreciation to the City's volunteers.

The meeting was adjourned at 7:28 p.m.