

REGULAR MEETING MINUTES

CITY COMMISSION

May 9, 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.), John Rees, Theo Graham, and John Harriman; 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 Resources Director Victoria Ward, Finance Director Mike Bollhoefer, Recreation Director Larry Caskey, Police Chief Jimmie Yawn, Fire Chief John Williamson, Acting Public Works Director Dennis Duckwiler and Michael Laval of The West Orange Times

APPROVAL OF MINUTES:

Regular Meeting Minutes of April 25, 2002. **Motion by Commissioner Graham to approve the minutes as submitted. Seconded by Commissioner Harriman and carried 4-0.**

PROCLAMATION:

Mayor Quesinberry proclaimed the week of May 19-25, 2002 as National Public Works Week

REGULAR BUSINESS:

1. **Recommendation to approve a railroad right-of-way lease agreement**

City Manager Holden stated that staff strongly recommends approval because the agreement will allow the city to utilize the property. **Motion by Commissioner Harriman to approve the right-of-way lease agreement with Florida Central Railroad Company. Seconded by Commissioner Rees.** Commissioner Graham asked when the agreement has to be renewed. Mr. Holden stated that the agreement is open-ended as long as the railroad exists. **Motion carried 4-0.**

2. **Recommendation to approve an expenditure from the Police Department Forfeiture Funds to purchase a speed recognition device**

Police Chief Yawn stated that the recommended expenditure has been reviewed and verified by legal counsel that the expenditure is an appropriate use of the funds. The Florida State Statutes require that 15% of the City's forfeiture funds be spent on drug related programs and the Police Department is writing a Safe Community Program that will allow a portion of these funds to be spent on this equipment. **Motion by Commissioner Graham to approve the expenditure request for a speed monitoring device from forfeiture funds. Seconded by Commissioner Rees and carried 4-0.**

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

A. **Ordinance 02-25: Interim Budget for Fiscal Year 2001-2002**

City Attorney Everett read Ordinance 02-25 by title and stated the total revenues are \$8,115,780 and total expenses are \$8,115,780. **Motion by Commissioner Harriman to approve Ordinance 02-25, with the second reading and public hearing being scheduled for May 23, 2002. Seconded by Commissioner Rees.** Finance Director Bollhoefer stated that the recommended mid-year adjustments include: two new positions (a planner and a computer specialist); refinancing of the 1981 Series Bond, which is a USDA Rule Development Bond that must be refinanced once it is determined that the City is financially able to do so; refinancing the loan from the impact fees for 5 years because the utility fund receives a lower rate and the impact fees earn a higher interest that they earn now through other investments. Commissioner Graham asked about any changes to the budgeted street improvements. City Manager Holden stated that there are no new street improvements and Mr. Bollhoefer stated the corrections are only to the cost figures. **Motion carried 4-0.**

Commissioner Dixon arrived at 6:42 p.m.

B. **Ordinance 02-26: Establishing garage/estate sale requirements**

City Attorney Everett read Ordinance 02-26 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-26, with the second reading and public hearing being scheduled for June 13, 2002. Seconded by Commissioner Rees.** Commissioner Rees asked how the duration and frequency will be regulated. City Manager Holden stated that the proposed ordinance was initiated by the complaints made about perpetual garage sales. Commissioner Graham addressed Section 22-128 duration not exceeding 2 days because estate sales sometimes last 3-4 days and Section 22-130 states that garage sales will not have anything displayed outside except that which might normally located on the lawn or yard, but people put items there. Mr. Everett suggested a distinction between the number of consecutive days for an estate sale versus a garage sale in the ordinance. Mr. Holden stated that the ordinance will be revised to address the comments made. Commissioner Graham also addressed the sale

signs being posted on the right-of-way that allows the abutting property owner to remove the signs without letting the seller know, but they should be communicating with each other about the signs. Mr. Holden stated that signage issues can be dealt with through the citation process. **Motion carried 5-0.**

C. **Ordinance 02-27: Adopting the new Fire Prevention Code regulations**

City Attorney Everett read Ordinance 02-27 by title only. **Motion by Commissioner Rees to approve Ordinance 02-27, with the second reading and public hearing being scheduled for June 13, 2002. Seconded by Commissioner Harriman.** Commissioner Graham asked if the burning fees and multiple family housing sprinkler system requirements were state or city generated. Fire Chief Williamson stated that these new requirements are new city requirements above and beyond the state's requirements. **Motion carried 5-0.**

4. **Resolution 02-02: Establishing charges and deposits for public records requests**

City Attorney Everett read Resolution 02-02 by title only. **Motion by Commissioner Harriman to approve Resolution 02-02. Seconded by Commissioner Graham and carried 5-0.**

5. **MATTERS OF CONCERN FROM CITIZENS**

Ms. Shirley Smith, 21 West Crest Avenue, Winter Garden, Florida, stated that she is a downtown business owner and has concerns about the proposed sidewalk Ordinance 02-24 because a lot of the downtown businesses put items on the sidewalk to make a living. The Jaycee bench will have to go because it is routinely messed up by children. Some of the businesses own their sidewalks and the City telling them that they need insurance is wrong because the City is not renting or leasing their sidewalk. She asked that the business owners be allowed to discuss the contents of the ordinance because they have worked very hard to make the downtown beautiful. The streetscape project group has done a good job. She also stated she is against drinking on the streets and there should be an ordinance against that possibility. Alcohol should remain in the place of business where it was purchased.

6. **MATTERS FROM CITY ATTORNEY**

Mr. Everett advised the City Commission that whenever speaking with someone about the sidewalk ordinance, keep in mind that regulating the use is not based on the ownership of the sidewalks, but that the sovereign authority (the city) has jurisdiction because the citizenry is passing over the sidewalks to access the business. The public way passage is lawfully regulated by the City of Winter Garden for the public's health, safety and welfare aspect.

7. **MATTERS FROM CITY MANAGER**

- Mr. Holden requested permission to apply for a COPS grant that is due by May 24, 2002 for six additional police officers for 3 years and thereafter retained because the City's growth will require the additional officers. If the City makes the first cut on the grant, the request will be brought back to the City Commission for approval. Commissioner Dixon stated that there are also grant funds available under Safe Neighborhoods. She is in favor of any funding that will get more policing in the East Winter Garden area. Commissioner Graham asked what the per capita ratio is for officer to resident. Mr. Holden stated he uses 2.5 per 1,000. The City currently has 39 positions with a population of just over 18,000, equals 45 officers. **Motion by Commissioner Dixon to approve the City Manager applying for a COPS grant. Seconded by Commissioner Harriman and carried 5-0.**

- Stated that the downtown renovations are going well.

- Stated that he attended a meeting with school board staff today and looked at the preliminary new West Orange High School plan at the Beulah corner. The tentative opening date is in 2007.

- Stated that the Dillard Street plans are moving along well. There will be some future meetings needed to draft some agreements to put in the road. We will also need an inter-local agreement with the School Board on how cross usage of facilities will work.

- Advised that the new library is moving along well. In a future Commission meeting, staff will be bringing forward a request for approval of the final figure to acquire the old library site for, as the Mayor has suggested, a Senior Center.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Mayor Quesinberry:

Stated he attended a Council of Mayors meeting in Orlando City Hall where Glenda Hood presented an ordinance to approve the ½ cent sales tax for schools. It included 5 stipulations that included there was to be no portables by 2014, and they would phase out portables by 5-10 percent each year and schools would be built big enough. Mayor Hood has requested that each City adopt a resolution in support of the ½ cent sales tax for schools. Commissioner Graham stated he has a problem with how the schools have previously wasted money. City Manager Holden stated that the wrongs of the past can be discussed extensively, but the bottom line is that the schools need to be fixed, which takes more money. The Commission is being asked to take a stand to support by issuing a resolution or

not. Mayor Quesinberry stated he would prefer the tax be added to sales so the tourists could contribute and not levy the burden solely on the residents. Mr. Holden stated that the money must be used to fix the existing schools and not on new schools. Commissioner Dixon stated that she agreed that Winter Garden needs to state whether it is for or against the ½ cent sales tax. Mr. Holden also stated that Ms. Hood's position is that there should be a move to remove permanent portables. The School Board has indicated that they will never commit to not having portables. Commissioner Rees stated that he doesn't believe that a resolution from the City Commission will have any effect on whether the residents, or him, will vote for a school sales tax or not. Every City should take some responsibility because of the increase in development, but throwing money at a problem is not the answer because you need confidence in the ability of those handling the funds. **Motion by Commissioner Graham to not create a resolution at this time. Motion failed** for the lack of a second. Commissioner Graham stated he would like to see what is going on the ballot before committing to how he will vote. Mr. Holden stated that the resolution could include all the conditions required for supporting the tax. Commissioner Harriman asked the City Attorney if the state could decrease the allocation to Orange County Schools if they did get the ½ cent sales tax. Mr. Everett stated Orange County cannot be singled out for a reduction in a discriminatory manner, but the state could reduce what they allocate per student statewide or reduce special grant dollars. **Motion by Commissioner Harriman to create a resolution in support of the concept of a ½ cent sales tax for schools. Seconded by Commissioner Dixon and carried 3-2; Graham and Rees opposed.**

Mayor Quesinberry:

Stated that he and City Manager Holden were guests on a radio station Saturday morning and they received calls expressing appreciation of what is going on with the improvements in the City. The Mayor thanked the Commissioners for their participation in approving the projects.

Commissioner Rees: None

Commissioner Graham:

Stated that he read that Winter Garden had unpaid property taxes. Mr. Holden stated that the property that was listed does not exist and the County Property Appraiser has been tasked with correcting the records.

Commissioner Dixon:

Thanked the City Manager for arranging for Florida Power to look into the street lighting and for the extra patrol units in the East Winter Garden area.

Stated that the Maxey Center now has 6 computers for summer classes and now they are in need of chairs and desks, if anyone knows where they could get some.

Commissioner Harriman:

Announced that the Orange County Commissioner's Luncheon will be on May 22, 2002 at Tanner Hall from 11:30 a.m. – 1:30 p.m. and recommended that a table be purchased. It was the consensus of the City Commission to purchase a luncheon table.

The meeting was adjourned at 7:34 p.m.