

REGULAR MEETING MINUTES

CITY COMMISSION

June 13, 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 6:34 p.m.); City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Assistant Utilities Director Bart Patria, Planning Director Mark Cechman, Human Resource Director Victoria Ward, Finance Director Mike Bollhoefer, Trailer City Manager Hughlan Martin, Police Chief Jimmie Yawn, Public Works Director Bob Smith, Fire Chief John Williamson, and Michael Laval of The West Orange Times

1. **APPROVAL OF MINUTES:**

Regular Meeting Minutes of May 23, 2002. Motion was made by Commissioner Rees to approve the minutes as submitted. Seconded by Commissioner Harriman and carried 4-0.

Commissioner Dixon arrived at 6:34 p.m.

2. **PRESENTATIONS:**

A. **City Flag Design**

City Manager Holden stated that the proposed City flag has been designed by local resident and graphic designer, Mr. Andy Crabtree. Mr. Crabtree stated that the proposed flag was designed as a representation of the community. Mayor Quesinberry stated that he would like to see the City's emblem on a City flag. After some discussion, a **motion was made by Commissioner Harriman to approve the first City flag design with white background. Seconded by Commissioner Dixon and carried 4-1; Mayor Quesinberry opposed.**

B. **Downtown Parking Conceptual Plan**

City Manager Holden stated that the long-term plan for the old Public Works site and the old bank teller site has been for a public parking facility. Glatting Jackson is present to provide the City with a conceptual plan. Mr. Bruce Hall with Glatting Jackson, presented

their study on the downtown parking area which is bordered by Highland Avenue, Tremain Street, Lakeview Avenue, S. Boyd Street, and Joiner Street. Two alternatives were presented for a future parking lot located at the southwest corner of Tremain and S. Boyd Streets. The main differences in the two alternatives were the points of entry/exit, pedestrian walk-through between parking spaces, the area next to the water tower being either open lawn or parking, and the northeast corner of Tremain and S. Boyd being a pavilion area or more parking spaces. Mr. Holden stated that staff is requesting a consensus by the City Commission on whether or not to move forward with the development of the parking concept. It was the consensus of the City Commission to direct staff to move forward with the downtown parking plan.

3. Mayor Quesinberry issued **PROCLAMATION 02-05** declaring June 14, 2002 as National Small Cities Day and was read by City Attorney Everett.

4. **OLD BUSINESS:**

PUBLIC HEARING ON PROPOSED RESOLUTION:

- A. **Resolution 02-03: Authorizing the submittal of a Wastewater Facilities Plan to the State Department of Environmental Protection and application for a State Revolving Fund loan**

City Attorney Everett read Resolution 02-03 by title only. Mr. Tom Walker, P.E., TGW Engineering, stated they have prepared the Wastewater Facilities Plan, which is to be submitted to the State for a request for funds from the Revolving Fund Loan Program. They looked at three different alternatives. The first alternative was to expand the existing Crest Avenue wastewater treatment plant from 2 million gallons per day (mgd) to 4 mgd utilizing the advanced wastewater treatment process, which minimizes the impact to the environment, and the construction would begin this year. The second alternative was a 2 phase construction, with the first phase being to expand Crest Avenue wastewater treatment plant, taking it from 2 mgd to 3 mgd in this fiscal year and then look at taking it from 3 mgd to 4 mgd in the year 2012, in accordance with the population growth. The third alternative is no action. After analyzing the three options, the most feasible option became the first option. Mr. Mark Brewer, consultant, stated that the total capital cost is estimated to be \$14.6 million and the current loan rate is 3.11% fixed, which is a 40% discount on any other rate that the City could get on the market through the bond process. That represents a long-term, a savings of \$11 million in interest over the life of the 20 year loan. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion was made by Commissioner Graham to approve Resolution 02-03 alternative #1. Seconded by Commissioner Rees and carried 5-0.**

5. **REGULAR BUSINESS:**

- A. **Request to hold the annual “Spring Fever in the Garden” festival on March 29, 2003** Mrs. Sue Crabtree, Bloom N’ Grow Garden Society, thanked the City of Winter Garden for participating in the very successful event in 2002 and they requesting the City’s participation and approval of the event on March 29, 2003, to stay away from other major festivals. **Motion was made by Commissioner Rees to approve the “Spring Fever in the Garden” festival on March 29, 2003. Seconded by Commissioner Harriman and carried 5-0.**
- B. **Request for supporting the West Orange High School Football Program by purchasing an advertisement**

Ms. Amanda Perkins, West Orange High School Cheerleader, stated that their athletic program receives very little school funding so they have fundraisers by selling advertisements and are requesting that the City purchase an advertisement in their program. **Motion was made by Commissioner Rees to approve the purchase of a full page advertisement in the West Orange High School Football Program. Seconded by Commissioner Harriman and carried 5-0.**

- C. **Request by USA Global Promotions to approve selling fireworks at 13246 W. Colonial (next to Napa) from June 23 to July 5, 2002**

Mr. Michael Schwing, USA Global Promotions, stated that they are requesting permission to sell state allowed fireworks and novelties from June 23 to July 4, 2002. City Manager Holden stated that there are currently no bans issued however, the Commission may exercise this option as part of the motion. **Motion was made by Commissioner Graham to approve the sale of fireworks at 13246 W. Colonial from June 23, to July 5, 2002, providing there are no fireworks bans issued by a governmental agency. Seconded by Commissioner Rees and carried 5-0.**

- D. **Recommendation to approve the Final Plat for Stone Crest Village 2 (Glynwood)** City Planner Cechman stated that this is the first phase of the M/I PUD off CR 535. Staff and the Planning and Zoning Board recommend approval, and authorizing the Mayor to sign the plat after a two party agreement is signed for the development of Daniels Road. City Manager Holden stated that the referenced agreement is on the Orange County Consent Agenda for June 25, 2002 and he anticipates that it will be passed. **Motion was made by Commissioner Harriman to approve the Final Plat for Stone Crest Village 2 and authorize the Mayor to execute the plat upon receipt of an agreement between M/I Homes and Orange County allowing M/I Homes to build Daniels Road from the Fowler Tract to the Florida Turnpike. Seconded by Commissioner Dixon. Commissioner Rees asked how many homes are planned. City Manager Holden stated there are 630. Motion carried 5-0.**

E. Recommendation to approve the design projects for Downtown Phases II and III with Glatting Jackson

City Manager Holden stated that Phases II and III are at 30% planned. Phase II is east of the Phase I (the middle section) and Phase III is west of the Phase I middle section. Staff has looked at the construction phases as they relate to the school year and both phases should be completed between May to September of next year. **Motion was made by Commissioner Harriman to take the Downtown design projects to completion. Seconded by Commissioner Rees and carried 5-0.**

F. Recommendation to approve the purchase of 310 South Main Street

City Manager Holden stated that the information has been provided and he is requesting approval. **Motion was made by Commissioner Rees to purchase 310 South Main Street, Winter Garden, Florida. Seconded by Commissioner Harriman.** Commissioner Graham asked why the nuisance ordinance is not being used for this property. Mr. Holden stated that there are three very small apartments that are in violation of current City ordinances, but that the prior powers at that time, allowed the apartments and he does not have the authority to eliminate them as they have been there for many years. Commissioner Graham stated that he does not feel that the City should go into the real estate business. Commissioner Dixon stated that if property can be purchased to eliminate problems, she can identify east side properties that need to be remedied in the same manner and she will speak to this subject in the future. **Motion carried 4-1; Commissioner Graham opposed.**

G. Recommendation to continue participating in the Community Development Block Grant and Home Investment Partnership Program

City Manager Holden stated that continuation in this program is received every three years and there have not been any significant changes to warrant terminating the agreement. Therefore, he recommends approval to continue as a party in the Interlocal Cooperation Agreement through fiscal year 2005. **Motion was made by Commissioner Graham to continue participating in the Community Development Block Grant and Home Investment Partnership Program with Orange County. Seconded by Commissioner Dixon and carried 5-0.**

H. Recommendation to pursue available State grants for a new City park located west of CR 545 and south of the Turnpike

City Manager Holden stated that Kelly Randall, Planner, has prepared a proposal requesting the City Commission's approval to pursue grants through the Florida Communities Trust (FCT) Program for the possibility of purchasing the southern portion of the Tucker Ranch property at CR 545 and the Turnpike, which is approximately 210 acres, for a new park. **Motion was made by Commissioner Dixon to approve**

pursuing State grants for a new City park west of CR 545 and south of the Turnpike. Seconded by Commissioner Harriman and carried 5-0.

6. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:**

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

City Attorney Everett read Ordinance 02-26 by title only. Mayor Quesinberry opened the public hearing. Ms. Kimberly Rose, 22 ½ West Vining Street, Winter Garden, Florida, stated that she has not seen the proposed ordinance but understands the reasoning behind it and asked that estate sales be allowed more than 2 days. Commissioner Rees stated that the ordinance allows 5 days for estate sales. Ms. Rose asked if there was a provision for non-profit organizations and Commissioner Rees stated yes. Ms. Rose suggested adding a requirement that sellers must put their name on the sale signs to make them responsible. Hearing no other comments, the public hearing was closed. Commissioner Graham stated that under sign Section 22-129, there is nothing about removing signs and it does not mention signs on light posts. Also, under Section 22-133 (3), will the 5 day limitation apply to a court ordered probate sale? City Attorney Everett stated that the ordinance would still apply. Commissioner Graham asked what penalty would be assessed and would the public be given instructions on how to obtain a permit? City Manager Holden stated that the public would be given instructions and City Attorney Everett stated the fine is defined as a Class I violation, which is \$50. Mr. Holden also stated that the intent of the proposed Ordinance was to eliminate perpetual yard sales and did not specifically focus on signs. Mayor Quesinberry stated that the Commission could wait to see if signs become an issue and address them in the future, if necessary. Mr. Everett stated that an amendment to the ordinance could be made to include utility poles and that that all signage shall be removed from the public right-of-way within 24 hours of the completion of the sale. **Motion by Commissioner Harriman to approve Ordinance 02-26 with the following amendments: Insertion of the term utility pole in Section 22-129 as well as an additional sentence that all signs shall be removed with 24 hours of the conclusion of the sale. Seconded by Commissioner Rees and carried 5-0.**

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

City Attorney Everett read Ordinance 02-27 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. Commissioner Graham asked about Section 46-61 Burn Permits, whether it applies to all trash. Fire Chief Williamson stated that it is for any open burning. Residents are encouraged to bag their small yard trash and have it hauled off. Commissioner Graham asked if the automatic fire protection requirement for multifamily residential units of three (3) or more was new. Mr. Williamson stated that the definition used in the ordinance was taken from the State's fire code in order to be consistent. **Motion by Commissioner Harriman to approve Ordinance 02-27. Seconded by Commissioner Graham and carried 5-0.**

Mayor Quesinberry dispensed with the City Commission agenda and convened as the Community Redevelopment Agency (CRA) at 7:48 p.m.

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

Members Absent: Teresa Jacobs

1. **Recommendation to authorize a change order for side street work on Boyd and Main Streets**

City Manager Holden stated that when first discussing the downtown renovations and the project begun, there was discussion on how far up the side streets the project would go. After the bids came in, it became logical to go up certain streets while they were already there instead of coming back in later. The areas identified are on the south side, going from the railroad tracks on Boyd Street and Main Street, and on the north side, at the telephone company, going just past the museum, then on the Boyd Street side, go to the side road that goes behind the Edgewater building. Commissioner Rees asked if there was any cost difference on a per unit basis. Mr. Holden stated the proposed change order is at the same cost per unit. Commissioner Graham asked if the Historical District Area that is now paved would have brick. Mr. Holden stated yes. **Motion by Agency Member Cappleman to approve the proposed change order. Seconded by Agency Member Harriman and carried 6-0.**

Mayor Quesinberry adjourned the CRA meeting at 7:53 p.m. and reconvened the City Commission meeting.

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

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

10. **MATTERS FROM CITY MANAGER**

· Introduced the new Deputy Fire Chief, Tom Berrios, who was welcomed by all.

A. Discussion on possible workshop dates

Mr. Holden stated that the rewrite of the proposed SR 50 overlay Ordinance will be distributed next Monday, with copies being made available to the public and on the

website. Staff is requesting a workshop on this subject after the next Commission meeting on June 27th. Staff will conduct a community workshop at Tanner Hall sometime in July and the ordinance would come back as a first reading sometime in August. Commissioner Rees asked that staff makes sure the businesses on SR 50, in Winter Garden, have received the proposed ordinance and have an opportunity to meet with staff and/or the City Commission. Mr. Holden stated that staff has already received the first round of comments from the merchants and has incorporated those comments into the proposed ordinance. The workshop will explain the newest version. The business owners will have had three weeks to look at the proposed ordinance and another 2 weeks before the first public hearing. It was the consensus of the Commission to schedule a SR 50 overlay workshop after the regular June 27, 2002, City Commission meeting. Also, another workshop will be needed to discuss utility consumptive use and water consumption.

B. Discussion on filling the Code Enforcement Board vacancy

Mr. Holden asked if there were any names the Commission wanted to submit and stated staff will continue to try and get a volunteer.

- Stated that the site plans for the new Dillard Street Elementary School have been received and it has been worked out which portions of the Dillard Street School buildings the city would retain (auditorium and lunch room, administrative building with some office space behind). Some agreements and stormwater easements for the new school will have to be submitted for Commission approval. The new school is scheduled to be open by August of 2003. He has recommended another meeting between the representatives from both Courtlea Oaks and the School Board to resolve the wall/berm/trees buffer.

C. Discussion on the future plans for the old 24 acre dump site in East Winter Garden

Commissioner Dixon stated that she attended a meeting in Bartow that was also attended by St. Johns Water Management and Department of Environmental Protection, who explained that funding is available through the Brownfield Act for housing. She stated that if Homes in Partnership could get a letter from the City stating that the City is looking at housing possibilities at the old dump site, Homes in Partnership may become eligible to receive some Brownfield Funds. City Manager Holden stated that the City Commission previously approved giving the property to anyone who wanted to build housing. Mayor Quesinberry stated that if a letter is required, the City Manager should be contacted.

11. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Dixon:

Stated she received an application for a Community Organization Award and she recommends that Ms. Charlie Mae Wilder be nominated.

Stated she will be renewing the West Orange Task Force to get it up and running for much needed action in the east side of town. She requested support by the City Commission for her obtaining funds from programs such as Safe Neighborhoods and Front Porch.

Commissioner Harriman:

Announced that the new Winn Dixie store, on CR 535, will be having their grand opening on June 20, 2002, at 9 a.m.

Commissioner Rees: None

Commissioner Graham: None

Mayor Quesinberry: None

The meeting was adjourned at 8:14 p.m.