

REGULAR MEETING MINUTES

CITY COMMISSION

June 27, 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; 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, Police Chief Jimmie Yawn, Public Works Director Bob Smith, Fire Chief John Williamson, Recreation Director Larry Caskey, Planner Kelly Randall, Assistant City Attorney Lionel Rubio and Michael Laval of The West Orange Times

1. **APPROVAL OF MINUTES:**

Regular Meeting Minutes of June 13, 2002. Motion was made by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Rees and carried 5-0.

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

Mayor Quesinberry moved agenda items I, J and K (Lake Whitney Estates) to be heard first because the applicant for the annexation has requested that the Ordinances be tabled until July 25, 2002.

A. **Ordinance 02-33: Annexation of 9 acres located on Windermere Road, east of Windermere Crossings Phase II (Lake Whitney Estates)**

City Attorney Everett read Ordinance 02-33 by title only. **Motion by Commissioner Graham to table Ordinance 02-33 until July 25, 2002. Seconded by Commissioner Harriman and carried 5-0.**

- B. **Ordinance 02-34: Small Scale Comprehensive Plan Amendment of 9 acres located on Windermere Road, east of Windermere Crossings Phase II as City Suburban Density with a Conservation Overlay (Lake Whitney Estates)**

City Attorney Everett read Ordinance 02-34 by title only. **Motion by Commissioner Graham to table Ordinance 02-34 until July 25, 2002. Seconded by Commissioner Harriman and carried 5-0.**

- C. **Ordinance 02-35: Rezoning of 9 acres located on Windermere Road, east of Windermere Crossings Phase II from Orange County A-1 to City R-1 (Lake Whitney Estates) and a Recommendation to approve the preliminary plat**

City Attorney Everett read Ordinance 02-35 by title only. **Motion by Commissioner Rees to table Ordinance 02-35 until July 25, 2002. Seconded by Commissioner Harriman and carried 5-0.**

- D. **Ordinance 02-20: Annexation of 9.226 acres located east of Wintermere Harbor and northeast of Lake Luntz (Keene)-TABLED FROM MAY 23, 2002**

City Attorney Everett read Ordinance 02-20 by title only. City Planner Cechman stated that this Ordinance, as well as the next two, were tabled because of some issues related to the proposed house sizes and construction vehicle access. Since that date, the applicant has provided a proposed development agreement that will bind him and his heirs to a minimum of 2,500 square feet per house, require that heavy construction equipment not enter into Wintermere Harbor Phases I and II, and they will repair any roads in Wintermere Harbor Phases I and II that are caused by any construction equipment driving through the property. Staff recommends approval. Mayor Quesinberry opened the public hearing.

Mr. Robert Matusevich, 13234 Lakeshore Grove Drive, Winter Garden, Florida, questioned whether or not the developer agreement will be binding upon both the builder and developer, whoever that may be for Phase III. Mr. Everett stated that the development agreement will be recorded in the public record and will bind the land. Anyone who builds on the land will have to comply with the terms of the recorded development agreement.

Mr. Mike Frotten, 12918 Water Point Blvd., Windermere, Florida (unincorporated county area) asked what the development will look like and where the roads will be if the construction vehicles are not going to go through Wintermere Harbor Phase I and II because his property backs up to the development. The road looked like it would end up about 30 feet from his rear door. The applicant, Mr. Keating, 749 N. Garland Avenue, Suite 101, Orlando, Florida, stated that the proposed development agreement takes into consideration those issues expressed during the last public hearing and asked the Commission to approve staff's recommendation for approval. The site plan is not ready because this is only a request for annexation.

Mr. Steve Matton, 13162 Lakeshore Grove Drive, Winter Garden, Florida, stated that Mr. Matusevich did not represent the homeowner's association, but was representing himself as an individual. Hearing no other comments, Mayor Quesinberry closed the public hearing. **Motion by Commissioner Harriman to adopt Ordinance 02-20 and approve**

the developer's agreement as submitted in the agenda package. Seconded by Commissioner Dixon. Commissioner Graham asked about septic tanks because the two parcels from CR 535 to this property that have not been developed and if the City takes this parcel in with septic tanks on the back side of the property, then those coming up toward there will not get on a sewer line either as well as the land past this phase. New development should stay away from septic tanks. City Manager Holden stated that for access for the utilities, this is the last parcel that would be developed without utilities because to get to the sewer, Phases I and II would have to be torn up, which is not practical for 9 homes. The utility for the development to the north, in the City will have utility lines extended to it, but not to the east in the County which is on septic tanks. **Motion carried 4-1; Commissioner Graham opposed.**

E. 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) –TABLED FROM MAY 23, 2002

City Attorney Everett read Ordinance 02-21 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-21. Seconded by Commissioner Dixon and carried 4-1; Commissioner Graham opposed.**

F. Ordinance 02-22: Rezoning of 9.226 acres located east of Wintermere Harbor and northeast of Lake Luntz from County A-1 to City R-1 (Keene) – TABLED FROM MAY 23, 2002

City Attorney Everett read Ordinance 02-22 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-22. Seconded by Commissioner Dixon and carried 4-1; Commissioner Graham opposed.**

G. Ordinance 02-28: Annexation of 820 Coke Avenue (Quilling)

City Attorney Everett read Ordinance 02-28 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. City Planner Cechman stated that the owner is requesting annexation in order to hook-up to City utilities. **Motion by Commissioner Harriman to approve Ordinance 02-28. Seconded by Commissioner Graham and carried 5-0.**

H. Ordinance 02-29: Small Scale Comprehensive Plan Amendment of 820 Coke Avenue as Low Density Residential (Quilling)

City Attorney Everett read Ordinance 02-29 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 02-29. Seconded by Commissioner Rees and carried 5-0.**

I. **Ordinance 02-30: Rezoning of 820 Coke Avenue from County R2 to City R-1B (Quilling)**

City Attorney Everett read Ordinance 02-30 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to approve Ordinance 02-30. Seconded by Commissioner Graham and carried 5-0.**

J. **Ordinance 02-31: Annexation of 9 acres located northwest of Tildenville School Road and north of the West Orange Trail (Allen)**

City Attorney Everett read Ordinance 02-31 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to approve Ordinance 02-31. Seconded by Commissioner Harriman and carried 5-0.**

K. **Ordinance 02-32: Small Scale Comprehensive Plan Amendment of 9 acres located northwest of Tildenville School Road and north of the West Orange Trail from Orange County Low Density to City Suburban Density Residential (Allen)**

City Attorney Everett read Ordinance 02-32 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-32. Seconded by Commissioner Graham.** Commissioner Rees asked what zonings could be requested for this parcel and whether it would remain 1 to 4 units per acre. City Manager Holden stated that this parcel will probably come under a PUD under a larger number of parcels because of this parcel's odd configuration. **Motion carried 5-0.**

L. **Ordinance 02-36: Amending City Code Section 2.10 of Appendix "A" regulating driveways to provide a maximum area that a front yard can be paved**

City Attorney Everett read Ordinance 02-36 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 02-36. Seconded by Commissioner Rees and carried 5-0.**

3. **REGULAR BUSINESS:**

A. **Awarding of Stoneybrook West Parkway contract**

City Manager Holden stated that the City previously received a grant for \$1.6 million towards the completion of the Stoneybrook West Parkway from CR 545 at Marsh Road to Windermere Road, with some of the pieces already being completed. The Expressway Authority is near completion of installing 4lanes in a certain portion and this contract is for finishing the other 2lanes of the Hartwood Marsh end. Staff recommends awarding the contract to Dewitt Excavating, Inc. for \$399,577.90, which came in below the engineer's estimate. It will leave about \$1.2 million to do more with the other end than was anticipated. **Motion by Commissioner Graham to accept the bid of Dewitt Excavating Inc. for the Stoneybrook West Parkway Expansion Project (west end). Seconded by Commissioner Rees and carried 5-0.**

B. Recommendation to approve the preliminary plat for a 62-lot subdivision east of East Crown Point Road, west of Tuscany Subdivision and south of Corsino Subdivision

City Planner Cechman stated this plat meets the R-1 subdivision requirements and the Planning and Zoning Board recommends approval. Staff is recommending approval with some conditions as provided in the agenda package. Mayor Quesinberry asked which schools would be impacted. Mr. Cechman stated Maxey Elementary, which is underutilized, Lakeview Middle School and West Orange High. **Motion by Commissioner Harriman to approve the preliminary plat with staff's recommendations (see attached). Seconded by Commissioner Dixon and carried 5-0.**

4. FIRST READING OF PROPOSED ORDINANCES:

A. Ordinance 02-39: Easement vacation request for the westernmost seven feet of a twelve foot drainage and utility easement at the easternmost property line of 1539 Coluso Drive (Carr)

City Attorney Everett read Ordinance 02-39 by title only. **Motion by Commissioner Rees to approve Ordinance 02-39 and to schedule the public hearing for July 25, 2002. Seconded by Commissioner Harriman and carried 5-0.**

5. MATTERS OF CONCERN FROM CITIZENS - None

6. MATTERS FROM CITY ATTORNEY

Mr. Everett reported that the City has been served with an Administrative Proceeding under the Public Employees Relations Commission with an action to begin the process of unionization of the Police Department. This is an Administrative Proceeding filed by

Teamsters Local 385 vs. City of Winter Garden, to be heard by an Administrative Hearing Officer to determine the appropriate number and class of employees to vote on unionizing of the police force. Mr. Everett announced that there may be a closed Commission session to discuss a strategy at the next Commission meeting or a special meeting.

7. **MATTERS FROM CITY MANAGER**

- Announced that he attended the Public Risk Management Conference last week. The insurance industry in Florida, and elsewhere, are in hard times and is stressed. It appears that our liability insurance will most likely be raised by 50%. We are one of a 50 member insurance pool and with our population Winter Garden is one of the larger members and with the diligent efforts of staff members and the Safety Board, Winter Garden has been awarded the Most Improved Work Place Safety Performance of all the large members in 2001. The Mayor and Commissioners thanked staff for their efforts.

A. Financial Statement for May 2002

Stated that the City's finances are still in good shape.

B. **Florida League of Cities Voting Delegate**

Stated that he will be attending the conference this year and if anyone is attending, a voting delegate can be designated. It was the consensus of the Commission to designate the City Manager as the voting delegate.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Mayor Quesinberry:

Requested action by the Commission to reappoint Commissioner Rees to the Lake Apopka Natural Gas Board for 2 more years. **Motion by Commissioner Harriman to reappoint Commissioner Rees to the Lake Apopka Natural Gas Board. Seconded by Commissioner Dixon and carried 5-0.** Commissioner Harriman asked about the new gas line in a recent newspaper article and whether it would have any affect on Winter Garden. Commissioner Rees stated that it could affect transportation rates once the line gets on and going in Florida.

Commissioner Harriman: None

Commissioner Dixon:

Stated that the annual Community Action Board dinner is coming up and she is recommending that the City purchase a corporate table for the event that recognizes the Police and Fire

departments. **Motion by Commissioner Harriman to approve the purchase of a corporate table at the annual Community Action Board dinner. Seconded by Commissioner Dixon and carried 5-0.**

Commissioner Rees: None

Commissioner Graham:

Just reminded everyone that he and the Mayor will not be attending the July 11th Commission meeting so it will be important that the other three Commissioners be present.

The meeting was adjourned at 7:13 p.m.