

REGULAR MEETING MINUTES

CITY COMMISSION

July 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 John Rees (left at 7:17 p.m.), Theo Graham, Mildred Dixon (arrived at 6:45 p.m.) 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, Public Works Director Bob Smith, Deputy Fire Chief Tom Berrios, and Michael Laval of The West Orange Times

1. **APPROVAL OF MINUTES:**

Workshop minutes of June 27, 2002 and regular meeting minutes of July 11, 2002. **Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Rees and carried 4-0.**

2. **PRESENTATIONS:**

A. Mayor Quesinberry presented plaques to Police Olympic event winners:

Deputy Chief John Johnson, as accepted by Mrs. Johnson, received 3 silver and 1 bronze, Detective Larry Bowcock received 2 silver and 1 bronze, and Officer Jason Pearson received 3 bronze and 1 gold

B. Mayor Quesinberry presented a plaque to retiring Firefighter Gary Willis for his 20 years of service

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

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. City Planner Cechman stated that this ordinance and the following two ordinances were tabled by the Commission on June 27, 2002 and at the request of the applicant, they are requesting another postponement until September 12, 2002 to allow him additional time to address unresolved issues with the adjacent property owners. **Motion by Commissioner Graham to table Ordinance 02-33 until September 12, 2002. Seconded by Commissioner Harriman and carried 4-0.**

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 Rees to table Ordinance 02-34 until September 12, 2002. Seconded by Commissioner Harriman and carried 4-0.**

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 Graham to table Ordinance 02-35 until September 12, 2002. Seconded by Commissioner Harriman and carried 4-0.** City Manager Holden stated that at the September 12, 2002 Commission meeting, staff will be recommending that an action decision be made to approve or deny the application.

Commissioner Dixon arrived at 6:45 p.m.

D. **Ordinance 02-39: Easement vacation request for the westernmost seven feet of a 12 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. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. City Manager Holden stated that staff is recommending approval because the City has no utilities or plans to put utilities within this easement area. **Motion by Commissioner Harriman to adopt Ordinance 02-39. Seconded by Commissioner Rees and carried 5-0.**

4. **REGULAR BUSINESS**

A. **Request for funding by the Central Florida Railroad Museum**

Mr. Irv Lipsomb, 4328A Lake Underhill Road, Orlando, Florida, stated that the museum was built in 1913 and that the Central Florida Chapter of the National Railway Historical Society purchased the building in 1979 from the railroad and after several years of refurbishing by volunteers, it reopened in 1983. They average 750 visitors a year which include groups of seniors and students. The museum is always opened for City events.

Mr. Clarence Hurt, Ocoee, Florida, stated that most of their funding comes from dues, donations and fairs to cover operating expenses. When the facility needs a capital improvement, such as the roof, they need additional assistance. The roof estimate they have received is \$22,000 that will make it look as much like the original building as it can, and they are prepared to match half that amount. Therefore, they are asking for \$10,000 from the City. They have previously requested grants and have not been successful, but they will continue to apply for grants. The museum is open on Sundays from 2-5 and they have been appointed as a Partner in Education by Orange County Schools. They are also planning to do a passenger train ride on September 28th from Winter Garden via Orlando to Mt. Dora and back. Any consideration or assistance provided by the City would be greatly appreciated.

Mr. Phil Baker, 125 W. Smith Street, Winter Garden, Florida, stated it has taken them about 10 years to get half of what they need and time is of the essence because their collection and building are at risk. The museum is not only an asset to Winter Garden but to the Central Florida area. They are asking for matching funds that if are not available this year, they would like the City to at least consider the request in next year's budget.

Mayor Quesinberry stated that if it is going to be a museum, he does not believe that only being open 3 hours a week on a Sunday is really being open or benefit to the community. Commissioner Dixon stated that her grandfather help lay the railroad and she has fond memories. She will do everything she can to help the museum. Commissioner Harriman asked how many active members there are. Mr. Hurt stated there are about 50 members at \$25 each. City Manager Holden stated that staff has recommended denial because all possible revenue sources have yet been exhausted, as evidenced by non existent membership drives. Mr. Hurt stated that the museum does open for open hours when requested by special groups. Commissioner Graham stated that the City is currently considering making improvements to this area that include additional parking and spending \$10,000 for a new museum roof, would benefit the City. Mr. Holden stated that the City previously tried to work out an arrangement to improve the museum's parking, at no expense to them, and it would have prevented trucks from running into their roof, however, they did not accept the City's offer at that time. Mr. Hurt stated that at the time of those discussions, the museum board was lead to believe that the City wanted a long-term lease of the caboose area and that would have prevented them from expanding. Mr. Holden stated the design would have preserved the museum's ability to bring in a passenger train. Commissioner Dixon stated that with next year's bicentennial celebration, the museum should not have a leaking roof. Commissioner Rees stated that the museum should expand their hours to become more of a benefit to the area and that \$10,000 is a lot for the City to expend into a building that the City does not own or have direct involvement. He suggested that staff and the Museum Board discuss a workable solution for both parties. It was the consensus of the City Commission that staff and the Museum Board begin discussion on the possible funding of a new roof in next year's budget.

Commissioner Rees left at 7:17 p.m.

B. Recommendation to approve the final plat for Stone Creek Unit 3 Subdivision

City Manager Holden stated that staff has reviewed the plat and recommends approval with the technical comments as provided in the agenda package by the Engineering Department. Mr. Bruce Lawson of US Homes stated they have reviewed staff's comments and they have no problems or issues with staff recommendations. **Motion by Commissioner Harriman to approve the final plat for Stone Creek Unit 3 Subdivision with staff's recommendations (see attached). Seconded by Commissioner Dixon and carried 4-0.**

C. Recommendation to award the contract for Pennsylvania Avenue water improvements

City Manager Holden stated that the City Commission previously approved two "push-button" contractors and staff recommends awarding the contract to the low bidder T.D. Thomson Construction. **Motion by Commissioner Harriman to award the Pennsylvania Avenue water improvement contract to T. D. Thomson, not to exceed \$161,236.40. Seconded by Commissioner Graham and carried 4-0.**

D. Recommendation to approve the purchase of Daniels Road right-of-way

Assistant to the City Manager Robertson stated that this recommendation is the first of three properties that have been negotiated for the right-of-way for a four lane road. This particular property is owned by John Nabers for a purchase price of \$20,500.00 and was negotiated without the eminent domain process. City Manager Holden stated 7 parcels are involved for completing the required right-of-way. **Motion by Commissioner Graham to approve the contract and authorize staff to proceed to closing the purchase. Seconded by Commissioner Dixon and carried 4-0.**

E. Setting the tentative Millage Rate for FY 2002/03 and the Public Hearing date

City Manager Holden stated that staff is recommending that the current millage be retained at 4.304 and that the first public hearing be scheduled for September 9, 2002 at 6:00 p.m. For many reasons, this is the toughest budget he has had to develop. The factors identified making it tougher than normal include; the 9-11 revenue changes; stock market instability; 50% increase in insurance; health insurance going up 30-35%; Florida Power rate cuts that reduces the franchise fees by 9%; and other revenues being flat or going down. Mr. Holden stated he will detail this information further during the budget workshop process. **Motion by Commissioner Harriman to set the tentative millage rate for FY 2002/03 at 4.304. Seconded by Commissioner Dixon.** Commissioner Graham asked if the proposed three fire fighter positions are new or replacing existing staff. Mr. Holden stated that they are new positions needed to open the new fire station. **Motion carried 4-0.**

F. **Recommendation to approve amending Section 16 of the Personnel Manual**

City Manager Holden stated that while the proposed addition of Section 16.06 Fair Labor Standards Act (FLSA) Compliance Policy - Non-exempt Personnel Section 7(K) of the FLSA has been a practice of the City for non-standard hours, the practice needs to be incorporated in the personnel manual, which can only be amended subject to the confirmation by the City Commission. **Motion by Commissioner Harriman to approve adding Section 16-06 to the Personnel Manual, as submitted in the agenda package (see attached). Seconded by Commissioner Dixon and carried 4-0.**

5. **MATTERS OF CONCERN FROM CITIZENS**

Ms. Shirley Smith, 12 W. Plant Street, Winter Garden, stated that she loves the new Plant Street improvements and thanked everyone for doing a good job.

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

7. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for June 2002**

Stated that the City continues to be in good shape. Commissioner Graham asked about the Occupational License amount collected to date. Mr. Holden stated that the largest amount collected is not realized until August through September and that is why the amount collected to date appears low.

B. **Discussion on the tentative budget meeting dates**

Suggested that the budget meeting dates be held on September 4th at 6 p.m for the workshop, the first reading on September 9th at 6 p.m., and the second reading on September 23rd at 6 p.m. It was the consensus of the Commission to schedule the dates and times as recommended.

· Advised that the current Metroplan Citizen's Advisory Board member, Andy Crabtree, has resigned and Don Miller has volunteered to replace Mr. Crabtree. **Motion by Commissioner Harriman to appoint Don Miller to the unexpired term of Andy**

Crabtree on the Metroplan Citizen's Advisory Board. Seconded by Commissioner Graham and carried 4-0.

- Updated the City Commission on the County School Board's plans for Dillard Street Elementary School by stating that they are looking at a November to December 2002 construction start date on the new school and they believe they can make a January 2004 opening, with a fallback opening date of August 2004. Maximum occupancy has been set at 938 children. Dr. Buckman is scheduled to make a presentation to the City Commission on August 22, 2002.

8. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Graham: None

Commissioner Dixon:

- Announced that Wilbur Johnson's son was killed in the accident on I-4 this morning.
- Stated that she is still trying to negotiate for the "Front Porch" initiative.

Commissioner Harriman:

- Announced that the West Orange Chamber is sponsoring the annual "Hob Nob" on August 21, 2002 at Tanner Hall and recommended purchasing two corporate tables. It was the consensus of the City Commission to purchase two corporate tables at \$150 each.

Mayor Quesinberry:

- Announced that he has been contacted by the Winter Garden Branch Librarian about a Patriot's Day celebration on September 7th at 2:00 p.m. and he will have more information in the future.

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