

## **REGULAR MEETING MINUTES**

### **CITY COMMISSION**

**August 22, 2002**

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Commissioner Theo Graham at 6:35 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

**Present:** Commissioners Theo Graham, Mildred Dixon and John Harriman; City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Utilities Director Charlie Tinch, Planning Director Mark Cechman, Recreation Director Larry Caskey, Police Chief Jimmie Yawn, Fire Chief Williamson, Public Works Director Bob Smith, Deputy Fire Chief Tom Berrios, and Trailer City Manager Hughlan Martin

**Absent:** Mayor Quesinberry and Commissioner John Rees

1. **APPROVAL OF AUGUST 8, 2002 MINUTES:**

**Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Dixon and carried 3-0.**

2. **PRESENTATION:**

Mr. Dan Buckman, Orange County Public Schools, gave a PowerPoint presentation regarding their Capital Program as provided in the agenda packages. He stated that there are 161 schools in the district, of which 131 are in need of renovations, 6 need to be replaced, and there are 15 growth-driven new schools planned by 2015. Mr. Dennis Foltz has been retained as the Municipal Planner. City Manager Holden asked what the "currently over capacity" scoring was based upon. Mr. Buckman stated that it was based on the program capacity. Commissioner Dixon asked what are is planned for Maxey Elementary School (ES). Mr. Buckman stated Maxey (ES) is scheduled for comprehensive renovations in 2011-2012 and will be furthered review as part of the business analysis, when it is done. Commissioner Dixon stated that Maxey is under utilized and before the new Dillard School is built, Dillard will be over capacity, which does not make sense to her and she will be working on that issue. Commissioner Harriman stated that if, hypothetically, 18 children per classroom is put on the ballot and is approved, it will have a significant impact on the proposed program. Mr. Buckman stated that yes, it would throw the school district into a major panic because there would not be enough revenue or teachers and with an unfunded mandate, they would be doomed. Commissioner Harriman also stated that there has not been enough space factored in for incoming children the following school year and it continues to be a planning problem. Mr. Buckman stated that OCPS can only build when they know how many children will be attending, which is after the fact. He stated that they

are now a Charter School District and they are now on their own. Commissioner Harriman asked if the voucher system has had any impact on them. Mr. Buckman stated that they lost 200+ students from Mollie Ray ES and the voucher goes with them. If the student changes school systems, they take the money with them. Commissioner Harriman asked how long the proposed ½ cent tax is for. Mr. Buckman stated that it will sunset in 13 years. Commissioner Graham asked why a school devaluates when his home appreciates. Mr. Buckman stated that the sheer number of students using the facility causes it to deteriorate much faster and has a higher upkeep cost. Mr. Eric Houston, Senior Director for Facilities and Environmental Services, stated that a home's value is related to demand and that a school's value is based on the quality of the neighborhood. Additionally, homes do not have to comply with rigid asbestos and lead regulations that schools must, which is very costly. Commissioner Graham asked how much a modular classroom costs. Mr. Houston stated that they were overpriced 4 years ago at \$12,000 and now they are up to about \$28,000. Mr. Buckman stated that the district has 3,400 modulares that are going to be audited to see exactly what they are being used for. Mr. Houston stated that the old "woodies" that were 20 years or older are gone and they are now concrete pre-fabricated units on the ground to withstand 120 MPH winds. The modular classrooms have been reduced by about 300 units from 1998 and he does not know if they will ever get to zero, but they should continually decrease. Mr. Holden stated that the Tildenville ES drop-off-/pick-up situation is out of control and must be dealt with.

3. **PROCLAMATION 02-07** was read by Commissioner Graham, proclaiming September 11<sup>th</sup>, 2002, as Patriot Day and announced that the American Legion will be having a commemoration ceremony on September 11<sup>th</sup> at 1:00 p.m. in Veteran's Park, to which everyone is invited.

4. **FIRST READING OF PROPOSED ORDINANCE:**

- A. **Ordinance 02-42: Rezoning of property located northwest of the intersection of Plant Street and West Crown Point Road from City I-2 to City I-1 – Starlite**

Assistant City Attorney Rubio read Ordinance 02-42 by title only. **Motion by Commissioner Harriman to approve Ordinance 02-42 and to schedule the public hearing for September 26, 2002. Seconded by Commissioner Dixon and carried 3-0.**

5. **REGULAR BUSINESS**

- A. **Request from West Orange High School for an advertisement in their yearbook**

City Clerk Montoya stated that she received the annual request for the agenda and noted that the amount is \$50 less than last year's request. **Motion by Commissioner**

**Harriman to approve a full-page advertisement in the West Orange High School yearbook for \$300. Seconded by Commissioner Dixon and carried 3-0.**

**B. Resolution 02-10: Nominating the East Winter Garden Area for the State's Front Porch Initiative**

Assistant City Attorney Rubio read Resolution 02-10 by title only. City Planner Cechman stated that 12 communities have been nominated for the program and that he has reviewed their applications to get some ideas of what to submit and this will be the City's second attempt at receiving the state funding. **Motion by Commissioner Dixon to adopt Resolution 02-10. Seconded by Commissioner Harriman and carried 3-0.**

**C. Recommendation to approve the preliminary plat for Stoneybrook West Phase 3A Parcel 13**

City Planner Cechman stated that this plat is for an 83-lot subdivision that has been reviewed by the Planning and Zoning Board and staff, which are both recommending approval. Commissioner Harriman asked how many homes have been sold in Stoneybrook. The applicant responded that approximately 500 homes have been sold. **Motion by Commissioner Harriman to approve the preliminary plat for Stoneybrook West Phase 3A Parcel 13. Seconded by Commissioner Dixon and carried 3-0.**

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

Assistant to the City Manager Robertson stated that there is no purchase agreement at this time because of a delay by the attorney for Mr. Burkett. He anticipates having the agreement by the next Commission meeting. **It was the consensus of the Commission to postpone action on this item.**

**E. Recommendation to approve Change Order #3 with Prime Construction to the Boyd Street Phase III Rehabilitation Project**

Utility Director Tinch stated that the initial total claim was \$74,390.52, but they have negotiated it down to \$55,200.14 and staff is recommending approval of the change order. The change order was the result of conflicts encountered with the utility companies as identified in the agenda package back-up material. **Motion by Commissioner Harriman to approve Change Order #3 with Prime Construction for the Boyd Street Phase III Rehabilitation Project. Seconded by Commissioner Graham and carried 3-0.**

**F. Recommendation to approve Change Order #1 with DeWitt Excavating to install a 12 inch main at Stoneybrook West Parkway**

Utility Director Tinch stated that as part of the planning process for four-laning Stoneybrook West Parkway, a 12 inch force main was also planned and therefore, a change order is being recommended for the first phase. Staff anticipates that the costs can be recouped by the City through three future development agreements. **Motion by Commissioner Dixon to approve Change Order #1 with DeWitt Excavating to install a 12 inch force main at Stoneybrook West Parkway. Seconded by Commissioner Harriman and carried 3-0.**

G. **Appointment of a Municipal Representative to the West Orange Chamber of Commerce**

City Manager Holden stated that this is an annual appointment for the expiring term of Commissioner Harriman, who has indicated his willingness to serve another term. **Motion by Commissioner Dixon to reappoint Commissioner Harriman as the West Orange Chamber municipal representative. Seconded by Commissioner Graham and carried 3-0.**

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

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

8. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for July 2002**

The City's finances continue to be in excellent condition and he anticipates that it will be in great shape at the end of the fiscal year.

· **Friends of Lake Apopka (FOLA) request**

He has received a request from FOLA for financial assistance for their consultant fees for developing a bicycle trail. They have gone to other cities and are asking Winter Garden for a donation to show the other cities that we are obligated to the project. He recommended a \$1,000 donation. **Motion by Commissioner Harriman to donate \$1,000 to FOLA for consultant fees for development of a bicycle trail. Seconded by Commissioner Dixon and carried 3-0.** Commissioner Graham stated that he is on the FOLA Board and having the support of all the cities increases their chances of receiving a grant that would build a trail around Lake Apopka, which will benefit all the municipalities.

- Announced that he would be on vacation next week.

- **Automated External Defibrillator (AED)**

Advised that the Fire Chief has submitted a grant for eight (8) AED's and he will explain what they are. Fire Chief Williamson stated that AED's are life saving devices for sudden cardiac arrests. He has applied for the grant through Orange County Emergency Medical Services, with the assistance of Bill Rosenthal, and Winter Garden will receive eight units. Four units will be placed in Police vehicles and the rest will be strategically placed within City facilities. The Fire Department will be providing the training.

- **Downtown renovations**

Advised that the downtown renovations are moving along well even with some minor delays because of the weather, which will be made up when there is some good weather.

- **Grant**

Stated that the City has been awarded a \$900,000 grant, which is 3 times as much as the County ever received. Staff is working with the Department of Community Affairs in crafting the grant, which will come back to the City Commission, and it will be for all of Winter Garden and Winter Garden JPA in order to expend all the available funds. There are strict controls with regard to the weatherization portion and someone will need to be hired to administer the program because there is a minimum amount that had to be spent. We will be looking in East Winter Garden, particularly 4<sup>th</sup> and 5<sup>th</sup> Streets as an area with the greatest need for the program funds and he anticipates having this item on the next agenda. Commissioner Graham asked if there is a limit per house. Mr. Holden stated that there is a minimum of \$2,600 per house with some income limitations as well. Commissioner Dixon stated that she would like the grant funds put into a pot with the County which will increase the amount available. She, along with others, will be dealing with the funds needed for her district, which is in great need of improvements. She is currently compiling a list of names of people to apply. She wants to see homes in her district either fixed or condemned because she doesn't want her district looking any worse than another district. Mr. Holden stated that the administration of the grant must and will be by the State's rules.

## 9. **MATTERS FROM COMMISSIONERS**

### **Commissioner Harriman:**

- Announced that the Pine Castle Preservation District was approved by Orange County and will be on the ballot next month. He thinks that it is misleading and that most of the voters will not realize what they are voting for and it's sad to see it happen. Mr. Holden stated that Council of Mayors may take some action on this issue. Commissioner Graham suggested that the Council of Mayors mail information to the voters explaining the impact it will have.
- Thanked the Parks and Recreation Department for the holiday decorations.

**Commissioner Dixon:**

- Stated that she has spoken with Judge Thompson's wife, who is over the minority affairs at Valencia College, about the Centennial celebration for next year and she has agreed to help out on January 27<sup>th</sup>.
- Announced that she has spent time with a retired School Board member, who was also in the construction industry, whom is willing to look at houses and give his opinion on which ones can or can't be fixed. On September 29<sup>th</sup> at Maxey Center, there will be representatives from various organizations such as HUD, Fannie Mae, Homes in Partnership, etc. to discuss housing issues.
- Thanked whoever put in the flowers by the Baptist Church, but that the one bench that was put in, does not make it a park because it needs more benches and a table.
- Stated that she is still looking for 10 computers for the computer class at Maxey.
- Announced that there will be free child care classes, for licensing purposes, at the Maxey Center.

**Commissioner Graham:**

- Stated that he had received a phone call about the Historical Society's participation in the Centennial Parade. Mr. Holden stated that it has been taken care of.

The meeting was adjourned at 8:00 p.m