

**REGULAR MEETING MINUTES
CITY COMMISSION**

August 8, 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, Theo Graham, Mildred Dixon 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, Fire Chief John Williamson, Trailer City Manager Hughlan Martin, and Michael Laval of The West Orange Times

1. **APPROVAL OF MINUTES:**

Regular meeting minutes of July 25, 2002. **Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Dixon and carried 5-0.**

2. **PRESENTATIONS:**

- A. Mayor Quesinberry presented a retirement plaque to William Goodwin for 30 years of service in the Utilities Department
- B. Mayor Quesinberry presented Proclamation 02-06 to Fire Chief John Williamson for Fire Fighter Appreciation Week August 18-24, 2002
- C. **SR 50 widening project presentation:**
Mr. Alex Hull stated that the project is 18 miles of SR 50 from SR 25 (US 27) to CR 431 (Pine Hills Road) with existing daily volumes of 37,200 to 46,000 vehicles per day (vpd) and the projected daily volumes at 68,600 to 84,900 vpd by 2025. Mr. Hull described the preferred build of a six lane divided urban roadway, consisting of three 12 foot lanes in each direction; a 30 foot median; 4 foot bicycle lanes on each side; 5 foot sidewalks on each side; a closed drainage system; curb and gutters going to retention basins. There will be a total of 150 feet of right-of-way (row) width. City Manager Holden asked Mr. Hull to restate that DOT has the entire row they need through Winter Garden. Mr. Hull stated that on the "main line" Mr. Holden's statement is true, but they do have some row issues with intersections where a right turn lane is needed and some issues with the retention basins, which will not be taken in long strips along the roadway. There will be property acquisition, which will be determined as part of the design process. There is a

potential for noise abatement walls at the Winter Woods Apartments. The project has been divided into eight segments with Winter Garden's being segment 5 from Avalon Road to SR 429. The current status of segment 5 is that DOT has advertised for the design and has short listed consultants to 3 and he expects that by the end of this year, or the first of next year, they will have begun the design process. There will be some relocation associated with the project that may include a pond off 9th street where 2 homes would be impacted if the pond site recommendation is approved. The overall wetland requirement for the project is at 2.49 acres. There is funding earmarked for the design of segment 5 in FY 2003. Mr. Hull noted that there is no current funding for right-of-way acquisition or construction in DOT's five year work program. City Manager Holden asked how the design will affect the current driveways. Mr. Hull stated that the access management portion was worked on by DOT and City staff, which has placed full median openings and directional median openings where they fit the primary generators of traffic with the proper spacing. Mr. Holden stated that the City would like to know what DOT's improvement plans are so that the City's proposed overlay for landscaping will be minimally affected by the DOT improvements. Mr. Hull stated that staff has received those plans to use a guide and he recommends that staff remain connected to the project during the design phase, because things can change.

3. **REGULAR BUSINESS**

A. **Request for funds by the West Orange Youth Football League**

Commissioner Rees stated that he originally received the donation request from Mr. Russell Crouch for \$2,500 to the Pop Warner Football team, who play their home games at Walker Field. He noted that about 85% of the players live in Winter Garden and they are in need of proper equipment. It has been some time since the league has requested a donation from the City and since then the league has improved how it is being run and he believes the prior debts have been paid. The league is currently being run with the assistance of John Cappleman and Russell Crouch. **Motion by Commissioner Rees to approve a donation of \$2,000 to the West Orange Youth Football League. Seconded by Commissioner Graham and carried 5-0.**

B. **Request for approval to conduct an auto tent sale September 4-8, 2002**

Mr. Rick Teets, applicant, stated that he usually requests two sales a year and that this is his second request. He has read staff's recommendation to deny his application and he would like to make some comments about those recommendations. City Manager Holden stated that staff has recommended denial because the shopping center capacity is up and they are utilizing the parking spaces that the center was designed for. The applicant had a sale last June and the center was not designed to accommodate an auto sale every 3 months. Winter Garden has established auto dealers that are paying City taxes and maintaining a property. Commissioner Rees stated that a sale once or twice a year is not a problem, but when it affects local businesses, it becomes a concern especially when it occurs every 90 days. Mr. Teets stated that he does not want to become a burden to the City and that they do a lot of advertising which brings in a wide area of customers into the shopping center, which also helps the center's stores.

Commissioner Graham stated that garage sales have recently been limited to two a year and he believes the open-air sales should also be limited. Commissioner Rees stated that if an open-air car sale is going to be limited to twice a year, then the applicant should not be approved until June of next year. **Motion by Commissioner Harriman to deny the open-air auto sale request. Seconded by Commissioner Graham.** Mr. Holden stated that from staff's standpoint, auto sales should not be conducted anytime in a shopping center parking lot. **Motion carried 4-1; Commissioner Rees opposed.**

C. **Recommendation to rescind action taken on February 14, 2002, accepting a settlement offer to release the lien located at 1357 S Central Avenue, Apopka**

City Manager Holden stated that the City Commission previously approved a settlement offer for liens affecting property in Apopka that the owner wanted to sell to Homes in Partnership. Since that settlement approval, the sale has fallen through and the property is not transferring. The City has not received any money and therefore staff is recommending that the settlement offer be rescinded. **Motion by Commissioner Rees to rescind the authorization of settlement given on February 14, 2002, to release a lien for 1357 S. Central Avenue, Apopka. Seconded by Commissioner Graham and carried 5-0.**

D. **Resolution 02-08: Authorizing the Drinking Water Plan dated July 2002 and authorizing the submittal of the plan to the Florida Department of Environmental Protection**

City Attorney Everett read Resolution 02-08 by title only. Mr. Mark Brewer of Angie Brewer & Associates gave a presentation stating that this plan is the first step in obtaining low interest loan funds through the State Revolving Loan Fund, which is currently at 3.09%. The total cost of the 2 phases is estimated at \$5.1 million. Commissioner Graham asked if the water plant would produce 2.5 million gallons of water per day when it is complete. Mr. Brewer said yes and that the statements in the plan are consistent with the Local Comprehensive Plan. Mayor Quesinberry opened this item up for public comments. Hearing none, public comments were closed. Commissioner Graham asked if the funding was from impact fees and City Manager Holden stated yes. **Motion by Commissioner Graham to adopt Resolution 02-08. Seconded by Commissioner Harriman and carried 5-0.**

E. **Resolution 02-09: Authorizing the temporary closing of the existing roadway and bridge during the construction of improvements to Daniels Road south of SR 50**

City Attorney Everett read Resolution 02-09 by title only. Assistant to the City Manager Robertson stated that the design engineer has requested that this resolution be adopted and FDOT recommends the adoption because it will save \$500,000 in construction costs and 6 months in construction time. There are 5 residential properties being purchased and the residents on Beard Road will have alternate access. Commissioner Graham asked about item #2 that states the existing bridge will be entirely removed and whether it is because the Turnpike is going to be 6-laned? Mr. Robertson stated that the reason for the removal is because Daniels Road is going to be 4-laned and the bridge will need to be wide enough for 8-lanes on the Turnpike, even though the current plan is only for 6 lanes.

Motion by Commissioner Graham to approve Resolution 02-09. Seconded by Commissioner Harriman and carried 5-0. Commissioner Graham asked if the Church of Christ will remain accessible. Mr. Robertson stated yes and will only be affected by the actual road work by the contractor, who will have to remain open for traffic at all times.

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

Assistant to the City Manager Robertson stated that this is the second purchase recommendation, which has been negotiated and will complete acquisition of the right-of-way on the east side of Daniels Road. The property in the Garden South area is being conveyed to the City through an agreement with Cambridge Homes. This particular property is owned by Mr. Lott for a purchase price of \$21,040.00 without the eminent domain process. Commissioner Graham asked about the retention pond location near the stream. Mr. Robertson stated that the pond is planned for both sides (just north and south of the stream). **Motion by Commissioner Graham to approve the purchase agreement for the property owned by Mr. Lott. Seconded by Commissioner Dixon and carried 5-0.**

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

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

6. **MATTERS FROM CITY MANAGER**

- **Reverse 911 System:** Stated that he has handed out a proposal for a reverse 911 system that will allow the City to broadcast urgent messages via the phone line to residents. It could be used in such cases as when a child is lost because it will send a detailed message that will allow the recipient the opportunity to respond with any information they may have. It will also be useful for tornadoes, hurricanes and other emergency situations. The cost is approximately \$22,000, with the City receiving a \$6,000 grant which must be spent by October 1st, and the balance would be paid from the existing budget. **Motion by Commissioner Graham to authorize the City Manager to purchase the reverse 911 system. Seconded by Commissioner Rees and carried 5-0.**
- **Vacant substandard lot widths:** Stated that since the workshop on non-conforming use of lots was discussed, two requests have been submitted to build a house on a vacant lot that is not currently allowed in the City Code, even through the variance process. Staff will be bringing back a proposed ordinance that will address lots such as these. Mayor Quesinberry stated that in his opinion, if somebody owns a lot on each side, they should be allowed to build on the non-conforming lot, but if it is somebody's side lot, they should not be able to sell it for a building lot. Commissioner Dixon stated that she believes that if a building is torn down, they should be able to replace it.
- **Health insurance increase:** Stated that next year's budget for health insurance was first prepared with a 30% increase and since then, the City has been notified that the insurance

will only increase by 11%. Therefore, he will be proposing a 5% raise for employees instead of the 2.5% he previously stated.

7. MATTERS FROM MAYOR AND COMMISSIONERS

Mayor Quesinberry:

- Stated that he and the City Manager attended the Council of Mayor's meeting where they discussed a proposed Pine Castle Preservation District that would designate certain lots into a district that would prevent them from annexing into a City in the future. Mr. Holden stated that a Resolution is being drafted for the Mayor's to sign in opposition to the adoption of a preservation district by Orange County. What the preservation district does is to prevent an individual owner from annexing. The preservation district as a whole would have to go back to the County to get permission to annex, which may be legally challenged in the future. Mayor Quesinberry recommended to the Commission that they authorize him to sign a Resolution in opposition of the proposed district. **Motion by Commissioner Harriman to authorize the Mayor to sign a Mayor's conference Resolution in opposition to the proposed Pine Castle Preservation District. Seconded by Commissioner Dixon and carried 5-0.**
- Announced that Oakland Mayor Jon VanDerley's son died in a tragic accident and services will be held on August 12th at 1:00 p.m. at the Oasis Community Church in Orlando. City Manager Holden stated that he normally would send flowers on behalf of the City Commission, but since the family is requesting that in lieu of flowers a donation be made, he would need authorization. **Motion by Commissioner Rees a donation of \$100 to the Weside Memorial Park, in lieu of flowers. Seconded by Commissioner Graham and carried 5-0.**
- Announced that he may not be back in time for the next City Commission meeting on August 22, 2002.

Commissioner Harriman:

- Reminded everyone of the Hob Nob on August 21st at Tanner Hall.

Commissioner Dixon:

- Stated that the Front Porch Initiative is moving forward.

Commissioner Graham:

- Addressed a recent news article in the West Orange Times regarding the Commission's action on a donation request from the Railroad Museum that was incorrect because it stated the City Commission denied the request and made people think that they had been turned down completely, when in fact they were not. Commissioner Graham also stated that a subsequent "Letter to the Editor" correctly stated that the City Commission's action had not denied the donation request. He suggested to the reporter in attendance, that a published correction be made to that affect.

Commissioner Rees:

- Announced that we would not be attending the next Commission meeting on August 22, 2002.

The meeting was adjourned at 7:54 p.m.