

**REGULAR MEETING MINUTES
CITY COMMISSION**

October 9, 2003

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 Harriman, John Rees, and Mildred Dixon

ABSENT: Commissioner Theo Graham

Also Present: City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Finance Director Mike Bollhoefer, Public Works Director Bob Smith, Police Chief Jimmie Yawn, City Planner Mark Cechman, Code Enforcement Manager Johnny Clark, and Senior Planner Kelly Randall

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of September 17, 2003. **Motion by Commissioner Rees to approve the minutes as submitted. Seconded by Commissioner Harriman and carried unanimously 4-0.**

2. **PRESENTATIONS:**

A. **Central Florida YMCA Family Center**

Mr. Wayne Humphrey, Vice-President of Community Relations, invited everyone to attend their groundbreaking festivities on Saturday, October 25, 2003 at 9:00 a.m.

B. **Shadow Box to the Heritage Foundation**

Mayor Quesinberry and Police Chief Yawn presented a display box containing commemorative Centennial badges of the Mayor, Commissioners, City Manager, and Police Chief, who are serving at the time of the City's 100th anniversary to Ward Britt. The box will be on display at the Heritage Museum.

Mayor Quesinberry dispensed with the City Commission Agenda and convened as the Community Redevelopment Agency (CRA) at 6:35 p.m.

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

Members Absent: Theo Graham and Teresa Jacobs

A. Recommendation to approve RMPK Group as the consultant for the Community Development Visioning Project

City Planner Cechman introduced Mr. Kurt Easton, Project Manager, RMPK Group, 1000 S. Atlantic Avenue, Cocoa Beach, Florida, who gave a PowerPoint presentation on the visioning projects they have completed and are currently working on in Florida and the methods used to arrive at a vision for other municipalities. Agency Member Cappleman stated that the CRA Advisory Board interviewed three firms and unanimously agreed to recommend the RMPK Group to the CRA. **Motion by Agency Member Cappleman to authorize staff to negotiate with RMPK Group to develop a suitable contract to proceed with the industrial redevelopment plan for Winter Garden. Seconded by Agency Member Dixon and carried unanimously 5-0.**

Mayor Quesinberry adjourned the CRA meeting and reconvened the City Commission meeting at 6:53 p.m.

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. Ordinance 03-38: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING A SIX MONTH MORATORIUM FOR NEW STORMWATER RETENTION AND DETENTION PONDS THAT UTILIZE UNDERGROUND DRAINS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 03-38 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-38 and schedule the second reading and public hearing for October 23, 2003. Seconded by Commissioner Rees and carried unanimously 4-0.**

4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. Ordinance 03-39: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING APPROXIMATELY 78 SQUARE FEET OF A 15-FOOT WIDE DRAINAGE EASEMENT LOCATED ON THE EAST SIDE OF LOT 101, BLOCK 9, STONEYBROOK WEST UNIT 4, ALSO KNOWN AS 13945 EYLEWOOD DRIVE; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Rubio read Ordinance 03-39 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to approve Ordinance 03-39. Seconded by Commissioner Harriman and carried unanimously 4-0.**

5. **FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 03-40:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.33 ACRES LOCATED AT 1207 DANIELS ROAD AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Grove Mobile Park, LLC)

Assistant City Attorney Rubio read Ordinance 03-40 by title only. Motion by Commissioner Dixon to approve Ordinance 03-40 and to schedule the second reading and public hearing for November 13, 2003. Seconded by Commissioner Harriman and carried unanimously 4-0.

- B. **Ordinance 03-41:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 3.33 ACRES OF LAND LOCATED AT 1207 DANIELS ROAD AS COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE (Grove Mobile Park, LLC)

Assistant City Attorney Rubio read Ordinance 03-41 by title only. Motion by Commissioner Rees to approve Ordinance 03-41 and to schedule the second reading and public hearing for November 13, 2003. Seconded by Commissioner Harriman and carried unanimously 4-0.

- C. **Ordinance 03-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING AN APPROXIMATELY 3.33-ACRE LOT LOCATED AT 1207 DANIELS ROAD, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY A-1 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Grove Mobile Park, LLC)

Assistant City Attorney Rubio read Ordinance 03-42 by title only. Motion by Commissioner Harriman to approve Ordinance 03-42 and to schedule the second reading and public hearing for November 13, 2003. Seconded by Commissioner Dixon and carried unanimously 4-0.

- D. **Ordinance 03-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.28 ACRES LOCATED AT 915 WEST STORY ROAD AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Wood)

Assistant City Attorney Rubio read Ordinance 03-46 by title only. Motion by Commissioner Rees to approve Ordinance 03-46 and to schedule the second reading and public hearing for November 13, 2003. Seconded by Commissioner Dixon and carried unanimously 4-0.

- E. **Ordinance 03-47: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 0.28 ACRES OF LAND LOCATED AT 915 WEST STORY ROAD AS LOW DENSITY RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE (Wood)**

Assistant City Attorney Rubio read Ordinance 03-47 by title only. **Motion by Commissioner Harriman to approve Ordinance 03-47 and to schedule the second reading and public hearing for November 13, 2003. Seconded by Commissioner Dixon and carried unanimously 4-0.**

- F. **Ordinance 03-48: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.28-ACRE LOT LOCATED AT 915 WEST STORY ROAD, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY A-1 TO CITY R-1B; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Wood)**

Assistant City Attorney Rubio read Ordinance 03-48 by title only. **Motion by Commissioner Dixon to approve Ordinance 03-48 and to schedule the second reading and public hearing for November 13, 2003. Seconded by Commissioner Harriman and carried unanimously 4-0.**

- G. **Ordinance 03-49: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 00-02 WHICH REZONED APPROXIMATELY ONE-HALF ACRE OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 9TH STREET AND STORY ROAD FROM CITY R-1B TO CITY PCD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Collins)**

Assistant City Attorney Rubio read Ordinance 03-49 by title only. City Planner Cechman stated that the subject property is half an acre located at the northeast corner of 9th Street and Story Road owned by Mr. Leonard Collins, which was previously rezoned from R-1 to PCD in Ordinance 00-02, which limited the commercial intensity of the property to make it remain compatible with the surrounding neighborhood. Mr. Collins has since filed a request to sell seven vehicles at this location. The Planning and Zoning Board (P&Z) heard Mr. Collins request at a public hearing held on September 8, 2003, and that Board unanimously denied the request. Mr. Collins is now appealing the P&Z Board's denial to the City Commission. Mr. Cechman stated that staff has thoroughly analyzed the request and graphically presented the number of vehicles the site could accommodate, which is a maximum of 19 vehicles at this time. Because Mr. Collins is requesting the additional seven, bringing the total to 25 vehicles, staff recommends upholding the Planning and Zoning Board's denial. City Manager Holden stated that staff would support a recommendation for a maximum of 19 vehicles on the site and advised Mr. Collins that he would have to resubmit for a special exception permit to the Planning and Zoning Board. A violation of the approved maximum allowable vehicles would result in Code Enforcement Board action and he could ultimately lose his occupational license and his special exception because it would become null and void. Mr. Cliff Geismar, 2431 Aloma Avenue, Suite 153, Winter Park, Florida, stated that Mr. Collins is only asking for four vehicles, not seven. Mr. Holden stated that the City Commission can only hear the appeal the same as it was heard by the Planning and Zoning Board, which was for seven vehicles. Mr. Collins stated that he could make arrangements to operate the three

businesses with a maximum of 19 vehicles and that he would resubmit his request to the Planning Department as recommended. **Motion by Commissioner Harriman to deny Ordinance 03-49. Seconded by Commissioner Dixon and carried unanimously 4-0.**

6. **REGULAR BUSINESS**

A. **Recommendation to approve financial commitment to the Heritage Foundation**

City Manager Holden stated there are two issues related to this item. The first is the Foundation needs a 10-year budget commitment in order to use it as a marketing tool when applying for grants. The City Commission has already made a commitment for this fiscal year. The second is that the Foundation needs a loan of \$500,000 to assist them in restoring the theatre. City Manager Holden stated that the Foundation is requesting a letter that contains the City's annual intent to commit financially while not binding future City Commissions. The proposed loan agreement will come back to the City Commission for approval. **Motion by Commissioner Rees to approve the recommendation for a financial commitment to the Heritage Foundation. Seconded by Commissioner Harriman and carried unanimously 4-0.**

B. **Recommendation to approve City sponsorship of the Lakeview Middle School Band Program on October 11, 2003**

City Manager Holden stated that the Band Program at Lakeview Middle School submitted this request and recommended sponsoring a golf tournament hole and a monetary donation. **Motion by Commissioner Rees to approve sponsoring their fundraising event by sponsoring a golf hole and a donation not to exceed a combined total of \$350. Seconded by Commissioner Harriman and carried unanimously 4-0.**

C. **Recommendation to approve the sale of three lots at the corner of S. Main and W. Maple Streets**

Assistant to the City Manager Robertson stated that the City Commission originally approved a minimum sale price of \$100,000. The first buyer withdrew his offer to purchase and surrendered the \$10,000 earnest money. Therefore, this offer to purchase for \$90,000 and the \$10,000 earnest money the City retained covers the \$100,000 minimum sale price. **Motion by Commissioner Harriman to approve the sale of three lots located at the corner at S. Main and W. Maple Streets for \$90,000. Seconded by Commissioner Dixon and carried unanimously 4-0.**

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

Assistant to the City Manager Robertson stated this property is owned by the Church of Christ and is for a clip where the entrance is right now. A 1.5-acre stormwater pond is needed north of the bridge. After an engineer's review, it was determined that there would be a conflict at the church's north boundary for the entry road into Daniels Crossing. There is no actual cash exchanged for the property because the City will fill in the pond around their building and move the entrance road to line up with the one at Daniels Crossing, carry it around to the back, and loop the other road across the front. It also includes building onto the City's pond the extra area the church needs because they are adding on to their church and the existing pond will be removed. We will also install a stabilized road from 535 and a temporary road during construction. The engineer's total cost estimate is \$185,000. **Motion by Commissioner Harriman to approve the**

right-of-way from the Church of Christ for aligning Daniel Road. Seconded by Commissioner Dixon and carried unanimously 4-0.

E. Recommendation to approve a settlement offer for Special Assessment Liens and Code Enforcement fines against 333 E. Smith Street

Code Enforcement Manager Clark stated that Mr. Sly Cawley purchased the subject property at a County tax sale without knowledge of the City's liens. Mr. Cawley has agreed to pay the City's actual costs to satisfy the liens. City Manager Holden stated that staff is recommending the satisfaction of the liens against this property for payment of \$2,635, which will recover the actual costs to the City. **Motion by Commissioner Harriman to approve the settlement offer made by Mr. Cawley for Special Assessment Liens imposed against 333 E. Smith Street for \$2,635. Seconded by Commissioner Rees and carried unanimously 4-0.**

F. Recommendation to approve an interlocal agreement with Orange County Schools for public school facility planning coordination

City Planner Cechman stated that in 2002 the Governor signed Growth Management Legislation that requires all municipalities to enter into an interlocal agreement with school boards to deal with planning issues. The Orange County School Board and Department of Community Affairs have approved this agreement and staff recommends approval. **Motion by Commissioner Rees to authorize the Interlocal Agreement with Orange County School Board for Public School Facility Planning. Seconded by Commissioner Dixon and carried unanimously 4-0.**

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

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

9. MATTERS FROM CITY MANAGER

- Stated that normally the Christmas decorations are put up after Thanksgiving. This year because it would put the Public Works Department in too much of a bind to get them up in time for the parade, therefore he is asking for permission to put them up the Monday before Thanksgiving. It was the consensus of the City Commission to allow installing the Christmas decorations as requested.
- Requested approval to cancel the second meeting in November because it falls on the Thanksgiving holiday. **Motion by Commissioner Harriman to cancel the November 27, 2003 meeting due to the Thanksgiving holiday. Seconded by Commissioner Dixon and carried unanimously 4-0.**
- Gave the following voter statistics for the special election for Mobility 20/20. There were a total of 14,046 registered voters in the Winter Garden precincts. Of those voters, 2,723 (19.4%) cast votes, which is a little under the 22% that the County had. The results were 60.6% opposed and 39.4% in favor. The newspaper stated that only 25 of the 250 districts were in favor and all of those were on the I-4 corridor.

- Reported that there have incidents of vandalism at the fountain in the historic downtown area recently and efforts are underway to identify the perpetrators.
- Advised the City Commission that they may see some news coverage regarding a petition that the City has filed with the State in opposition to actions taken by Orlando Utilities Commission to pump additional water from the underground aquifer.

10. MATTERS FROM MAYOR AND COMMISSIONERS

- A. **Request for funding a computer class instructor at the Maxey Center**
Motion by Commissioner Dixon to approve \$900 for the computer instructor at Maxey Center for the first five-week training session. Seconded by Commissioner Harriman and carried unanimously 4-0.

Motion by Commissioner Dixon to approve the purchase of two corporate tables at the annual Community Action Board's November recognition dinner for veterans of all wars. Seconded by Commissioner Harriman and carried unanimously 4-0.

Stated that the Maxey Center computer class still needs five more computers donated and a new Center Manager has been hired, who will work to obtain more donations and grants for the center.

Commissioner Harriman:

Stated that The Progressive magazine ran a very nice article on Mr. Holden and Ms. Ward.

The meeting was adjourned at 7:59 p.m.