

**REGULAR MEETING MINUTES  
CITY COMMISSION**

October 23, 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, Theo Graham, and Mildred Dixon (arrived at 6:34 p.m.)

**ABSENT:** Commissioner John Rees

**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, Fire Chief John Williamson, Utility Director Charlie Tinch, Recreation Director Larry Caskey, Code Enforcement Manager Johnny Clark, and Michael Laval of the West Orange Times

1. **APPROVAL OF MINUTES**

**Motion by Commissioner Harriman to approve the regular meeting minutes of October 9, 2003 as submitted. Seconded by Commissioner Graham and carried unanimously 3-0.**

2. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 03-43: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .52 ACRES LOCATED AT 1402 BEULAH 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 AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-43 by title only. **Motion by Commissioner Harriman to approve Ordinance 03-43 and to schedule the second reading and public hearing for December 11, 2003. Seconded by Commissioner Harriman and carried unanimously 3-0.**

B. **Ordinance 03-44: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 0.52 ACRES OF LAND LOCATED AT 1402 BEULAH ROAD AS RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-44 by title only. **Motion by Commissioner Graham to approve Ordinance 03-44 and to schedule the second**

**reading and public hearing for December 11, 2003. Seconded by Commissioner Harriman and carried unanimously 3-0.**

- C. **Ordinance 03-45: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING AN APPROXIMATELY .52 ACRE LOT LOCATED AT 1402 BEULAH ROAD, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-1 TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-45 by title only. **Motion by Commissioner Harriman to approve Ordinance 03-45 and to schedule the second reading and public hearing for December 11, 2003. Seconded by Commissioner Graham and carried unanimously 3-0.**

Commissioner Dixon arrived at this time.

- D. **Ordinance 03-50: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 173 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF CR545 AND STONEYBROOK WEST PARKWAY AND MORE SPECIFICALLY DESCRIBED HEREIN FROM COUNTY A-1 TO CITY PUD AND CITY PCD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-50 by title only. **Motion by Commissioner Harriman to approve Ordinance 03-50 and to schedule the second reading and public hearing for December 11, 2003. Seconded by Commissioner Graham.** Commissioner Graham stated that at the time this property was annexed, there were questions raised about the Avalon Reserve area and according to the map, it looks like 38 acres has been removed north of Marsh Road and takes in about half of Lake Avalon. Mr. Randy June stated that the reserve area was started after the annexation and is part of Horizon West. Mr. Holden stated that the boundaries have been clarified and will go down the center of Lake Avalon to several parcels south of CR545. Commissioner Graham asked about the Burch property annexation. City Planner Cechman stated that staff is awaiting the final revision to the Avalon Study that will carve out the Avalon Preserve Rural Area and leave this property and the property owned by the McKinnon Corporation out of the preserve area for the City to annex. Mr. Holden stated that probably sometime next year, when the rural settlement is done, the City Commission will be presented with a proposal for all the properties south of Johns Lake out to the Lake County line to be annexed into the City. City Planner Cechman stated that if Mr. Burch had settled his environmental issues, he would have more than likely annexed into the City along with this property. Commissioner Graham asked why the City is waiting. Mr. Cechman stated that the County has indicated that they will be willing to amend the JPA to include the Burch and McKinnon properties, and anything not in the Preserve Area. **Motion carried unanimously 4-0.**

- E. **Ordinance 03-51: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 14.14 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF THE TURNPIKE AND EAST OF CR535 AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY C-2**

**TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS;  
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 03-51 by title only. **Motion by Commissioner Harriman to approve Ordinance 03-51 and to schedule the second reading and public hearing for December 11, 2003. Seconded by Commissioner Dixon and carried unanimously 4-0.**

3. **SECOND 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 ONE HUNDRED EIGHTY (180) DAY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ALL FUTURE PRELIMINARY SITE PLAN REVIEW, SITE PLAN REVIEW, CONSTRUCTION PLAN REVIEW, SPECIAL EXCEPTION OR VARIANCE REQUESTS, AND SUBDIVISION REVIEW WHERE THE PROPOSED USE REQUIRES OR CONTEMPLATES THE INSTALLATION, CONSTRUCTION, OR MAINTENANCE OF A DRY POND WHICH UTILIZES UNDERGROUND DRAINS AND IS INTENDED TO SERVE THOSE CERTAIN DEVELOPMENT PROJECTS INVOLVING THE USE OF COMMON STORMWATER MANAGEMENT FACILITIES TO SERVE MULTIPLE PROPERTY OR UNIT OWNERS; 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. Seconded by Commissioner Dixon and carried unanimously 4-0.**

4. **REGULAR BUSINESS**

- A. **Request to conduct open-air tent sale of Christmas trees in the Winter Garden Regional Shopping Center next to AmSouth Bank from November 23, 2003 until December 23, 2003**

Mr. Wm. Shannon Ireland, 880 Sugar Drive, Santa Rosa Beach, Florida, stated that this request will mark their seventh year in Winter Garden. **Motion made by Commissioner Graham to approve Severts Tree Farms request. Seconded by Commissioner Harriman and carried unanimously 4-0.**

**B. Request to conduct an anniversary celebration in the Tri-City Shopping Center parking lot at 1041 S. Dillard Street on November 16, 2003 from 1 p.m. to 7 p.m.**

Ms. Esmeralda Balderes stated that this request is to conduct their ninth anniversary celebration in the parking lot in front of the Taquitos Jalisco Restaurant. They would like to have a small stage and play live radio station music. **Motion by Commissioner Harriman to approve the event with staff's recommendations that no alcohol will be permitted outside the restaurant and that all the necessary permits must be obtained. Seconded by Commissioner Dixon and carried unanimously 4-0.**

**C. Recommendation to approve Preliminary Plat for Stone Crest Village 7**

City Planner Cechman stated that the Planning and Zoning Board has reviewed the plat and recommends approval. Staff also recommends approval with the conditions stated in the memorandums from the Engineering Department. City Manager Holden stated that one of the conditions that M.I. Homes has agreed to comply with relates to the proposed underdrain system and the fact that they will comply with whatever the final adopted Ordinance will be after staff has reviewed the funding options for the maintenance and replacement of the system. **Motion by Commissioner Harriman to approve the Preliminary Plat for Stone Crest Village 7 with staff's recommendations (see attached). Seconded by Commissioner Dixon and carried unanimously 4-0.**

**D. Recommendation to approve Preliminary Plat for Stone Crest Village 4**

City Planner Cechman stated that the Planning and Zoning Board has reviewed the plat and recommends approval. Staff also recommends approval with the conditions stated in the memorandums from the Engineering and Fire Departments, and that the oak trees are planted within 50 feet of center instead of the proposed 95 feet of center. Commissioner Graham stated that this plat will have the same requirements as Village 7 above. **Motion by Commissioner Harriman to approve the Preliminary Plat for Stone Crest Village 4 with staff's recommendations (see attached). Seconded by Commissioner Dixon and carried unanimously 4-0.**

**E. Recommendation to accept a Quit Claim Deed in lieu of payment of Code Enforcement fines against 907 Klondike**

Code Enforcement Manager Clark stated that this property has accrued approximately \$9,530 in fines and that the City initiated foreclosure action. The property owner has asked the City to accept the deed in lieu of fines. Staff recommends acceptance of the vacant property as it is located directly next to the City's existing basketball courts. **Motion by Commissioner Dixon to accept a Quit Claim Deed from the property owner of 907 Klondike in lieu of payment of the Code Enforcement fines. Seconded by Commissioner Graham and carried unanimously 4-0.**

**F. Recommendation to authorize salvaging of material to be demolished at 90 W. Tremaine Street**

Public Works Director Smith stated that the City owns this property which is located immediately west of the City-owned parking lot at Boyd and Tremaine that has a building that will be demolished and will increase the parking area. Mr. Bob Williams, owner of Tradewinds Station, has expressed an interest in salvaging the tin from the building at his cost, will sign a hold harmless agreement, and provide proof of his current liability insurance. Staff recommends approval because of the savings to the City in man-hours and dump fees. **Motion by Commissioner Graham to authorize Mr. Williams to**

**salvage the tin at 90 W. Tremaine Street with staff's recommendation above. Seconded by Commissioner Harriman and carried unanimously 4-0.**

**G. Recommendation to approve Change Order #1 to the Plant Street and Avalon traffic signal contract**

Public Works Director Smith stated that the Fire Chief has requested that an Opticom system be added to the signal that will allow them to change the signal when a unit responds. **Motion by Commissioner Harriman to approve Change Order #1 to the Plant and Avalon traffic signal contract. Seconded by Commissioner Dixon.** Commissioner Graham asked how the system works in relationship to the traffic. Fire Chief Williamson stated that when a fire unit responds to a call, it initiates all the warning devices that will give them the green light in their direction when they are within about 400 feet of the signal. All other directions will go to yellow, then red. **Motion carried unanimously 4-0.**

**H. Recommendation to approve road closings for special City events through the end of the year**

Recreation Director Caskey gave details of the events scheduled for October 31, November 8, December 5, December 6, and the first four Thursdays in December. **Motion by Commissioner Graham to approve the street closings as requested. Seconded by Commissioner Harriman and carried unanimously.**

**5. MATTERS OF CONCERN FROM CITIZENS**

**Mr. Don Miller**, 1073 Woodson Hammock, Winter Garden, Florida, stated that as President of the Fullers Crossing Homeowners Association (HOA) and on behalf of the newly formed Winter Garden Homeowners Coalition in regard to the underdrain moratorium, he respectfully asked that the City Commission also consider requiring the developer/builder to turn over the maintenance of the ponds and drains at the same time. Maintenance problems occur when the developer does not turn them over to the HOA.

**Ms. Charlie Mae Wilder**, 1007 Stucki Terrace, Winter Garden, Florida, gave a special thanks to the City Commission and City Manager for participating in and supporting the Central Florida Young at Heart Senior event on October 1.

**Police Chief Jimmie Yawn** announced his retirement effective March 31, 2004.

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

**7. MATTERS FROM CITY MANAGER**

- Reminded the City Commission about the Tri-County Luncheon scheduled for November 10, 2003 and asked them to let the City Clerk know if they will be attending.
- Reminded everyone about the YMCA groundbreaking ceremony this Saturday, October 25, at noon.

**A. Financial Statement for September 2003**

Stated that the financials submitted are for the fiscal year end with the City ending in excellent shape and asked the Finance Director to explain why at first glance the figures may not look that way to some. Mr. Bollhoefer stated that at the bottom of page 3 of the Operating Report, it shows that revenues less expenditures are -\$517,407, but you also have to look at the Streets with a remaining balance of \$661,943, which is below what the balance should be because the Stoneybrook West Parkway Grant will have an equal reduction in expenditures since the City receives the revenues after we have made the expenditures. Under Parks and Recreation, it appears we are under budget by \$227,236, however that is money from fund balance for the Centennial celebration because we have not yet transferred the fund balance to the activity column. Under Non-operating, you will see the balance next to Use of Fund Balance is \$1.8 million, which also has not yet been moved to the year-to-date activity column. If the related funds had been moved over to the year-to-date activity column, the bottom line would be \$1.5 million dollars of revenue in excess of expenditures. Furthermore, of the fund balance we are using, \$1.2 million is the loan to the CRA, which will be put back into the general fund. Therefore, the City's revenues will exceed expenditures by \$1 to \$1.5 million, which will be shown in the audit report.

- Advised that the next annual audited financial report will be in GASB 34 as required by the State. Staff will be making presentations on the major accounting changes to facilitate interpreting the new format.

**8. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Dixon:**

Stated that the Reading Reindeer and after-school study program are uncertain right now because they need people to help keep it going.

Stated that there will be a Community Center Awareness event in the park this Saturday from 9 a.m. to 1 p.m. and she is still trying to get more volunteers into the Maxey Center and the parents into the schools.

Stated that she will be requesting \$5,000 from the City for the midnight basketball program.

The meeting was adjourned at 7:20 p.m.