

REGULAR MEETING MINUTES

CITY COMMISSION

April 24, 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, Mildred Dixon (arrived at 6:38 p.m.), Theo Graham, and John Rees

Also Present: City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Utilities Director Charlie Tinch, Finance Director Mike Bollhoefer, Public Works Director Bob Smith, Fire Chief John Williamson, Trailer City Manager Hughlan Martin, Recreation Director Larry Caskey, Police Chief Jimmie Yawn, City Planner Mark Cechman, Code Enforcement Manager Johnny Clark and Michael Laval of The West Orange Times

1. APPROVAL OF MINUTES

Motion by Commissioner Harriman to approve the minutes of April 10, 2003 as submitted. Seconded by Commissioner Graham and carried unanimously 4-0.

2. REGULAR BUSINESS:

A. Recommendation to approve Fullers Landing Preliminary Plat

City Planner Cechman stated that this is a preliminary plat for a single-family subdivision zoned R-1, which staff recommends approval with some conditions stated in the agenda package. The Planning and Zoning Board is also recommending approval with the same conditions. The applicant, John Kirby, 332 W. Tilden Street, Winter Garden, Florida, stated that they concur with staff's recommendations. Motion by Commissioner Graham to approve Fullers Landing Preliminary Plat with staff's recommendations (*see attached*) Seconded by Commissioner Harriman. Commissioner Rees asked why the Planning and Zoning Board Chairman Bledsoe abstained from the vote on this item. Mayor Quesinberry stated Mr. Bedsole works for the property owner. Motion carried 4-0.

B. Recommendation to approve the reappointment of Mark Griffith as the at-large trustee member of the General Employees Pension Board

Chairman Robertson stated that Mr. Griffith has agreed to serve another term at the request of the Pension Board, who voted to recommend the reappointment to the City Commission. Motion by Commissioner Rees to reappoint Mark Griffith as the at-large trustee member of the General Employees Pension Board. Seconded by Commissioner Harriman and carried 4-0.

Mayor Quesinberry dispensed with the City Commission Agenda and convened as the Community Redevelopment Agency (CRA) at 6:34 p.m.

Members Present: Jack Quesinberry, Chairman; Theo Graham, John Harriman, Mildred Dixon (arrived at 6:38 p.m.), and John Rees

Members Absent: Larry Cappleman and Teresa Jacobs

C. Recommendation to approve satisfying the loans approved by Resolution #00-12 and #01-01, by transferring both 114 and 848 E. Plant Street property ownership to the City of Winter Garden General Fund

Motion by Agency Member Rees to approve recommending the transfer of real property located at 114 East Plant Street and 848 East Plant Street, Winter Garden, Florida, to the City of Winter Garden as full payment on loans made to the CRA to purchase the property. Seconded by Agency Member Harriman. Agency Member Graham asked what the property is going to be used for after the transfer. City Manager Holden stated that the original intent of the purchase has not changed. Agency Member Graham stated that he does not believe the City should be in the real estate business and if the City is going to invest over a million dollars in property that is not sold for two more years, the City is going to lose the interest that it is currently receiving from the CRA as well as the property tax increment. Finance Director Bollhoefer stated that the proposed transaction is not for investment purposes and that property values are going up, which will forego the unpaid interest that will be recouped based upon the increase in the taxed property value. Agency Member Graham stated that he hopes that property values will increase, which was not the case in the last property sold at the original purchase price. Motion carried 4-1; Agency Member Graham opposed.

Mayor Quesinberry adjourned the CRA meeting and reconvened the City Commission meeting at 6:43 p.m.

D. Resolution 03-06: ACCEPTING THE TRANSFER OF THE OWNERSHIP OF THE PROPERTIES LOCATED AT 114 EAST PLANT STREET AND 848 EAST PLANT STREET FROM THE COMMUNITY

REDEVELOPMENT AGENCY TO THE CITY AS PAYMENT IN FULL FOR THE LOANS ESTABLISHED WITH RESOLUTIONS 00-12 AND 01-01; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Everett read Resolution 03-06 by title only. Motion by Commissioner Harriman to adopt Resolution 03-06. Seconded by Commissioner Dixon and carried 4-1; Commissioner Graham opposed, as stated in the prior action.

3. FIRST READING OF PROPOSED ORDINANCES:

- A. Ordinance 03-11: AMENDING CHAPTER 78, UTILITIES, SECTION 78-50, SCHEDULE OF DEPOSITS; REFUND; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-11 by title only. Motion by Commissioner Rees to approve Ordinance 03-11 and to schedule the public hearing for May 22, 2003. Seconded by Commissioner Dixon and carried unanimously 5-0. Commissioner Harriman asked what proof would have to be submitted as “good credit history” under (a)(1). City Manager Holden stated that the prior utility company will have to send a letter to the Finance Director, which cannot be handled by the applicant.

4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:

- A. Ordinance 03-05: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN’S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 0.53 ACRES OF LAND LOCATED AT 22 EAST STORY ROAD AS COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-05 by title only. City Planner Cechman stated that this property is zoned R-2, but is surrounded by C-2. They have petitioned for the Comprehensive Plan Amendment and the next ordinance for rezoning in order to continue their office operations for Phoenix Transport. The Planning and Zoning Board have also recommended approval. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. Motion by Commissioner Harriman to approve Ordinance 03-05. Seconded by Commissioner Dixon and carried unanimously 5-0.

- B. Ordinance 03-06: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.53 ACRE LOT LOCATED AT 22 EAST STORY ROAD MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R2 TO CITY G2; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-06 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. Motion by Commissioner Rees to approve Ordinance 03-06. Seconded by Commissioner Harriman and carried unanimously 5-0.

- C. Ordinance 03-07: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 5.8 ACRES LOCATED AT 305 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**

City Attorney Everett read Ordinance 03-07 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. City Planner Cechman stated that a few months ago The Faith Family Community Church sold their property to Orange County Schools to allow them to complete the corner for expanding the high school. The church found another location across the street, which is not in the City at the present time so they have petitioned to annex. The Planning and Zoning Board also recommend approval. Motion by Commissioner Graham to approve Ordinance 03-07. Seconded by Commissioner Rees and carried unanimously 5-0.

- D. Ordinance 03-08: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 5.8 ACRES OF LAND LOCATED AT 305 BEULAH ROAD AS LOW DENSITY RESIDENTIAL; PROVIDING AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-08 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. Motion by Commissioner Harriman to approve Ordinance 03-08. Seconded by Commissioner Dixon and carried unanimously 5-0.

- E. Ordinance 03-09: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 5.8 ACRE LOT LOCATED AT 305 BEULAH ROAD AND MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY A-1 TO CITY R1; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-09 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. Motion by Commissioner Rees to approve Ordinance 03-09. Seconded by Commissioner Harriman and carried unanimously 5-0.

- F. **Ordinance 03-04: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE IV OF CHAPTER 66 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN RELATING TO OCCUPATIONAL LICENSE FEES; PROVIDING FOR AN INCREASE IN THE OCCUPATIONAL LICENSE TAX RATES; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-04 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. Motion by Commissioner Harriman to approve Ordinance 03-04. Seconded by Commissioner Dixon and carried unanimously 5-0.

5. **MATTERS OF CONCERN FROM CITIZENS: None**

6. **MATTERS FROM CITY ATTORNEY DYKES EVERETT: None**

7. **MATTERS FROM CITY MANAGER HOLLIS HOLDEN:**

- A. **Financial Statement for March 2003**

Stated that the City remains in excellent financial health and he or the Finance Director will be glad to answer any questions.

- B. **Advertising request from the Florida League of Cities**

Motion by Commissioner Harriman to approve a full-page color ad for \$1,000 in the Quality Cities Annual Conference issue. Seconded by Commissioner Rees and carried unanimously 5-0.

- C. **Request for the May 14th Centennial Downtown Social Event**

Mr. Holden stated that as indicated in the agenda back-up material, this is a request for a Business After Hours event at the History Center and gazebo which will include the serving of beer and wine. Motion by Commissioner Harriman to approve the event as requested on May 14, 2003. Seconded by Commissioner Rees. Commissioner Graham asked if the event is going to be open to the public. City Manager Holden stated that it will be open to the public. Commissioner Graham stated that he is opposed to wine and beer being served downtown where there are children. Mr. Holden stated the event will be conducted the same as a business after hours gathering and nobody usually brings children to these events. Motion carried unanimously 5-0.

- **Dillard Street School Driveway funding**

Stated that just this Tuesday, they had a meeting with Orange County Schools regarding the driveway design at the new Dillard Street School. The County contractor and the City's in-house "push button" contractor have estimated the final design, and the County's estimate came in less than the City's at \$134,381.00. He has verified that the agreement will include allowing City inspectors to inspect the work as it is performed. Staff is recommending that the City Commission approve appropriating \$150,000, as part of the mid-year budget process, which will allow for some other contingencies such as landscaping. If approved, he will send the County a letter and a copy of these minutes. Motion by Commissioner Dixon to appropriate \$150,000 for the construction of the Dillard Street Elementary School driveway. Seconded by Commissioner Harriman and carried 50. Commissioner Graham asked if the residents in the area have had their concerns addressed. Mr. Holden stated their issues have been resolved.

- Proposed State Road 50 Overlay schedule

Stated that staff has been working with the consultant and a public workshop has been scheduled for June 5th at Tanner Hall, with two public hearings on June 26 and July 24. Staff would also like to conduct a City Commission workshop, after the public workshop, on June 17th, prior to the public hearings for the proposed ordinance. Commissioner Graham stated that he would not be available on June 17th. The Mayor and Commissioners Rees, Dixon and Harriman agreed to a Commission workshop on June 17th at 6:00 p.m. at City Hall.

- Stoneybrook West Parkway Change Orders

Stated that at the prior Commission meeting, Commissioner Graham made some comments about the total amount of Change Orders to this project. Therefore, he had the Engineer review and summarize the changes. There was discussion on the change orders and the written summary was provided to Commissioner Graham.

- Announced that the new Fire Engine #23 was in the parking lot for everyone to see.

8. MATTERS FROM MAYOR AND COMMISSIONERS:

Commissioner Harriman:

Thanked the Tyrrell family for the Rally for America event at Veterans Park.

Commissioner Dixon:

Stated she has been working on getting applications in for the weatherization grant. Mr. Bollhoefer stated he has over 120 applications for 85 slots and he is not handing out any more applications. Mr. Holden stated that staff is working on making sure the funding doesn't stop in June with the State's new budget year. We have received up-front money to pay the contractors.

Mayor Quesinberry:

Announced that a groundbreaking ceremony was held for the Foundation Academy last Saturday at 11:00 a.m.

The meeting was adjourned at 7:17 p.m.