

REGULAR MEETING MINUTES

CITY COMMISSION

June 26, 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 Rees, Theo Graham, and John Harriman, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Finance Director Mike Bollhoefer, Planning Director Mark Cechman, Fire Chief John Williamson, Utilities Director Charlie Tinch, Police Chief Jimmie Yawn, Recreation Director Larry Caskey, Trailer City Manager Hughlan Martin, and Code Enforcement Manager Johnny Clark

Absent: Commissioner Mildred Dixon

1. **APPROVAL OF MINUTES**

- A. Regular Meeting Minutes of June 12, 2003 and Workshop Meeting Minutes of June 17, 2003. **Motion by Commissioner Rees to approve both minutes as submitted. Seconded by Commissioner Harriman and carried unanimously 4-0.**

2. **PRESENTATIONS**

A. **Limited Income Senior Homestead Exemption**

Mr. Bill Donegan, Orange County Property Appraiser, stated that he was before the City Commission to present information regarding the voter approved Constitutional Amendment allowing municipalities and counties to grant an additional homestead exemption of up to \$25,000 to homeowners at least 65 years of age whose total household adjusted gross income does not exceed \$21,599. The income amount is adjusted annually based upon inflation, which is provided to the County by the Federal Government. The exemption is not calculated in the same manner as the regular exemption. The exemption cannot be applied towards the school millage or independent taxing districts. In estimating the amount of revenue reduction for Winter Garden, they calculate that as many 81 residents may be eligible, who would save \$107 on their annual taxes and the City's revenue would be reduced by \$8,714. Of all the Orange County municipalities, Winter Garden is the only City that has not yet adopted or agreed to consider adopting the additional exemption. Maitland and Apopka will soon be adopting an ordinance. Forty-three Winter Garden residents have applied for the

exemption. The applications must be received by Orange County no later than March 1st each year and their proof of income must be submitted no later than June 1st. City Manager Holden stated that Winter Garden currently provides additional assistance to low income senior residents for their utility bill. Mr. Donegan stated that he would like to have all the cities adopt the extra exemption and he is aware that Winter Garden does more for its seniors than any other city. Any exemption approved this year would not be in effect until next year. Mr. Holden stated that with the information he has received regarding the amount of reduced tax revenue received by the City and the problems encountered by Orange County trying to explain to our residents that they are not eligible, he recommends proceeding with an ordinance. He asked if the County would be handling the entire process and whether the information submitted could be crosschecked with the City's applications. Mr. Donegan stated that the County will do everything related to processing the exemption applications and they would be happy to work with the City. **Motion by Commissioner Rees directing staff to draft an Ordinance authorizing an additional Homestead Exemption for Limited Income Senior residents. Seconded by Commissioner Harriman.** Commissioner Graham asked how the reduction was determined. Mr. Donegan stated that they used the census tract information. **Motion carried unanimously 4-0.**

B. Flag Retirement Ceremony Participation Award

Mr. Bob Warner, Commander, and Mr. James Fleming, Second Vice-Commander of American Legion Post #63, awarded a Certificate of Appreciation to the Fire Department B Shift and the Recreation Department for their assistance in the Flag Retirement Ceremony on June 14, 2003 at the Veterans Memorial Park.

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. Ordinance 03-10: AMENDING DIVISION 6 OF CHAPTER 118 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA; PERTAINING TO THE ESTABLISHMENT, STANDARDS, OPERATION AND MAINTENANCE OF RECREATIONAL VEHICLE PARKS; PROVIDING FOR DEFINITIONS; PROVIDING FOR SPECIAL EXCEPTION; PROVIDING FOR IMPACT FEE AND BUILDING PERMITS; PROVIDING FOR NONCONFORMING RECREATIONAL VEHICLE PARKS; PROVIDING FOR CONVERSION OF RECREATIONAL VEHICLE LOTS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND CODIFICATION

City Attorney Everett read Ordinance 03-10 by title only. City Planner Cechman stated that the recreational park industry has changed significantly since the ordinance was last adopted 20-25 years ago. In particular, there are new park model vehicles, which is what has initiated the proposed new ordinance and to bring the City up to date with the recreational park industry. Mayor Quesinberry opened the public hearing.

Mr. Dan Langley, Fishback Law Firm, representative for the Orlando Winter Garden Campground, located at 13905 W. Colonial Drive, stated that the Campground has been in operation at this location since 1969 with 375 recreational vehicle (RV) lots. He congratulated staff on drafting an Ordinance that strikes a balance between protecting the City's general welfare and allowing RV parks to continue thriving in the city. His client has no objections as long as the vesting rights agreement remains part of the Ordinance and asked the Commission to consider the vesting rights agreement they are proposing. City Manager Holden stated that staff has the vesting right agreement and has no objections.

A representative for the Stage Stop Campground asked how far do the vesting rights go, does he have to file a map, and who writes the vesting agreement? City Attorney Everett stated that the vesting rights are relative to entitlements and what they have as of today as it relates to impact fees, based upon how many units there are and how they are configured today so they are accommodated where there is a difference from the new Ordinance. If adopted, the map will be required and ideally each park would draft their own vesting agreement. The Orlando Winter Garden Campground vesting agreement has been nearly completed and it could be used as a template to meet the needs of Stage Stop.

City Manager Holden stated that the RV requirements have existed since the original Ordinance was adopted but since the tornado came through, the City became aware of the park models that were never allowed by the code and the City was caught between the Code and the State requiring inspections.

Hearing no other comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-10 and to schedule the second reading and public hearing for July 10, 2003. Seconded by Commissioner Graham and carried unanimously 4-0.**

- B. **Ordinance 03-17: AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ZONING BY AMENDING ARTICLE III, NONCONFORMING USES; PROVIDING FOR PURPOSE AND INTENT, APPLICABILITY, DEFINITIONS, CONDITIONS FOR CONTINUATION OF NONCONFORMIITIES, VACANT LAWFUL NONCONFORMING COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY PARCELS, EXISTING LAWFUL NONCONFORMING COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY BUILDINGS AND ACCESSORY STRUCTURES, EXISTING LAWFUL NONCONFORMING SINGLE-FAMILY DWELLINGS AND ITS ACCESSORY STRUCTURES, EXISTING LAWFUL NONCONFORMING USES, INVENTORIES AND CERTIFICATES OF NONCONFORMITY, VARIANCES AND SPECIAL EXCEPTIONS, CONSTRUCTION BEGINNING PRIOR TO EFFECTIVE DATE OF ORDINANCE, UNSAFE BUILDINGS OR STRUCTURES, VOLUNTARY ANNEXATION, CHANGE IN TITLE OR POSSESSION, EMINENT DOMAIN AND CONDEMNATION, INVOLUNTARY ANNEXATIONS AND REZONINGS INITIATED BY THE CITY, SAVINGS CLAUSE AND**

NON-EXCLUSIVITY; ALSO PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Everett read Ordinance 03-17 by title only. Mayor Quesinberry opened the public hearing.

Mr. Lester Austin, P.O. Box 770606, Winter Garden, Florida, stated that he did have some concerns, but that he has discussed them with the Planning Director and the City Manager that they don't think he has anything to worry about because he will be vested to work as he has in the past. Mr. Austin stated that City Planner Cechman has provided him with a letter that he is in agreement with and submitted as evidence that he will be allowed to continue operating the South Lake Apopka Packing House on Tidenville School Road as a non-conforming use, if this ordinance is adopted.

Hearing no other comments, the public hearing was closed. **Motion by Commissioner Rees to approve Ordinance 03-17 and to schedule the second reading and public hearing for July 10, 2003. Seconded by Commissioner Harriman.** Commissioner Graham asked why the Ordinance does not indicate the areas to be stricken and new areas with underlines. City Attorney Everett stated that the original section is being deleted and this Ordinance is creating a new Article 118. **Motion carried unanimously 4-0.** Mr. Everett stated that because this is a very complex issue (non-conforming uses) and it is trying to accomplish a number of things, do not be surprised if there are some future related Ordinances because it is hard to come up with a one size fits all Ordinance.

- C. **Ordinance 03-14: AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 32.3 ACRES OF LAND LOCATED WEST OF CR535 AND APPROXIMATELY 2,000 FEET SOUTH OF THE FLORIDA TURNPIKE FROM ORANGE COUNTY RURAL, ORANGE COUNTY CONSERVATION AND CITY COMMERCIAL TO CITY MEDIUM DENSITY RESIDENTIAL WITH A CONSERVATION OVERLAY, PROVIDING FOR AN EFFECTIVE DATE.** (Triple S Townhomes)

City Attorney Everett read Ordinance 03-14 by title only. Mayor Quesinberry opened the public hearing.

Mr. Ed Hampton, Tallman Development Company, Maitland, Florida, with Triple S's agreement, is looking to redevelop this property and he concurs with staff's recommendation.

Commissioner Rees stated that he has no problem with the project meeting density. Commissioner Graham stated that the report indicates there are 30 acres, of which they can only build on 15 because of the wetlands and there are three different unit figures of 140, 150, and 129, with 10 units to the acre so where would the roads come in. Mr. Hampton stated that it is their intention to build 124 units on usable acreage and the rest would be set aside as conservation area.

Hearing no other comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 03-14 and schedule the second reading and public hearing after the amendment is returned from the State. Seconded by Commissioner Rees and carried unanimously 4-0.**

D. **Ordinance 03-15: AMENDING THE FUTURE TRANSPORTATION MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Everett read Ordinance 03-15 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to approve Ordinance 03-15 and to schedule the second reading and public hearing after the amendment is returned approved from the State. Seconded by Commissioner Graham.** Commissioner Graham asked if the map shows 9th Street being extended to Crest or Division Street. City Manager Holden stated no, the brown line is the West Orange Trail. **Motion carried unanimously 4-0.**

4. **REGULAR BUSINESS**

A. **Request for supporting the West Orange High School Football program by purchasing an advertisement**

Ms. Stephanie Gore, 1673 Good Homes Road, Orlando, Florida, stated that she is a member of the West Orange Cheerleading Squad and is responsible for raising funds. They have also held car washes and sold coupons to help raise funds. The City of Winter Garden has been generous and supportive in years past and that is why she is before them tonight. Commissioner Harriman asked if the cover was available. Ms. Gore stated she would have to find out. **Motion by Commissioner Rees to approve the purchase of a full-page advertisement up to \$250, if the front page is available, in the West Orange High School Football program, otherwise a full-page advertisement for \$200. Seconded by Commissioner Harriman and carried unanimously 4-0.**

B. **Recommendation to approve an Interlocal Agreement with Orange County for the purchase of four (4) Automated External Defibrillators (AED's)**

Fire Chief Williamson stated that the actual number of AED's is eight (8), with four (4) going to the Police Department and four (4) going to the Fire Department. **Motion by Commissioner Harriman to approve the Interlocal Agreement with Orange County for eight (8) AED's, as submitted. Seconded by Commissioner Graham and carried unanimously 4-0.**

C. **Recommendation to accept a donation of \$15,800 from the Committee of One Hundred to purchase two (2) Thermal Imaging Cameras**

Fire Chief Williamson stated that the committee has approved the donation and the City would need to contribute \$3,200, which is already in the Fire Department's budget. The cameras will allow them to look for victims and through the ceilings for hot spots without tearing them down. **Motion by Commissioner Rees to approve acceptance of the \$15,800 donation from the Committee of One Hundred of Orange County. Seconded by Commissioner Harriman and carried unanimously 4-0.**

Dispense as the City Commission and convene as the Community Redevelopment Agency (CRA) at 7:19 p.m.

Members Present: Jack Quesinberry, Chairman, Agency Members; Theo Graham, John Harriman, John Rees, and Larry Cappleman

Members Absent: Mildred Dixon and Teresa Jacobs

D. **Recommendation to approve the sale of 214 Center Street**

Mr. Cappleman, CRA Advisory Committee Chairman, stated that the property was advertised as required and two offers were received. One offer was from Mr. Artis Woodard and one from Mr. Donald Rodgers. The CRA Advisory Committee has reviewed both offers and proposed uses. Therefore, they are recommending acceptance of Mr. Rodgers' offer, with the contingencies stated in the proposed contract, and respectfully reject Mr. Woodard's offer. **Motion by Agency Member Cappleman to approve the sales agreement with Donald Rodgers with all the conditions stated in the agreement. Seconded by Agency Member Rees.** Agency Member Graham asked if the proposed use is for a boarding house of no more than eight (8) rooms. Agency Member Cappleman stated yes. Agency Member Graham asked what would happen if the purchaser does not put in a boarding house and wants to put something else in. City Attorney Everett stated that if the property is not utilized as a boarding house, they must comply with the current zoning. Agency Chairman Quesinberry stated for the record that Agency Member/District 3 Commissioner Mildred Dixon submitted a letter in opposition to the purchase of the property by Mr. Rodgers for a rooming house. **Motion carried unanimously 5-0.**

Adjourn as the Community Redevelopment Agency and reconvene as the City Commission at 7:24 p.m.

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

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

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

A. Distributed the Financial Statement for May 2003 and stated that the City remains in excellent health. Please see the Finance Director or himself with any questions.

B. Designation of a Voting Delegate for the Florida League of Cities Conference: It was the consensus of the Commission to postpone this item until Commissioner Dixon was present.

· Stated that he, Mr. Robertson, Mr. Smith and Mr. Britt have been working extensively on writing an agreement for the improvements to the Railroad Museum that includes all items previously discussed by the City Commission, and he needs to know if the Commission wants to put the agreement on a future agenda or for staff to move forward and process the agreement. *It was the consensus of the City Commission that staff would process the agreement.*

· Stated that there have been some very innovative and successful efforts made by the Code Enforcement Manager, Johnny Clark, in getting areas cleaned up. His last effort was the painting of the building at the northeast corner of Story and Dillard whereby Mr. Clark obtained free paint from Ace Hardware and with the help of the Boy Scouts, they painted it one weekend. In that continued effort, Mr. Holden gave Mr. Clark another task regarding the replacement of the American Legion sign. Mr. Clark stated that he contacted the American Legion and they indicated they are interested in replacing the sign, but they could not afford a new sign. Mr. Clark obtained a quote of \$850 to replace the lighted sign with black poles, wrought iron, and a blue and green Legion emblem on top. **Motion by Commissioner Rees to approve expending \$850 to replace the American Legion curbside sign. Seconded by Commissioner Harriman and carried 4-0.**

· Notified the City Commission that he has received notice today from the Foundation Academy School that their proposed site on Tilden Road has been placed on indefinite

hold. In looking into why, he has discovered that the school's enrollment has decreased by 200 and the new Oakland Charter School is at capacity of 700. He has asked Oakland Mayor Jon VanderLey to provide him with the demographics for the Charter School, which will help identify the capacity concerns for new development. The Foundation Academy will be required to remove their portables soon.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Graham:

- Stated that he has received calls about clearing the boat ramp and asked if staff could contact St. Johns River Water Management District to clear the dock area. Trailer City Manager Martin stated that previous attempts to clear the area have not been successful because in just three days it is back. City Manager Holden stated staff will look into it and bring back a report to the City Commission.

The meeting was adjourned at 7:38 p.m.