

**REGULAR MEETING MINUTES
CITY COMMISSION**

August 28, 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, 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, Code Enforcement Manager Johnny Clark, Finance Director Mike Bollhoefer, Public Works Director Bob Smith, Police Chief Jimmie Yawn, Trailer City Manager Hughlan Martin, Recreation Director Larry Caskey, Fire Chief John Williamson, Senior Planner Kelly Randall, and Centennial Coordinator Edward DeAguilera

1. **APPROVAL OF MINTUES:**

Motion by Commissioner Graham to approve the minutes of August 14, 2003 as submitted. Seconded by Commissioner Harriman and carried unanimously 5-0.

2. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 03-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 03-27 FOR ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGE 65 OR OLDER; BY DELETING SECTION 6. APPLICABILITY TO THE DEPENDENT SPECIAL DISTRICTS AND MSTU'S; PROVIDING FOR SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE

City Attorney Everett read Ordinance 03-33 by title only. **Motion by Commissioner Rees to approve Ordinance 03-33 and to schedule the second reading and public hearing for September 17, 2003. Seconded by Commissioner Graham and the motion carried unanimously 5-0.**

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES:**

A. **Ordinance 03-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.19 ACRES LOCATED AT 719 BETHUNE AVENUE 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

City Attorney Everett read Ordinance 03-22 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 03-22. Seconded by Commissioner Dixon and carried unanimously 5-0.**

- B. Ordinance 03-23: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 0.19 ACRES OF LAND LOCATED AT 719 BETHUNE AVENUE AS LOW DENSITY RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-23 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to adopt Ordinance 03-23. Seconded by Commissioner Harriman and carried unanimously 5-0.**

- C. Ordinance 03-24: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.19 ACRE LOT LOCATED AT 719 BETHUNE AVENUE MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-2 TO CITY R-1B; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

Attorney Everett read Ordinance 03-24 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 03-24. Seconded by Commissioner Dixon and the motion carried unanimously 5-0.**

- D. Ordinance 03-31: AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-27, MEMBERSHIP; AMENDING SECTION 54-28, BOARD OF TRUSTEES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE**

Attorney Everett read Ordinance 03-31 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 03-31. Seconded by Commissioner Graham and the motion carried unanimously 5-0.**

- E. Ordinance 03-32: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2002-2003; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-32 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 03-32. Seconded by Commissioner Rees.** Commissioner Harriman asked when the downtown renovations would be completed. Assistant to the City Manager Robertson stated that the project is scheduled to be completed by October 5, 2003. Commissioner Graham asked about the difference

in the figures in the cover memo versus the Ordinance. Finance Director Bollhoefer stated that the Ordinance includes the Weatherization Grant for \$600,000 for this fiscal year and the remaining \$300,000 will be budgeted for next year. **Motion carried unanimously 5-0.**

3. **REGULAR BUSINESS:**

A. **Recommendation to approve the contract to purchase 1 East Cypress Street from the Orange County Library District**

Motion by Commissioner Dixon to approve the contract to purchase 1 East Cypress Street. Seconded by Commissioner Harriman. City Manager Holden stated that as part of the overall plan, the City is also going to contribute \$114,000 towards the new library, half now and half when it is completed. **Motion carried 5-0.**

B. **Recommendation to accept right-of-way from Gillespie on Roper Road**

Assistant to the City Manager Robertson stated that this property is located directly south of the Lott/Hurley property and connects with M/I Homes on the west. The donation is approximately 1344 feet and staff recommends acceptance of the 30 feet for additional right-of-way. **Motion by Commissioner Graham to accept the northern 30 feet of property owned by the Gillespie family on Roper Road. Seconded by Commissioner Rees and carried 5-0.**

C. **Recommendation to approve an interlocal agreement with Orange County for automatic aid for fire and rescue services**

City Manager Holden stated that back in 1995, the County proposed taking over the City's fire station. After analyzing the proposal, it was proven that the County could not operate the station for the amount they said they could and the City didn't want to give up the station. At that point, the City entered into a non-formalized agreement that the County would dispatch the City's fire and rescue services and in return, the closest unit would respond. About 18 months ago, the County took the position that the City would have to begin paying for the dispatch services. Mr. Holden stated that he is a strong advocate of first response and automatic aid because there should be no boundaries when it comes to city limits for fire and emergency rescue. After several meetings with the County, the two proposed agreements are being recommended for approval. Mr. Holden also stated that he recommends that the Automatic Aid Agreement that allows the closest unit to respond be approved and that the next item for Fire Dispatch Services also be approved contingent upon Orange County executing the Automatic Aid Agreement. **Motion by Commissioner Rees to approve the Automatic Aid Interlocal Agreement with Orange County for fire and rescue services. Seconded by Commissioner Dixon and carried 5-0.**

D. **Recommendation to approve an interlocal agreement with Orange County for fire dispatch services**

Motion by Commissioner Graham to authorize the Mayor to sign the interlocal agreement with Orange County for Fire Dispatch Services contingent upon Orange

County executing the Automatic Aid Agreement above. Seconded by Commissioner Dixon and carried 5-0.

E. Recommendation to approve a contract with the Orange County School Board for School Resource Officers

Police Chief Yawn stated this is an annual contract for \$25,000 for 1.25 officers. **Motion by Commissioner Graham to approve the contract with Orange County School Board for School Resource Officers. Seconded by Commissioner Rees and carried 5-0.**

F. Request by Marguerite Kennington for reappointment as a Trustee on the General Employees Pension Board

Motion by Commissioner Graham to reappoint Marguerite Kennington as a Trustee member on the General Employees Pension Board. Seconded by Commissioner Rees and carried 5-0.

G. Recommendation to deny request for a reduction in Code Enforcement fines in Case #02-1001 (Dowdy/Lake Cove Point)

City Manager Holden stated that the background has been provided in the agenda package. Mr. Ronald Dowdy stated that he is the developer of Lake Cove Point and accepts responsibility for maintaining the retention pond and he had repeatedly tried to get someone to clear the pond area. Mr. Dowdy stated that he did not neglect his duty, but that there was 32 days of rain and the holidays interfered with any progress. He finally got it done and he thinks the \$21,000 fine is excessive. Therefore, he is asking that the fine be repealed. City Manager Holden stated that Mr. Dowdy was first given a violation notice in May 2002 and the issue did not go before the Code Enforcement Board until October 2002 and throughout that period, the situation was only getting worse. Mr. Dowdy stated that he does not remember the schedule, but that the mission was accomplished, just not in a timely manner. **Motion by Commissioner Harriman to deny the request to reduce fines imposed on Code Enforcement Case #02-1001 by Ronald Dowdy. Seconded by Commissioner Graham and carried 5-0.**

H. Resolution 03-10: Authorizing a State Revolving Fund loan agreement for the construction of a water pollution control facility #4 (Project #DW 480101)

City Attorney Everett read Resolution 03-10 by title only. Finance Director Bollhoefer stated that this project is for the Water Treatment Plant #4 in the Stoneybrook area and it is a great opportunity for 2.67 percent and staff recommends approval. **Motion by Commissioner Graham to approve Resolution 03-10. Seconded by Commissioner Harriman and carried 5-0.**

Mayor Quesinberry dispensed with the City Commission agenda and convened as the Community Redevelopment Agency (CRA) at 7:08 p.m.

Members Present: Jack Quesinberry, Chairman; John Rees, Theo Graham, Mildred Dixon, and John Harriman

Members Absent: Teresa Jacobs and Larry Cappleman

I. **Recommendation to approve Change Order #2 to Phase III of the downtown streetscape improvements**

Assistant to the City Manager Robertson stated that this item is a change order to finish up the project for Phase III, as itemized in the agenda package. **Motion by Agency Member Graham to approve Change Order #2 for Phase III. Seconded by Agency Member Harriman and carried 5-0.**

Mayor Quesinberry adjourned the CRA meeting at 7:10 p.m. and reconvened the City Commission meeting.

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 July 2003**

Stated that if anyone has questions, please contact him or the Finance Director. The City remains in good financial health and he believes it will continue through the end of the year.

8. **MATTERS FROM MAYOR AND COMMISSIONERS:**

Commissioner Graham:

Asked if the drainage problem on North Park Avenue has been investigated. Public Works Director Smith stated that he has been in contact with the affected family and he has made a suggestion to them about building a small hump at the driveway, which they are now considering. Commissioner Graham stated that he was surprised to discover that they were on the only cul-de-sac without a drain.

Commissioner Dixon:

Stated that there are also drainage problems at 10th and Center Streets, which is still collecting water, and at Crown Point Road and Maxey Drive, where there is a lake again.

Inquired about the funds previously approved for a computer instructor at the Maxey Center because she had originally requested \$3,000 of which only \$1,000 has been expended. Finance Director Bollhoefer stated that the \$1,000 approved in April has been spent. Therefore, there are no additional funds to be carried over into next fiscal year. **Motion by Commissioner Dixon to approve an additional \$1,000 to pay for the computer instructor at the Maxey Center and direct staff to find the funds and any necessary budget adjustments. Motion died for the lack of a second.** City Manager Holden asked if there have been reports submitted regarding the number of students attending to indicate how many are actually benefiting from the classes. Commissioner Dixon stated that the computer room is open all day to the public and is handled by volunteers. The instructor teaches the evening courses from 6-9 p.m. Commissioner Rees stated that the City Commission needs

details about how the computer program will benefit Winter Garden. Mayor Quesinberry stated that the funding request could be submitted on a future agenda. Commissioner Dixon stated that she will pay the computer teacher herself. No grant is needed because she will go to Tallahassee to get some money for the east side.

Mayor Quesinberry:

Stated that he attended the 97th birthday party for Mrs. Maxey who is a marvelous woman and all in Winter Garden owe Mrs. Maxey a lot of respect for her contributions.

The meeting was adjourned at 7:32 p.m. to the budget workshop immediately following.