

**REGULAR MEETING MINUTES  
CITY COMMISSION**

February 26, 2004

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, John Rees and Mildred Dixon

**Also Present:** City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Police Chief Jimmie Yawn, Utilities Director Charlie Tinch, Public Works Director Bob Smith, Fire Chief John Williamson, Senior Planner Kelly Randall and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of February 12, 2004. **Motion by Commissioner Graham to approve the minutes as submitted. Seconded by Commissioner Harriman and carried unanimously 5-0.**

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 04-05: PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.274 ACRES LOCATED APPROXIMATELY 402 FEET NORTH OF STATE ROAD 50 AND .25 MILES WEST OF AVALON ROAD** (Marker Properties)

City Attorney Everett read Ordinance 04-05 by title only. Mayor Quesinberry opened the public hearing. Senior Planner Randall stated that this request to annex will combine the lot with a parcel to the south on State Road 50 for potential development.

Dennis Vercher, 15356 Oakland Avenue, Winter Garden, Florida, stated that for the past five years he has resided on the lot directly north of the subject property, which he knew would eventually be developed. He asked what the plans were for the property and asked that there be adequate buffering between his property and the proposed commercial (C-2) zoning. Ms. Randall stated that the owner has not submitted any development plans to the City, but when the plans are submitted the developer will negotiate the site plan as part of approval process and a buffer will be required. City Manager Holden pointed out that the item presented for the Commission's consideration is the annexation. The owner has not been tasked with providing the City with his future plans for the property. Ms. Randall stated that she believes a wall is required and a ten-foot heavily landscaped buffer.

Hearing no other comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-05. Seconded by Commissioner Dixon and carried unanimously 5-0.**

- B. **Ordinance 04-06: AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 1.274 ACRES OF LAND LOCATED APPROXIMATELY 402 FEET NORTH OF STATE ROAD 50 AND .25 MILES WEST OF AVALON ROAD AS COMMERCIAL (Marker Properties)**

City Attorney Everett read Ordinance 04-06 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Rees to approve Ordinance 04-06. Seconded by Commissioner Harriman and carried unanimously 5-0.**

- C. **Ordinance 04-07: REZONING 1.274 ACRES LOCATED APPROXIMATELY 402 FEET NORTH OF STATE ROAD 50 AND .25 MILES WEST OF AVALON ROAD AND MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY RURAL CITRUS TO CITY C-2 (Marker Properties)**

City Attorney Everett read Ordinance 04-07 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-07. Seconded by Commissioner Harriman and carried unanimously 5-0.**

3. **FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 04-08: ANNEXATION OF .17 ACRES LOCATED AT 201 RAILROAD AVENUE**

City Attorney Everett read Ordinance 04-08 by title only. **Motion by Commissioner Rees to approve Ordinance 04-08 with the second reading and public hearing on March 25, 2004. Motion was seconded by Commissioner Dixon and carried unanimously 5-0.**

- B. **Ordinance 04-09: AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING .17 ACRES OF LAND LOCATED AT 201 RAILROAD AVENUE AS LOW-DENSITY RESIDENTIAL**

City Attorney Everett read Ordinance 04-09 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-09 with the second reading and public hearing on March 25, 2004. Motion was seconded by Commissioner Dixon and carried unanimously 5-0.**

- C. **Ordinance 04-10: REZONING A .17 ACRE LOT LOCATED AT 201 RAILROAD AVENUE FROM ORANGE COUNTY R-2 TO CITY R-1B**

City Attorney Everett read Ordinance 04-10 by title only. **Motion by Commissioner Rees to approve Ordinance 04-10 with the second reading and public hearing on**

**March 25, 2004. Motion was seconded by Commissioner Graham and carried unanimously 5-0.**

**D. Ordinance 03-59: REZONING 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 A-1 AND CITY C-2 TO CITY PUD; PROVIDING FOR SPECIFIC PUD CONDITIONS (Triple S)**

City Attorney Everett read Ordinance 03-59 by title only. **Motion by Commissioner Harriman to approve Ordinance 03-59 with the second reading and public hearing on March 25, 2004. Motion was seconded by Commissioner Dixon.** Commissioner Rees asked if the 115 lots are 24 and 25 feet wide. Senior Planner Randall stated yes, they are actually between 22 to 26 feet wide. City Manager Holden stated that the City's current standard for townhomes in R-3 is 18 feet wide. Commissioner Graham stated that he still objects to putting too many people too close together. **Motion carried 4-1; Commissioner Graham opposed.**

**4. REGULAR BUSINESS**

**A. Recommendation to approve extending the deadline for removing two modular buildings at 81 and 91 N. Main Street until June 1, 2007 (Foundation Academy)**

Senior Planner Randall stated that Foundation Academy has stopped construction of their new facility on Tilden Road and has requested an additional extension for using the modular buildings on Main Street until June 1, 2007. **Motion by Commissioner Rees to approve extending the deadline for using the modular buildings by the Foundation Academy on Main Street until June 1, 2007. Seconded by Commissioner Harriman and carried unanimously 5-0.**

**B. Recommendation to approve a sale agreement for 252 West Plant Street**

City Manager Holden stated that the details have been provided in the agenda package. Bids were advertised and accepted and staff is recommending approval of the agreement with 252 W. Plant Street, LLC for \$165,000. The proposed building, by the purchaser, is for a two-story owner occupied facility that will tie into the architectural design of the downtown area. Commissioner Rees verified that paragraphs 41 and 42 will allow the City to reacquire the property if the building is not completed within eighteen (18) months at the lesser price of the purchase price or the appraised price, and if it is offered for sale within five years, the City will have the first right to match the purchase offer. **Motion by Commissioner Rees to approve the sales agreement for 252 W. Plant Street for \$165,000. Seconded by Commissioner Dixon and carried unanimously 5-0.**

**C. Recommendation to approve an interlocal agreement with Orange County to transfer jurisdiction of Crown Point Cross Road to the City**

Assistant to the City Manager Robertson stated that the proposed agreement allows the City to take ownership of Crown Point Cross Road from West Crown Point Road to East Crown Point Road, which is part of the grant conditions for Image Technical. Since the

agenda package was prepared, the County has added paragraph four (4) that will include the transfer of a drainwell that is located on the north side in the right of way. Commissioner Graham asked what will happen to the drain. Mr. Robertson stated that it still works and will continue as a drainwell. **Motion by Commissioner Dixon to approve the interlocal agreement with Orange County to transfer jurisdiction of Crown Point Cross Road to the City. Seconded by Commissioner Graham and carried unanimously 5-0.**

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

6. **MATTERS FROM CITY ATTORNEY**

Stated that the Governor created the Wekiva River Study Commission that was driven by the Beltway plans for the northern connection through the Wekiva Basin. Efforts to create legislation failed during the last legislative session but what did come out of it was an executive order by the Governor creating a new study commission. The new study commission has issued a report with recommendations that is working its way into draft legislation. The boundaries of that study commission include Winter Garden, which was a change to the earlier study area. A monumental effort by him and staff has been unsuccessful in convincing the Commission to delete Winter Garden from the study despite what they believe is overwhelming hydrologic evidence that the City's aquifer recharge does not contribute to the Wekiva spring shed. Ultimately, the legislature will be crafting the new laws and rules, but it is his opinion that the City would benefit from retaining a lobbyist for this legislative session because being included in the study, in their estimate, could potentially have a cost impact to the City of \$35 million. He further recommended authorizing the City Manager to engage a lobbyist at a maximum amount of \$15,000 for the upcoming session. Commissioner Dixon asked what the League of Cities could do to assist the City. Mr. Everett stated that the League views this issue as a local matter. City Manager Holden stated that the lobbyist being considered is someone the City has used before and who was successful in obtaining \$250,000 for the downtown renovations. He also noted that he has repeatedly asked for the scientific basis for including Winter Garden in the Wekiva Study Area based on anyone's engineering and scientific data and he gets no response, just blank stares. Commissioner Rees asked about the difference between hiring our own lobbyist and partnering with others. Mr. Everett stated that the City should have its own because our issues are not the same as for the others. **Motion by Commissioner Rees to authorize the City Manager to employ a lobbyist for this legislative session in an amount not to exceed \$15,000. Seconded by Commissioner Harriman and carried unanimously 5-0.**

7. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for January 2004**

The City remains in great financial shape and he or the Finance Director is available for any questions.

B. **Approval to demolish building at 114 East Plant Street (Old Rainbow Grocery Store)**

Stated that it has been determined that the property is worth more as a vacant piece of land than with the building, therefore, he is recommending approval to pull a demolition permit. **Motion by Commissioner Harriman to authorize the City Manager to pull a demolition permit. Seconded by Commissioner Dixon and carried unanimously 5-0.**

- Reported that he chaired the first “Ax the Gridlock” meeting that was held this week at Tanner Hall with all the city managers in Orange County except Belle Isle who had an emergency. The meeting went very well despite what the newspaper article reported. The new direction for promoting the sales tax looks to be a “grassroots” campaign and the approach will be significantly different. A second meeting has been scheduled for March 10 at Tanner Hall.

## 7. MATTERS FROM MAYOR AND COMMISSIONERS

### **Mayor Quesinberry:**

Stated that he has been receiving calls from Winter Garden residents whose children will be attending the new high school in Ocoee and they are objecting to the proposed name of Ocoee High School. Therefore, a draft letter to the School Board has been prepared for the Commission’s consideration to assist in voicing the residents’ concerns. **It was the consensus of the City Commission that each Commissioner would sign an individual letter.**

### **Commissioner Dixon:**

Attended a meeting with Ron Blocker, Superintendent of Schools, who gave a report regarding the new schools being built and overcrowding. She also recommended that Kat Gordon be included in the letter the Mayor is requesting for naming the new high school in Ocoee.

Announced two upcoming meetings, the first being the West Orange Task Force on Monday night, March 1, which will be looking at affordable housing and blight, and a community meeting Tuesday, March 2, 2004. Advised that the City needs to be applying for funds to deal with drainage in the east side of the City and suggested the Community Development Block Grant (CDBG) funds. Assistant to the City Manager Robertson stated that the capital money of the CDBG funds has already been allocated for the next five years. Commissioner Dixon stated that they will be requesting funding regardless.

### **Commissioner Graham:**

Stated that according to a letter printed in the West Orange Times this week, the boundaries of the new high school in Ocoee have not yet been established. City Manager Holden stated that the information the City has received is that the new high school will include just about everybody north of State Road 50 and West Orange High will take everybody south of State Road 50, but he does not believe the boundaries have been officially drawn.

Stated in response to Commissioner Dixon’s comments regarding CDBG funds, he previously served for several years on that board and that he opposed the method of allocating funds. They targeted a certain area and that area would get all the allocated funds

for the next five years. The others would have to apply for a period far beyond the five years.

Asked for information about the trail of paint running down the center of some streets. City Manager Holden stated that it apparently came from a leaking paint can that they traced to a grass alley off of Bay Street, but were unable to identify the vehicle and owner. Public Works Director stated that a high-powered propane torch has been ordered that will burn the paint off.

**Commissioner Rees:**

Thanked Public Works Director Smith for doing a good job participating in a meeting with Courtlea Oaks homeowners and the School Board staff.

The meeting was adjourned at 7:43 p.m.