

**REGULAR MEETING MINUTES  
CITY COMMISSION**

March 11, 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, Mildred Dixon and incoming Commissioner William Thompson

**ABSENT:** Commissioner John Rees

**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, Finance Director Mike Bollhoefer, Senior Planner Kelly Randall and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of February 26, 2004. **Motion by Commissioner Graham to approve the minutes as submitted. Seconded by Commissioner Harriman and carried unanimously 4-0.**

2. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 04-11: ABANDONING AND VACATING A PORTION OF AN EXISTING TWENTY-FIVE FOOT DRAINAGE EASEMENT GENERALLY LOCATED NORTH OF DIVISION STREET, SOUTH OF CREST AVENUE, AND EAST OF LULU CREEK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Oakglen)**

City Attorney Everett read Ordinance 04-11 by title only. Commissioner Graham asked if the motion should include accepting the letter provided by Madden Engineering in the agenda package. City Manager Holden stated that this item is only setting the public hearing and that at the public hearing the motion could include the letter. **Motion by Commissioner Dixon to approve Ordinance 04-11 with the second reading and public hearing on April 8, 2004. Motion was seconded by Commissioner Harriman and carried unanimously 4-0.**

**B. Ordinance 04-12: AMENDING SECTION 118-1297 (a) OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO FENCES AND BUFFERS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 04-12 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-12 with the second reading and public hearing on April 8, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

**3. REGULAR BUSINESS**

**A. Request for donation by the West Orange High School's English as a Second Language Program**

Sue Ellen Doty, 328 Forest Street, Windermere, Florida, stated that she is most proud of the students who have come from several foreign countries and have had to pass the FCAT in order to graduate, which is equal to us passing it in a foreign language. They have worked very hard to raise funds for a spring break trip, but they have fallen short and are asking for assistance from the City. Mayor Quesinberry stated that the children have worked very hard to learn English and he is in favor of the donation. Ms. Doty stated that half of the twenty-six students are in Winter Garden. **Motion by Commissioner Harriman to donate \$500 from the dedicated donation account to the West Orange High School Second Language Program. Seconded by Commissioner Dixon and carried unanimously 4-0.**

**B. Request for donation by the Winter Garden Elks Lodge 2165**

Russ Pelaquin stated that they are having their annual charity ball and that all of the proceeds go to support their Mobile Therapy Services Program, which assists over 320 children a week at no cost to the families. Any donation made by the City will also go directly to this program. Commissioner Graham asked if the Elks were still helping in Umatilla. Mr. Pelaquin stated they are no longer able to assist in Umatilla because of changes in the medical practice fields, as decided by the board. They would appreciate the City's continued support. **Motion by Commissioner Graham to approve a donation of \$500 to the Winter Garden Elks Lodge for their Mobile Therapy Program from the dedicated donation account. Seconded by Commissioner Harriman and carried unanimously 4-0.**

**C. Certification of the official election results from the Orange County Canvassing Board declaring Bill Thompson as Commissioner of District 1 and Jack Quesinberry as Mayor**

Mayor Quesinberry read the following official results issued by the Orange County Canvassing Board. Jack Quesinberry is reelected as the Mayor by virtue of no opposition.

**District 1 Commissioner Candidates**

	Precinct 133	Precinct 134	Precinct 135	Early Voting	Absentees	Total
Don Miller	137	12	1	11	14	175
Bill Thompson	151	42	4	6	12	215

Total registered voters were 2,278 with 390 accepted votes cast for a 17.1% turnout.

D. **Resolution 04-06 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, SITTING AS A BOARD TO CERTIFY THE RESULTS OF THE GENERAL ELECTION HELD ON MARCH 9, 2004, FOR COMMISSIONER DISTRICT 1 AND THE UNOPPOSED MAYOR SEAT DISTRICT 5; AUTHORIZING THE ISSUANCE OF CERTIFICATES**

City Attorney Everett read Resolution 04-06 by title only. **Motion by Commissioner Graham to approve Resolution 04-06. Seconded by Commissioner Dixon and carried unanimously 4-0.**

**PRESENTATION**

Mayor Quesinberry read a plaque, which will be given to outgoing District 1 Commissioner Rees, in appreciation of his dedicated public service of six terms.

E. **Oath of Office administered to the unopposed Mayor and elected Commissioner of District 1**

City Clerk Montoya administered the Oath of Office to Jack Quesinberry, Mayor and Bill Thompson, Commissioner, District 1.

F. **Selection of a Mayor Pro Tempore**

Mayor Quesinberry recommended the appointment of Commissioner Harriman as the Mayor Pro Tem because he has been on the City Commission for the most consecutive terms without serving as the Mayor Pro Tem and noted that Commissioner Graham has previously served as Mayor Pro Tem. Commissioner Harriman accepted the recommendation. **Motion by Commissioner Dixon to appoint Commissioner Harriman as the Mayor Pro Tempore. Seconded by Commissioner Graham and carried unanimously 5-0.**

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

5. **MATTERS FROM CITY ATTORNEY** - None

6. **MATTERS FROM CITY MANAGER**

As the Chairman of the Transportation Task Force, he gave an update regarding a report made by the Florida Department of Transportation (FDOT) at their last meeting, which confirmed that I-4 will have tolled center express lane from Maitland Boulevard to Kirkman Road. The funding for I-4 is complete and they do not need any additional funds. The portion from Kirkman Road south doesn't have any funding projected until 2017. FDOT also shared that if they were to receive all the additional funds from a sales-tax increase, they would still toll I-4 for "congestion management" purposes to control the traffic. The Task Force will not pursue a future plan for funding the I-4. He has been attempting to get answers regarding State Road 50 and it is apparent that there are no funds anywhere for West State Road 50 and no real solution. At least half of the total cost for State Road 50, in present day dollars, is right-of-way acquisition. The Task Force will not include rail of any kind or any kind for I-4. The funding allocation would be based upon population. Commissioner Harriman asked when the initiative would be put to a vote. Mr. Holden stated that the County Supervisor of Elections must have the proposed ballot language by mid-July.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Harriman**

Stated that he attended a meeting at the West Orange Chamber of Commerce and heard a report on the status of the pollutants in Lake Apopka. Apparently, the water is clear enough to see five to six feet down and the phosphorous count is at 53 parts per million, which is better than their original goal of 55.

**Commissioner Dixon**

Stated that the Black Caucus has rescheduled their meeting with the Economic Development Department until March 29, 2004 in Orlando.

**Commissioner Graham**

Reported that some residents have contacted him regarding vehicles with “boom boxes” that are loud enough to rattle their windows. He has personally heard the boxes up to 600 feet from his home. City Manager Holden stated that staff will review the ordinance to make sure the officers have what is necessary to enforce bringing those volumes down.

**Commissioner Thompson**

Stated that he has also spoken with a resident that has had the same problem with loud boom boxes.

Stated that he is happy to be the new Commissioner of District 1 and he wanted to share, for those that don't already know, he has Parkinson's disease and that is why they may see his right hand shaking.

The meeting was adjourned at 7:19 p.m.