

**REGULAR MEETING MINUTES  
CITY COMMISSION**

April 8, 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 Quesinberry, Commissioners John Harriman, Theo Graham, Bill Thompson, and Mildred Dixon

**Also Present:** City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Police Chief George Brennan, Public Works Director Bob Smith, Fire Chief John Williamson, City Planner Mark Cechman, Trailer City Manager Hughlan Martin, Finance Director Mike Bollhoefer and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of March 25, 2004. **Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Dixon and carried unanimously 5-0.**

2. **PRESENTATIONS**

A. **Update on State Road 50 funding**

Mr. Jon VanderLey, on behalf of State Representative Randy Johnson, announced that over the past four-and-a-half years the West Orange Transportation Task Force, which includes Winter Garden, has worked to obtain funding for the various components required for making improvements to State Road 50. Representative Johnson this past year, was able to obtain unallocated funds from the car rental surcharge fund to be earmarked for Highway 50 on a 10-year repayment plan with the state. The total budgeted amount is now \$105 million, with a small portion being used in east Orange County. The Department of Transportation (DOT) selected which portions of Highway 50 are to be improved. The bulk of improvements are targeted for West Highway 50 in Lake County. Mr. VanderLey thanked the City Commission for their support of the Task Force and asked for their continued support. Commissioner Harriman asked about the \$1 million the County designated towards a temporary fix of SR 50 and whether they are on track or not. Mr. VanderLey stated that the County originally got \$2 million and got an additional \$2 million and he is only aware of one project to be completed, which is a

center turn lane between Winter Garden and Oakland. Commissioner Harriman asked if the proposed new mall, which may be built in the next three to four years in Winter Garden, was taken into consideration because the West Oaks Mall just this past year had between eight and nine million vehicles. Mr. VanderLey stated that the last he knew, the Expressway Authority has plans to install a full interchange at the end of 408 at the Turnpike and make the Good Homes Road exit a full interchange, which should help the mall. Commissioner Dixon asked if the Task Force will be working with MetroPlan in the future. Mr. VanderLey stated that MetroPlan has West SR 50 on their priority list as number four priority and they are looking at including other counties. Commissioner Thompson asked how long it takes for a number four priority to become a number one with MetroPlan. Mr. VanderLey stated ten years. City Manager Holden stated that no one seems to be able to get a straight answer regarding why the Congestion Management Services funds have not been spent since it was allocated a number of years ago. Mr. VanderLey stated he could not give an answer at this time, but he would be happy to find out the answer and report back.

At this time, Mayor Quesinberry noted that the chamber was filled to capacity with residents from Trailer City, however, there is nothing on the agenda regarding Trailer City and therefore moved agenda item number 6, "Matters of Concern from Citizens," to be heard at this time. City Manager Holden reminded everyone that a community meeting is scheduled for May 6, 2004 at Tanner Hall to answer any and all questions after staff has completed their study regarding the possibility of closing Trailer City.

**Andrew Bruns**, 6 Laurel Drive, Winter Garden, Florida (Trailer City), distributed and read a letter on behalf of eight elderly residents who were not able to attend the meeting. They asked the City to consider not closing Trailer City. Mr. Bruns also stated that the residents take care of one another, as a family would care for them. He stated that before there is a vote to take any action, each person should speak face-to-face with those who are unable to attend the meeting and tell them what you want to do. Please stop and think about what you are considering. Many northerners are already gone and he thinks it was a little bit dirty how the notification letter was dropped off after the northerners are gone. There will be a fight to keep the park. Mr. Bruns invited the Commission to come to his home and tell him his 1958 trailer is not fit to live in because it is beautiful on the inside. The Commission is not qualified to make judgments on trailers that they have never been inside to see for themselves. It was very insensitive to send staff out to haul a cross around and take pictures of it.

**Julie Abbott**, 5704 Riviera Driver, Orlando, Florida, stated that she is the founder of a group called "Friends of Trailer City" and in the two letters sent to residents, each indicated that the area is being looked at for a future park. The City's future land use map on the web page dated May 2003, which is through the year 2010, shows the zoning as low-density residential, not a public park. She asked the Commission to consider the residents and their homes, which are more important than a park.

**Elwin Washburn**, 1 Laurel Drive, Winter Garden, Florida (Trailer City), stated that they have lived in Trailer City full-time for the past four years. He knows it is a difficult

decision to be made. He asked who would be attending the May 6 meeting. City Manager Holden stated that staff will be present to share their findings from the study and that no official action will be taken at that time. The meeting will allow the residents to provide staff with their input, which will be taken and presented to the Commission at their May 27, 2004 meeting. It was his direction that the sign be posted the very next day after it was discussed with the City Commission because he wanted to keep the residents informed and he intends to keep them informed. Mr. Washburn asked about a timetable. Mr. Holden stated that it is inevitable that the City does something because of the problems in the park that have existed over the past years, but at this point it is not definite what that action will be. Assistant City Attorney Rubio stated that it would be premature to give any timetable because there is no foregone conclusion that Trailer City will close. Staff will first meet with the residents on May 6, 2004 and take their comments at that time, compile the information, and provide it to the Commission. Mr. Holden stated that he and the Commission have the greatest compassion for the residents and the problem being faced.

**Gary Howell**, Pastor of Glad Tidings Assembly of God in Ocoee, stated that some of his parishioners live in Trailer City and he was wondering if the Commission could table the matter. Assistant City Attorney Rubio stated that there is no matter before the Commission to table. This part of the agenda is under “matters of concerns from citizens” and as such, is not for action as an agenda item at this time.

**Annabel Closson**, 749 E. Palm Valley Drive, Oviedo, Florida, stated that she is the Section Director for the Federation of Manufactured Home Owners of Florida that provides support to manufactured home owners. She is here to help and educate Trailer City residents. She recommended that the Commission read Florida State Statutes Sections 723 and specifically Section .083 for the responsibilities of city governments, and Section 723.011 that states as of June 6, 1984, there are things that could not be asked of residents who were already established and they would not have to be brought into any further compliance. The tie-down laws have changed, with the main item being the installation, which must be performed by a licensed installer and be spaced in five-foot four-inch (5’4”) intervals. Nothing states that older homes must be redone. When Orange Tree Mobile Park residents were told by the City’s Code Enforcement that they needed to comply, the park’s (land) owners were the ones held responsible and in Trailer City’s case, and in accordance with F.S. 723.022, the City is the owner. She hopes that she and the residents can speak with the City and convey how much they want and need their homes. She stated that, she is extremely upset that the residents were told that they could not have a homeowners association, which she will be working on.

**Ann Blodgett**, 1224 Balmy Beach Drive, Apopka, Florida, stated that her mother is a young senior resident in Trailer City and is on a fixed income. When she read the news article, she started looking for places for her mother to relocate and there is no place for her to go to keep her pride, dignity, and be self-sufficient. They are taxpayers providing revenue to the City through their tags, rental fees, buying food and clothing, as well as their company who come and stay and spend money in the City. Why would you close

them? Her mother will come to live with her and she asked the Commission to reconsider closing the facility.

Hearing no other comments, City Manager Holden responded to the earlier comments about the cross stating that he is the one responsible and he did not view the measuring device as a cross but as a measuring tool to measure the distance between the mobiles as part of the assessment being made. Mr. Bruns stated that the method of measuring is incorrect because they are measuring from trailer to carport, not trailer to trailer. Mr. Holden asked Mr. Bruns to address these types of concerns at the May 6 meeting.

Mayor Quesinberry called for a five-minute recess to allow chambers to clear.

**B. Audit Report for Fiscal Year ending September 2003**

Mr. Hank Sines, CPA, with Sines, Girvin, Blakeslee & Campbell, Winter Garden, Florida, stated that they have completed the audit and presented the City Commission with the annual audit report for fiscal year ending September 2003. He introduced the auditor, Patty Cummings, who stated that this is the first time the City's audit report has been required to comply with the new GASB 34 rules. The report is going to be submitted and recommended for the Certificate in Achievement for Excellence in Financial Reporting. The report is broken down into several parts: Management's Discussion and Analysis, Basic Financial Statements, required supplementary information, combining statements and statistical section. She noted that the final general fund budget figures reflect a decrease of \$2,047,508. However, the fund balance of the general fund only decreased by approximately \$314,000. The key factors were the purchase of properties in the redevelopment district and expenditures of approximately \$299,000 for the City's centennial events. The total debt increased by 55% because of the increase in the State Revolving Fund Loan for the Wastewater Treatment Plant and \$1.2 million in debt owed to the Orlando-Orange County Expressway. Commissioner Graham asked when the audit book was available because he would personally like to have the audit with his agenda package so he could ask his questions during the meeting instead of getting the book at the meeting. Finance Director Bollhoefer stated that the audit books were finished being reproduced the day before the meeting. Since these books are in a new format, he would like the Commission to first review them because there have been so many changes, and then he will gladly schedule another meeting to go over the new format, changes and answer any questions. Commissioner Graham stated that if he has any questions, he will see Mr. Sines, as he has done in the past. Mr. Holden stated that a workshop will be scheduled to explain the GASB 34 changes.

**3. FIRST READING OF PROPOSED ORDINANCES**

**A. Ordinance 04-16: VACATING AND ABANDONING A PORTION OF RAILROAD STREET EAST OF DILLARD STREET AND WEST OF FIRST STREET; PROVIDING FOR AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 04-16 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-16 with the second reading and public hearing on May 13, 2004. Motion was seconded by Commissioner Dixon.**

Commissioner Graham stated that the footage as indicated on a 1928 map that he has, it that the right-of-way is 250 feet, not 231.80. City Manager Holden stated that the more current survey attached to the agenda item states 231.76 feet and on the north side there is 231.80 feet. Commissioner Graham asked what is currently occupying the 40 x 232 feet. City Planner Cechman stated that there is no actual street, it is merely a “paper street” that has not been improved. Assistant City Manager Robertson stated that it is the old railroad area between two buildings currently occupied by Amber Electric to the south and Winter Garden Trading Post to the north, on the east side of Dillard Street, and goes west through to 1<sup>st</sup> Street. **Motion carried unanimously 5-0.**

**B. Ordinance 04-17: ADJUSTING THE MUNICIPAL IMPACT FEES IN CHAPTER 42 ARTICLE II, CHANGING THE REQUIREMENTS FOR THE ALTERNATIVE ROAD IMPACT FEE, CHANGING THE REQUIREMENTS FOR THE ALTERNATIVE RECREATION IMPACT FEE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 04-17 by title only. **Motion by Commissioner Dixon to approve Ordinance 04-17 with the second reading and public hearing on May 13, 2004. Motion was seconded by Commissioner Harriman.** Finance Director Bollhoefer introduced Henry Thomas of Public Resources Management Group (PRMG), who made a PowerPoint presentation regarding the study that was done to develop the proposed impact fee schedule for municipal services in the areas of Police, Fire and Rescue, and Recreation on all new construction.

**The major objectives and criteria were identified as follows:**

- Impact fees should be based on the capital cost requirements anticipated for providing service to new development.
- Impact fees should be based upon reasonable level of service standards that meet the needs of the City.
- Impact fees should not be used to fund deficiencies in capital needs of the City or pay for any operating costs.
- Impact fees can only be used to provide funding for the City’s capital expenditures for expansion of municipal services to meet the needs of population growth.

**Impact Fee Methods**

- Two distinct classes of customers: residential and commercial (non-residential)
- Residential applied on a “per dwelling unit” basis
- Commercial applied on a “per square foot of development” basis
- Reflects common method of fee application

**Projected Population & Housing Growth**

|      | <u>Population</u> | <u>Total Dwelling Units</u> |
|------|-------------------|-----------------------------|
| 2000 | 14,351            | 4,984                       |
| 2003 | 20,378            | 7,076                       |
| 2004 | 22,173            | 7,699                       |
| 2010 | 31,727            | 11,016                      |
| 2015 | 37,072            | 12,872                      |

**Historical Growth Rate**

|           |       |       |
|-----------|-------|-------|
| 2000-2003 | 12.4% | 12.4% |
|-----------|-------|-------|

**Projected Growth Rate**

|           |      |      |
|-----------|------|------|
| 2003-2010 | 6.5% | 6.5% |
| 2010-1015 | 3.2% | 3.2% |

**Projected Commercial Development**

|  | <u>Actual 2003</u> | <u>Projected 2015</u> |
|--|--------------------|-----------------------|
| Sq. Ft. (1000's) of Commercial Development | 5,957              | 7,677                 |
| Net Change in Building Space (sq. ft.)     |                    | 1,719                 |
| Average Growth Rate                        |                    | <u>2.11%</u>          |

**POLICE**

**Capital Cost to Recover per Sworn Officer**

|  |                    |
|--|--------------------|
| Personal Equipment                                     | \$ 5,500.00        |
| Vehicles and Equipment                                 | \$25,382.93        |
| Other equipment  | \$17,017.52        |
| Base Facilities (includes space for support personnel) | <u>\$ 8,172.80</u> |
| Total  | \$56,073.25        |

**Impact Fees**

|                 | <u>Existing</u>         | <u>Proposed</u>         |
|-----------------|-------------------------|-------------------------|
| Residential     | \$130 per dwelling unit | \$260 per dwelling unit |
| Non-Residential | \$0.208 per square foot | \$.50 per square foot   |

**FIRE SERVICES**

**Impact Fee Level of Service for first alarm response time**

- Five (5) minutes or less
- NFPA 1710
- Capital costs in fee recognize maintenance of LOS
- City and Orange County have an Interlocal Mutual Response Agreement for Fire Protection and Rescue services to minimize costs

**Impact Fee Level of Service**

- Adjusted to correct for current deficiencies
- Currently at 0.51 firefighters per shift per 1,000 population
- Recognizes need to meet "medium hazard occupancies" response capability
- Proposed LOS of 0.60 firefighters per shift

**Impact Fee Capital Cost to Recover**

|  |                            |
|--|----------------------------|
| Capital costs determined using similar approach as police function |                            |
| Vehicle and firefighting equipment                                 | \$33,179.10                |
| Buildings and Stations   | 69,402.99                  |
| Other Equipment  | <u>22,931.09</u>           |
| Total Recognized Capital Costs                                     | <b><u>\$125,513.18</u></b> |

**Impact Fees**

|                 | <u>Existing</u>         | <u>Proposed</u>         |
|-----------------|-------------------------|-------------------------|
| Residential     | \$165 per dwelling unit | \$340 per dwelling unit |
| Non-Residential | \$0.097 per square foot | \$0.61 per square foot  |

**RECREATION SERVICES**

**Impact Fees**

- Level of Service is five acres per 1,000 residents
- FDEP Median guidelines as basis for activity levels
- Credit to Reflect Grant Funding

- Residential Only

**Impact fees (residential only-per dwelling unit)**

|               | <u>Existing</u> | <u>Proposed</u> |
|---------------|-----------------|-----------------|
| Single-Family | \$320           | \$671           |
| Multi-Family  | \$285           | \$598           |
| Mobile Home   | \$215           | \$451           |

**Summary of Proposed Impact Fees**

|                            | <u>Residential per dwelling unit</u> | <u>Commercial Per Sq. Ft.</u> |
|----------------------------|--------------------------------------|-------------------------------|
| Police Protection          | \$ 260                               | \$0.50                        |
| Fire Protection/EMS        | 340                                  | 0.61                          |
| Recreation (Single-Family) | <u>671</u>                           | <u>N/A</u>                    |
| Total                      | <u>\$1,271</u>                       | <u>\$1.11</u>                 |

In closing, Mr. Thomas recommended adopting the proposed impact fees as presented, reviewing the fees periodically and continuing to maintain separate accounting for receipt and use of fees.

Commissioner Graham asked about Section 42-55 (a): The road impact fee for the area of the city located north of the Florida Turnpike shall be determined in accordance with the schedule set forth as identified in exhibit (A.)

The road impact fee for the area of the city located south of the Florida Turnpike shall be determined *by year* in accordance with the schedule set forth as identified in exhibit (B.) Why wouldn't north of the Turnpike be determined "by year" the same as south of the Turnpike? City Manager Holden stated that the "by year" needs to be added to the north section as well.

**Motion carried unanimously 5-0.**

**4. SECOND READING AND PUBLIC HEARING 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 AND AN EFFECTIVE DATE (Oakglen)**

Assistant City Attorney Rubio read Ordinance 04-11 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-11, with staff's recommendations (see attached). Motion was seconded by Commissioner Dixon and carried unanimously 5-0.**

- 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**

Assistant City Attorney Rubio read Ordinance 04-12 by title only. City Planner Cechman stated Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve**

**Ordinance 04-12. Motion was seconded by Commissioner Thompson and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

A. **Request for donation by the Central Florida Young at Heart Seniors**

Charlie Mae Wilder, 1007 Stucki Terrace, Winter Garden, Florida stated she is before the Commission to request continued funding for their community feeding program, which has been a very successful program. **Motion by Commissioner Graham to donate \$1,100 from the special donation fund under the previous condition that receipts must be submitted for reimbursement. Seconded by Commissioner Harriman and carried unanimously 5-0.**

B. **Request for annual fundraiser sponsorship by the Winter Garden Rotary Club**

Assistant to the City Manager Robertson stated that Jim Carter was present earlier but he said he had to leave and would return. Mayor Quesinberry stated that the donations in prior years were for a worthy cause so in the absence of the requestor, the Commission could take action on the request. **Motion by Commissioner Dixon to approve funding of two teams for a total of \$400 from the special donation fund. Seconded by Commissioner Harriman and carried unanimously 5-0.**

C. **Recommendation to purchase a table for the annual Emergency Medical Services awards dinner**

Fire Chief Williamson stated that this is the first time this event has been held in Orange County and staff is recommending approval. **Motion by Commissioner Harriman to approve \$750 from the Fire Department's budget to attend the Annual Emergency Medical Services awards. Seconded by Commissioner Thompson and carried unanimously 5-0.**

D. **Proclamation 05-04: Proclaiming the week of April 12-18, 2004 as "Community Development Week"**

City Clerk Montoya read Proclamation 05-04 as proclaimed by Mayor Quesinberry.

6. **MATTERS OF CONCERN FROM CITIZENS**

**Glen Joiner**, 13202 W. Colonial Drive, Winter Garden, Florida, stated that the tenant behind his building for the past 15 years vacated the site less than six months ago and staff is telling him he must file for a special exception. He does not understand why he has to go to all the expense of filing for a special exception when the auto-related use is not changing. He stated that he was before the Commission because of prior misinformation given to him by staff. City Manager Holden stated that the Code requires him to file through the Planning and Zoning Board. Mr. Joiner is welcome to come in to see him about any of his concerns with staff, because this is the first he has heard of this.

7. **MATTERS FROM ASSISTANT CITY ATTORNEY** - Nothing to report.

8. **MATTERS FROM CITY MANAGER** - Nothing to report.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Dixon:**

Announced that the east side is moving on and the community meetings on Tuesdays are progressing well. Three builders attended the last meeting and they are discussing replacing some of the older homes. They are concerned about the lack of housing being built for seniors on the east side such as townhouses. They will also be addressing this issue with the Community Redevelopment Agency and the State.

**Commissioner Graham:**

Since the new Police Chief is on board, has there been any progress regarding the research of our ordinances for enforcement on getting the "boom box" volumes in vehicles turned down. City Manager Holden stated that staff will be doing the research.

Asked why the Assistant City Attorney has advised them tonight that they cannot take action under the agenda item for Comments from Concerned Citizens. In the past, the Commission has given direction such as assuring a citizen that an action would be taken or by directing the City Manager to handle a particular issue. Assistant City Attorney Rubio responded that the speaker's earlier request was to table the Trailer City discussion scheduled for May 6, 2004, and since that meeting has not yet happened, there is nothing before the Commission to table. Issues such as a reported pothole can be referred to the City Manager during the meeting.

**Mayor Quesinberry:**

Welcomed the new Police Chief George Brennan.

Shared that on behalf of the Commission, he received a very nice thank you letter for the donation that was made to the English as a Second Language class at West Orange High School.

The meeting was adjourned at 8:06 p.m.