

**REGULAR MEETING MINUTES  
CITY COMMISSION**

April 22, 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 Theo Graham, Bill Thompson, and Mildred Dixon

**ABSENT:** Commissioner John Harriman

**Also Present:** City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Police Chief George Brennan, 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 April 8, 2004. **Motion by Commissioner Dixon to approve the minutes as submitted. Seconded by Commissioner Graham and carried unanimously 4-0.**

2. **PRESENTATION OF EMPLOYEE SERVICE AWARDS**

Mayor Quesinberry and City Manager Holden presented the following employees with their service pins:

**Public Works** George Southers - 20 years

**Fire Department** Ken Wood - 20 years; Jim Cooley - 25 years

**Utility Department** Charlie Tinch - 25 years; Johnny Hobbs - 30 years

Commissioner Graham shared that Jim Cooley assists every year in obtaining the cannon used in the annual Memorial Day event and he appreciates his help.

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 04-13: ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .53 ACRES LOCATED AT 599 SOUTH WEST CROWN POINT ROAD 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 AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 04-13 by title only. **Motion by Commissioner Graham to approve Ordinance 04-13 with the second reading and public hearing on May 27, 2004. Motion was seconded by Commissioner Thompson and carried unanimously 4-0.**

- B. **Ordinance 04-14:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS .53 ACRES OF LAND LOCATED AT 599 SOUTH WEST CROWN POINT ROAD AS LOW DENSITY RESIDENTIAL, PROVIDING FOR AN EFFECTIVE DATE

City Attorney Everett read Ordinance 04-14 by title only. **Motion by Commissioner Thompson to approve Ordinance 04-14 with the second reading and public hearing on May 27, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

- C. **Ordinance 04-15:** REZONING A .53 ACRE LOT LOCATED AT 599 SOUTH WEST CROWN POINT ROAD, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-2 TO CITY R-1B; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Everett read Ordinance 04-15 by title only. **Motion by Commissioner Graham to approve Ordinance 04-15 with the second reading and public hearing on May 27, 2004. Motion was seconded by Commissioner Dixon and carried unanimously 4-0.** Commissioner Thompson noted that the maps attached to the Ordinances do not agree with regard to Carol Anderson Drive, which should actually be North Circle Court. City Planner Cechman stated the correction would be made prior to the public hearing.

**THIS ITEM IS A PUBLIC HEARING**

- D. **Ordinance 04-18:** ANNEXING THE KENNY COURT SUBDIVISION AND ADJACENT PROPERTIES LOCATED APPROXIMATELY 175 FEET WEST OF BETHUNE AVENUE, NORTH OF MAPLE STREET AND SOUTH OF THE RAILROAD RIGHT OF WAY, PENDING A REFERENDUM VOTE OF THE REGISTERED ELECTORS OF SAID AREA; DIRECTING A REFERENDUM ON SAID PROPOSED ANNEXATION PURSUANT TO SECTION 171.0413, FLORIDA STATUTES; ESTABLISHING THE DATE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Everett read Ordinance 04-18 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 04-18 and to schedule the second reading and public hearing on May 27, 2004. Motion was seconded by Commissioner Thompson.** Commissioner Graham asked about the access to the single lot to the north, adjacent to the railroad right-of-way. City Planner Cechman stated that staff is speaking with the owner regarding this very issue and the owner is working with her attorney regarding the driveway across the property that fronts on Bethune Avenue. **Motion carried unanimously 4-0.**

4. **REGULAR BUSINESS**

- A. **Resolution 04-08:** ACCEPTING FUTURE MAINTENANCE OF CROWN POINT CROSS ROAD AND THE COSTS ATTENDANT THEREIN; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Everett read Resolution 04-08 by title only. **Motion by Commissioner Dixon to approve Resolution 04-08. Motion was seconded by Commissioner Graham.** Commissioner Thompson asked if this action is required. City Manager Holden stated that the City has asked for the property and therefore the City is required to accept it. **Motion carried unanimously 4-0.**

**B. Recommendation to approve the preliminary plat for Division Street Subdivision**

City Planner Cechman stated that the property owner is requesting that the subject property be divided into 43 single-family lots zoned R-1 located west of Lulu Creek, between Division Street and Crest Avenue. The Planning and Zoning Board recommended approval on April 5, 2004 and staff recommends approval with the conditions provided in the agenda package. **Motion by Commissioner Graham to approve the preliminary plat for Division Street Subdivision with staff's recommendations. Motion was seconded by Commissioner Dixon.** Commissioner Graham asked if this plat would interfere with the previous engineering done for the retention of Lulu Creek from running into Lake Apopka and a park. City Manager Holden stated that this project has nothing to do with what the city owns on the north side of Crest Avenue and the south side cannot be made into a park because the City doesn't own the property. Commissioner Graham stated that the City received grants and had an engineering report prepared. Mr. Holden stated that the grant was not for the south end of Lulu Creek to Crest, but there had been discussion about making it a retention area, but it never progressed. Commissioner Graham stated that St. Johns River Water Management awarded a grant to the City to perform the engineering work and it was his understanding that the City was still pursuing that plan. Mr. Holden stated that the grant was for plans for the south side, between Plant Street and Division Street, which are continuing. There was discussion about retention on Crest Avenue, but there was no grant to purchase the property or to make a retention pond. We did have mitigated bank funds of about \$500,000 to stabilize Lulu Creek to keep it from eroding, but it was spent elsewhere by St. Johns because the City couldn't get control of the property in order to do what the engineering study said was necessary to do. In the meantime, the City had the opportunity to purchase the property to the north side of Crest, which is also adjacent to Lulu Creek. **Commissioner Graham withdrew his motion** since the area for this plat is what he believes is to have become a retention area and park from a grant. **Commissioner Dixon withdrew her second to the motion** because she was not clear on the new issues being discussed. Mr. Holden stated that he would be happy to provide the City Commission with a report on what exactly transpired. **Motion by Commissioner Thompson to table this item. Seconded by Commissioner Graham.** Mr. Rick Labinski, Project Engineer, stated that Lulu Creek flows through the 9<sup>th</sup> Street right-of-way area that is being preserved by the City, and his property is 100 feet west of Lulu Creek, which is much higher and this property will not have any benefit for drainage and retention without massive reconfiguration of the area. On the east side of Lulu Creek there is a subdivision that is almost finished and also butts up to the 9<sup>th</sup> Street right-of-way. Because of the elevation differences, it is not going to be of any asset at any time to solve the problems of Lulu Creek, plus the City still owns the 100-foot corridor from Division to Crest, which would be the better area to do any retention. He noted that this property falls mostly outside the 100-year flood plain study for Lulu Creek. **Motion**

**carried 3-1; Mayor Quesinberry opposed.** Mr. Holden asked that the item be tabled to a date certain and for direction on what exactly the Commission needs to consider action on this item. **Motion by Commissioner Thompson to table this item for 30 days. Seconded by Commissioner Graham and carried unanimously 4-0.**

C. **Recommendation to approve the final plat for Chapin Station**

City Planner Cechman stated that the final plat is for 129 single-family units zoned R-1 that was formerly the Hurley Tract. The Planning and Zoning Board and staff recommend approval with the conditions stated in the Engineering Department memorandum of April 12, 2004 and the City Attorney's memorandum of April 6, 2004. **Motion by Commissioner Dixon to approve the final plat for Chapin Station with staff's recommendations (see attached). Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

D. **Recommendation to approve the fourth amendment to the Restated Interlocal Agreement for the Joint Planning Area (JPA) between Orange County and the City of Winter Garden**

City Planner Cechman stated that this request is the result of working with the City of Ocoee and at the request of Mr. Voss, who is surrounded on three sides by the Tucker property, to annex into the City of Winter Garden. Staff recommends approval and transmittal to Orange County. He noted that this JPA amendment does not annex, contract or deannex any property in Winter Garden, it just sets the agreement for the next procedure. Commissioner Graham asked who is going to maintain East Crown Point Road. Assistant to the City Manager Robertson stated that East Crown Point Road is a County road that is an arterial road and will always be a County maintained road as long as Winter Garden is on one side and Ocoee is on the other. **Motion by Commissioner Graham to approve the fourth amendment to the Restated Interlocal Agreement for the Joint Planning Area between Orange County and the City of Winter Garden. Motion was seconded by Commissioner Dixon and carried unanimously 4-0.**

E. **Recommendation to approve a contract for Effluent Pond Level Monitoring and Flow Control Systems**

Utilities Director Tinch stated that the proposed project is for an electronic flow device with electronic valves that will be connected to our status system and will allow it to be operated from our wastewater plant. It will open and close to the ponds and this is the first phase. Two bids were submitted with Encore Construction being the low bidder for the bid components requested. Therefore, staff recommends that the contract be awarded to Encore Construction for the base bid of \$184,000.00 for ponds A and B, which receive most of our flow at this point and the Deferred Additive Alternate bid, which would allow funding and completion next fiscal year in the amount of \$230,000.00 for ponds D, E, and H. Commissioner Graham asked if the figures would remain the same if it is completed a year later. Mr. Tinch stated yes. **Motion by Commissioner Graham to approve the contract for ponds A and B with Encore Construction in an amount not to exceed \$184,000.00 and include the deferred additive bid in an amount not to exceed \$230,000.00 for ponds D, E, and H in the proposed budget for next fiscal**

**year. Motion was seconded by Commissioner Thompson and carried unanimously 4-0.**

## 6. MATTERS OF CONCERN FROM CITIZENS

**Bob Cole**, 24 Temple Drive, Winter Garden, Florida, stated that he moved to Trailer City on March 17<sup>th</sup> and he represents the Veterans in Trailer City, their wives and widows, and those that can't speak for themselves. The prospectus that he recently received did not disclose that the Commission is considering the possibility of closing the park and the 2010 plan shows it as low-density housing. He stated that the State has laws on disclosure and determining reserves to meet liabilities, and he assumes the City has some form of reserves for the park. Liabilities have been mentioned and as owners of the mobiles, they take responsibility and expect the City to take responsibility for its side. The main concern seems to be with the buffers primarily as they relate to the Fire Code. Is any of the park property within the 100-year flood zone? Mr. Cole stated that the way this is being handled with regard to the liability comes very close to ex post Facto Law, which is explicitly prohibited by the Constitution. He stated that he is before the Commission to fight for his home and asked the Commission to weigh this decision very seriously before making it.

**Margaret Lombardo**, 22 Hazel Drive, Winter Garden, Florida, stated that she was born in London, England and survived the bombings during WWII. The London County Council helped in rebuilding their homes and they left a legacy that will never be forgotten. There are 164 homes in Trailer City, with aging and sick people that are now living in dread. Where is the City Commission's humanity? Think of these people and put yourselves in their place. You have done such a fine job with the downtown area, now let the history of Winter Garden show what compassionate people you were at this time and not a group that forced so many people from their homes.

**Christine Booth**, owner of 6 Holly Drive, Winter Garden, Florida, stated she just purchased a mobile for \$6,000 for her brother who lives in the park, but is not allowed to live in it because he already has a trailer. She put the trailer up for sale because she is not old enough to live in it and now she can't sell it because the park is closing all within a period of one month, which she believes is unfair.

**Annabel Closson**, 749 E. Palm Valley Drive, Oviedo, Florida, distributed a highlighted copy of Florida State Statutes Chapter 723 and stated that as an Advocate and Section Director covering ten counties for the Federation of Manufactured Home Owners of Florida, she again reminded the City Commission and staff that they should be carefully looking at this chapter. She stated that the City, as the owner, cannot move anybody out of Trailer City until the City has found homes for them at equal or comparable costs, which \$117 is for space rent and must be figured into the cost if they have to be moved. A land use change cannot be implemented until the City has found them a new home. She stated that she is available to meet and discuss the issues and would like to make some suggestions such as applying for grant money for the residents. There is no real reason to be stressing the residents at this time because the City does not plan to do anything with the land until 2010, so why are you trying to move them out now. She referred the Commission to the City of Largo, who owned

a community like Trailer City, but the older homes could not be moved. Therefore, the City bought them out, built, and moved them to another park with grant money because they needed the land for water retention ponds. She again encouraged the Commission to read Chapter 723.

**City Manager Holden** stated that staff is well aware of 723 and there are many other applicable code sections not referenced by Ms. Closson that are being looked at by staff very carefully. The reason this is taking such a long time for staff to complete is because they are being very thorough and understand the severity and significance of the action. He asked them to let them complete the process and participate on May 6 to find out what the findings will be at that time. Staff welcomes their comments on May 6 and all suggestions at that time. He stated that the City does not believe that it is a simple process as evidenced by the two attorneys working on it.

**Pastor Grady Russell**, 850 Vineland Road, Winter Garden, Florida, stated that he has been in the City for the past six months and has been thoroughly impressed with the City and its leadership and what has been done in the downtown area. Some of his church members live in Trailer City and the issue is taking its toll on their mental, physical, and spiritual well-being. He thanked the Mayor and Commission for their godly leadership, but he has seen anger and attitude tonight that might not be representative of what the City might want to display. He asked the Commission to reconsider the direction and the way it is being handled and consider the emotional cost to the residents.

**Commissioner Dixon** stated to the residents that have called her that she is on a board with about 150 lawyers who will explain Chapter 723 to her. She has told all callers that the matter has not yet come before the Commission. The only action taken has been authorizing the study. Do not say that she has already done something on this matter.

**City Manager Holden** stated that this situation has developed over many years and he understands the anguish for some people, but he is sure the residents would not have wanted this action to have been done in secret with no public notification because none is required for staff to investigate code violations, which is directed by the Charter and Code of Ordinances and does not require specific permission. He does not try to take actions that affect people's lives without doing it in a proper manner and that is why as soon as he received direction from the City Commission, the residents were notified. Staff will thoroughly study the situation and present the findings to the residents and if it results in a closure recommendation, the residents will be asked for their input on the manner of implementation. He asked the residents to help staff understand the process and their needs.

**Edward Bowman**, 14 Laurel Drive, Winter Garden, Florida, stated that he has lived here for 28 years and just moved into Trailer City in 1998 and when he went to buy another trailer two years ago he asked about any plans to close the park because of the rumors he had heard. The code violations have been there for years so where has Code Enforcement been all these years.

**Shirley Smith**, 21 W. Crest Avenue, Winter Garden, Florida, stated that she lives about a block from Trailer City and the prior Main Street Board deemed it to be a historical section of town. The area residents do not want a park to replace Trailer City because of the potential for increased criminal activity that would be a danger to the children. Jerry Chicone recently told her about the plans to put in a trail and botanical garden, and it wasn't illegal to close the park. She suggested phasing out the trailers through attrition and rearranging them to fit properly and work towards bringing them into compliance. She is against losing the swimming pool and the residents need to be treated fairly.

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

8. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for March 2004**

Stated that the City continued to be in excellent financial condition with the revenues and expenses tracking.

- Advised that Commissioner Harriman is in the hospital and asked everyone to pray for him as doctors try to determine what is wrong with his heart.
- Distributed a copy of a memorandum from Police Chief Brennan regarding his review of the City's ability to enforce the noise ordinance for boom boxes. Attached was a copy of the Deerfield Beach ordinance, which appears to have more enforcement ability. There will be much difficulty in having enough officers to catch the violators. Mr. Holden asked for a consensus by the Commission for staff to prepare an ordinance with stronger enforcement language. Commissioner Graham stated that he was in favor of more enforcement. Hearing no objections, it was the consensus of the City Commission to have staff draft an ordinance with stronger enforceable language for vehicles with loud music.
- Stated that he attended the dedication of the new Dillard Street Elementary School. He also shared that he visited Lakeview Middle School and met Vince Rains, a 6<sup>th</sup> grade math teacher who is also affiliated with the Olympic Committee. His students have sewn kits for the athletes with a special note added to them. Their next project is to fund a trip for up to two people to deliver the backpacks for the opening ceremony. He suggested to Mr. Rains that he request a donation from the City Commission as part of their fund raising efforts.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Thompson:**

Asked about the related fire regulations for mobile home parks. City Manager Holden stated he would provide him with a copy.

**Commissioner Graham:**

Stated that he took a tour of the new Dillard Street Elementary School and he was very impressed with the rooms, announcement, and security system.

Apologized for not being able to attend Commissioner Dixon's appreciation dinner because it was his anniversary.

**Commissioner Dixon:**

Stated that she recently toured McDonalds and it is wonderful to see kids establishing a career with them.

Announced that the Orange County Branch of the NAACP will be hosting an event at the Maxey Center to discuss police brutality, misconduct, and the use of deadly force and the new Police Chief will be asked to share some of his ideas on eliminating the misunderstandings. There will be further input on how to make it safer for homeland security.

Asked about the proposal by Arthur Holley's PAL program. City Manager Holden stated that the Chief is going to be meeting with Mr. Holley and it may be on the next agenda.

The meeting was adjourned at 7:53 p.m.