

**REGULAR MEETING MINUTES  
CITY COMMISSION**

June 10, 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 Theo Graham, Bill Thompson, Mildred Dixon (arrived 6:48 p.m.), Assistant City Attorney Lionel Rubio, Deputy City Clerk Nancy Williams, Finance Director Mike Bollhoefer, Planning Director Mark Cechman, Utilities Director Charlie Tinch, Police Chief George Brennan, Fire Chief John Williamson, Trailer City Manager Hughlan Martin, Public Works Director Bob Smith

**Absent:** City Manager Hollis Holden and City Clerk Kathy Golden

1. **APPROVAL OF MINUTES:**

- A. Regular Meeting Minutes of May 27, 2004. **Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Thompson and carried 4-0.**

2. **FIRST READING OF PROPOSED ORDINANCES**

- B. **Ordinance 04-21: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, VACATING THE 60 FEET OF RIGHT-OF-WAY OF WOFFORD ROAD FROM STORY ROAD TO THE INTERSECTION OF STATE ROAD 429; PROVIDING AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 04-21 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-21 and to schedule the second reading and public hearing for July 8, 2004. Seconded by Commissioner Thompson.** Commissioner Thompson asked if there was any problem caused by the fact that the exact ownership of the right-of-way is unknown. Mr. Rubio said we are just vacating the City's interest, if there in fact is interest. **Motion carried unanimously 4-0.**

- C. **Ordinance 04-26**: VACATING THE EASTERLY 5 FEET OF THE TEN-FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE WESTERNMOST PROPERTY LINE OF 200 FOREST HAVEN DRIVE, WINTER GARDEN, FLORIDA; PROVISING AN EFFECTIVE DATE.

Assistant City Attorney Rubio read Ordinance 04-26 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-26 and to schedule the second reading and public hearing for July 8, 2004. Seconded by Commissioner Graham** who stated that staff recommendations concerning the engineer's letter should be added to the motion. **Commissioner Harriman accepted the amendment to his motion to include staff recommendations (see attached).** Commissioner Thompson asked if this was a common practice. City Planner Cechman said the normal procedure is a two-step process of getting a variance, which was done; vacating the easement is the second step. **Motion carried unanimously 4-0.**

- D. **Ordinance 04-36**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2003-2004 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE; PROVIDING FOR REVENUES TOTALING \$2,725,121 WITH EXPENSES OF \$2,725,121

Assistant City Attorney Rubio read Ordinance 04-36 by title only. **Motion by Commissioner Thompson to approve Ordinance 04-36 and to schedule the second reading and public hearing for July 8, 2004. Seconded by Commissioner Harriman.** Referring to page 5, Commissioner Graham said he thought the Wallick property was purchased with road impact fees for right-of-way and retention pond purposes. He said he thought the Department of Transportation bought its own rights-of-way and holding ponds and wondered why the City bought it. Finance Director Bollhoefer said often the City can purchase the right-of-way when it becomes available and be reimbursed by the DOT at a later date, and it is common for municipalities to do this. Assistant to the City Manager Robertson or Public Works Director Smith could explain further. Referring to page 8 regarding the State Road 50 overlay, Commissioner Graham asked if that figure was for infrastructure. Mr. Bollhoefer said the City will be required to move its pipes when the road is redone and we want to get the study done early. Commissioner Graham said it would be eight to ten years before the road is done. Mr. Bollhoefer said they have mentioned it could possibly be in two years, so staff wants to be ready if that happens and have funding available. **Motion carried unanimously 4-0.**

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

- A. **Ordinance 04-19**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 110 ("SUBDIVISIONS") OF THE WINTER GARDEN CODE OF ORDINANCES, BY AMENDING ARTICLE III OF CHAPTER 118 PERTAINING TO PROCEDURES; PROVIDING FOR AND REVISING UNIFORM STANDARDS AND REGULATIONS FOR THE PLATTING AND SUBDIVISION OF LAND WITHIN THE JURISDICTION OF THE CITY OF WINTER GARDEN,

**FLORIDA, UNDER DIVISIONS 1, 2, 3, AND 4 OF ARTICLE III; CREATING DIVISION 5 UNDER ARTICLE III TO PROVIDE HOMEOWNERS' ASSOCIATION AND COMMUNITY SUBDIVISION INFRASTRUCTURE RESPONSIBILITY; CREATING DIVISION 6 UNDER ARTICLE III TO PROVIDE FOR GATED COMMUNITIES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 04-19 by title only. Mayor Quesinberry opened the public hearing. Don Miller, 1073 Woodson Hammock Circle, Winter Garden, wanted clarification that the ordinance will not affect ungated subdivisions. Mr. Rubio said the ordinance will deal with the platting of subdivisions. To the extent that there is an existing subplatted subdivision that is not gated, then this ordinance would not apply. However, there are certain rules and regulations already in effect which platted subdivisions are subject to. Mr. Miller said, "Then in other words, not gated subdivisions that are unplatted. In other words, new ones." Mr. Rubio said this ordinance deals with subdivisions which are proposed to be platted, and with proposed and existing gated communities. If the subdivision does not fall into one of those three categories, this ordinance would not apply directly. However, there are existing regulations which do apply to subdivisions, in particular, Resolution 97-11. Mr. Miller said he understood that the common areas, the retention ponds, are still within the ordinance. Mr. Rubio said each case is fact-specific, so if there is a subdivision that has a retention area, it will provide for who is responsible for it. In most cases, the homeowners' association is responsible for the maintenance of the retention pond. Mr. Miller asked if the streets still remain the property of the City in ungated communities. Mr. Rubio said if the streets are public streets which have been dedicated to the City or to the public, the City will have the responsibility. However, if it is a private street that has not been dedicated to the City, it is not the responsibility of the City. Hearing no other comments, Mayor Quesinberry closed the public hearing.

**Motion by Commissioner Harriman to approve Ordinance 04-19. Motion was seconded by Commissioner Thompson.**

Commissioner Graham said there are two blank spaces on page 22, Section e. Mr. Rubio explained that section provides sample language to be used on a plat. The blanks provide space for filling in the appropriate information specific to the plat. Commissioner Graham referred to page 30, Section 110-160, regarding homeowners having to provide general liability insurance and the City would be named an additional insured. He asked if the homeowners' associations were informed about this. Mr. Rubio said the section applies prospectively to gated communities; in other words, in the future. As developers come forward to build a gated community, they will need to comply with these requirements. **Motion carried unanimously 4-0.**

- B. **Ordinance 04-20: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING THE WESTERLY 5 FEET OF THE TEN-FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE EASTERNMOST PROPERTY LINE OF 1631 MALCOLM POINTE DRIVE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE**

Assistant City Attorney Rubio read Ordinance 04-20 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-20. Motion was seconded by Commissioner Thompson and carried unanimously 4-0.**

#### **4. REGULAR BUSINESS**

##### **A. Recommendation to postpone staff report and public comments on Trailer City Mobile Home Park Study until the meeting of June 24, 2004**

Finance Director Bollhoefer stated that City Manager Hollis Holden was unable to attend this evening's meeting because he is attending a meeting with the City's public risk managers. Because this is such an important policy decision and because the City Manager is an integral part of both the study and the presentation, staff feels it is important that he be present for the report and recommendation to the Commission. **Motion by Commissioner Harriman to postpone the staff report and public comments on the Trailer City Mobile Home Park Study until the June 24, 2004 Commission meeting. Seconded by Commissioner Thompson and carried unanimously 4-0.**

##### **B. Request for the City to purchase a football field sign for sponsorship by the West Orange High School Quarterback Club**

Ms. Diane Thompson, Quarterback Club representative, was not in attendance. Mayor Quesinberry suggested the Commission go ahead and grant the request, adding that the sign will be taken down and stored every year to lower the maintenance expense. Commissioner Thompson asked if the City had a policy about donations. Mayor Quesinberry said donations were given only to groups, not to individuals. **Motion by Commissioner Harriman to approve the request for the purchase of a football field sign. Seconded by Commissioner Graham and carried unanimously 4-0.**

##### **C. Request for permission to conduct a used items sale on June 26, 2004 on City property at 114 E. Plant Street to benefit the West Orange High School Water Polo Team**

**Motion by Commissioner Graham to grant permission to conduct the used-item sale on June 26, 2004 at 114 E. Plant Street. Seconded by Commissioner Harriman.** Mayor Quesinberry noted the request asks for waiver of the license fee as this is a not-for-profit organization. **Commissioner Graham amended the motion to waive the license fee and was accepted by Commissioner Harriman and carried unanimously 4-0.**

**(Arrival of Commissioner Dixon at 6:48 p.m.)**

##### **D. Recommendation to approve the Final Plat for Windward Cay East**

City Planner Cechman stated that the corrected final plat had been distributed to the Commissioners. The plat is for a small commercial subdivision on C.R. 535. Staff

recommends approval. A last-minute issue deals with some internal easements that the City Attorney and the applicant's attorney are working on. Staff wishes to add the recommendation that they have to straighten out the internal easements as directed by staff. **Motion by Commissioner Harriman to approve the final plat for Windward Cay East with staff recommendation. Seconded by Commissioner Graham and carried unanimously 5-0.**

**E. Recommendation to accept a settlement offer from John Anderson for liens filed in Code Enforcement Case #03-006**

Finance Director Bollhoefer said Mr. Anderson corrected the original problem and has also demolished two houses at the request of the City. His settlement offer of \$7,800 more than covers any expenses the City has incurred in this process, so staff recommends accepting the settlement in lieu of the fine. **Motion by Commissioner Graham to accept John Anderson's settlement offer for code enforcement liens. Seconded by Commissioner Thompson and carried unanimously 5-0.**

**F. Proclamation 04-07 declaring June 11, 2004 as National Small Cities and Town Day**

Assistant City Attorney Rubio read Proclamation 04-07 in its entirety.

**5. MATTERS OF CONCERN FROM CITIZENS:**

**Mr. Andy Bruns**, 6 Laurel Drive, Winter Garden, Florida, said that the last sentence of the Proclamation just read referred to the concerns of citizens. "On March 25, City Manager Hollis Holden addressed this Commission with a request to evaluate and process a closure and conversion of Trailer City to a waterfront park. He cited liability concerns as well as park failure to meet codes. He then went on to describe a long-term master plan where he envisioned a trolley down to the waterfront, planting of citrus trees, and the proposed Lulu Creek trail spur. Four days later, on March 29, Michael Bollhoefer sent Trailer City residents the first of two letters concerning the City's study of the park closure. In that letter, Mr. Bollhoefer stated, 'At this time no decision has been made as we are still in the process of evaluating requirements.' A second letter dated April 2<sup>nd</sup> stated, 'To date the City is still in the study stage and no decision has been made.' However, in direct conflict with these words was the quote printed in the April 8<sup>th</sup> edition of the West Orange Times where Mayor Jack Quesinberry stated, 'It's inevitable, it's going to happen.' We now question how Mayor Quesinberry could possibly be so certain of the outcome if just six days earlier residents were told to this point no decisions have been made. Further, since the City's study had not yet been concluded and no results or findings had been given, we're confused and I am sure you Commissioners are, too. On what basis did Mr. Quesinberry come to his conclusion before the study was ever started? And yet again, in yesterday's West Orange Times, he was quoted as saying, 'The Commission won't be voting on whether or not to close the park, but how and when to close it.' It certainly appears that a decision has been made regardless of what the two letters said. We out here take it from what's written and we are confused. For the Commissioners' and Mayor's information, we as citizens voted you in to represent us. Now I'm sure each and every one of you will make the right decision. Just remember there are 159 homes down there that have 209 people in them who need homes. We are well-satisfied with the homes that we own. They're not the nicest in the world but they're not the worst in the

world, and we're happy with what we have and we want to keep what we have with your help to improve. We work these streets out here every Saturday. These citizens have signed petitions for us. At this point, those petition results, we have 3,692 petitions signed and we're not through. You postponed it for another two weeks. You told us it would be today. We don't have much choice but to go with what your decision is. As the five of you sitting up there going to vote on this, I just want you to really stop and search your conscience. Do you want to vote for what you want or do you want to vote for what the people want? The people in this room are here to be heard. Each and every one of you Commissioners are invited to call me personally to discuss whatever you want before the time to vote. Thank you."

**Mr. Ron Martin**, 5 Palm Drive, Winter Garden, Florida stated that "Florida Statute 723.022 outlines the mobile home park owners' general obligations. It states a mobile home park owner shall at all times comply with the requirements of applicable building, housing, and health codes. As you well know, Trailer City has been permitted to exist on its present site since 1935. Over the ensuing years, the City has paid little attention to those very building, housing, and health code requirements as directed under the law. The City has allowed the park's noncompliance with this statute to continue without abatement until it chose to use these very issues as the justification to displace 209 residents and destroy their futures. It is and has always been the responsibility of the park owner to comply with state statutes. Due to the failure of the park owner to keep abreast of the applicable requirements, the opportunity to demand compliance has past and all the conditions are now grandfathered in. On May 6<sup>th</sup>, Mr. Holden presented statistics that were to have been the results of the study. The presentation was, in fact, not much more than a recitation of material previously offered and gave little indication of any additional research having been done. Also, some of Mr. Holden's points contained flawed information. To date, no Trailer City resident has received a code violation notice for any of the infractions that have been perceived by the City. In fact, several homeowners have obtained building permits from the City of Winter Garden to improve their properties, including the improvements that have now placed their homes in violation of the City's building and fire codes. This clearly places the City in the position of grievous misfeasance (*sic*). The homes at Trailer City are actually grandfathered in regard to density requirements and no changes are required until a home is sold or moved under current law. In this the City allowed Mr. Holden's present arguments of liability and code violations to be created. And so, as you well know, new laws and their interpretations cannot be applied retroactively."

**Ms. June Osborne**, 7 Laurel Drive, Winter Garden, Florida, stated "the City staff has conducted a cursory and limited review of Trailer City and at present they have no idea of the real situations existing there. They do not know the number of residents who might qualify for income-sensitive housing, or what the residents' financial situations are, or how many would be interested in selling their homes, whether or not Trailer City closes. Should a decision be made for closure, how is the City going to assist the residents in finding new sites for their mobile homes that are no longer mobile or unacceptable to other parks? How would you respond to being informed that your City has decided to eliminate the community where you had planned to live out the remaining years of your life? That the government you democratically elected has already explored the avenues that would jeopardize your future and your home? That suddenly you're told that your home has been out of code since 1981 and the responsible party, the City of Winter Garden, has made few if any attempts to correct the problems they've allowed for decades? Or maybe you just bought your home, and were

assured by the City as recently as 2001 that they had no plans for changes in the use of the property. But now you find that this is not true. Or perhaps you'd like to sell your home but can't because the events initiated by the City make any sale impossible. What would you accept this news with – enthusiasm?"

**Ms. Lorraine Hasson**, 21 E. Crest Avenue, Winter Garden, Florida, stated that "some Trailer City residents have recently paid thousands of dollars for their homes. In fact, a neighbor paid their whole savings for their trailer and only had one winter in it. Unless it can be moved, they are virtually worthless if Trailer City closes. The sign currently hanging in front of the Trailer City office which states 'consideration of closing' has rendered available property unsellable because there is no longer a market if the homes have to be removed from their present sites. These two matters alone have the potential of raising serious liability issues for the City and council members individually. Our housing options noted in the City staff's presentation included low-rent government subsidized apartments. I called several places and there are no places you can find in Winter Garden that I know of. Government subsidized apartments, assisted living, elderly housing, and contacting relatives of tenants to arrange alternate housing. I don't want to contact my relatives and try to move in with them and I'm sure the rest of the people don't either. In response, Trailer City residents are self-sufficient. They do not want to live in assisted living or elderly housing nor should they be forced by the City to do so. It is not the choice of the residents' families as to where the residents should live. The decision rests squarely with the residents themselves, and they wish to remain in the homes they already own. I worked at Dillard School for a little over 20 years. I love Winter Garden, I love the people, my church is here, my doctors are here, my drug store is here, my grocery store is here, and I don't want to move. I have no other place to go. I couldn't and I wouldn't want to have to move in with my children. I want to keep my independence as long as I can. I hope and pray that you'll keep all these things in mind when making your decision."

**Ms. Barbara Dudley**, 3 Holly Drive, Winter Garden, Florida, stated that she has "lived in Trailer City all of her life. Florida Statute 723.083 entitled 'government action affecting removal of mobile home owners' states that 'no agency of government shall approve any rezoning or take any other official action which would result in the removal or relocation of mobile home owners without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.' While you can say suitable places exist, you have failed to show us where these facilities are, and to demonstrate that we can afford to live in those places. The City's May 6<sup>th</sup> presentation indicated it had contacted 139 parks within a 50-mile radius and 61 had responded and reported lot rents of \$141 to \$608, with an average of \$325. Fifty miles is an unsuitable distance in light of the specific make-up of this group of residents: their ages, their physical conditions, financial status, and their ongoing need for safe, affordable housing. Many do not drive. Most have lived in this area for many years and consider it home. They are most certainly well-established in this community. Trailer City residents are and must continue to be Winter Garden residents. The Friends of Trailer City organization conducted their own study by telephone using a radius of 16 to 24 miles and made contact with all the mobile home parks in Orange County, including the three in the City of Winter Garden. There are 24 parks. Only nine are for seniors and only three of those have available lots. There are a total of nine lots available in Winter Garden, all in one family park, which is not a comparable park for our seniors. Also, shingled roofs are required there and 1983 is the oldest acceptable home. You

will find that older mobile homes are difficult to move and even harder to place due to age restrictions in existing parks. We maintain that we cannot afford a 200 to 300 percent rent increase. You have not provided us with a verified list of suitable, affordable housing options and as such, you will violate state laws should you take any official action to close Trailer City. We certainly will exercise our rights under Florida Statute 723 if necessary, however, we respectfully request that you reconsider the plan to close Trailer City and instead join with us to improve it and make it last well into the future.”

**Mr. Steve Bonin**, 10 Azalea Drive, Winter Garden, Florida, stated that “in a memo from Fire Chief John Williamson dated April 27, 2004 regarding compliance with NFPA 501A, he reported concerns regarding the close proximity of the homes and the ability to access the roadways with firefighting equipment. In a letter from State Fire Marshall Carl Mahaffey to the City dated April 26, he clearly states that ‘the measurements between manufactured homes shall maintain the following separations: 10 feet side to side, 8 feet end to side, and 6 feet end to end.’ The correct method of taking these measurements is from the wall of one home to the wall of the next home, not including any accessory building or structure because, Marshal Mahaffey goes on to add, ‘manufactured home accessory buildings or structures constructed entirely of materials that will not support combustion can be placed adjacent to a site line provided the accessory building or structure is not less than three feet from an accessory building or structure on an adjacent site.’ This statement renders the City’s measurements flawed. The concern over access by firefighting equipment would be considered valid until you take into consideration the fact that the City’s fire trucks have already traversed every street in the park without incident while on non-fire related calls. It is highly doubtful that anyone would attempt to bring in a large \$300,000 fire engine so close to a fire as to risk it being compromised. Trailer City has access to six fire hydrants. This is a better hydrant-to-home ratio than any other mobile home (*park*) in the City’s limits. This equals one hydrant for every 26-1/2 homes. We found that the private mobile home insurance industry ranks Trailer City as the lowest risk possible for fire damage and presently has no reservations in writing insurance coverage for the park’s residents at very favorable rates compared with surrounding mobile home parks. There are 209 people who call Trailer City home. Our residents include those of every race, creed, color, and we are representative... (*tape reverse*) ...over the age of 90, 37 over the age of 80, 44 are in their 70s, and 28 are in their 60s. In summary, most Trailer City residents are senior citizens with the majority being over 65 years of age. Please tell us what would be financially and ethically fair to the park residents that would also comply with Florida Statute 723 in the event of the park’s closure. With many residents living on a fixed income of less than \$900 a month, those residents could not afford the \$325 average monthly rent in other parks. Forcing these people to move away from their family, friends, churches and doctors is unreasonable. Our residents move to Trailer City for various reasons, but I’ve become an integral part of the community, building a human support network within the park that extends into the City at large. The City’s merchants have enjoyed years of customer loyalty from our residents. Can they afford to lose 209 spenders? A growing number of Trailer City residents have reported adverse physical problems caused by increased stress. Statements from medical professionals attesting to these ailments have been previously provided to this panel and read in the minutes of the May 6<sup>th</sup> meeting. In essence, what we want you to realize is that there are other options for closure, such as (1) the City could make this old Florida site an historical designation by applying for inclusion in the National Registry of Historic Places, then build out the balance of the City’s future plan, adhering to a design similar to what old Florida once was. Winter Garden Trailer

City would be the first mobile home park of its kind in the nation. The National Registry of Historic Places has already indicated a genuine interest in this possibility. Or (2) meet together to negotiate the repair of any code violations with the appropriate City departments, address any genuine non-perceived fire code issues with practical, commonsense measures that would be affordable to the residents and the City's citizens. This evening has the power to impact the residents of Trailer City or disrupt their lives unnecessarily. Devaluing our homes as you will do with this present action will expose each of you and the City to a number of costly legal battles that you will spend a great deal of time and money defending. We will not take the closure of Trailer City lying down. We also want you to realize that there are a growing number of Trailer City residents who have approached or been approached by legal practitioners who are poised to pursue independent legal action along several venues of this park's closure if it's your decision. We elect you to do what is best for all Winter Garden residents. The residents have spoken – please save Trailer City.”

Mayor Quesinberry asked Mr. Bonin how long he has lived at Trailer City. Mr. Bonin said he has lived there six years. He moved in before it was designated a 55-and older park.

**Ms. Annabelle Closson**, 749 E. Palm Valley Drive, Oviedo, Florida, appeared before the Commission to speak. Mayor Quesinberry stated that this forum was for the citizens. Ms. Closson stated that she is a citizen of the State of Florida and of the United States. Mayor Quesinberry said that she is not a citizen of the City of Winter Garden and does not pay taxes here. Assistant City Attorney Rubio said there is no legal right for a non-citizen of the City of Winter Garden to speak. If a non-citizen of the City of Winter Garden is speaking, it is at the pleasure of the Mayor. The mayor said he would give three minutes. Ms. Closson said she is a Section Director for the Federation of Manufactured Homeowners and is here to represent Trailer City and to represent every mobile home owner in the State of Florida. She noted “in today's article, Mayor Quesinberry made mention of the fact that “the Trailer City residents who face dire circumstance is much lower than the number of homes within the park because many residents migrate north for the summer.” She said there are only 25 snowbirds out of 159, leaving 134 residents here and those homes affected perennially. The Mayor said there are about 50. Ms. Closson said that was incorrect and they have it on record. She said the Mayor went on to say “there are about 20 people there who are poor, old, and need help. Other than that, I'd close Trailer City as soon as possible.” At least half of the residents, 78 people or more, are poor and in need of help. Ms. Closson said, “Thursday, the poll in the West Orange Times, as of five o'clock, there were 480 votes, which gave 77.6% to leave Trailer City alone. Perhaps some of the things you're mentioning in the paper, for instance, the people are upset by the fact that you're stating what all the Commissioners are going to do before they come to the meeting.” The Mayor replied that he can't speak for them. Ms. Closson quoted from the article: “The mayor told the West Orange Times that the Commission won't be voting on whether or not to close the park, but how and when to close it.” Referencing the packet from Mr. Holden, Ms. Closson said, “One of the things he said was that the fact that in one of the request for approval of revised rates and prospectus, back in 2000, the fact that you were raising the rent due to the fact of many improvements being made there. And then he said, ‘the park has been renovated and improved by the removal of the apartments.’” Ms. Closson said the apartments were not part of the mobile home park. They were a separate entity. Ms. Closson said the City's insurance representative, Mr. Furry, was concerned about the exposure to the City due to the park's current operation and the density of the units, etc., and in his last paragraph, sold the City more insurance. Ms. Closson

then referred to some other document in large print which said, "Sufficient mobile home parks and suitable housing is available in the area." She said specifics about this still have not been given and she assumed this will happen on June 24<sup>th</sup>. Ms. Closson said "Sarasota was referred to as another city-owned park and said they closed in two years. It was eight years because they went through litigation, and as of last March there were still four homes in the park that had not been replaced. And those folks were given money to move. It was not a senior citizen park, it was a family park, and they were found places to move to in the area." She said subsidized housing is not acceptable to the residents of Trailer City, and that Statute 723.083 requires the Commission to be able to tell the residents the morning after the vote where they will be going or they cannot vote to close.

**Ms. Shirley Smith**, 21 W. Crest Avenue, Winter Garden, Florida, said she has "been before the Commission before about commercial business and how old business should go away, and now it's how all old people in trailers should go away. I wish the people who sit on this board could put themselves in these people's shoes and all the people who love this community the way we do. If this is such a great idea, why is everybody being so hateful, rude, and arrogant, because none of us are better than each other. We are all here because we love this town. There is no reason to be mean to these people."

6. **MATTERS FROM ASSISTANT CITY ATTORNEY:** None

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Harriman:** None

**Commissioner Dixon:**

- Said that she speaks and thinks for herself. She has not read all the material and will not make any decision until she has all the facts.
- Commended Chief Brennan for coming into District 3.
- Asked the Commission and Finance Director Bollhoefer for \$2,000 for computer and Reading Reindeer classes at Maxey Center. Mr. Bollhoefer said that \$40 was left out of the \$900 budgeted last October. An additional \$1,500 is needed to finish out the year and pay what is owed to the teachers. **Motion by Commissioner Harriman to approve an additional \$1,500 for Maxey Center classes.** Commissioner Graham asked if the money would come out of the contingency fund. Mr. Bollhoefer said it would come out of the designated fund first, but that is almost depleted so it will have to come from the contingency fund. **Seconded by Commissioner Graham and carried unanimously 5-0.**
- Asked which fund the \$5,000 from the tent car sale went to. Mr. Bollhoefer said it went to a separate fund to cover all the requests that come before the Commission. She will request some of that at another time.

**Commissioner Graham:** (verbatim)

"I know what we got all this from and we've put this meeting off twice, and what we were presented is all the negative side of Trailer City. We were looking for all the coded violations and so forth. But from reading and going over the May 6<sup>th</sup> meeting down at Tanner Auditorium, this is my belief, now, what I'm saying. When I'm talking about staff, I

appreciate what staff has done because they were doing what they were asked to do and that is look down for all the negative sides. But my personal thinking, and I'll quote some things out of here, that this park is not being closed on the basis of these code violations. But the City Manager don't believe the City should be in the business of owning and running a mobile home park and competing with private enterprise. From the minutes of the May 6<sup>th</sup> meeting, and I'm quoting this, Mr. Holden stated that whatsoever the City Commission decision is, whether it's closure or a plan to fix the violations, he would support that decision 100 percent and he and staff would develop and implement that plan to the best of their ability, although his opinion remains that the City should not be in the business of owning and running a mobile home park. I would add here when Hollis first came here, maybe a couple of years or it might have been a little bit longer, he wanted to sell the cemetery because that is a private enterprise. We had a meeting down at Tanner Hall and a lot of the citizens was there and the Commission decided not to sell the cemetery. Within about a year later, the same man came back and raised his offer and the City Manager brought it back before this board and we turned it down that night. In essence, we told him if the man comes back, tell him it's not for sale. So we were losing money at the time and what we did is at that meeting I said let's talk to Mr. Neal out at Woodlawn, they're making money, and if we're selling this to someone, he's going to make money, so we're not running it right. So we're running it right and we're making a profit. And there's another quote that says 'Mr. Holden replied that if the City Commission decides to keep the park open, the City has responsibility to assist in fixing the code violations.' Another quote: 'Mr. Holden said that the staff would need to look at the specifics of what each trailer needed, discuss some of the issues regarding lot sizes and line, and stated that the City should work with the homeowners to resolve this situation.' And I said here that we run the cemetery, which is profit-making and I spoke about when we was going over the budget just now, and we have bought some properties and I know they're bought for a reason, one of them is that we can control what goes in. And if you go down Plant Street we own at least four pieces of property on Plant Street going toward Ocoee and one is in my opinion is legit, we bought a park down there for Mildred, but they haven't put much in it. But we are, do have some that I feel like we're in the real estate business, and if we're in the real estate business, then we're in private enterprise as well with Trailer City. And here in Section 18.1264, under 21, and this is the City Code under recreation vehicles, 'Nonconforming situations. All recreational vehicle parks must come into compliance with subsection 6, 7, 14-20 of Section 18.1264 within 18 months of the effective date of this division. However, if any pre-existing recreation vehicle park which is nonconforming may enter into a vested right agreement with the City Commission prior to, on, or after the effective date of the division. Such vested rights agreement may allow the nonconforming statutes of the recreation vehicle park to continue pursuant to the terms of such vested rights agreement regardless of the provisions of this division.' In section 7 of that which is where this would take place, all recreation vehicles and attachments shall be set back at least 10 feet from other recreation vehicles located on adjacent lots. If the vested agreement, that was done on and went into force July 10, 2003. And since that time, we've give two of these vested agreements to two parks out on Highway 50. I feel that if with Trailer City, if we can go with private enterprise and let them stay in compliance, they were to correct whatever they could and what they couldn't do when they can do it they are going to do it and that was part of the agreement, but I think we should consider the citizens of the trailer park as we do private enterprise. And the, then the, in the central regional supervisor, now this, he's already read this, he read that up there, but I want to, he's talking about the distance and state is 10/8/6. On this the reason I think that we got so

many violations down the side, if you look at the top, we're taking the City code, and the City code, we're basing it on 16 feet all the way around a trailer, and there's not too many trailers, we have homes, they're building homes now that I've objected to so many times, 10 feet apart, yet we want a trailer to be 16 feet apart. I think that's not right, treat everybody the same. I was going to read, but that's, but down in the part, this is from the Fire Marshal's letter, and it said right at the bottom, providing exceptions, so there are exceptions to this rule. And we're talking about how fast a building can burn, or one of these trailers. I took the initiative and I have some pictures here and I'll pass them around. This is a travel, this is a semitruck trailers. They're within less than a mile from here. And there's four trailers here and some of them are not less than six feet apart. One trailer on the, I'll say on the east and west, it was second trailer from the east, burned up completely, just a little left. On the east side of that is a big palm tree. That palm is not burned, it's burned on one side, both trailers on each side of these four trailers are not harmed one bit, no smoke or anything on them, and these pictures were taken several weeks ago, and I'll pass them around. But you can see we're thinking about code violation fire, these trailers were made out of similar things that a travel trailer or a trailer is made out of. And if these can sit that close together without harming any of them, we're not going to have, these trailer, if they have a fire, if it's been down there 69 years and never had, no one has had a fire. And if we pass this and give the people eight years, are we just going to go ahead and fix these up? If we are, let them stay. If we're going to let it go eight years, we're going to be eight years still in violation of code and are we going to take the risk of these houses getting burned, these homes? So I think we're going at the thing the opposite way and I'll start with Bill and he can look at those and pass them on down. And the, I believe closing the trailer park plan before September 30 for the following reasons, this is September 30, 2003. Looking in our budget this year, professional service was miscellaneous was \$3,000 but last year it was only \$50. Legal fees double from 15 to 3. Contractual services miscellaneous is \$4000 in our budget this year. Last year we had nothing. And the, this is found on page 145 if you want to look in your budget book. So my thinking is we knew we were going to close this park back in September last year when we did our budget, although I didn't know that, but that's, I was just pointing that out just for a reason there. And about the revenue, the City, I believe, can clear more money than we're clearing now. This last year was \$71,632 according to the budget on page, not the budget but the audit, that's what we cleared on that. And the reason I say we can do better, we have a contractual service down there, last year according to our audit was \$4,987. I believe it includes Tanner Hall and Little Hall because if you read and look in your book there, it states it under Trailer City, Tanner Hall and Little Hall is in that. And I talked to Mike yesterday and \$44,000 last year was probably mowing the grass. And we have \$33,000 in the budget this year just mowing the grass. If we're paying \$33,000 to mow grass at Trailer City, we, some of you people might want to contract. But I think, and Mike didn't agree with me, but all the others, utilities, water and all, they're, and the cemetery, in our budget is separate, they're separate, it tells exactly what we're paying for. But we have called this a park, and we have other parks here, and that total is \$51,000, I believe, I believe that's what I saw in the book. But I feel that then too the manager of the park is, I understand from what I hear, that he's not there all the time and so forth. And I asked Mike about, I know used to we had people would work an apartment here and then work on another part, and we would divide their salary according to the percentage of where they worked. But this is not happening here and Mike said that he ----- at the trailer, at the Tanner Hall and et cetera, and I can't think of the lady's name - Valerie helps him out over in the Trailer City part. I don't know what Valerie could do over there except maybe help him in the office, but that's beside the

question. My point is I feel like we could clear a lot more money than that. So I don't think that the code violations is really what we're dealing with. It's the fact that we want to get out of the business. Now as Andy reported here tonight, 3,600+ citizens signing a petition, if you'll take our population and divide that out, when I had figures that you gave me prior to this, which was lower, run better than 17% of our population of our City. With the figure you've given now, just off the top of my head, we're talking about maybe 20% of the citizens are against closing the park. And if we're representing the people, now, some people don't know what the chain of command is, and I'll use the military. It's the fact that the citizens of Winter Garden are the ones that tells us what they want and then we tell the City Manager and then he does what we tell him to do. So I think that the citizens here have spoken as far as the petition is concerned and then the four hundred and something people there with what percentage that was, this came in on the website. Looks to me like most of the citizens of Winter Garden is keeping it open and I propose that what we need to do is do all we can to fix the park up. I mean code violations. Some say I've made up my mind, well, I was, one was accused up here already making up their mind so maybe I've made mine up. But I feel that I'm here to represent the City, the citizens of the City, and if that many people is for not closing this park, then I'm representing them and I'll vote the way they want me to vote."

The meeting was adjourned at 8:00 p.m.