

**REGULAR MEETING MINUTES
CITY COMMISSION**

June 24, 2004

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 6:30 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor Quesinberry, Commissioners Bill Thompson, Theo Graham, Mildred Dixon (arrived at 6:46 p.m.) and John Harriman

Also Present: City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Golden, 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, Public Works Director Bob Smith, Sanitation Supervisor John Love, Utility Director Charlie Tinch, Assistant Finance Director Brian Strobeck, West Orange Times reporter Michael Laval and Orlando Sentinel reporter Sandra Mathers

1. **APPROVAL OF REGULAR MEETING MINUTES OF JUNE 10, 2004**

Commissioner Graham asked why only his comments were transcribed as verbatim. Mayor Quesinberry stated that the Deputy City Clerk was not present and asked if there were any corrections or for a motion. **Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Thompson and carried unanimously 4-0.**

2. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 04-27:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .93 ACRES LOCATED NORTH OF STATE ROAD 50 AND APPROXIMATELY 1,920 FEET WEST OF AVALON 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 (Marker)

City Attorney Everett read Ordinance 04-27 by title only. **Motion by Commissioner Thompson to approve Ordinance 04-27 with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Harriman and carried unanimously 4-0.**

B. **Ordinance 04-28:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS .93 ACRES OF LAND LOCATED NORTH OF STATE ROAD 50 AND APPROXIMATELY 1,920 FEET WEST OF AVALON ROAD AS COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE (Marker)

City Attorney Everett read Ordinance 04-28 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-28 with the second reading and public hearing**

on July 22, 2004. Motion was seconded by Commissioner Thompson and carried unanimously 4-0.

- C. **Ordinance 04-29:** REZONING .93 ACRES LOCATED NORTH OF STATE ROAD 50 AND APPROXIMATELY 1,920 FEET WEST OF AVALON ROAD, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY CITRUS RURAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Marker)

City Attorney Everett read Ordinance 04-29 by title only. Motion by Commissioner Harriman to approve Ordinance 04-29 with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.

- D. **Ordinance 04-30:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 8.46 ACRES LOCATED AT 15401 W. COLONIAL DRIVE, 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; PROVIDING FOR AN EFFECTIVE DATE (Sadler)

City Attorney Everett read Ordinance 04-30 by title only. Motion by Commissioner Harriman to approve Ordinance 04-30 with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.

- E. **Ordinance 04-31:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 8.46 ACRES OF LAND LOCATED AT 15401 W. COLONIAL DRIVE AS COMMERCIAL WITH CONSERVATION OVERLAY; PROVIDING FOR AN EFFECTIVE DATE (Sadler)

City Attorney Everett read Ordinance 04-31 by title only. Motion by Commissioner Graham to approve Ordinance 04-31 with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Harriman and carried unanimously 4-0.

- F. **Ordinance 04-32:** REZONING A 8.46 ACRE LOT LOCATED AT 15401 W. COLONIAL DRIVE, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY CITRUS RURAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Sadler)

City Attorney Everett read Ordinance 04-32 by title only. Motion by Commissioner Harriman to approve Ordinance 04-32 with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.

- G. **Ordinance 04-33:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING PROPERTY GENERALLY DESCRIBED AS 9.902 ACRES OF LAND LOCATED APPROXIMATELY 500 FEET SOUTH OF SR 50 AND 2,300 FEET WEST OF CR 545 FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE (Tucker north)

City Attorney Everett read Ordinance 04-33 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-33, with staff's recommendations (*see attached*) with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

- H. **Ordinance 04-34: REZONING APPROXIMATELY 78.5 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF SR50 AND CR545 AND SOUTHWEST OF COUNTRY GARDEN APARTMENTS FROM COUNTY A-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE** (Tucker north)

City Attorney Everett read Ordinance 04-34 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-34, with staff's recommendations (*see attached*) with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

- I. **Ordinance 04-35: REZONING A 18.707 ACRE LOT LOCATED ON SR 50 APPROXIMATELY 2,300 FEET WEST OF CR 545 MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY A-1 TO CITY C-2; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE** (Tucker north)

City Attorney Everett read Ordinance 04-35 by title only. **Motion by Commissioner Graham to approve Ordinance 04-35 with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Harriman and carried unanimously 4-0.**

- J. **Ordinance 04-37: ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 9.12 ACRES LOCATED AT 602 HENNIS 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** (Youngblood/Roper)

City Attorney Everett read Ordinance 04-37 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-37, with staff's recommendations (*see attached*) with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

- K. **Ordinance 04-38: AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 9.12 ACRES OF LAND LOCATED AT 602 HENNIS ROAD AS LOW-DENSITY RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE** (Youngblood/Roper)

City Attorney Everett read Ordinance 04-38 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-38, with staff's recommendations (*see attached*) with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

- L. **Ordinance 04-39: REZONING APPROXIMATELY 114.86 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF HENNIS ROAD AND EAST DIVISION STREET FROM CITY R-1 AND R-2 AND COUNTY CITRUS RURAL TO CITY PUD; PROVIDING FOR CERTAIN**

PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Youngblood/Roper)

City Attorney Everett read Ordinance 04-39 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-39, with staff's recommendations (see attached) with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

- M. **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 (Item tabled on May 27, 2004)**

City Attorney Everett read Ordinance 04-17 by title only. **Motion by Commissioner Harriman to move from the table Ordinance 04-17. Seconded by Commissioner Thompson and carried unanimously 4-0.** Finance Director Bollhoefer explained that the proposed Ordinance now allows for incremental increases with 50 percent on August 1, 2004 and another 50 percent on November 1, 2004. **Motion by Commissioner Harriman to approve Ordinance 04-17 with the second reading and public hearing on July 22, 2004. Motion was seconded by Commissioner Graham and carried unanimously 4-0.**

Commissioner Dixon arrived at 6:46 p.m.

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 04-23: ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.44 ACRES LOCATED AT 1250 WEST PLANT STREET 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; PROVIDING FOR AN EFFECTIVE DATE (Oaks at Brandy Lake)**
- B. **Ordinance 04-24: AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 2.611 ACRES OF LAND LOCATED AT 1250 WEST PLANT STREET AS COMMERCIAL; PROVIDING FOR AN EFFECTIVE DATE (Oaks at Brandy Lake)**
- C. **Ordinance 04-25: REZONING APPROXIMATELY 54 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF STORY ROAD AND PLANT STREET AND WEST OF HYDE PARK FROM CITY R-2 TO CITY PUD AND CITY PCD; PROVIDING FOR CERTAIN PUD AND PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Oaks at Brandy Lake)**

City Planner Cechman explained that the applicant for the above three ordinances has requested a postponement because they have discovered an eagle's nest on the subject property. **Motion by Commissioner Harriman to table the second reading and public hearing of Ordinances 04-23, 04-24, and 04-25. Motion was seconded by Commissioner Graham and carried unanimously 5-0.**

D. Ordinance 04-36: AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2003-2004 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Everett read Ordinance 04-36 by title and read the appropriations of Total Revenues equal \$2,725,121 and Total Expenses equals \$2,725,121. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to approve Ordinance 04-36. Motion was seconded by Commissioner Thompson and carried unanimously 5-0.**

4. REGULAR BUSINESS:

A. Recommendation for the appointment of a new Utilities Director

City Manager Holden stated that the City Commission has been provided with material regarding the selection process in their agenda packages. Also provided is a short biography of the recommended candidate, Fernand Tiblier, Jr. **Motion by Commissioner Thompson to confirm the appointment of Fernand Tiblier, Jr. as the Utilities Director. Seconded by Commissioner Harriman and carried unanimously 5-0.**

B. Recommendation for reappointments to the Community Redevelopment Agency Advisory Board (CRAAB)

City Planner Cechman stated that five current board member terms expire the end of June. They have requested reappointment for an additional four-year term. **Motion by Commissioner Graham to reappoint Larry Cappleman, Jerry Baker, Tina Aldrich, Charlie Mae Wilder, and Cora Fulmore to an additional four-year term on the CRAAB. Seconded by Commissioner Harriman and carried unanimously 5-0.**

C. Recommendation to approve the Preliminary Plat for Triple S

City Planner Cechman stated that this plat is for a 115-unit townhouse development. Both the Planning and Zoning Board and staff have reviewed this plat and recommend approval with conditions identified in the agenda package. **Motion by Commissioner Harriman to approve the Preliminary Plat for Triple S, with staff recommendations (see attached). Seconded by Commissioner Dixon and carried unanimously 5-0.**

D. Recommendation to approve a revision to Preliminary Plat for Black Lake Estates

City Planner Cechman stated that this plat is for a revised 278-unit subdivision because they changed their request to a gated community. Both the Planning and Zoning Board and staff have reviewed this plat and recommend approval with conditions identified in the agenda package. **Motion by Commissioner Harriman to approve the Preliminary Plat for Triple S, with staff recommendations (see attached). Seconded by Commissioner Dixon and carried unanimously 5-0.**

E. Recommendation to approve the Preliminary Plat for Lott-Hurley Tract

City Planner Cechman stated this plat is for a 91-unit subdivision located near the corner of Daniels Road and Roper Road. Both the Planning and Zoning Board and staff have reviewed this plat and recommend approval with the conditions identified in the agenda package. **Motion by Commissioner Dixon to approve the Preliminary Plat for Triple S, with staff recommendations (see attached). Seconded by Commissioner Harriman and carried unanimously 5-0.**

F. **Recommendation to approve the Final Plat for Deerfield Place (Fritschi)**

City Planner Cechman stated this plat is for a 99-unit single-family subdivision located at Beard Road and Daniels Road. The applicant must provide an approved Performance Bond and updated Title Opinion. Both the Planning and Zoning Board and staff have reviewed this plat and recommend approval with the conditions identified in the agenda package. **Motion by Commissioner Thompson to approve the Preliminary Plat for Triple S, with staff recommendations (see attached). Seconded by Commissioner Harriman and carried unanimously 5-0.**

G. **Recommendation for awarding the contract for Wastewater Trunk Line "C" Phase I**

Utilities Director Tinch stated that three competitive bids were received and staff recommends that the project be awarded to the low responsible bidder, Perri Builders, Inc., in an amount not to exceed the unit base price bid plus a five percent contingency. **Motion by Commissioner Harriman to award the contract for Wastewater Trunk Line "C" Phase I to Perri Builders, Inc. in an amount not to exceed \$1,437,450.00. Seconded by Commissioner Thompson and carried unanimously 5-0.**

H. **Recommendation to contract with Professional Engineering Services (PEC) for the study and design of relocating utility lines on State Road 50, Daniels Road bridge and road widening**

Public Works Director Tinch stated the FDOT is in the process of preparing designs for widening S.R 50 to six lanes and they have asked the City for a utility line design. A majority of those lines will probably need to be relocated. Staff recommends approving a supplemental agreement with PEC, to their existing agreement for redesigning Daniels Road north from Beard Road to S.R. 50 and the Turnpike Bridge for an additional \$236,830.00. The State Consultants Competitive Negotiations Act allows the City to approve the additional contract. City Manager Holden added that there is competition on how to fit all the utilities that need to go on S.R. 50 and we need to start now. This will be a major expense for the City and it is important to work with the other entities to minimize and safeguard our costs. It must be done to protect our best interest and other options may have to be considered. **Motion by Commissioner Harriman to approve a supplemental contract with Professional Engineering Services for the study and design of relocating utility lines on State Road 50 in an amount not to exceed \$236,830.00. Seconded by Commissioner Thompson.** Commissioner Graham asked if the funds would come from road impact fees. Mr. Holden stated that the majority of the funds will be from the Utility Operations fund and not impact fees. Impact fees would only be used if capacity is increased. **Motion carried unanimously 5-0.** Commissioner Harriman asked about the prior study being tied into the new proposed plan for information. Commissioner Graham asked what the construction start date might be. Mr. Holden stated there are those who say it will be much sooner than expected.

Representative Johnson, has sworn to the City that the necessary funds should be soon forthcoming. Mr. Holden said he would bet it will occur within five years.

Mayor Quesinberry called a recess at 7:02 p.m. and reconvened the meeting at 7:08 p.m.

I. **Staff report and public comments on Trailer City Mobile Home Park Study**

As this time, Mayor Quesinberry called upon City Manager Holden to make his presentation. Mr. Holden said that his remarks were based on data they had already been provided and he gave them a copy of his prepared remarks. Mr. Holden then read from his prepared speech (see attached) covering the following topics:

Historical facts

Resident Statistics

Budget

Trailer City Code Issues

Liability Issues

Conclusion and recommendation

Commissioner Harriman stated that between now and 2012, there is nothing to prevent future City leaders from changing the plan. **Mr. Holden** stated that he first wanted to point out that the prospectus would have to be changed at the State level. This document is what potential buyers are provided. He would hope that the plan would be supported by future Commissions, but they always have the right, as with other things, to make changes as they see fit.

Commissioner Dixon addressed Mr. Holden's statement regarding 150-200 units for needy seniors with a projected population of 40,000 plus in 20 years, because that is too low when 300 units are needed now in the East Winter Garden area. A task force has been mentioned, but she believes a Winter Garden Housing Authority is needed, as exists in other cities, because they could work with the State in getting assistance for senior housing in Winter Garden. Regarding affordable housing for seniors, the state needs to be brought in. **Mr. Holden** stated that his reference to a task force was for a group to develop a plan and call in just those kinds of experts regarding the housing needs of the residents. Since about 1980, low-cost housing projects have included West Pointe Villas and the refurbished apartments off Park Avenue, which were HUD type projects. The City has no say in who gets into a HUD project so it should be our goal to have control in this area to address the needs of the Winter Garden residents. What we experienced in East Winter Garden with the Bay Pointe Apartments was, they approved people from Apopka and other areas, which only increased the needy population instead of dealing with our own needy residents. Mr. Holden again read his earlier statement: "It should be our goal to bring online by 2012 at least 150-200 units of new affordable conventional housing directed toward the needy seniors of Winter Garden." The CRA Advisory Board is in the midst of a study to identify the demographics of the City with the largest population of substandard rental housing being in the East Winter Garden area, which will be coming to the Commission in the future. **Commissioner Dixon** stated that she will not debate the subject, but she already knows what is needed in her district without the CRA telling her what she needs.

Commissioner Graham asked why Mr. Holden's presentation was just handed out and was not part of the agenda package. **Mr. Holden** stated that he just finished it about 3:30 today. **Commissioner Graham** stated "then we shouldn't have had the meeting" and that it is his understanding that the policy regarding the agenda was that anything to be brought to the Commission would be in their package on Friday and nothing could be added to the package during the week. This same issue has been previously argued when John Rees was on the Commission. If we were in a court of law, the defense attorney would receive all the evidence to be presented by the prosecution. The City Manager is the prosecutor who did not submit the material timely to allow the defense to address the allegations, but he will address some of the issues. The Trailer City organizational chart in the budget book shows Hughlan Martin overseeing Trailer City, Newton Park facilities, the Event Coordinator and Custodian. The next page has the mission statement: "Provide and maintain an affordable and sanitary housing community for the residents of Trailer City. Maintain Tanner Hall and Little Hall in the professional manner that the citizens of Central Florida have come to expect." While the budget book has a heading of "Trailer City", the expenses appear to include the other areas as well. Mr. Holden has stated that the mowing costs for Trailer City are \$33,000. Commissioner Graham stated that the budget for each area may not be properly broken out and that the figures can be juggled anyway someone wants to. He believes they can be correctly allocated and ran to bring in more revenue. Another fact is that the Financial Statement on page 67 states that the City has done very little to correct these violations. For example, on August 12, 1996 the City bought a trailer at 12 Gardenia for \$10,500 and sold it September 10, 1997 for \$7,000. He understands the eviction part, but the trailer was not brought up to code at the time the City bought it nor by the time it was sold. Last year the purchaser of 12 Gardenia applied for and received from the Weatherization Grant Program \$13,855.88, which he thinks is good, yet the trailer was sold by the City with code violations when the City was supposed to correct them. The measurement taken on that particular trailer was side setbacks of 2 feet between 14 Orange and 12 Orange from roof to roof, and side setbacks of 2 feet between 12 Orange and 10 Orange from roof to carport, which existed when the City bought and sold the trailer. We need to keep those homes there for the people because they are affordable for them. In the last audit on page 67 V. A. Risk Management: "The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; natural disaster; and workers' compensation for with the City is a member of the Public Risk Management of Florida (PRMF), a local government risk management pool as defined by Florida Statutes In the event of a loss, the City pays up to the deductible amount on the policy. All additional risk of loss has been transferred to PRMF up to the policy limits." and under B: "The City is a defendant in various lawsuits. Although the outcome of these lawsuits is not presently determinable, in the opinion of the City's counsel the resolution of these matters will not have a material adverse effect on the financial condition of the City." He thinks the amount the City's insurance should be increased based on the projected population, which will create a much greater risk for the City. Commissioner Graham read aloud his oath of office and the preamble to the Constitution and stated that as a representative of the mobile home owners who live in the park, plus all other City residents (approximately 23,000), including those who signed the petition, participated in the West Orange Times on-line poll with better than 80 percent voting to keep it open, that in order to fulfill his oath he could not vote in favor of closing the park because it would be neglecting his duty as an elected official.

Mayor Quesinberry called Mr. Bruns and two representatives of the HOA to speak at this time. **Mr. Bruns** stated that he has arranged the order of the three speakers with the City Clerk, if that is okay. He also asked the Mayor not hold them to the 20 minutes as originally discussed since the City Manager's speech was so long and he took part of his speech. He thanked the Commission and City Manager for listening to what they have to say because they have a message to bring to you tonight.

Ron Martin, 5 Palm Drive in Trailer City, stated that he is present for two purposes. The first is to stand with his friends. He himself is a snowbird, but he came back in June to stand by his friends. His neighbor is a widow and there are many others who can't take it financially or perhaps emotionally. Because of a long-time friend, he and his wife moved to Winter Garden. There are also a lot of veterans in Trailer City who deserve the City's loyalty. He reminded the Commission of Florida State Statutes and quoted Section 723.083. The City cannot take any official action until it has identified where each mobile home owner will move at the time of that action. A vote to close cannot take place until each resident is provided with verified information as to where they will move tomorrow morning, not eight years from now. A limited review by staff has been done and the residents have not been provided with a list of suitable locations. As such, the City will violate state law if any official action is taken to close Trailer City. He also quoted Florida State Statute section 723.022, which requires the City, as the owner, to meet their responsibility in maintaining the mobile home park in compliance with all building, housing, and health codes, which it has not done for decades and has continued to allow unacceptable conditions to exist. Due to the failure of the park owner to keep abreast of the requirements, the opportunity for compliance has passed and all of the conditions are now grandfathered in. To date, no Trailer City resident has received a code violation notice for any of the infractions perceived by the City. In fact, several owners have received building permits to improve their properties, including improvements that have placed their homes in violation of the City's building and fire codes. This clearly places the City in a position of grievous misfeasance, another very serious matter. A member of the Commission addressed the HOA who made it clear that the residents would be given a limited opportunity to accept a purchase offer from the City or take the chance that the offer would be withdrawn or the dollar amount would be reduced if they hesitated and the longer they hesitated, the lower the offer would be. Additionally, they were told that if they did delay they would be treated like "trailer trash" until the end of the eight years. These statements could be considered to be duress from a powerful entity towards the residents of Trailer City, a community of limited resources. As such, the residents may find themselves forced to seek relief through the courts. They don't want to do this, but he doesn't think in good conscience the Commission would want them to do this. These issues have the potential to raise serious liability and possible criminal issues for the City and City Commissioners individually and they will certainly exercise their rights under Florida State Statutes 723, if necessary.

Steve Bonin, 10 Azalea Drive in Trailer City, stated that although there have been many statements made about three reports from fire officials, there are actually only two. One is from the Winter Garden Fire Chief which acts as a cover sheet to the tactical report attached to it and it summarizes information contained in that report that was discussed at the last meeting on June

10th. The second is a letter from the State Fire Marshall, which states that the measurements between manufactured homes shall maintain a distance of 10 feet side-to-side and 8 feet end to side, and 6 feet end-to-end. The correct way to take these measurements is from the wall of one home to the wall of the next home, not including any accessory building or structure (photos of how the measurements were taken were distributed). The letter goes on to state that "Accessory buildings constructed entirely of materials that will not support combustion can be placed adjacent to a site line provided the accessory building or structures are not less than 3 feet from an accessory building or structure on an adjacent site." The homes in the photos provided show that they are situated within the fire requirements. This renders the City's study flawed. Although the City amended its Code to 16 feet, changes in the law cannot be applied retroactively. Comments have been made that the 22,000 residents do not have access to lake side properties is incorrect as there is a boat ramp, dock, playground area, Tanner Hall, and routine public celebrations such as the upcoming 4th of July. Where has it been stated that residents cannot utilize Trailer City? They do have access as anyone can move into there as there are vacancies even now.

Andy Bruns, 6 Laurel Drive, Trailer City, stated that in May of 1996 the City purchased a mobile home at 12 Gardenia Drive for \$10,500 and in 1997 sold it for \$7,000, or a \$3,500 loss. He doesn't understand why it was sold if it was out of code. Then last year, the resident applied for and received Weatherization Grant funds on this same mobile home for \$13,855.88. Items provided were a new refrigerator, new toilet, three ceiling fans, two fluorescent lights, a digital thermostat, smoke detectors, a bathroom exhaust fan, a kitchen faucet, three solid core exterior doors, seventeen dual paned windows, and other miscellaneous repairs along with the construction of three sets of wooden steps with a four-foot landing. However, the prospectus states specifically no wooden steps. He assumes that if the City gave the contractor or homeowner a building permit, then the inspector was in error. He also thought that there was a limit of \$7,500 per award. In another case, a Trailer City resident at 10 Orange received a Weatherization Grant for \$11,662.80. Items provided were an entire central heating and air conditioning, new water heater, bathroom sink, a low-flow showerhead for \$150, etc. This looks like a tremendous misuse of public funds and a waste if the park is to be closed. He is sure that those living in less affluent neighborhoods would have liked to receive these items. He stated that he thinks that Ms. Dixon deserves her homes for the elderly, which needs to be approved before the 159 mobile homes are removed from Trailer City. Let's take care of Mildred first, "finish this". He addressed Commissioner Thompson's letter to the newspaper editor by asking him whether he just doesn't like any mobile homes or Trailer City. People have selected their home based upon their income. There are seven residents in their 90's. At this time, Mr. Bruns submitted a petition against closing Trailer City to the City Clerk. He also distributed a printout of The West Orange Times on-line poll that shows of the 1,715 votes cast, 12.4% voted to close Trailer City, 63.5% to leave Trailer City alone, 2.8% to close Trailer City as soon as possible, and 21.3% to fix code violations and operate in compliance. Mr. Bruns stated he would address the "sticker" issue referred to by Mr. Holden regarding the 48 unaccounted-for stickers. **Mr. Holden** stated that the list provided by DMV could not verify 48 stickers and they gave three possible reasons, without saying which one it was, but it needs to be resolved. **Mr. Bruns** stated that he and others did a door-to-door campaign and there are more realistically 20 that have not paid their taxes for various reasons. He also noted that additions made to the mobile homes are

taxed separately and he is not addressing that issue. Mr. Bruns also referenced how Trailer City is not properly budgeted as separate. The rent was at \$157 and after the water meters were installed, it was rolled-back by \$40 and it has been erroneously reported that everyone is paying \$117 when they are not. He recommended they roll everybody back to \$115. He spoke with Lake Apopka Natural Gas manager and found that they are collecting \$20,000 to \$25,000 from Trailer City and they are not aware of any gas problems to the point of the meter. To the best of his knowledge and he may be incorrect, the City takes in 13 percent of these funds collected. The Finance Director has stated to him that everybody is paid up-to-date on their rent, but he does not believe this to be true. The cost of mowing is not properly charged out. The current crew doesn't understand English and have done damage to the vinyl skirting because of misuse of the weed eaters. Regarding insurance liability, he has asked his policy writer and the response was that Trailer City is one of the best parks to write a policy for. **Mr. Holden** asked how residents without tie-downs are certified to get insurance. **Mr. Bruns** stated that his policy states it is an acceptable mobile home park to write policies for and his trailer has tie-downs. He agrees that the City needs to increase their insurance and further noted the hazardous conditions that exist around Tanner Hall, etc. Regarding the so-called fire problem that burned up a garbage truck, it was actually the result of a garbage dumpster being placed on the side of a building under a high power line from a transformer that goes directly to the office on a short pole. Operator error actually caused the fire. The truth is there is only one trailer nearby and the truck did not burn up, as evidenced by the marks on the cement. The residents of Trailer City want to continue to live in their homes and don't want new homes.

Commissioner Thompson stated that the first problem he had with Trailer City had to do with fire, he did a lot of research on fires in trailer parks, and they are very serious. After speaking to fire representatives who visited Trailer City, they stated it is a very serious situation and if there was a fire in the central area of the park, it would be disastrous. Most of the other areas are not as serious. Commissioner Thompson said that he made a statement to Andy and others that when it came time to vote on the matter and he found out that the fire situation was not dangerous, he would be in favor of the residents. Regarding his statement about a truck running into a mobile home, nobody can convince him differently that a mobile home is safe to live in if it can't be moved because it would fall apart which according to discussions at a prior meeting includes 40-60 people. **Mr. Bruns** stated they can be moved if someone is willing to pay the cost and location to move them. Unless someone is qualified to make that determination, it is not a fact. **Commissioner Thompson** also stated that according to the State Statutes, it defines a mobile home as a structure, usually a dwelling that can be transported. Therefore, he contends that if it can't be transported, it's not even a mobile home so he is not sure what is being talked about here. There is no way he is going to say it is not dangerous. Additionally, he has said Trailer City does not benefit the whole City. Looking around at who is attending this meeting, it is not representative of the total residents of Winter Garden of 22,000 plus. Getting signatures on a petition is not a difficult task to get them to sign and agree in either direction on the matter. The West Orange Times on-line poll is not a scientific poll.

Commissioner Thompson asked Mr. Bruns if he said foreigners should not be doing work in Trailer City. **Mr. Bruns** stated he did not say that. What he said was the crew the City has is comprised of all Hispanics and he cannot communicate with them. His point is that the financial

books do not reflect what should be charged specifically to Trailer City and the “books are cooked”. **City Manger Holden** addressed this statement by stating that the bids are as follows: Provide labor, equipment and material for maintenance service to Trailer City total base bid lump sum \$28,698.80; Provide labor, equipment and material for maintenance services at Palmetto Street Water Plant, Boyd Street Water Plant, Fullers Cross Water Plant, Crest Avenue Wastewater Treatment Plant, 9th Street Lift Station (#23) and the Utilities Administration building at 8 N. Highland Avenue total base bid lump sum \$13,529.00; Provide labor, equipment and material for maintenance services at the Winter Garden Cemetery total base bid lump sum \$30,316.00; Provide labor, equipment and material for maintenance services at Newton Park, Zander’s Park, Dr. Bradford Park, City Hall, City Hall Annex, City Hall Annex II, Post Office/Police Dispatch, islands on Plant and Dillard Street, Dave Starr Park, Boyd Street Recreation Center, Maple Street Park, Pocket Park, Parking area Baseball fields, Division and Dillard Parking area, Small island N. Boyd Street and Crest Avenue, island on Surprise Drive and Chapin Station total base bid lump sum \$52,104.00. **Mr. Bruns** referred to trash pick-up in three dumpsters that costs the City \$4,000. The residents of Trailer City use these community dumpsters; however, they pay the same as a single residence rate, \$16 a month, which generates revenue of \$30,000 plus a year, which has not been discussed.

In closing, **Mr. Bruns** asked the Commission to stop and consider what the resident concerns are and to take this issue, put it to rest and direct City management to work with the HOA to make this a better senior citizen park. This does not mean the City can’t buy the trailers on the open market and haul them out. Please leave Trailer City as is and work with the HOA and do the right thing.

The following spoke in opposition of the proposed action to close Trailer City:

Elwin Washburn, 22 Orange Drive, stated the elected officials should know that the consensus of the citizens of Winter Garden is to keep Trailer City.

Karl H. Huss, 15 Gardenia Drive, gave an account of his move to Winter Garden and that this is his only home. His income is from Social Security and a small pension, he cannot afford to relocate, and he has nowhere to move. He does not know if his mobile home can be moved since it was built in the 1960s.

Doug Guetzloe, 3101 Maguire Blvd., Orlando, Florida, stated he was present at the invitation of the citizens. His company has done public opinion research and while this survey is not scientific it is representative of what the people want. He listened to the meeting tapes of March 25 and he did not hear any Commissioner say at the meeting that this is what they want to do. This plan is a Hollis Holden plan. If the Commission wants to know what the people think, put it on a ballot to the residents. Have the courage to put the convoluted Hollis Holden plan on the ballot in the City of Winter Garden.

Bill Geringsweld, Mount Dora, Florida, stated he was speaking on behalf of Rose Robarge at 11 Azalea Circle, and he has lived in seven major areas in Florida and those areas are under tremendous stress at this time because of explosive growth, a dwindling of resources and green

space. He has seen trailer/mobile home parks under the firing line for acquisition statewide. He has memories of Lake Apopka with aquatic life and it is now 90 percent dead because of bad prior decisions. The City needs to think about what the City will look like 20 to 50 years from now and consider a vision of the legacy they will be leaving. He asked the Commission to thoroughly read and understand Florida State Statute 723 and the legal ramifications.

Richard Napotnik, 1633 Fullers Cross Road, Winter Garden, Florida, stated that one of the first comments he heard on this subject was from Mr. Holden that a fire truck could not get through so he went to the park and a fire truck can get through. He would like to see Trailer City remain as it is. There are ways to work out the situation. Some codes can be grandfathered in and others can be worked out. Why not take it to the vote of people. As a citizen, he would gladly pay extra, even extra millage, to help these people out and take care of the situation in order to keep Trailer City.

Sally Baptiste, 7027 Eaker Drive, Orlando, Florida, stated to the Commission that they can put the issue on the ballot either in August or November and there would be no charge to let the people decide what they need to do. She is concerned about a Commission not wanting a non-resident to work with her fellow Americans to support an issue she really believes in. She is overwhelmed by a comment by Commissioner Thompson that land value is more important than the people are. She is scared of people who run for office who state they are following their conscience and believe the land is more important than people are. How could you be in public service? Take the people serious and put them first, put it on the ballot and let the people make the choice.

Miriam E. Lancaster, 301 E. Smith Street, Orlando, Florida, stated she is present to support the residents of Trailer City. She has tremendous respect for Mr. Graham and Ms. Dixon because they care about people and help them.

Melina Anthony, 21201 C.R. 455, Lake County, stated that in a phone conversation she had with Commissioner Thompson he stated that if he voted against it, he would only upset the 200 residents in Trailer City. Those present at tonight's meeting have proven otherwise and the petition she personally obtained from every resident in Garden Heights and the rest of the signatures also prove him wrong. Instead of raising taxes, since the City is about to sell some property and make a sizeable profit, use that money to lower taxes or fix Trailer City.

Commissioner Harriman stepped out from 9:37 p.m. until 9:39 p.m .

Claudia Hodge, 14834 Siplin Road, Winter Garden, Florida, (Orange County), stated that it touched her heart to find out they were going to be thrown out of their homes. There were two crimes almost committed at the lake and because of the seniors, their lives were saved. It is not right to close the trailer park.

Don Miller, 1073 Woodson Hammock Circle, Winter Garden, Florida, asked why a death sentence of eight years? Are there other reasons such as grants? **City Manager Holden** stated it

could be 8, 10, or 12 or whatever the Commission votes for, but he does know that it cannot be less than 6 months and he will not get into a debate with the rhetorical phrase “death sentence.”

Connie McClure, 553 Palm Drive, Winter Garden, stated she sees Trailer City from her home and she moved here because of the town’s nostalgia and preservation of heritage. She asked the Commission to keep what has already been done in this town. She does not want to see Trailer City destroyed and wants them to work it out with the people in this room.

Mayor Quesinberry called a recess at 9:47 p.m. and reconvened the meeting at 9:53 p.m.

Commissioner Thompson stated he also took an oath of office and he respects Mr. Graham, but they do not always agree on matters. Commissioner Thompson stated he honestly believes that the Trailer Park is unsafe. **Motion by Commissioner Thompson to direct staff to develop a plan for resident relocation and park closure that will result in a cessation of all mobile home park operations no later than October 1, 2012. Seconded by Commissioner Harriman.**

Mayor Quesinberry clarified that the motion is NOT to close the park, but to have staff devise a proposed plan to close Trailer City by 2012. The discussions tonight have been about directing staff to expend funds to prepare a plan, which will be voted on in five to six months from now.

Commissioner Graham stated that if eight years are given to close the park, what is the City going to do with regard to all the danger to the residents with code violations. Is the City going to allow them to be blown away or burn up in 5 or 6 years from now before 2012? **City Manager Holden** stated that he has tried to outline a proposal of some groundwork for developing what the plan involves. It involves the HOA, creation of a task force, and involving representatives of various concerns of the residents to find out what their economic situation is and what are their desires. An example would be to remove a mobile home situated between two others, which causes all three to be in violation. This would bring others to an acceptable distance as per the code. Some are subtle changes. A much more detailed look at each trailer has to occur. When you factor in the desires of the individuals to either remove an addition, with proper compensation, or remove a whole trailer, it has to be done on an individual basis. That is what this plan will be devised to do over the next 4 to 6 months, if there is cooperation by the members of the park and the task force can come to those decisions. They would not be made without the active involvement of each resident of each trailer that is involved and that is “my word.” **Commission Graham** stated that if it was that simple, why we wouldn’t the City just move a trailer here and there to eliminate all the code violations and let the people stay there. As Commissioner Harriman has stated, this Commission will probably not be here in eight years and anyone elected between now and then could reverse a decision to close the park. All the money spent between the opposing actions would be wasted tax dollars. This is not going to be inexpensive, it is probably going to cost up to one million dollars in the end. Are the taxpayers here willing to pay that much to make an addition to a park? Speaking of land value, if we are looking for land value, why not sell this park; it is closer to the lake and already built up. When we get into closing this park, it is going to be complicated, not easy. He referred to Commissioner Thompson’s comment about anyone being able to go out and get a petition

signed. Commissioner Graham stated he does not believe anyone can go out and get 3,800 signatures in this length of time unless people were really involved. **Mayor Quesinberry** stated that the petitions were also signed by non-residents. **Commissioner Graham** stated that he guarantees that the big majority of signatures are from addresses in the City, with some out of the City. Today is the only time he has received a note in favor of closing the park. All the contacts he has had are in favor of keeping the Trailer City open. Commissioner Graham asked those in attendance in favor of closing the park to raise their hand. No one did. He challenged the Commission to put this issue on a ballot and let the people vote.

Commissioner Harriman stated for clarification that the motion is to form a task force to study what is needed to close the park and is not a firm date to close Trailer City. **Mayor Quesinberry** stated the proposed plan will come back before the Commission in the fall. Mayor Quesinberry called for the vote. Commissioner Dixon stated that the motion she heard versus what Commissioner Harriman just clarified were different. City Clerk Golden read the motion on the table "to direct staff to develop a plan for resident relocation and park closure that will result in a cessation of all mobile home park operations no later than October 1, 2012." **Commissioner Graham** stated that the vote is for closure, it didn't say it would stay open, we are to be out of the business by October 1, 2012, and that is exactly what is being voted on. **Commissioner Dixon** stated that she is not voting for closure, she will vote for a task force. **Commissioner Graham** stated the plan coming back to the Commission is for closure in eight years. Closure is in the motion. **Mayor Quesinberry** stated that a vote will come back to the Commission in the fall. **Motion carried 3-2; in favor Thompson, Harriman and Quesinberry; opposed Graham and Dixon.**

The Mayor called the meeting to order to handle the remaining business on the agenda.

5. MATTERS FROM CITY MANAGER

A. Financial Statement for May 2004

Have been distributed and if there are any questions, he will be glad to answer them.

The audience became disruptive and **Commissioner Harriman motioned to adjourn the meeting. Seconded by Commissioner Dixon and carried 4-1; Commissioner Graham opposed.**

The meeting was adjourned at 10:12 p.m.